Oakland Police Department
Office of Internal Accountability

1st and 2nd Combined Quarterly Report
January – June 2022

Oakland Police Department
Office of Internal Accountability
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Contents

Introduction

The Office of Internal Accountability (OIA) experienced a staffing change since publishing the 2021 4th Quarterly Report. Lieutenant Nicholas Calonge joined the Office as the Commander overseeing the Audit Unit, the PAS Unit, the Risk Analysis Unit, and the Risk Impact Unit.

The OIA's 2022 1st and 2nd Combined Quarterly Report includes a follow-up inspection of the OPD's canine program, a review of 2021 OPD vehicle pursuits, and an examination of timelines for completing use of force report packets.

The OIA published an audit of the canine program in 2020 and the follow-up inspection included in this report addresses OPD's progress implementing recommendations included in the 2020 audit. The follow-up inspection also addresses the off-duty care and handling of dogs.

OPD's pursuit policy requires the OIA to conduct an annual review of pursuit investigation reports. The review of 2021 vehicle pursuits included in this report addresses the timeliness and completeness of pursuit report packets and the pursuit boards. Additionally, the OIA reviewed pursuit data from 2020 and 2021 to determine if there were factors that contributed to a 26% increase in pursuits between the two years and if there were pursuit characteristics and outcomes that indicated increased risk to the Department.

Over the past few years, expectations and use of force investigation requirements have increased to accommodate evolving case law, the availability of widespread digital evidence, and a higher standard to which the 21st Century police officer is held. The Department's use of force investigative timelines had not been updated to account for the added requirements. In late 2021, the Department recognized slipping use of force investigation timeliness as an area of risk. The Department's Risk Impact Unit and the Bureau of Field Operations Administrative Section (BFO Admin) were tasked with increased monitoring of timelines. The OIA undertook an examination of use of force incidents between July and December 2021, attempting to identify where investigative delays were occurring, the reasons for the delays, and the need for extensions (part three of three in this report).

During the first quarter of 2022, the Department saw improvement in use of force timelines due to the measures implemented by the Risk Impact Unit and BFO Admin. The OIA will conduct future inspections to ensure use of force incidents are investigated in a timely manner.

Respectfully,

Deputy Chief Clifford Wong
Bureau of Risk Management
Oakland Police Department

Follow-Up Inspection of OPD's Canine Program

By Auditor Juanito Rus

Objective

Determine whether the Oakland Police Department (Department) fully addressed the recommendations of the Office of Internal Accountability's 2020 Review of the Oakland Police Department's Oversight of its Canine Program Audit.

Key Findings

- The OPD Canine Program had a Sergeant assigned as full-time Canine Unit Supervisor for the inspection period of June 2021 to March 2022, fully addressing Recommendation #1 of the 2020 Canine Program audit. However, the inspection revealed missing or delayed documentation of key controls during certain periods wherein the Canine Unit Supervisor was unavailable.

- During the inspection period of June 1, 2021, to March 31, 2022, the OPD Canine Unit conducted more than 300 hours of group training, and every active canine team was found to have participated in required continuing professional training in 2021. The training documentation found in Vision included training scenarios, supervisor and team attendance, assessments of handler and canine performance, and other details of the training, addressing training recommendations of the 2020 Canine Program Audit. However, the audit team found several gaps in the digital record of group trainings in Vision corresponding with times when the Canine Program Supervisor was unavailable in late 2021 and early 2022. After alerting the Canine Program Supervisor of these gaps, the Canine Coordinator updated Vision with all missing 2021 group training records. As of this writing, digital records of six group trainings from the first three months of 2022 are still not available.

- During the inspection period of June 1, 2021, to March 31, 2022, all Canine Handlers properly documented canine deployments in Vision. However, the audit team found variation in the way individual handlers entered this information, and the Department has not yet made recommended changes to department policy.

- The OPD has few formal controls and has not conducted sufficient risk-management analysis related to the care and treatment of the dogs of the canine unit when not on-duty. Likewise, the Department's role in supporting canines and their handler's during off-duty time is insufficiently codified in department policy.

Key Recommendations

- In addition to updating DGO K-9, as recommended in the 2020 Canine Program Audit, the Department should create a Policies and Procedures Manual to address Canine Unit tasks and responsibilities. The Manual should specify how responsibilities that are important to program controls should be delegated in the absence of the person to whom policy nominally assigns those duties.

- The Department should revise department policy to specifically address off-duty care and treatment of department canines and use of department canine patrol vehicles for all transport of department canines.

- The Department should create additional record types for the Canine Module of the Vision records system to allow the Department to maintain records of key canine program activities and events that are neither deployments nor trainings.

Executive Summary

On April 1, 2020, the Office of Internal Accountability (formerly known as the Office of Inspector General) initiated an audit to determine whether the Oakland Police Department's oversight of its Canine Program was effective during the audit period of January 1, 2018, to March 31, 2020. That audit resulted in 16 findings and 12 recommendations, with the most significant recommendation being that OPD should ensure its Canine Program Supervisor position is continuously staffed with a dedicated sergeant after finding that position had gone unfilled over several years resulting in major gaps in unit record keeping and insufficient program controls. In response to the audit, the OPD agreed to make several changes to the Canine Program, including the appointment of a full-time supervisor, and improvements to the Canine Unit module of the Department's Vision[1] system to better track unit activities and training.

In March 2022, the OPD Office of Internal Accountability initiated a follow-up inspection of the Department's Canine Program to assess progress towards addressing the recommendations of the 2020 Audit. This inspection covered the 10-month period from June 1, 2021, to March 31, 2022. The audit team interviewed the new Canine Unit Supervisor, the Canine Unit Coordinator and the seven active canine handlers and reviewed all unit documents and records covering the inspection period. Because many of the issues identified in the 2020 audit were caused by the absence of a supervisor, the presence of a full-time sergeant assigned to that position allowed the audit team to further assess the full range of requirements of the unit under the Department's canine policies, Department General Order K-9 (DGO K-9), *Department Canine Program*, and Report Writing Manual K-9 (RWM K-9), *Canine Events/Canine Records Vision Form Completion Instructions*.

The follow-up inspection revealed significant improvements in operations, training and record keeping for the Department's Canine Program. However, because the OPD has yet to revise either of the primary departmental policies guiding the Canine Program's operations, per the recommendations of the 2020 Canine Program Audit, this inspection continued to identify policy as the program's largest ongoing control deficiency. Recommendations from 2020 related to policy were therefore assessed to be not addressed or addressed in part in the current inspection. Furthermore, upon reviewing unit training records, the audit team identified several significant gaps in record keeping associated with extended absences by the new Canine Unit Supervisor. Due to these gaps in the record, the audit team assessed 2020 recommendations related to group training to only have been addressed in part.

In all, four of the recommendations of the 2020 Canine Program Audit were found to have been fully addressed, five have been partially addressed, and three have not yet been addressed. The assessment of each recommendation is as follows:

Status	2020 Canine Program Audit Recommendations*
Fully Addressed	Recommendation #1 – Continuously Staff Canine Program Supervisor Position
	Recommendation #2 – Ensure all training forms approved by a supervisor

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[1] Vision is an electronic database application that stores employee records such as assignments, training, uses of force, pursuits, etc.

	Recommendation #3 – Analyze Bite Ratios
	Recommendation #10 – Ensure training reports reflect presence of supervisor
Addressed in Part	Recommendation #6 – Update RWM K-9 to clarify meaning of deployment and update event record
	Recommendation #8 – Ensure teams maintain handler's log
	Recommendation #9 – Ensure consistent documentation of group training
	Recommendation #11 – Ensure Training Reports include deployment scenarios
	Recommendation #12 – Devise evaluation system for deployment scenarios
Not Addressed	Recommendation #4 – Change DGO K-9 language referencing Annual Post Certification to reflect practice
	Recommendation #5 – Create Policy Guidelines for Bite Ratio Analysis
	Recommendation #7 – Update RWM K-9 workflow process

*For a full list of 2020 Findings, Recommendations and the Department's response see **Appendix A**.*

Issues related to supervision, deployments, and training covered by the findings and recommendations of the 2020 Canine Program Audit form the first three parts of this inspection. As the inspection progressed, interviews with Canine Unit personnel and a further review of Recommendation #8 of the 2020 Canine Program Audit led to a further assessment of department policy, practice and record keeping around a range of canine unit activities beyond training and patrol deployments. The 2020 Audit's Recommendation #8 called for the maintenance of centralized handler logs per canine unit best practices, and these logs were recommended to include records of veterinary visits, public appearances and other important details related to the care and use of department canines. This led the audit team to add a fourth section to the current inspection covering a series of issues around department policy with respect to the care and use of canines both on and off-duty.

In all, this follow-up inspection resulted in 14 findings, 2 additional observations, and 8 recommendations, detailed in 4 parts: supervision, deployments, training, and care & handling of dogs. The report's sections and findings do not align perfectly with the recommendations of the previous audit. However, they are designed to facilitate understanding of where changes have been made to deal with the issues raised in 2020, and to highlight what issues remain.

Summary of Follow-Up Inspection Findings and Recommendations

Finding #1	Recommendation #1
The OPD Canine Program had a sergeant assigned as full-time Canine Unit Supervisor for the inspection period of June 2021 to March 2022, fully addressing Recommendation #1 of the 2020 Canine Program audit. However, the inspection revealed missing or delayed documentation of key controls during certain periods wherein the Canine Unit Supervisor was unavailable.	In addition to updating DGO K-9, as recommended in the 2020 Canine Program Audit, the Department should create a Policies and Procedures Manual to address Canine Unit tasks and responsibilities. The Manual should specify how responsibilities that are important to program controls should be delegated in the absence of the person to whom policy nominally assigns those duties.
Finding #2	No Recommendation
During the 10-month period covered in this inspection, the audit team determined that the Canine Unit Supervisor submitted 10 monthly reports and a 2021 year-end Management Report to the Special	

Operations Section chain of command, as required by policy, fully satisfying recommendation #3 from the 2020 Audit.	
Finding #3 During the inspection period of June 2021 through March 2022, the Canine Unit Supervisor analyzed canine team bite-ratios as required by policy, fully addressing Recommendation #3 of the 2020 Canine Program Audit. The Department has yet to specify in policy any formal criteria for this analysis in response to that audit's Recommendation #5.	**Recommendation #2** The Department should revise its policy regarding the reporting and analysis of department canine bite ratios to clarify the elements to be analyzed and strengthen the analytic power of the risk measures. Additionally, more comprehensive discussion of canine deployments and bites should be included in the Department's risk management meetings.
Finding #4 Between June 1, 2021, and March 31, 2022, the Canine Unit Supervisor regularly conducted field observations of unit handler teams and entered that information into the handlers' Supervisor Note File (SNF) in Vision.	**No Recommendation**
Finding #5 During the inspection period of June 1, 2021, to March 31, 2022, all Canine Handlers properly documented canine deployments in Vision. However, the audit team found variation in the way individual handlers entered this information. **Finding #5 Additional Observation** The OPD has not yet updated RWM K-9 so that policy reflects practice and deployment terminology is clearly defined.	**Recommendation #3** The Department should update DGO K-9 and RWM K-9 so that the definition of "deployment" is consistent across department policies and in alignment with standard law-enforcement canine practice. The Department should also consider creating additional "deployment" categories, allowing for the differentiation between incidents based on whether a canine was released from the leash.
Finding #6 Contrary to policy, the Department does not adequately track requests for assistance by the OPD Canine unit that either go unfulfilled or when such requests are fulfilled by another local law enforcement agency.	**Recommendation #4** The Department should clarify the role of the Communications Division in documenting unfulfilled requests for canine assistance and reporting those unfulfilled requests to the Canine Unit Supervisor per DGO K-9. Likewise, the Canine Unit Supervisor should provide statistical information on both the number and any patterns in unfulfilled requests to the Special Operations Section chain of command as part of monthly reporting.
Finding #7 The Department has not updated DGO K-9 to bring policy around the annual "certification" of Department Canine Teams into alignment with current practice and the standards set forth by the California Commission on Peace Officer Standards and Training (POST). However, the audit team found sufficient documentation in Vision Training Event records to determine that during	**No Recommendation**

the inspection period, all Department canines were evaluated by an outside POST-certified instructor and determined to have the training and skills necessary for active deployment.	
Finding #8 During the inspection period of June 1, 2021, to March 31, 2022, every active canine team was found to have participated in required continuing professional training in 2021, and the OPD Canine Unit conducted more than 300 hours of group training. However, the audit team found several gaps in the digital record of group trainings in Vision corresponding with times when the Canine Program Supervisor was unavailable in late 2021 and early 2022.	**See Recommendation #1**
Finding #9 During the inspection period of June 1, 2021, to March 31, 2022, not all canine unit handlers consistently tracked individual training sessions with their canines in Vision.	**Recommendation #5** The Department should remind handlers to document all individual trainings with their assigned canines using the "training event" form in Vision. A digital record of individual trainings is an important documentary control to demonstrate handler and canine readiness for deployment.
Finding #10 During the inspection period of June 1, 2021, to March 31, 2022, the Canine Unit Supervisor provided all quarterly trainings to patrol and field supervisors as required by policy. **Finding #10 Additional Observation** The OPD Canine Unit participates in preplanned operations with other specialized units of the Department. However, canine handlers are not required to participate in the planning of those operations, commanders of those units are not required by policy to undergo quarterly canine program trainings for patrol supervisors, and canine teams do not conduct joint training exercises with those units.	**Recommendation #6** Specialized Teams within the Department that conduct, or plan to conduct, preplanned operations involving Department Canine Teams should engage the designated Canine Team earlier in the planning process to ensure that such plans are based on a thorough understanding of the Canine Teams' capabilities. Furthermore, these units should conduct joint training with the Canine Unit at least once per year to establish familiarity and guarantee that officers of the other specialized unit and Canine Handlers are comfortable working together and know each other's roles prior to any deployment.
Finding #11 The OPD has insufficient controls and internal records related to department canine veterinary care. According to the Canine Unit Supervisor, records related to medical issues and treatment are maintained by the veterinary offices used to treat department canines, and aside from veterinary invoices, no records of such care are maintained by the Department or reviewable internally.	**Recommendation #7** The Department should revise policy to specifically address off-duty care and treatment of department canines and use of canine patrol vehicles for all transport of department canines.

Finding #12	
The OPD does not provide handlers in the canine program with patrol vehicles to transport their canines when off duty. Instead, handlers are required to use their personal vehicles when commuting to work with department canines.	
Finding #13	
The OPD has few formal controls and has not conducted sufficient risk-management analysis related to the care and treatment of the dogs of the canine unit when not on duty. Likewise, the Department's role in supporting canines and their handler's during off-duty time is insufficiently codified in department policy.	
Finding #14	**Recommendation #8**
During the inspection period of June 1, 2021, to March 31, 2022, department canines were found to have participated in five public appearances documented with Public Appearance Reports (PARs), but those reports were not available in Vision.	The Department should create additional record types for the Canine Module of the Vision records system to allow the Department to maintain records of key canine program activities and events that are neither deployments nor trainings.

Background

The OPD's Canine Program is a part of the Support Operations Division (SOD) that provides specialized capabilities, resources, and enforcement throughout the city. The Canine Program falls under the Special Operations Section (SOS) of the Support Operations Division and has the responsibilities of staffing, training, and equipping of the Department's police canines.

OPD currently has a total of seven active Canine Teams[2] that are assigned to the Bureaus of Field Operations on Patrol Watches, and the canine handler's primary function when deployed to an incident is to use the police canine to search for, locate, and assist in the apprehension of criminal suspects. The canine handler may deploy their canine to search for or bite a criminal suspect.[3] OPD considers a canine bite to be an intermediate use of force[4] that may inflict serious injury. OPD only allows Patrol canine deployments for violent, forcible crimes, burglary, and weapons related offenses.[5]

Deployment of a Canine

Before a canine can be deployed, the suspect must have allegedly committed one or more violent forcible crimes, or to be committing a burglary, or a weapon-related offense. Subsequent force must be analyzed under the Fourth Amendment's objective reasonableness test. The application of the test

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[2] A Canine Team is comprised of a canine handler and his/her assigned canine. The handler is a police officer in rank.

[3] Departmental General Order K-3 (DGO K-3), *Use of Force,* effective date 16 Oct 14, pg. 5.

[4] DGO K-3, pg. 3. OPD defines a use of force as any physical or mechanical intervention used by a member or employee to defend, control, overpower, restrain, or overcome the resistance of an individual.

[5] Departmental General Order K-9 (DGO K-9), *Department Canine Program*, effective date 16 Oct 14, pg. 1.

requires an analysis of the totality of circumstances, including the three factors below to determine if the seizure is reasonable:

- The severity of the crime at issue,
- Whether the suspect poses an immediate threat to the safety of law enforcement officers or others, and
- Whether the suspect is actively resisting arrest or attempting to evade arrest by flight, including the act of evading arrest by hiding.

When a field supervisor or incident commander requests canine team assistance, that request goes to the canine unit and one or more canine teams respond to the request. Such requests can either come from patrol officers requiring canine assistance to search for a suspect or for preplanned operations by specialized units such as the OPD Tactical Teams or Ceasefire. Upon arriving at the scene, the handler reports to the field supervisor and reviews the incident to ensure that it meets the criteria for deployment of a canine. If it does, the canine handler meets with the field supervisor to plan the best way to deploy the canine, and to pre-plan the de-escalation tactics that will be used if the canine locates a subject. Once the deployment and de-escalation plans have been developed, the Department's canine policy DGO K-9 dictates that the handler announce the presence of a canine on scene and the potential that the canine will be deployed unless that deployment is part of an authorized tactical team pre-planned operation.[6] After the canine announcement has been made, the handler will release the canine from its leash to cover specific search areas and will either find the suspect or not. In most of the deployments reviewed by the audit team, such searches did not lead to the apprehension of a suspect because that suspect was found to have escaped the search area prior to the arrival of the canine. If the canine locates the subject but does not bite the subject, that deployment then constitutes a level 4 use of force by OPD policy. If the apprehension results in the canine biting the suspect, the deployment becomes a level 1 or 2 use of force depending on the severity of the bite.

On-Scene Supervision of Canine Deployments

OPD requires a field supervisor, normally a Patrol supervisor, to be on scene for all canine deployments. The supervisor is responsible for assembling a search and arrest team to support the canine handler during the deployment. They work with the handler to devise a plan to search for, locate, and arrest the suspect, including how the canine handler and other officers will de-escalate once the canine has located the subject, and briefs the search and arrest team on the plan. The supervisor is the team leader and has the responsibility of ensuring tactically sound search techniques are employed and only reasonable force is used to take the suspect into custody, if located.[7] Despite the critical role of the incident supervisor however, the canine handler retains responsibility for the actions of the canine

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[6] DGO K-9, III 4 d
[7] DGO K-9, pgs. 8-9.

during the incident, and in the case of a canine bite has the authority to determine when to call off that canine.[8]

Canine Uses of Force

Under the OPD Use of Force Policy (DGO K-4), all canine bites are considered a use of force, and are categorized as either Level 1 or Level 2. A Level 1 use of force occurs when a suspect is bitten by the canine and the force results in death or serious bodily injury. Any other canine bite, regardless of severity, is categorized as a level 2 use of force.

Police boards review Level 1 and Level 2 use of force incidents and investigations, and OPD convenes two categorical review boards to accomplish this objective: Force Review Board (FRB) and Executive Force Review Board (EFRB). The FRB is convened to analyze and assess the factual circumstances during and proximate to all Level 2 use of force incidents [and investigations] and to establish concluding recommendations to the Chief of Police from those circumstances. The EFRB is convened for the same reason, but the focus is on Level 1 use of force incidents and investigations.[9]

When a canine bite occurs, a Use of Force Report packet is compiled and distributed by the Bureau of Field Operations and/or the Internal Affairs Division to the FRB/EFRB. The FRB Chairperson is responsible for convening an FRB within 90 days of receipt of the Use of Force Report packet and the EFRB Chairperson is responsible for convening an EFRB with 45 days of receipt of the packet. Upon completion of the FRB/EFRB hearing, a Board Chairperson is responsible for completing and forwarding the FRB/EFRB report to Chief of Police within 30 days.[10]

Under the OPD Use of Force Policy (DGO K-4), all canine deployments in which a suspect subject to arrest is located by a department canine, but where no bite occurs, are categorized as level 4 uses of force, and any deployment in which a canine locates a suspect must be fully documented with a supplemental use of force report by the canine handler and entered as a use of force in the Department's Vision System. Level 4 uses of force do not require the Department to convene a force review board, however all such incidents must be reviewed by the Canine Unit Supervisor and must form part of the monthly Canine Unit statistical report submitted to the chain of command.

The OPD has documented its internal controls for achieving effective oversight of its canine program in the policy, entitled Departmental General Order K-9, *Department Canine Program,* dated October 16, 2014. For this follow-up inspection, OIA focused on OPD's implementation of the recommendations from the Canine Program Audit published in the 2020 Year End Report.

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[8] DGO K-9, pgs. 8-10.
[9] Departmental General Order K-4.1 (DGO K-4.1), Force Review and Executive Force Review Boards, 16 Dec 15, pgs. pgs. 1, 3.
[10] DGO K-4.1, pgs. 6, 17.

Prior Audit: 2020 Review of the Oakland Police Department's Oversight of its Canine Program

On April 1, 2020, the Office of Internal Accountability (formerly known as the Office of Inspector General) initiated an audit to determine whether the Oakland Police Department's oversight of its Canine Program was effective during the audit period of January 1, 2018, to March 31, 2020, and, if necessary, identify any deficiencies in the program, and make recommendations to diminish any risks to the Oakland Police Department and the City of Oakland.

The audit focused on OPD's policy controls related to documentation of canine deployments; reporting canine deployment activities; and training for its Canine Teams and Patrol Supervisors during the audit period of January 1, 2018, to March 31, 2020. Various issues were identified and in need of improvement, many of which were due to the lack of a permanently assigned Canine Program Supervisor for nearly three years, from January 2017 through December 2019.

The audit resulted in 16 findings and 12 recommendations, with the most significant recommendation being that OPD should ensure its Canine Program Supervisor position is continuously staffed with a dedicated sergeant to provide daily, effective oversight over its Canine Program.

Summary of Recommendations from 2020 Canine Program Audit

Recommendation #1 – Continuously Staff Canine Program Supervisor Position
Recommendation #2 – Ensure all training forms approved by a supervisor
Recommendation #3 – Analyze Bite Ratios
Recommendation #4 – Change DGO K-9 language referencing Annual Post Certification to reflect practice
Recommendation #5 – Create Policy Guidelines for Bite Ratio Analysis
Recommendation #6 – Update RWM K-9 to clarify meaning of deployment and update event record
Recommendation #7 – Update RWM K-9 workflow process
Recommendation #8 – Ensure teams maintain handler's log
Recommendation #9 – Ensure consistent documentation of group training
Recommendation #10 – Ensure training reports reflect presence of supervisor
Recommendation #11 – Ensure Training Reports include deployment scenarios
Recommendation #12 – Devise evaluation system for deployment scenarios

For a full list of the 2020 Canine Program Audit Findings, Recommendations, and the Department's response, see appendix A at the end of this document.

Scope and Methodology

The OPD has documented its internal controls for achieving effective oversight of its canine program in policy through Departmental General Order K-09 and Report Writing Manual K-09. For this inspection, OIA focused on OPD's policy controls related to unit supervision; deployment of a canine; trainings for the canine unit; training about the canine unit and canine related policy for patrol supervisors; and the care and treatment of department canines during a 10-month inspection period from June 1, 2021, to March 31, 2022

Reporting Canine Activities

OPD's policy internal controls ensure oversight of its canine activities via reporting:

- When a canine is deployed, that canine's handler must complete a "Canine Event Record" in the Canine Module of the Department's Vision digital record system and submit that report to the Canine Program Coordinator for review and approval.[11]
- When a canine successfully locates a suspect after being deployed for that purpose (a level 4 use of force under the Department's use of force policy Department General Order K-4) or bites a suspect (a level 1 or 2 use of force under DGO K-4), the canine handler must complete a Supplemental Report and submit the report to that incident's supervising officer for review and approval.[12]
- The Canine Program Supervisor is responsible for conducting periodic, in-field observations of the canine handlers' patrol deployments to ensure they are adhering to canine policy and procedures. The Supervisor must enter his observations of the handlers' performance in the Supervisory Notes File (SNF) module in Vision.[13]
- The Canine Program Supervisor is responsible for reviewing all canine team uses of force including a review of body worn camera video of the incident in which the use of force occurred.[14]
- The Canine Program Supervisor is also responsible for preparing monthly reports and an annual report on the Canine Program statistics and deployments. The report must include analyses and recommendations related to the canine program's policy, training, and risk management. The supervisor must submit the report to the Special Operations Section Commander, who is responsible for submitting the report to the Chief of Police via the chain of command.[15]

Documentation of Training for the Canine, Handler, and Patrol Supervisors

OPD's policy internal controls ensure oversight of its canine deployments via training and the maintenance of detailed records of those trainings:

- A canine team is comprised of a canine and its handler (the police officer who controls the canine). The canine teams that are deployed to search for and locate criminal suspects and evidence in the field must be certified. These canine handlers [and their respective canines] must successfully pass semi-annual State of California's Commission on Police Officer Standards and Training certifications.[16]

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[11] DGO K-9, pg.10 requires the completion of a "Canine Deployment Record" (paper form), which has since been replaced by an electronic "Canine Event Record" in Vision.

[12] DGO K-9, pg. 10 and K-4 (Reporting and Investigating the Use of Force)

[13] The Vision Supervisory Notes File module replaced the section by the same name in the Department's Personnel Assessment System (PAS) as referenced in DGO K-04, pg.14.

[14] DGO K-9, pg. 14

[15] DGO K-9, pgs. 24-25.

[16] DGO K-9, pgs. 16 and 22.

- The Canine Program Coordinator serves as the primary trainer for all in-house Department canine training and is responsible for developing weekly training plans that maintain the proficiency of all canine teams.[17]
- The Canine Program Supervisor is responsible for approving and ensuring that records of all canine group trainings, including the attendance by unit officers for each, are entered as "Training Events" in the Canine Module of the Department's Vision risk management system.[18]
- The Canine Program Supervisor is responsible for conducting quarterly meetings/training with all Patrol supervisors, as necessary.[19]
- The Canine Program Supervisor is responsible for developing and administering an annual 40-hour, canine-specific Continuing Professional Training for all unit officers, and for assuring that a record of this training is maintained in the Canine Module of Vision.[20]

Methodology

For the purposes of this inspection, the audit team reviewed all available documentation of Canine Unit activities for the 10-month period from June 1, 2021, to March 31, 2022. This review included:

- Review of all records associated with calls for canine assistance and canine deployments, including all "Canine Event" records in Vision and all supplemental reports associated with the deployment of canines in the field.
- Review of Body Worn Camera (BWC) video for incidents in which a department canine was deployed.
- Review of viewing logs of BWC videos associated with canine deployments and uses of force.
- Review of all training schedules, agendas, and PowerPoint presentations for canine unit group training, quarterly training with patrol supervisors, and annual 40-hour canine-specific Continuing Professional Training (CPT).
- Review of all group training records entered in Vision as "Training Events," including attendance logs and detailed training and scenario plans attached to the digital record.
- Review of individual training event records in Vision.
- Review of paper sign-in sheets for group trainings for which the auditor could find no digital records (as further described in Part III of this inspection).
- Review of all monthly reports and 2021 Annual report submitted by the Canine Program Supervisor to the Special Operations Section chain of command.

Additionally, this inspection included background research on current law and best practices in law enforcement canine policy, interviews with the canine unit supervisor and canine handlers, and communications with other units that interact with the canine unit.

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[17] DGO K-9, pg. 21.
[18] DGO K-9, pg. 14.
[19] DGO K-9, pg. 14.
[20] DGO K-9, pg. 21.

References

1. Departmental General Order K-9, *Department Canine Program*, effective date October 16, 2014
2. Report Writing Manual K-9, *Canine Events/Canine Records*, effective date November 23, 2019
3. Departmental General Order K-3, *Use of Force*, effective date January 1, 2022
4. Departmental General Order K-4, *Reporting and Investigating the Use of Force*, effective date October 16, 2014
5. Departmental General Order I-15.1, *Portable Video Management System,* effective date July 16, 2015
6. Memorandum of Understanding between the City of Oakland and Oakland Police Officers' Association, effective date December 12, 2018, through June 30, 2024
7. POST Law Enforcement K-9 Guidelines, California Commission on Peace Officer Standards and Training, Sacramento, CA, January 2014
8. Guidance on Policies and Practices for Patrol Canines, Police Executive Research Forum, Washington DC, 2020
9. Patrol Canines Model Policy, International Association of Chiefs of Police, Alexandria, VA, May 20115
10. San Diego Police Department: Canine Unit Operations Manual, August 2019
11. San Jose Police Department: Canine Unit Policy and Procedural Manual, March 2018
12. San Diego Sheriff: Law Enforcement Canine Manual 2019
13. Lynwood Police Department: Policy and Procedure Manual 16.20.00 – K-9 Activity

Findings

Part 1 - Supervision

The primary control deficiency identified in the 2020 audit of the OPD Canine Program was the lack, over several years, of a dedicated Canine Unit Supervisor. Because many of the responsibilities for collecting and reporting on unit activities are delegated to the Unit Supervisor under the Department's canine policy DGO K-9, the absence of a supervisor was directly responsible for the Department's inability to produce a documentary record of compliance with the requirements of these policies. This led directly and indirectly to multiple findings of program control deficiencies and recommendations to ameliorate those deficiencies in the 2020 audit of the canine program. Specifically, the lack of a dedicated supervisor was directly responsible for 6 recommendations (1, 2, 3, 9, 10 and 12), and was a contributing factor to the issues identified in 2 others (11 and 12).

Because of the lack of a supervisor, many findings from the 2020 audit pertaining to duties of the supervisor did not generate separate recommendations. With a full-time supervisor now in place (Finding 1, below), the audit team for this follow-up inspection was able to examine the Canine Program's compliance with all tasks associated with unit supervision and reporting.

This section is comprised of a series of findings directly related to the position of Canine Unit Supervisor and the Department's compliance with the tasks associated with that position. Recommendations related to training and other aspects of the program which were found to have been caused by the lack

of a supervisor but were not specific to the duties of that position will be addressed in sections dedicated to those parts of the program later in the inspection.

Finding #1

The OPD Canine Program had a sergeant assigned as full-time Canine Unit Supervisor for the inspection period of June 2021 to March 2022, fully addressing Recommendation #1 of the 2020 Canine Program audit. However, the inspection revealed missing or delayed documentation of key controls during certain periods wherein the Canine Unit Supervisor was unavailable.

Responds to: 2020 Recommendation #1 – Continuously Staff Canine Program Supervisor Position (Addressed)

The Department assigned a permanent Canine Unit Supervisor in January 2020, coinciding with the initiation of the 2020 audit. The Department has represented that this is to be a permanent assignment position and will remain a priority. According to the sergeant currently serving as Canine Supervisor, members of the Program have already begun cross-training to build redundancy and a succession plan within the unit, with the Unit Coordinator training and occasionally assisting with supervisorial tasks and the Lead Handler assisting with Coordinator duties.

Nevertheless, the audit team identified spans of time during the inspection period when the Canine Unit Supervisor was unavailable for various reasons including a medical leave, and during those spans, certain tasks normally completed by the supervisor – most notably the entering of group training session records into Vision – were not completed in a timely manner, leaving gaps in the documentary record of aspects of the program. These issues will be more fully addressed in other parts of this inspection.

Current department policy regarding the canine unit – DGO K-9 – contains an extensive section that specifies the specific duties of various individuals and units with responsibility for aspects of the Canine Program's operations. However, it does not specify how or to whom these responsibilities should be delegated in the case that specific individual or unit is unavailable or otherwise unable to perform the required tasks. In the normal course of business, this policy clearly defines unit roles and ensures that important tasks related to the program's readiness and effectiveness are performed. But when the specific individual to whom each task has been assigned is not available, there are no mechanisms to ensure that key controls are maintained or that tasks are prioritized in the order of their importance to the Department. While this issue clearly drove many of the program control deficiencies first identified in the 2020 audit, when the Program went without a dedicated Canine Supervisor for several years, the current inspection demonstrates that even shorter periods without the presence of a supervisor can negatively affect program record-keeping.

Recommendation #1

In addition to updating DGO K-9, as recommended in the 2020 Canine Program Audit, the Department should create a Policies and Procedures Manual to address Canine Unit tasks and responsibilities. The Manual should specify how responsibilities that are important to program controls should be delegated in the absence of the person to whom policy nominally assigns those duties.

Finding #2

During the 10-month period covered in this inspection, the audit team determined that the Canine Unit Supervisor submitted 10 monthly reports and a 2021 year-end Management Report to the Special Operations Section chain of command, as required by policy. Each monthly report was found to include every reporting item required of such reports by department policy DGO K-9, including statistical information about canine team callouts, training, POST "certification," bite-ratios, and supervisor activities as well as sections on uses of force, outside agency assistance, additional information regarding the Unit, and requests requiring approval. The audit team found these reports to be complete, comprehensive, and to accurately reflect the data available through other systems fully satisfying recommendation #3 from the 2020 Audit.

Responds to: **2020 Recommendation #3 – Analyze Bite Ratios
                (Addressed)**

By policy, the Canine Unit is required to submit monthly reports on all unit activities to the Special Operations Section chain of command. Because there was no supervisor in place at the time of the 2020 Audit, that audit team was only able to locate 6 of those monthly reports from the 27-month period examined and found (2020 Canine Program Audit Finding #2) that those reports were not comprehensive and did not fully satisfy the reporting requirements of DGO K-9. Furthermore, as the monthly report is the medium by which the unit presents bite-ratios and analysis for all canine teams, the deficiencies found in those monthly reports formed the basis of Recommendation #3 from the 2020 audit: that the Department should ensure that there is evidence to substantiate that canine handler bite ratios are analyzed.

For the current inspection, the audit team received all 10 of the monthly reports made by the Canine Supervisor to the Commander of the Special Operations Section and OPD Command during the review period. The team found these reports to be comprehensive, with detailed statistics about unit deployments and training and all information required of such a report by the Department's policy DGO K-9 including bite ratios for all active handlers, information on POST evaluations for each active team, and a list of all deployments during the month. In addition to the statistics, these monthly reports also included many other details about the unit including a record of supervisor field observations and reviews of uses of force, reports on officers and salient issues encountered by the unit's officers in the field, descriptions of unit challenges, requests for additional materials or outside trainings, and other "miscellaneous" comments that the Unit Supervisor wished to communicate up the chain of command.

To assess the accuracy of each monthly report, the audit team compared the statistics presented in each memo with the data available through the Department's Vision system. While the audit team was able to determine that most of the data presented in these reports accurately represented the data available through other systems, there was one area of these monthly reports that the audit team was unable to fully corroborate with independent data.

The audit team found gaps in group training records entered in Vision corresponding to times when the Unit Supervisor was unavailable. The data in the monthly reports corresponded to group training documented in monthly training calendars for the corresponding dates, and the auditor found no reason to believe that this reporting was inaccurate. However, the lack of the digital record for these periods made assessment of these portions of the report impossible. Upon notifying the canine unit supervisor of the missing training records, the audit team was informed that the unit had handwritten records that had not yet been entered into Vision, which is where the Department had committed to storing all training records. As of this writing all group training records from 2021 have been added, however 6 group trainings from early 2022 still have not been documented in Vision. (Refer to Section III – Training below for more analysis.)

Finally, the audit team found many of the "miscellaneous" notes, requests and recommendations made by the Unit Supervisor in the monthly unit reports to be valuable guides to unit issues and needs. These reports form the primary written documentation of Canine Unit communication with the Special Operations Section chain of command, and the Canine Unit Supervisor used the vehicle to convey concerns and requests regarding unit policy and practice that mirror several of the items noted throughout this inspection and provided additional avenues of exploration for the audit team.

Finding #3

During the inspection period of June 2021 through March 2022, the Canine Unit Supervisor reported and analyzed canine team bite-ratios as required by DGO K-9 as part of the unit's monthly reports to the Special Operations Section Chain of Command, fully addressing Recommendation #3 of the 2020 Canine Program Audit. The Department has yet to specify in policy any formal criteria for this analysis in response to that audit's Recommendation #5. Upon further analysis and given current deployment patterns of department canines, the audit team found the current reporting and analysis requirements related to "bite ratios" in DGO K-9 to be largely duplicative of the risk controls embedded in the Department's use of force policy DGO K-4.

Responds to: **2020 Recommendation #3 – Analyze Bite Ratios**
(Addressed)
2020 Recommendation #5 – Create Policy Guidelines for Bite Ratio Analysis
(Not Addressed)

The OPD's canine policy DGO K-9 calls for monthly reports of canine unit statistics and an analysis of "bite ratios" for each dog/handler team in the unit. As specified by policy, this "bite ratio" is calculated as the ratio of deployments in which a specific canine bit a subject divided by the number of times that canine's deployment led to the apprehension of a suspect during the previous 6-month period. Any canine for which this ratio exceeds 20 percent requires a specific "bite ratio analysis" by the Canine Unit Supervisor in the monthly canine statistical report.

However, as noted in the 2020 Canine Program Audit, DGO K-9 provides little specific guidance as to how the risk analysis of a canine whose bite-ratio exceeds 20 percent is to be performed or what factors

outside of the bite ratio the Canine Program Supervisor should use to determine risk in the monthly statistical report. Moreover, based on the information gathered for this inspection, the Department's current utilization rate for the canine teams is likely too low for the bite-ratio, as calculated according to this policy, to be a meaningful measure of any specific dog's propensity to bite.

During the 10-month review period of this inspection, each canine team was only called out an average of 2.67 times per month and the average dog in the canine unit was deployed[21] less than once a month (0.67 times/month on average). While there is variation in the number of callouts between different canine/handler teams, even the most active team was only called out 4 times per month on average and the dog with the most active deployments was deployed on average 1.4 times per month. Furthermore, during the 10-month inspection period only 3 suspects were detained after being located by a canine across all active canine teams (see part 2 of this inspection report for detailed analysis of the Canine Unit's Deployment record). Therefore, the denominator used in the bite-ratio calculation for even the most active canine team was in the range of 1-2 successful location/detentions per 6-month period. This means that given current utilization rates any bite that occurs as part of an apprehension would immediately put an individual canine above the 20 percent bite ratio threshold requiring additional analysis; and that canine would continue to exceed the 20 percent ratio for each of the next 6 monthly statistical reports requiring the Canine Unit Supervisor to repeat the same analysis for each report.

While there were no dog bites during the 10-month period reviewed in this inspection, over a longer period extending 8 months prior to this analysis (i.e., encompassing a full 18 months of duty) there were only 2 recorded dog bites from all currently employed OPD canines, and each required the Canine Unit Supervisor to provide duplicative analyses of the risk associated with that canine for each of the subsequent 6 monthly statistical reports. When the audit team interviewed the Canine Program Supervisor about the bite ratio analysis, they expressed frustration with this reporting requirement – especially the duplicative nature of the repeated "bite ratio analysis" required every month for the same initial bite. Moreover, they pointed out that a dog bite often leads to a specific canine being removed from active duty while a use-of-force investigation is conducted, perversely leading to a situation in which that canine's "bite-ratio" increases over the 6-month period following a bite because the denominator of successful apprehensions over the previous 6-months decreases as that canine team awaits the result of the investigation of the bite.

In this context, a ratio of bites to canine apprehensions over a 6-month period appears insufficient to establish any type of statistically significant variation amenable to risk analysis of this type. The requirement that this analysis be performed monthly is duplicative without offering additional useful analysis. In investigating the bite-ratio requirement, the audit team determined that the basis for the language pertaining to a 20 percent bite ratio as a measure of risk in this policy originates from a federal

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[21] For the purposes of this inspection, deployed and deployment are defined as when a canine is let off leash. For a further discussion of the meaning of the word "deployment" see the Additional Observation to Finding #5 later in this report.

legal standard related to canine unit risk established in 1989 based on a legal decision regarding the actions of the Canine Teams in West Palm Beach, Florida:

> *"One indication of a misbehaving dog is a high ratio of bites to apprehensions. Less than 30% of apprehensions, on an average, should result in a bite. Thus, canine units with a bite ratio exceeding 20% should be reviewed."* - 1989 in *Kerr v. City of West Palm Beach 875 F. 2d 1546 (11th Cir. 1989)*

However, the Kerr v. City of West Palm Beach opinion and the fact-pattern it describes is far removed from the current utilization of the OPD Canine Program. In 1989, the City of West Palm Beach explicitly treated canine unit bites as not being reportable uses of force in the absence of serious bodily harm, the unit's canines were regularly used in patrol arrests and to chase fleeing subjects including for minor and misdemeanor offenses, and unit canines were found to have bitten suspects hundreds of times over the previous year. Therefore, the standard was crafted as a tool of risk analysis to find outliers in an environment in which arrests of a suspect by a police canine were regular and most individual bites largely went without any special review process.

By contrast, under the OPD canine policy DGO K-9, canines are only deployed to search for individuals suspected of serious crimes and under its use of force reporting policy DGO K-4 each instance in which a canine successfully locates a suspect leading to an apprehension (the denominator of the "bite ratio") constitutes a reportable level 4 use of force requiring approval by that incident's commanding officer and documented video-review by the Canine Program Supervisor. Likewise, whenever a department canine bites a suspect (the numerator of the "bite ratio"), that is considered either a level 1 or level 2 use of force depending on the severity of the bite and requires the Department to complete a full use-of-force investigation and convene either a Force Review Board (FRB) or Executive Force Review Board (EFRB) to analyze the incident, including conducting a risk analysis with respect to the involved canine team.

Therefore, if canine unit utilization and deployment continues to match that found during the 10-month inspection period examined by the audit team, every canine bite is sufficient to put a canine team over the 20 percent threshold requiring the Canine Program Supervisor to conduct a bite ratio analysis, and to keep that canine over the threshold for such an analysis for each of the next 6 reports after the bite. Furthermore, beyond the limited bite-ratio analysis reported in these 6 monthly reports, that same bite is also the subject of a full use of force investigation and review by a force review or executive force review board which largely repeats or duplicates the bite ratio analysis but is significantly more detailed and requires participation by OPD command staff.

To further judge the timeliness of these alternate checks on the risks associated with canine bites, the audit team analyzed the force-review process for each of the two (2) bites that occurred in the months before the inspection period of June 2021-March 2022. To examine the Department's timelines in this process, the audit team reviewed the chronological log associated with those two incidents in Vision. For each, a full investigation of the bite incident was completed well within 6 months (117 & 136 days

respectively), and a force review board was empaneled and completed its risk analysis of the full incident including assessments of the canine and handler within 7 months of the incident.

Table 1: Use of Force Investigations and Force Review Board Timelines for Canine Bites 2021

Bite Incident Report #	Incident Date	Investigation Report Complete	Investigation (Days)	Force Review Board	Total Time (Days)
21-009412	2/27/21	6/24/21	117	9/29/21	214
21-014403	3/30/21	8/13/21	136	10/13/21	197

Given the required video reviews of each incident in which a canine search leads to an apprehension, and the relatively short timelines for both the completion of full investigations of each canine bite and the review of bite incidents by OPD command through force review boards, the audit team finds the department to have multiple layers of assessment of canine bite risk associated with any specific handler/canine team that far exceed the requirements for a statistical analysis of bite ratios as set forth in Kerr vs. City of West Palm Beach.

Therefore, while the Department was found to follow the policy requirement that bite-ratios be documented and analyzed by the canine unit supervisor in monthly reports when they exceed 20 percent for any individual canine team, not only does that requirement lack specificity with respect to what the analysis should entail, it is unclear to the audit team what the ongoing added-value of the current policy requirements to collect and analyze this ratio are.

Additionally, in many instances, incident reports and body worn camera demonstrate the impact of the presence of a canine team on the resolution of an incident even when there is no active deployment recorded. Incidents reviewed as part of this inspection revealed several instances in which an announcement that a canine unit was on scene or other indications that a canine deployment was a possibility (barking, etc.) was sufficient to cause individuals to surrender without the need for a deployment. In the documentation of these incidents, this call-out type was characterized as "prevention by presence." As a risk-management issue, a call-out in which the presence of a canine team is sufficient to affect the outcome of a potentially dangerous incident without the need to actively deploy that tool does not constitute a reportable use of force by department policy but is an objectively better case than a deployment where the risk of a bite is likely to be largely dependent on factors outside of the control of the handler. The audit team believes that the number of bites per number of callouts would therefore be a more objective measure of the risk associated with individual dog/handler teams than the bites to apprehensions ratio currently mandated by DGO K-9.

Recommendation #2
The department should revise its policy regarding the reporting and analysis of department canine bite ratios to clarify the elements to be analyzed and strengthen the analytic power of the risk measures. Additionally, more comprehensive discussion of canine deployments and bites should be included in the Department's risk management meetings.

If the OPD chooses to address the 2020 Canine Program Audit recommendation to create specific criteria for the mandated analysis of bite ratios, it should also consider whether a monthly report is the most appropriate timeframe for collecting or reporting on bite-ratios or any other "statistical" reporting related to call-outs and deployments, or whether a longer timeframe (perhaps quarterly) would be more appropriate to conduct such analysis. Likewise, given current deployment patterns, if the OPD determines that bite ratios or any other measures attached to canine deployments continue to be important metrics for either risk-management or general performance appraisal, the Department should consider making the denominator in such analysis the number of times that a dog/handler team was called out rather than the number of times the dog found a subject while deployed, or was "deployed" (let off-leash) to actively participate in the incident

Finding #4
Between June 1, 2021, and March 31, 2022, the Canine Unit Supervisor regularly conducted field observations of unit handler teams and entered that information into the handlers' Supervisor Note File (SNF) in Vision. The Supervisor also reported they reviewed BWC video associated with each canine use of force.

Responds to: Recommendation #1 – Continuously Staff Canine Program Supervisor Position
                (Addressed)

Under department policy the Canine Unit Supervisor is responsible for conducting periodic in-field observations of patrol deployments for all Canine Handler Teams and is also responsible for reviewing body worn camera video for each Canine Team use of force.[22] These issues were analyzed and received separate findings in the 2020 Canine Program Audit (specifically, field observations were the basis of Finding #5 in that audit), however because there was no full-time incumbent supervisor at that time, these tasks were subsumed in that audit's first recommendation that the department first appoint a permanent supervisor. Because the Department adopted Recommendation #1 and appointed a full-time Canine Unit Supervisor, the team engaged in this follow-up inspection was able to assess whether that supervisor performed all the duties of the position as outlined in DGO K-9, including regular field assessment of Unit Canine Teams.

To conduct this portion of the inspection, the audit team examined Supervisory Note File (SNF) records in Vision for every handler who was part of an active canine team between June 1, 2021, and March 31, 2022. The SNF records in Vision contain a category of "additional observation" which was used by the Canine Unit Supervisor to document instances in which he was able to make field observations of team deployments. These notes generally contained information about the date and time of the incident observed as well as some detail or details of that deployment, either positive or negative, that the supervisor wished to convey to the handler. To confirm the details in the observation record established through SNF records, the audit team compared these notes to the documentation of the canine events

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[22] DGO K-9, pg. 14

they described and matched them to body worn camera video of those incidents and found that all reported observations were supported by handler reports and video.

During the period covered by this inspection, the audit team found that the Canine Unit Supervisor regularly conducted field observations of unit handler teams and entered that information into the handlers' SNF records within the Vision system 63 times, ranging from 5-14 observations for each canine team. In some cases, the Canine Supervisor observed incidents involving multiple canine teams and – as separate supervisory notes were entered into each canine unit officer's record – these were counted as an observation of each team involved in that incident by the audit team. The audit team concludes this satisfies the deficiencies identified in Finding #1 of the 2020 Canine Program Audit.

Table 2: OPD Canine Supervisor Field Observations of Active Canine Teams, June 1, 2021 – March 31, 2022

Canine Team	Number of Field Observations of Team Patrol Callouts	Number of Those Observations in which a Canine was Deployed
Canine Team 1	5	1
Canine Team 2	14	3
Canine Team 3	13	1
Canine Team 4	7	0
Canine Team 5	5	2
Canine Team 6	12	2
Canine Team 7	7	0

Some teams received fewer observations during the inspection period because they were not active during some portion of the 10 months reviewed. Such absences included handlers who were on medical/injury related leave and others who were accepted into the program after the beginning of the inspection period. Because many callouts do not result in an off-leash deployment of a canine by a handler, the audit team noted the number of active deployments that were observed in person by the Canine Supervisor as well (reflected in the "observations in which a canine was deployed" in Table 2, above).

In addition to in-person observations of department canine teams, the Canine Supervisor is required to view body-worn camera video of each use of force by a Team. By department policy, any instance in which a canine successfully locates a suspect while off-leash constitutes a use of force (a level 4 use of force if no bite occurs and level 1 or 2 use of force if there is a bite). Therefore, the Supervisor is required to review body worn camera of each incident in which this occurs. The Canine Supervisor reported on all canine uses of force in the monthly canine unit reports made to the chain of command as required by policy, and in those reports the Supervisor attested to having reviewed body worn camera video of each such incident as required.

Part 2 – Canine Events, Deployments and Callouts

Responds to: **Recommendation #6 – Update RWM K-9 to clarify meaning of deployment and update event record**
(Addressed in Part)
Recommendation #7 – Update RWM K-9 workflow process
(Not Addressed)
Recommendation #8 – Ensure teams maintain handler's log
(Addressed in Part)

The second section of this inspection consists of tasks associated with the active use of canine teams in the field. By department policy, the Canine Program has two primary functions: for the detection of narcotics; and "patrol," which encompasses callouts of canine teams for assistance with searches and detentions of suspects under strict guidelines set forth under DGO K-9 and at the request of patrol field supervisors or incident commanders. At present all active canine teams serve only in the patrol function.

Finding #5
During the inspection period of June 1, 2021, to March 31, 2022, all canine handlers properly documented canine deployments in Vision. However, the audit team found variation in the way individual handlers entered this information.

Responds to: **Recommendation #6 – Update RWM K-9 to clarify meaning of deployment and update event record**
(Addressed in Part)
Recommendation #7 – Update RWM K-9 workflow process
(Not Addressed)
Recommendation #8 – Ensure teams maintain handler's log
(Addressed in Part)

The 2020 Canine Program Audit's examination of department canines used in patrol identified several issues in the documentation of these activities. These included recommendations for changes to department policy, as well as recommendations about the Canine deployment form in Vision and handler use of these forms to document their activities. Because the Department has not yet updated either DGO K-9 or RWM K-9, the audit team determined that those aspects of the 2020 audit recommendations related to policy were not addressed. However, the Department made changes to the relevant forms in the Canine Module in Vision and this inspection was able to use these and other records to assess the canine units' history and record keeping around patrol deployments during the inspection period.

Canine team requests and deployments generate several records depending on the outcome of that response. The initial request for canine assistance is logged by the Communications Division, each

canine handler deploys with an active body worn camera, and each time a canine team responds to a request for canine assistance that handler is required to create a "Canine Event" record in the Canine Module of Vision. Each Canine Event includes information about all aspects of the canine team's response to that incident, with fields for the responding canine team(s), the incident and record number, the time and date of the incident, a dropdown menu which the handler can use to indicate one or more deployment type(s) (search, prevention by presence, etc.), whether the canine located a suspect, whether a bite occurred, and whether a suspect was apprehended. In addition to the specific fields, handlers also create a narrative description of the event which is saved as a comment in the chronological log of each canine event. Minimally, these narratives detail the handler's compliance with the actions required by DGO K-9 including their assessment of whether the incident meets the criteria for deployment of a canine, whether all pre-deployment canine announcements were made, and details of any deployment. Once generated, a Canine Event record in Vision is automatically forwarded to the Unit Coordinator, and then the Unit Supervisor for ultimate approval. If the canine response results in a use of force, either because the canine locates a suspect (level 4) or because of a bite (level 1 or 2), the handler is also required to submit a supplemental report detailing that team's participation in the incident and the details of the use of force. These supplemental reports require approval of the incident supervisor.

To assess handler compliance with canine deployment and record keeping policies the audit team initially reviewed all "canine event" records in Vision for the 10-month examination period. The team then reviewed body worn camera video of all incidents in which a canine was deployed (defined here as being when a canine is released from a leash to actively search for a suspect) to assess whether the deployment was in policy and accurately documented in Vision. Finally, for incidents in which a deployed canine located a suspect, the audit team reviewed the handler's supplemental report.

A total of seven canine handler teams had active deployments during some portion of the inspection period (though one of these teams had left service by the end of the period). The following information gives a brief overview of the patrol activities of the active canine teams during the examination period:

- For the 10-month inspection period, there were 208 canine events in Vision, one for each time a canine team responded to a request for canine assistance, including 13 incidents in which the request came from another local law enforcement agency.
- Per the records in Vision, unit handlers deployed their canines 52 times during the 10-month period, or 25% of the times that they were called to a scene.
- Three suspects were detained by officers after being located by department canines during the inspection period (canine searches that result in finding and apprehending a suspect constitute a level 4 use of force under department policy), and each of these incidents was documented with a supplemental report. However, for several incidents reviewed by the audit team, reports noted that the mere presence of a canine team, including pre-deployment canine announcements, led suspects to surrender before a search was necessary (categorized as prevention by presence in the canine event record).

- There were no recorded dog bites (a level 1 or level 2 use of force under department policy) during the 10-month period under review (there were 2 bites during the 6 months immediately prior to the inspection period).

The audit team determined that during the inspection period canine handlers documented all mandated information with a canine event in Vision each time a canine team responded to a request for canine assistance. Furthermore, the auditor's review of BWC video associated with the 52 canine deployments showed that all deployments were within policy, that handlers followed DGO K-9's pre-deployment requirements including the issuance of clear canine announcements, and that the information entered in Vision was accurate. However, the inspection revealed variation in how this information was being captured, especially in the written narrative and details of the event that may not have been specific to the canine team.

The most detailed portion of each Canine Event report was the written description captured by the canine handler in the comments section of the chronological log, and the level of detail included in these narratives was found to vary a great deal by handler. For some, the narrative was a brief summary – consisting of a paragraph or less – detailing the team's arrival at the incident, whether the canine left the handler's vehicle, when and where any canine announcements were made, whether and where the canine was deployed, and the outcome of the incident. For other handlers, the narrative comment in the Canine Event record was far more detailed and more like the records an officer might file in an arrest or other report type. These narratives included details about the incident itself as well as documentation of the planning that occurred prior to any deployment including both descriptions of the tactics and de-escalation plans that were discussed with the incident commander. The audit team found that these descriptions were far more detailed for records associated with the 3 incidents that resulted in the location of a suspect by the canine, though the language in those event records was largely duplicative of that used in the associated supplemental report.

The audit team also noted that there appeared to be some variation in the way that handlers used the checkbox asking whether a suspect was apprehended. Where a suspect was specifically located by the canine team, this box was found to reflect that. However, in many other incidents where a suspect was located and arrested independently of the participation of the canine unit, or even where the narrative description detailed that the suspect surrendered due to the presence of the canine unit on scene or after a canine announcement was made, the "suspect apprehended" checkbox was sometimes left blank (though the event record in these instances did include "prevention by presence" as a deployment type).

After the audit team alerted the Canine Unit Supervisor of these discrepancies, he reported that officers had been provided with additional training on the use of the prevention by presence option in canine event records, and that all incidents in which there is an apprehension of a suspect resulting from the presence of a canine team, regardless of whether that occurred as the result of a canine search, will have the "subject apprehended" checkbox marked going forward.

All event records examined from the inspection period contained sufficient information both through information included in the required fields and the written narrative to fully describe the responding canine team's involvement in each incident, and the audit team therefore determined that they constituted a sufficient and reviewable control of callouts and deployments. However, the variation – especially with respect to the use of the "suspect apprehended" checkbox demonstrates areas in which there is still room for improvement. Digital records of this type are useful not only because they provide an auditable trail of what occurred, but also because they can be a powerful tool to better understand how teams are being used and the different ways that they can be effective. So, for example, a canine callout that results in the apprehension of a suspect because of the presence of a canine or the issuance of a canine announcement without the need to "deploy" the canine off-leash in an active search may be the best resolution of any incident, as the Department's objectives are achieved without the potentiality of a canine use of force. However, the lack of consistency in the use of the "suspect apprehended" checkbox in these cases makes it difficult to run an accurate report to assess how often those incidents occur or to further analyze the role they play.

Finding #5 Additional Observation
The OPD has not yet updated RWM K-9 so that policy reflects practice and deployment terminology is clearly defined.

**Responds to: Recommendation #6 – Update RWM K-9 to clarify meaning of deployment and update event record
(Addressed in Part)**

In addition to the review of Canine Unit field activities described above, the audit team would like to re-emphasize that the discrepancies in policy around the terminology used to describe deployments of department canines described in the 2020 Canine Program Audit continue through the present inspection.

The OPD's canine policy DGO K-9 defines a patrol canine deployment as:

> *The utilization of a Canine Team to:*
>
> 1. *Assist in the apprehension of a criminal suspect;*
> 2. *Search for and locate a criminal suspect; or*
> 3. *To bite a criminal suspect.* [23]

Furthermore, the policy specifies a series of steps that a handler must take prior to deploying a canine, which includes planning for how the canine will be deployed and how de-escalation will occur in the case of a bite and making a pre-deployment warning announcement (unless deployed as part of a pre-planned tactical team operation).[24]

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[23] DGO K-9 II G
[24] DGO K-9 III A 4 (d)

The OPD's report writing manual regarding the use of patrol canines, RWM K-9, uses the word "deployment" to describe the range of ways in which a patrol canine may be used at an incident. It instructs handlers to document whether their canine was "deployed" by checking a "deployment" checkbox in the canine event form in Vision, while also requiring that the handler document each purpose for the canine's presence at an incident as a separate "deployment" by adding that purpose to the canine incident form from a "deployment type" drop down menu. An example of how this documentation should be entered is included in RWM K-9 as follows:

> *Officers see an occupied carjacking vehicle and make a high-risk car stop. The driver flees the car and runs into the backyards of a nearby block, and a perimeter is set while other officers conduct the high-risk stop. The canine officer arrives and has the police canine on leash as a force option during the high-risk stop and detention of the passengers. Next, the canine is used to conduct an area search for the driver who fled the vehicle. This would be two deployments as part of one incident.*
>
> -Example of deployment record keeping RWM K-9

Per this policy, Canine handlers have been documenting the purpose(s) for their canine's participation in an incident by adding each "deployment type" from the drop-down menu in the Canine Event form. But, because the current practice of the Canine Unit is to interpret the word deployment to apply only when a handler releases a canine from the leash to conduct a search, they only check the "canine deployed" checkbox on that form when the canine is released from the leash.

As noted in the 2020 Canine Program Audit, the multiple interpretations of what constitutes a "deployment" cause confusion, and there are aspects of the direction given in DGO K-9 and RWM K-9 that appear to be in conflict. The current Canine Unit Supervisor has standardized the meaning of a canine "deployment" to be when the handler releases a canine from the leash, and the audit team has used that definition throughout this inspection. However, the audit team believes that this narrow definition provides an incomplete picture of the role of the Canine Unit because of the many incidents in which records indicate that the presence of a canine team impacted the outcome of an incident whether a "deployment" occurred under this limited definition or not. There are important differences between incidents in which a canine is released from the leash and those where they are not, and it remains important to detail in policy what is required of a canine handler prior to releasing a canine from the leash (the "pre-deployment" requirements in DGO K-9 including the specification of a de-escalation plan and canine announcement). However, there are also differences between incidents in which a canine team is called to an incident and finds that the incident does not fit the criteria necessary for the use of a canine, or the canine team is not necessary to effectuate the objectives, and those where the canine leaves the handler's vehicle and has a measurable impact on the incident's outcome, but the handler does not have to release that canine from its leash to engage in an active search.

The present use of the "deployment" terminology does not adequately capture these differences, and therefore limits the Department's ability to fully analyze the potential impact and uses of the Unit. In

researching this terminology, the audit team found law enforcement agencies with active canine programs which specifically define the word deployment in the primary canine policy to encompass any situation in which a canine is let out of the patrol vehicle for a law enforcement purpose. For example, the San Diego Police Department Canine Policy, which has been recognized as a "best practice" policy by the Police Executive Research Forum (PERF) defines deployment as follows:

> 4.4   DEPLOYMENTS
>
>> A. As it pertains to the use of a San Diego P.S.D. [Police Service Dog], "deployment" is defined as 'removal of the dog from the police car for any LEGITMATE LAW ENFORCEMENT purpose'.
>>
>>> 1.   Breaking the dog, participating in training, or using the dog in a demo would not be considered a "deployment" since those activities are not 'enforcement' related.[25]

The distinction between this and an off-leash search can then be differentiated using other terms such as "active" deployment or captured using the "deployment type" field in the Canine Event form. However, the broader definition would give a better summary of the extent of actual usage of the unit in department operations. As noted in Finding #5, according to the canine event records in Vision, the canine unit responded to 208 requests for assistance but only "deployed" according to the limited definition of being let off-leash 52 times. These numbers don't capture how often canine handlers answered a request for canine assistance and played a role in that incident without releasing the canine as opposed to those where the handler determined that the incident didn't fit the proper criteria for use of a canine or was resolved without the need for any canine participation. Better defining these scenarios would allow both the unit supervisor and the Department's chain of command the tools to perform more granular and objectively better analysis of the canine unit's participation in department operations.

Recommendation #3
The Department should update DGO K-9 and RWM K-9 so that the definition of "deployment" is consistent across department policies and in alignment with standard law-enforcement canine practice. The Department should also consider creating additional "deployment" categories, allowing for the differentiation between incidents based on whether a canine was released from the leash.

Finding #6
The Department does not adequately track requests for assistance by the OPD Canine unit that either go unfulfilled or when such requests are fulfilled by another local law enforcement agency. The audit team found that contrary to department policy, the OPD Communications Division does not provide daily e-mail statistics on unfulfilled canine requests to the Canine Unit Supervisor.

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[25] San Diego Police Department Canine Unit Operations Manual, August 2019

The 2020 audit primarily looked at reporting around instances in which a canine team responded to a request for assistance and the documentation of actual deployments. For this follow-up inspection, the audit team probed additional data required by policy, specifically the tracking of unfulfilled canine requests. Department policy requires the OPD Communications Division to send the Canine Unit Supervisor daily e-mails documenting the number of canine unit requests that went unfulfilled by the Unit and any requests for canine assistance which were fulfilled by other local law enforcement agencies, including the name of that agency.

Under the provisions of DGO K-9 IV F:

> *The [OPD] communications section is responsible for:*
>
> 1. *Documenting all requests for canine deployments that go unfulfilled and forwarding such documentation daily, via email, to the Canine Program Supervisor and Coordinator.*
> 2. *Documenting all requests for canine deployments that go unfulfilled by OPD but are filled by an outside agency and forward such documentation daily, via email, to the Canine Program Supervisor and Coordinator. The name of the agency that fulfills the request shall be included in the documentation.*

Upon requesting this information from the Canine Program Supervisor, the audit team was informed that he had never received any e-mails from the Communications section detailing either unfulfilled requests for canine deployments or unfulfilled requests filled by an outside agency. According to the current unit supervisor, prior Canine program supervisors and coordinators reported never having received such an e-mail and having had to piece together that data based on key-word searches of the Department's dispatch (CAD)[26] logs. Subsequently the audit team reached out to the Communications Division to inquire about its role in canine requests and the reporting requirements in policy. They responded that the DGO needs to be updated because canine handlers are supposed to advise Communications about requests for canine assistance with disposition codes which then get documented in CAD.[27] Notably, there was no reference to tracking of outside agency requests by agency, and their response indicated the responsibility for maintaining a record of outside requests rests with the canine unit.

The audit team considers the lack of formal tracking or record keeping around requests for canine assistance that go unfulfilled by the Department's Canine Unit an important control deficiency. Not only is this information specifically required by policy, but an accurate assessment of both the overall level of patrol requests for canine assistance and the actual ability of the Canine Unit as presently constituted to respond to those requests are vital measures of program effectiveness.

Recommendation #4
The Department should clarify the role of the Communications Division in documenting unfulfilled requests for canine assistance and reporting those unfulfilled requests to the Canine Unit Supervisor per DGO K-9. Likewise, the Canine Unit Supervisor should provide statistical information on both the

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[26] Computer Aided Dispatch (CAD) is the Department's communication system that tracks calls for service.
[27] E-mail from Communications Division Supervisor dated July 19, 2022.

number and any patterns in unfulfilled requests to the Special Operations Section chain of command as part of monthly reporting. If the Department assesses that such reporting is not properly the responsibility of the Communications Division, then it should change policy to reflect the entity or entities who should collect such information and the mechanism by which it is to be communicated to the Canine Unit Supervisor.

Part 3 - Training

Responds to: **2020 Recommendation #2 – Ensure all training forms approved by a supervisor
(Addressed)
2020 Recommendation #4 – Change DGO K-9 language referencing Annual Post
Certification to reflect practice
(Not Addressed)
2020 Recommendation #8 – Ensure teams maintain handler's log
(Addressed in Part)
2020 Recommendation #9 – Ensure consistent documentation of group training
(Addressed in Part)
2020 Recommendation #10 – Ensure training reports reflect presence of supervisor
(Addressed)
2020 Recommendation #11 – Ensure Training Reports include deployment scenarios
(Addressed in Part)
2020 Recommendation #12 – Devise evaluation system for deployment scenarios
(Addressed in Part)**

The 2020 audit identified many issues with both record keeping and department controls related to Canine Program training, reflected in the fact that more than half of that audit's recommendations dealt with training-related issues. Recommendations #2, #9, and #10 contained elements directly related to the absence of a full-time canine unit supervisor to direct and approve canine training during the inspection period covered by that audit. The Department's response to those recommendations included both the appointment of a full-time supervisor as described in Part 1 of this inspection, as well as changes to "Training Events" in the Canine Module of the Vision system, which now direct all training records through an approval process that requires signoffs by both the Canine Unit Supervisor and the Canine Coordinator. Recommendations #4, #11, and #12 referred to specific changes to department policy and practice related to training activities. To date, the Department has not made those recommended changes to policy, but the Canine Unit has implemented changes to practice to address some of the concerns addressed in the audit. Finally, a key component of the handler logs addressed in Recommendation #8 was the maintenance of centralized accessible training records for each canine team.

The third section of this inspection details the audit team's assessment of Canine Program training. This assessment covers training activities within the Canine Program including canine assessments, handler training, group trainings, and individual canine training, with a finding dedicated to each topic. Additionally, the section includes findings related to required training about the Canine Program for patrol supervisors, and training for and with other specialized units within the OPD.

Finding #7
The Oakland Police Department has not updated Department General Order K-9 to bring policy around the annual "certification" of Department Canine Teams into alignment with current practice

and the standards set forth by the California Commission on Peace Officer Standards and Training (POST). However, the audit team found sufficient documentation in Vision Training Event records to determine that during the inspection period, all Department canines were evaluated by an outside POST-certified instructor and determined to have the training and skills necessary for active deployment.

Responds to: **2020 Recommendation #4 – Change DGO K-9 language referencing Annual Post Certification to reflect practice**
(Not Addressed)

The 2020 canine program audit found that department policy DGO K-9 requires that all Department canine teams must be "POST-certified" twice a year, however POST does not have a formal canine certification program and the Canine Unit instead counts on POST-certified instructors from other law enforcement agencies to provide outside evaluation of each team to fulfil this policy requirement. Therefore, while the OPD Canine Unit conducts outside evaluation of all Department Canine Teams to comply with the spirit of the language in Policy, that language is technically incorrect and cannot be complied with as written. The 2020 audit recommended (Recommendation #4) that the Department revise the language of DGO K-9 around the certification process to bring it in line with practice. To date, no revision of this language has occurred.

In addition to noting the lack of a revision of the incorrect policy language in DGO K-9, the audit team reviewed records relating to all active Department Canine Teams between June 2021 and March 2022 to determine whether the Unit continued to comply with the practice of external review. These records included both monthly reports by the Canine Unit supervisor to the Special Operations Section chain of command as noted in Part 1 of this inspection, as well as logs of the specific "Training Events" recorded in Vision detailing each outside evaluation.

All department canines were found to have participated in at least one POST evaluation during the 10-month period examined, and looking over a longer time frame, the unit is in compliance with the recommended bi-annual department evaluation with an outside POST-certified canine expert evaluator as recommended in the previous audit. For these trainings, the external POST certified evaluator is listed as a secondary trainer along with their affiliation (current and former POST certified supervisors in neighboring law-enforcement agency canine units) within the Vision training event for that evaluation. Additionally, the training events in Vision corresponding to POST evaluations included document attachments containing detailed notes about the evaluation including the elements reviewed with the dog/handler team, evaluations of each team's performance on each element, and recommendations for additional work where necessary. The audit team found these reports, and more specifically the attached notes, to be comprehensive and to provide a sufficient level of detail for any command review of team preparation and compliance with the spirit of the "POST certification" language in DGO K-9.

In addition to the records of POST evaluation related training records in the Canine Module of Vision, the monthly reports made by the Canine Supervisor all include a table listing each active canine unit and whether their POST evaluation was current at the time of each report. The audit team compared those

reported evaluation numbers with the trainings documented in the Canine Module and determined that the monthly reports accurately reflected the status of each team. Therefore, these evaluations were found both to be occurring and to be sufficiently communicated up the chain of command to ensure unit compliance and ability to participate in department deployments.

Finding #8

During the inspection period of June 1, 2021, to March 31, 2022, every active canine team was found to have participated in required continuing professional training in 2021, and the OPD Canine Unit conducted more than 300 hours of group training. The training documentation found in Vision included training scenarios, supervisor and team attendance, assessments of handler and canine performance, and other details of the training, addressing training recommendations of the 2020 Canine Program Audit. However, the audit team found several gaps in the digital record of group trainings in Vision corresponding with times when the Canine Program Supervisor was unavailable in late 2021 and early 2022. After alerting the Canine Program Supervisor of these gaps, the Canine Coordinator updated Vision with all missing 2021 group training records, but as of this writing, digital records of six group trainings from the first three months of 2022 are still not available.

Responds to: 2020 Recommendation #2 – Ensure all training forms approved by a supervisor (Addressed)
2020 Recommendation #8 – Ensure teams maintain handler's log (Addressed in Part)
2020 Recommendation #9 – Ensure consistent documentation of group training (Addressed in Part)
2020 Recommendation #10 – Ensure training reports reflect presence of supervisor (Addressed)
2020 Recommendation #11 – Ensure Training Reports include deployment scenarios (Addressed in Part)
2020 Recommendation #12 – Devise evaluation system for deployment scenarios (Addressed in Part)

The OPD Canine unit engages in extensive weekly training sessions. During the period of June 2021 – March 2022, the audit team reviewed the unit's formal monthly training calendar which lists from 5-8 group training sessions per month that dog/handler teams were required to attend if on duty and not out on a call. These training sessions were held at various locations around the greater Bay Area, though most were scheduled for locations within the City of Oakland. Training included general obedience and specialized command and direction training as well as extensive scenario training scheduled in different locations and types of environments to train and test dog and handler capabilities to conduct searches and other operations. Each of these group trainings was scheduled to last either 300 minutes (5 hours) or 600 minutes (10 hours), with generally two longer 600-minute trainings and three or more shorter 300-minute trainings each month. This equates to 35+ hours of group training per month, and all told, there were 57 such trainings scheduled during the 10-month inspection period for a total of 18,300

minutes (305 hours) of total group training. In addition to these group trainings, the canine unit also conducted an annual specialized CPT (continuous professional training). Every active canine team was found to have participated in the annual CPT training in 2021.

To assess Canine Program training for this portion of the inspection, the audit team reviewed both "Training Event" records in the Canine Module in Vision as well as additional records relating to the schedule and curriculum of required training provided by the Canine Unit Supervisor.

The Canine Module in Vision is composed of two report types, Canine Events described in Part 2 of this inspection, and Training Events. The training event template contains several fields through which an officer or supervisor can describe the primary attributes of that training. Training events in Vision are categorized either as individual or group (individual trainings are the subject of the next finding), and each record also contains the following information:

- Time, Date, and Location of the Training.
- Duration of the Training.
- Individuals who attended the training: This field includes the option for including all canine teams that attended the training as well as any instructors either internal or external who participated. It also includes whether the supervisor was present for the training.
- Topics covered by the training: The training event record allows the user to specify the primary subject(s) covered in the training from a drop-down menu. Subjects include socialization, scenario training, basic obedience, etc. If a training is dedicated to multiple subjects, the module also allows the user to assign a separate duration to each one.
- Equipment used in the training: The form includes various checkboxes allowing the user to specify what, if any, specialized canine equipment was used during the training. Such equipment can include leashes, canine handler suits, e-collars, etc.
- Other: In addition to the standard fields associated with a training, the record also allows the user to add additional information, including the ability to attach additional documents related to the training. In practice, the canine supervisor and coordinator regularly use this feature to attach written documentation about a training, including detailed descriptions of any scenarios used, instructor notes, and assessments of canine team strengths weaknesses and areas that need improvement.

The Group Training Events the audit team was able to review were found to be complete and accurate. Moreover, between information included in the fields available within the Training Event form and the attached documentation, the record of each training satisfied Recommendation #11 from the 2020 Canine Program audit that "Training and Evaluation Reports include documentation of the deployment scenarios used during the weekly training sessions," and part of Recommendation #12 that these reports include an "evaluation system that complements deployment scenarios to ensure the reader of the training records understands whether a Canine Team passed or failed the training exercises or needs improvement in a particular area." Furthermore, the changes made to the digital records and the approval system implemented in Vision are sufficient to address those aspects of the 2022 recommendations. Therefore, insofar as those recommendations only referred to the record keeping

system, the audit team determined that those portions of each recommendation were fully addressed in the current inspection.

However, the audit team found both gaps and significant delays in the canine units' creation of digital records of group trainings in Vision coinciding with periods that the unit supervisor was unavailable. Therefore, the portion of group training recommendations relating to the completeness of the digital record, as opposed to the contents of those training records, were found to only have been addressed in part.

In 2022, the inspection identified 6 group trainings for which there was no Training Event in Vision. At the request of the auditor, the Canine Unit Supervisor provided digital images of training rosters/sign-in sheets documenting that the training occurred and the participation of the teams who attended. However, these documents had limited information about the trainings themselves and did not provide scenarios or assessments of the teams that participated. The list of these trainings is as follows:

- **January 2022**: There were no Training Events in Vision for 4 group trainings scheduled on 1/11, 1/17, 1/24, 1/31.
- **February 2022**: There was no Training Event in Vision for the last group training scheduled on 2/28.
- **March 2022**: There was no Training Event in Vision for the last group training scheduled on 3/28.

The auditor also identified significant gaps in the digital record of group trainings in 2021. These gaps were:

- **October 2021**: There were no Training Events in Vision for the final 4 group trainings scheduled on 10/11, 10/12, 10/18, 10/25.
- **November 2021**: There were no Training Events in Vision for the 5 group trainings scheduled on 11/8, 11/9, 11/15, 11/22, 11/29.
- **December 2021**: There were no Training Events in Vision for the first 3 group trainings scheduled on 12/3, 12/6, 12/10

The audit team asked the Canine Unit Supervisor about the gaps in the group training records from 2021 and 2022 and was told that they corresponded to times when the supervisor was unavailable due to approved leaves. However, the Supervisor assured the audit team that the Coordinator would be tasked with filling the gaps in documentation in Vision based on those written records.

Following up on the meeting with the Canine Unit Supervisor regarding the missing group training records from late 2021 and early 2022, the audit team confirmed that the group trainings for all 2021 group training dates were entered into Vision by the Canine Unit Coordinator and approved by the Unit Supervisor. Approximately half of these records were entered in June 2022, and the other half were created in August 2022. Therefore, the inspection finds the 2021 digital record complete, but with significant delays. At the time of this writing there is still no digital record of the missing group training sessions in Vision for the 2022 dates for which paper sign-in sheets were reviewed.

The 2020 Canine Audit Recommendation #9 began "OPD should ensure documentation of its Canine Teams' attendance at weekly training is consistently maintained…" In its response to that recommendation, the Department stated "The Department agrees with this recommendation. All team training entries are now entered into VISION by the program coordinator and approved by the canine supervisor. If training is canceled, the reason for the cancelation will be memorialized in the next training log through Vision." To ensure the Department consistently maintains a complete record of all canine training, including details about the training, all trainings need to be entered into Vision and done so in a timely manner.

The inspection also revealed that the canine unit is not maximizing the potential of the Group Training Event form in Vision to break down the amount of time spent on different training tasks during a single group training. The form template allows the person entering the training information to assign a separate duration to each training "type" that is selected in the dropdown menu, which could allow supervisors and command staff to calculate the time spent on each type of task over time and make more granular assessments of these training activities. However, this functionality was found to be largely unused.

Finding #9
During the inspection period of June 1, 2021, to March 31, 2022, not all canine unit handlers consistently tracked individual training sessions with their canines in Vision.

Responds to: **2020 Recommendation #8 – Ensure teams maintain handler's log (Addressed in Part)**

The 2020 Canine Audit recommended that all canine handlers maintain active centralized logs of all canine related activities (Recommendation #8). It was recommended that these logs should, in part, include records of all canine "training." The Department's response to this recommendation was to note that handlers would be required to actively maintain records about Canine related activities in the Canine Module of the centralized Vision system, including time handlers spend engaged in individual training with their dogs. To assess the Department's adoption of Recommendation #8, the audit team reviewed all records of individual training recorded in Vision and determined that individual canine handlers are not consistently tracking their individual trainings with their canines.

Recommendation #8 from the 2020 Canine Program Audit, that all handlers maintain active logbooks of all relevant information about their canines was inclusive of every department related canine event, including both group trainings and those instances in which an individual handler engages in individual training with that canine to reinforce the lessons of the group training. To satisfy this recommendation and capture the extent to which handlers are engaging in individual work with their dogs outside of the context of the weekly group training activities, the Vision Canine module can capture both group and individual training activities with entries into the system as either Group or Individual Training Events. While the group training events are entered by the Unit supervisor or coordinator and have the list of all participating canines as well as additional information as described in the previous section, entering a record for individual training events requires the trainer to add each such event in Vision, and to fill out

the appropriate details with respect to what that individual training was designed to cover. The audit team determined that many trainers are not maintaining individual training records of this type as recommended in the 2020 audit. In reviewing the training logs for each canine/handler team, only 5 current handlers adequately documented individual training by creating individual training events in Vision over the 10-month inspection period. Three handlers only had one individual training record (of 120 minutes in each case) recorded over that period, and one handler had no individual training events recorded.

Table 3: Individual Training Records in Vision by Canine, June 1, 2021 – March 31, 2022

Canine	Individual Trainings in Vision	Total Minutes
Canine 1	25	1710
Canine 2	1	120
Canine 3	1	120
Canine 4	18	930
Canine 5	21	990
Canine 6	23	1440
Canine 7	0	0
Canine 8*	1	120
Canine 9*	15	2040

Note: Canines 8 and 9 are assigned to a single handler but were not actively assigned to patrol during the inspection period of June 1, 2021 to March 31, 2022

Based on interviews of the Unit Supervisor and conversations with unit officers, the audit team believes that the lack of individual training records in Vision reflects a breakdown in record-keeping rather than a lack of training. However, the lack of documentation demonstrating consistent individual work by handlers with their assigned dogs presents a control deficiency and could lead to an inability by command staff to adequately assess continued unit preparedness or to determine the source of training deficiencies during assessments by force review boards or misconduct investigators in the case of an adverse outcome of a canine deployment.

Recommendation #5
The Department should remind handlers to document all individual trainings with their assigned canines using the "training event" form in Vision. A digital record of individual trainings is an important documentary control to demonstrate handler and canine readiness for deployment.

Finding #10
During the inspection period of June 1, 2021, to March 31, 2022, the Canine Unit Supervisor provided all quarterly trainings to patrol and field supervisors as required by policy.

Responds to: 2020 Recommendation #1 – Continuously Staff Canine Program Supervisor Position (Addressed)

Beyond oversight of the Canine Unit itself, a significant function of the Canine Unit Supervisor is to provide training on Unit capabilities and policy to patrol and field supervisors who might call for Canine Unit assistance. This is necessary to ensure both that these policies are being followed in the field, and that there is a clear understanding of the role and responsibilities of both the supervisor and handler/canine team when deployed. The 2020 Canine Unit Audit found deficiencies in this internal training function due to the lack of a dedicated supervisor, but this finding was included in that audit's recommendation #1 regarding supervision. Because there was a dedicated Canine Unit Supervisor for the entirety of the review period covered by this inspection, the audit team asked for evidence that the required quarterly trainings for field supervisors had resumed.

In response to the audit team's request, the Canine Unit Supervisor provided the calendar of quarterly patrol supervisor trainings and copies of the PowerPoint presentations that documented the topics and curriculum covered. Additionally, the audit team noted that these PowerPoint presentations were uploaded to the Department's PowerDMS policy portal, where patrol supervisors are required to sign-off on having reviewed the materials, and that the Bureau of Risk Management referenced the availability of the trainings in the newsletter it distributed to all personnel in early 2022.

The training materials reviewed were found to provide a comprehensive overview of the program and the Canine Unit policies and capabilities that all field supervisors should know, and therefore fully satisfies DGO K-9's requirements.

Table 4: Topics of Quarterly Canine Trainings for Patrol/Field Supervisors June 1, 2021 – March 31, 2022

Training	Topics
Q3 2021	Deployment Criteria, De-escalation, Officer Responsibilities, Sergeant Responsibilities, Commander Responsibilities
Q4 2021	Deployment Criteria, Announcements, Bite De-escalation, Supervision Reminders, Additional Training
Q1 2022	Containment/Perimeters, Briefs, Search Tips, Canine Reminders

These trainings and the canine unit's interactions with patrol supervisors was one topic of the conversation that the audit team held with members of the unit. Unit handlers reported that their interactions with patrol/field supervisors generally indicated that these trainings were effective and that there was a good understanding of the requirements for canine deployments and the Department's canine policy amongst regular patrol/field supervisors. They further stated that supervisors were largely deferential to handlers when developing operational plans requiring the assistance of canine search teams.

Finding #10 Additional Observation
The OPD Canine Unit participates in preplanned operations with other specialized units of the Department. However, canine handlers are not required to participate in the planning of those operations, commanders of those units are not required by policy to undergo quarterly canine

program training for patrol supervisors, and canine teams do not conduct joint training exercises with those units.

The Department Canine Program provides training to patrol supervisors on the use of canine teams, and handlers play an active role in operational planning when asked to deploy their canines by a patrol or field supervisor. However, handlers have much less active participation in planning when participating in operations with special units within the department that conduct pre-planned operations, including the Department Tactical Team and Ceasefire units. Discrepancies between the amount of collaboration with canine handlers in the planning stages of an operation between patrol deployments and pre-planned operations, including cooperative planning of specific de-escalation strategies involving those canines prior to deployment, creates potential risk-management issues in conducting these types of operations.

The Canine Supervisor is required to offer quarterly training to all patrol and field supervisors related to the role of canine teams in patrol activities, when they can be called, and to department guidelines with respect to their use. One important aspect of the interaction between field supervisor and canine handler covered in these trainings is the importance of working together to formulate a plan for the use of the canine and a plan for how to de-escalate the incident when a canine locates a subject. Therefore, canine handlers play an essential role in the development of the operational planning of these operations insofar as they involve the deployment of department canines. When the audit team spoke to members of the canine unit, several commented on the fact that they have less input when participating in pre-planned operations by specialized units within OPD. When called to participate in this type of operation, handlers reported that the operational plan was usually developed prior to their involvement in the incident, and that they therefore had less ability to contribute to tactical decisions about how the canine was to be deployed or input with respect to considerations which might be specific to their dog. Likewise, the Canine Supervisor and members of the canine unit represented to the audit team that they had not participated in any joint training with the specialized units that sometimes require their assistance as part of a preplanned operation. The potential lack of input by Canine Handlers in pre-planning special operations, and the lack of opportunities to train together prior to participating in such operations creates a potential risk that those creating the operational plan may not be aware of the specific strengths and limitations of a Canine Team, and this could lead to operational risks.

Recommendation #6
Specialized Teams within the Department that conduct, or plan to conduct, preplanned operations involving Department Canine Teams should engage the designated Canine Team earlier in the planning process to ensure that such plans are based on a thorough understanding of the Canine Teams capabilities. Furthermore, these units should conduct joint training with the Canine Unit at least once per year to establish familiarity and guarantee that officers of the other specialized unit and Canine Handlers are comfortable working together and know each other's roles prior to any deployment.

Part 4 – Care, Handling, and other Duties of Department Canines

Responds to: **2020 Recommendation #8 – Ensure teams maintain handler's log**
                        (Addressed in Part)

The focus on the lack of supervision and adequate management controls in the 2020 Canine Program Audit led to major changes to the unit, both through the appointment of a new supervisor and focus on continuity in unit leadership, and through innovation in records management around deployments and training embedded in the Department's centralized Vision records management system and its ability to create required chains of review and approval for all such records.

In Recommendation #8 of the 2020 audit, the OIA addressed canine team handler's logs and maintained that they should contain all relevant information about each canine in a centralized location or system that would be accessible for future audits or reviews. The Department's formal response to this recommendation included the changes to the Vision system noted throughout this inspection, and through these changes it has made significant strides in the capture and retention of records pertaining to training and deployments. However, the initial recommendation also included language about the importance of maintaining other vital records beyond training and deployment information in the required handler logs. Specifically, these logs were also meant to include handler information about the care and treatment of the canines under their control and any other important documentation related to their use by the Department. To assess the OPD's response to this recommendation therefore, the audit team requested information about canine related events and activities that are not captured within the rubric of training or deployments, and about the Department's control mechanisms related to canine care and handling. These aspects of the Canine Program are the subject of the findings in this part of the inspection.

Finding #11
The OPD has insufficient controls and internal records related to department canine veterinary care. According to the Canine Unit Supervisor, records related to medical issues and treatment are maintained by the veterinary offices used to treat Department canines, and aside from veterinary invoices, no records of such care are maintained by the Department or reviewable internally.

Responds to: **2020 Recommendation #8 – Ensure teams maintain handler's log**
                        (Addressed in Part)

When reviewing training records saved in Vision, the audit team noted several trainings which included documentation of a veterinarian participating. The audit team asked about these records in an interview with the Canine Unit Supervisor and was told that the trainings with a veterinarian present were to deal with specific socialization issues with one younger Canine when visiting veterinary offices. Therefore, these instances were rightly categorized as trainings, and did not reflect veterinary care for medical reasons. When the audit team inquired how the unit tracked veterinary care, and whether any records were maintained internally or within Vision related to such care, the Canine Supervisor reported that no

such records are currently kept within the department. Instead, all veterinary records are maintained by the veterinarians contracted by the Department to provide care to department canines.

According to the Canine Unit Supervisor, the only records maintained internally with respect to veterinary care are records of invoices and payments kept by the Department's fiscal unit. The primary internal control of veterinary care for department canines therefore resides in the requirement that the Canine Unit Supervisor approve payment for all veterinarian invoices when they are submitted by the veterinarian. The audit team believes that this practice demonstrates insufficient program controls and a lack of centralized internal keeping of important canine records which formed part of Finding #11 and Recommendation #8 in the 2020 Canine Program Audit related to the maintenance of comprehensive centralized handler logs. OPD canines are important department assets, and as such, records related to significant aspects of their care and maintenance should be kept by the Department and should be associated with the centralized records for each canine in a format that allows easy search and review by department personnel.

Finding #12
The OPD does not provide handlers in the canine program with patrol vehicles to transport their canines when off duty. Instead, handlers are required to use their personal vehicles when commuting to work with department canines. This practice may increase risk related to adverse canine-related events during the off-duty transport and imposes additional costs on department handlers that are not adequately covered by the Department's current reimbursement mechanisms.

During the inspection period, the Canine Unit Supervisor made multiple requests for changes to department policy regarding handler use of department patrol vehicles to transport canines to and from work both in the notes section of the monthly canine reports for the special operations division chain of command and stand-alone written reports. These requests mirror comments made by the Supervisor and every department handler during meetings with the audit team early in the audit process.

When on duty, all members of the canine team are assigned a department K-9 specific patrol vehicle. These vehicles are different from regular patrol vehicles in several ways. They come equipped with additional features specifically designed to address the needs of the canine/handler team, including a canine area that is segregated from the driver, climate control features to ensure that canines do not overheat while in the vehicle even when stopped, special window screens and tinting, and storage for canine specific equipment. In addition to the internal features, all patrol vehicles designated for use by canine teams have large clear external markings denoting the presence of a police dog and warning that these dogs should not be approached by members of the public. The purpose of these additional vehicle features is two-fold. They protect the canines and handlers during transport, and they signal that the dogs being transported require special care and should be treated accordingly. This is important to prevent potentially dangerous interactions with members of the public who might otherwise attempt to approach these dogs casually. But, equally important, they provide a signal to first responders as to the special care required in the case of a vehicle accident or incident that incapacitates the dog's handler.

When off duty however, OPD handlers must transport their assigned department canine using their personal vehicles which have neither the additional equipment nor the clear markings denoting the presence of a police dog that are available on department issued patrol vehicles. In conversations with the audit team, handlers noted that the regular transport of department canines caused significant additional wear on their personal vehicles, including the costs associated with additional maintenance and cleaning of these vehicles' climate control systems. But beyond the expense, the potentially bigger issue for the Department is the fact that personal vehicles do not have the large clear external markings alerting the public to the presence of a police dog, and therefore potentially risk the same dangers that are prevented by such markings on K-9 patrol vehicles.

In examining this issue, the audit team determined that the OPD practice of officers transporting their canines in personal vehicles when off duty is not considered a standard industry practice for the reasons described here. Every jurisdiction with active canine teams researched by the audit team had provisions that require canine handlers to use their department assigned patrol vehicles when transporting their police dog, including during daily commutes to work and other activities related to the handler's official duties or that dog's care. Jurisdictions with active canine units were, in every instance examined by the audit team, found to have specific language around the use of patrol vehicles for transporting canines for all official uses and home maintenance of such vehicles embedded within the Department's canine policy. The manual "Guidance on Policies and Practices for Patrol Canines" published by the Police Executive Research Forum (PERF) includes links to policies that are considered best national practices for canine units, including the canine policy of the San Diego Police Department. That policy not only specifies that unit handlers are assigned a department canine vehicle but requires that handlers use that vehicle every time they transport a department canine due to the special features designed to protect both the canine and the public. Other examples of these policies from relevant California law enforcement agencies, including those from the San Jose Police Department, Lynwood Police Department, and San Diego County Sherriff Department all contain sections related to canine vehicles that document both required features of the vehicle including visible canine-specific markings, and that handlers will be assigned a vehicle which they are required to use to transport their canines including to and from work when off duty.

Finding #13
The OPD has few formal controls and has not conducted sufficient risk-management analysis related to the care and treatment of the dogs of the canine unit when not on duty. Likewise, the Department's role in supporting canines and their handler's during off-duty time is insufficiently codified in department policy.

After examining both the issues of canine veterinary care and handler use of canine patrol vehicles when transporting department canines off duty, the audit team was left with additional questions about the Department's relationship and controls with respect to other aspects of the care and kenneling of department canines. Canine policies from other California law enforcement agencies with active canine units were found to not only contain provisions requiring handlers to take home canine specific patrol vehicles and to use them when transporting police dogs, but also sections with specific language

pertaining to the facilities that handlers are required to maintain at home for the care of department canines, schedules for regular annual inspections of home kennels, and the Department's responsibilities to provide assistance with the construction of the same. Likewise, every policy reviewed by the audit team included provisions that specified that handlers were to receive food for their department issued canines directly from the Department or from vendors with open department contracts.

After determining that neither DGO K-9 nor any other active OPD policy related to the canine unit contains provisions like these related to at-home facilities and standard maintenance of department canines, the audit team asked the Canine Unit Supervisor what the Department's current practice is with respect to these issues, and what specific provisions and procedures guide that practice. The Supervisor stated that there were no standard practices for either the provision or regular inspection of home facilities for department dogs, and that these issues are largely left to canine handlers with support from the Oakland Police K9 Association, an independent non-profit founded to support department canine program needs. According to the unit supervisor, this non-profit had provided basic home kennels to several current canine handlers, but the Department neither provides nor ensures any sort of inspection regime related to off-duty canine housing and care. Indeed, to the knowledge of the Unit Supervisor, there are no provisions in department policy related to care, and the only mention of additional resources available to handers to help defray canine related costs or requirements related to the same appear in the Memorandum of Understanding (MOU) between the City of Oakland and the Oakland Police Officers Association (OPOA).

After this meeting, the audit team was able to locate the provisions in the OPOA MOU referenced by the Unit Supervisor. Amongst the MOU's overtime provisions, there is a separate provision granting canine officers with a limited $50/month budget to purchase dog food, and the ability to collect overtime charged at a flat $15/hour rate for hours spent on maintenance and care of dogs when off duty.[28] The audit team considers this a significant control deficiency. The MOU does ensure handlers a certain level of support for canine homecare, but despite canines being a major department asset, important details related to regular care and maintenance are not explicitly addressed in department policy but rather are left to provisions enshrined in a negotiated labor agreement. Moreover, it is unclear that the additional stipends related to care and maintenance of department dogs contained in the MOU language are sufficient to defray actual costs related to this care and maintenance. The audit team believes that these issues would be more appropriately addressed through formal department policy as is the case with other department owned assets, and that important costs that may vary due to external factors such as the cost of dog food should be provided by the Department, not through a fixed stipend.

Recommendation #7
The Department should revise policy to specifically address off-duty care and treatment of department canines and use of canine patrol vehicles for all transport of department canines.

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[28] Memorandum of Understanding between City of Oakland and Oakland Police Officers' Association, Effective December 12, 2018 through June 30, 2024. Article III, Section G (1)(c).

The Department has yet to revise the canine policy DGO K-9 to address the recommendations made in the 2020 Canine Program Audit. When such a revision happens, it should include additional language regarding the care and treatment of canine's when not on duty or actively employed and the off-duty use of patrol vehicles to transport department canines every time such transport is necessary.

The policy around off-duty care and treatment of department canines and compensation to handlers for the same should minimally include:

1. Provisions for the construction and periodic inspection of home dog enclosures/kennels.
2. Provisions for compensation for canine team handlers for canine related expenditures, including the department provision of food or other materials which are subject to price fluctuations. Such provisions should minimally accord with all state and federal laws related to compensation for job related expenditures.
3. Provisions for the use of canine unit patrol vehicles for all required transportation of department canines, including transporting canine to and from work.

Sample policy language from the San Diego Police Department canine program covering aspects of each of these issues can be found in Appendix B.

Finding #14
During the inspection period of June 1, 2021, to March 31, 2022, department canines were found to have participated in five public appearances documented with Public Appearance Reports (PARs), but those reports were not available in Vision.

While the OPD's primary use of Canine Teams is to conduct searches for suspects or contraband when called out by patrol or special operations supervisors, they also serve a public relations function, appearing at public events and presentations where they allow the public to learn about their use and interact with the canines themselves. DGO K-9 deals with this use of canine teams and requires that all such public events be requested in advance of the event at which the canine is to appear, and that all such appearances be approved by the Special Operations Section Commander.

> **VI. PUBLIC APPEARANCES**
>
> *A. The Department encourages the participation of canines in public service presentations and appearances in order to build close and positive relationships with our community. Public appearances are intended solely for the purpose of public education and good will and are not considered a canine deployment.*
> *B. Public service appearance requests shall be forwarded through the Canine Program Supervisor to the SOS Commander for approval.*
> *C. Canine handlers shall complete and submit a Public Appearance Report (TF-3225) to the Canine Program Supervisor after participating in public service presentation no later than the end of their scheduled work week.*

Requests for public appearances by department canines are documented using Public Appearance Reports (PARs), which capture the name and contact information of the requesting party, the time and date of the event, and the specific things that the canine and handler plan as part of the public

demonstration. The audit team requested copies of all public appearance reports corresponding to the inspection period of June 2021 through March 2022 and was provided with PARs corresponding to five such appearances during the 10-month period. Each PAR contained information about the event, the handlers and dogs who responded to the request, and information about what was shared with the public as part of the appearance.

Table 5: Canine Public Appearances June 1, 2021 – March 31, 2022

Appearance Date	Audience/Location
August 4, 2021	Asian Youth Service Committee
September 15, 2021	Cub Scout Pack 1776 @ Coyote Creek Elementary School (San Ramon)
October 21, 2021	California Crosspoint Academy (Hayward)
November 21, 2021	Annual Chinatown Safety Fair
March 29, 2022	Lockwood Child Development Center

Physical copies of each approved PAR are retained by the Canine Unit Supervisor. However, because they are neither deployments nor training, they are not entered in Vision as either a Canine Event or Training and are not stored in any centralized electronic database. The 2020 Canine Audit recommended that handlers maintain a centralized digital record of every significant canine activity as part of the handler log in accordance with canine program best practices (Recommendation #8). Public appearances by canines are significant activities and should therefore be included in the Department's centralized records for individual canines in Vision.

Recommendation #8
The Department should create additional record types for the Canine Module of the Vision records system to allow the Department to maintain records of key canine program activities and events that are neither deployments nor trainings.

In alignment with Recommendation #8 from the 2020 Canine Program Audit that called for centralized canine handler logs, the OPD should create additional forms in the Canine Module of Vision to allow other key canine related records to be included in the digital record associated with the program. Minimally, this should include the creation of a third miscellaneous entry type in the Vision Canine Module which handlers could use to document public appearances, veterinary care, home kennel inspections or any other important event that is not currently captured by the existing canine event and training event forms. Because the number of these additional events is presumed to be relatively small, a flexible module allowing for miscellaneous entries would not only allow these specific records to be documented but could also be used for other record types as they are created, including records of assigned department vehicles.

Findings and Recommendations

Findings	Recommendations
Finding #1 The OPD Canine Program had a sergeant assigned as full-time Canine Unit Supervisor for the inspection period of June 2021 to March 2022, fully addressing Recommendation #1 of the 2020 Canine Program audit. However, the inspection revealed missing or delayed documentation of key controls during certain periods wherein the Canine Unit Supervisor was unavailable.	**Recommendation #1** In addition to updating DGO K-9, as recommended in the 2020 Canine Program Audit, the Department should create a Policies and Procedures Manual to address Canine Unit tasks and responsibilities. The Manual should specify how responsibilities that are important to program controls should be delegated in the absence of the person to whom policy nominally assigns those duties.
Finding #2 During the 10-month period covered in this inspection, the audit team determined that the Canine Unit Supervisor submitted 10 monthly reports and a 2021 year-end Management Report to the Special Operations Section chain of command, as required by policy. Each monthly report was found to include every reporting item required of such reports by department policy DGO K-9, including statistical information about canine team callouts, training, POST "certification," bite-ratios, and supervisor activities. The reports also included sections on uses of force, outside agency assistance, additional information regarding the Unit, and requests requiring approval. The audit team found these reports to be complete, comprehensive, and to accurately reflect the data available through other systems, fully satisfying recommendation #3 from the 2020 Audit.	**No Recommendation**
Finding #3 During the inspection period of June 2021 through March 2022, the Canine Unit Supervisor reported and analyzed canine team bite-ratios as required by DGO K-9 as part of the unit's monthly reports to the Special Operations Section Chain of Command, fully addressing Recommendation #3	**Recommendation #2** The Department should revise its policy regarding the reporting and analysis of department canine bite ratios to clarify the elements to be analyzed and strengthen the analytic power of the risk measures. Additionally, more comprehensive discussion of canine deployments and bites

of the 2020 Canine Program Audit. The Department has yet to specify in policy any formal criteria for this analysis in response to that audit's Recommendation #5. Upon further analysis and given current deployment patterns of department canines, the audit team found the current reporting and analysis requirements related to "bite ratios" in DGO K-9 to be largely duplicative of the risk controls embedded in the Department's use of force policy DGO K-4.	should be included in the Department's risk management meetings.
Finding #4 Between June 1, 2021, and March 31, 2022, the Canine Unit Supervisor regularly conducted field observations of unit handler teams and entered that information into the handlers' Supervisor Note File (SNF) in Vision. The Supervisor also reported they reviewed BWC video associated with each canine use of force.	**No Recommendation**
Finding #5 During the inspection period of June 1, 2021, to March 31, 2022, all Canine Handlers properly documented canine deployments in Vision. However, the audit team found variation in the way individual handlers entered this information. **Finding #5 Additional Observation** The OPD has not yet updated RWM K-9 so that policy reflects practice and deployment terminology is clearly defined.	**Recommendation #3** The Department should update DGO K-9 and RWM K-9 so that the definition of "deployment" is consistent across department policies and in alignment with standard law-enforcement canine practice. The Department should also consider creating additional "deployment" categories, allowing for the differentiation between incidents based on whether a canine was released from the leash.
Finding #6 The Department does not adequately track requests for assistance by the OPD Canine unit that either go unfulfilled or when such requests are fulfilled by another local law enforcement agency. The audit team found that, contrary to Department policy, the OPD Communications Division does not provide daily e-mail statistics on unfulfilled canine requests to the Canine Unit Supervisor.	**Recommendation #4** The Department should clarify the role of the Communications Division in documenting unfulfilled requests for canine assistance and reporting those unfulfilled requests to the Canine Unit Supervisor per DGO K-9. Likewise, the Canine Unit Supervisor should provide statistical information on both the number and any patterns in unfulfilled requests to the Special Operations Section chain of command as part of monthly reporting. If the Department assesses that such reporting is not properly the responsibility of the

	Communications Division, then it should change policy to reflect the entity or entities who should collect such information and the mechanism by which it is to be communicated to the Canine Unit Supervisor.
Finding #7 The Department has not updated DGO K-9 to bring policy around the annual "certification" of Department Canine Teams into alignment with current practice and the standards set forth by the California Commission on Peace Officer Standards and Training (POST). However, the audit team found sufficient documentation in Vision Training Event records to determine that during the inspection period, all Department canines were evaluated and determined to have the training and skills necessary for active deployment by an outside POST-certified instructor.	**No Recommendation**
Finding #8 During the inspection period of June 1, 2021, to March 31, 2022, every active canine team was found to have participated in required continuing professional training in 2021, and the OPD Canine Unit conducted more than 300 hours of group training. The training documentation found in Vision included training scenarios, supervisor and team attendance, assessments of handler and canine performance, and other details of the training, addressing training recommendations of the 2020 Canine Program Audit. However, the audit team found several gaps in the digital record of group trainings in Vision corresponding with times when the Canine Program Supervisor was unavailable in late 2021 and early 2022. After alerting the Canine Program Supervisor of these gaps, the Canine Coordinator updated Vision with all missing 2021 group training records, but as of this writing, digital records of six group trainings from the first three months of 2022 are still not available.	**See Recommendation #1**

Finding #9 During the inspection period of June 1, 2021, to March 31, 2022, not all canine unit handlers consistently tracked individual training sessions with their canines in Vision.	**Recommendation #5** The Department should remind handlers to document all individual trainings with their assigned canines using the "training event" form in Vision. A digital record of individual trainings is an important documentary control to demonstrate handler and canine readiness for deployment.
Finding #10 During the inspection period of June 1, 2021, to March 31, 2022, the Canine Unit Supervisor provided all quarterly trainings to patrol and field supervisors as required by policy. **Finding #10 Additional Observation** The OPD Canine Unit participates in preplanned operations with other specialized units of the department. However, canine handlers are not required to participate in the planning of those operations, commanders of those units are not required by policy to undergo quarterly canine program trainings for patrol supervisors, and canine teams do not conduct joint training exercises with those units.	**Recommendation #6** Specialized Teams within the Department that conduct, or plan to conduct, preplanned operations involving Department Canine Teams should engage the designated Canine Team earlier in the planning process to ensure that such plans are based on a thorough understanding of the Canine Teams' capabilities. Furthermore, these units should conduct joint training with the Canine Unit at least once per year to establish familiarity and guarantee that officers of the other specialized unit and Canine Handlers are comfortable working together and know each other's roles prior to any deployment.
Finding #11 The OPD has insufficient controls and internal records related to department canine veterinary care. According to the Canine Unit Supervisor, records related to medical issues and treatment are maintained by the veterinary offices used to treat Department canines, and aside from veterinary invoices, no records of such care are maintained by the Department or reviewable internally.	**Recommendation #7** The Department should revise policy to specifically address off-duty care and treatment of department canines and use of canine patrol vehicles for all transport of department canines.
Finding #12 The OPD does not provide handlers in the canine program with patrol vehicles to transport their canines when off duty. Instead, handlers are required to use their personal vehicles when commuting to work with department canines. This practice may increase risk related to adverse	**See Recommendation #7**

canine-related events during the off-duty transport and imposes additional costs on department handlers that are not adequately covered by the Department's current reimbursement mechanisms.	
Finding #13 The OPD has few formal controls and has not conducted sufficient risk-management analysis related to the care and treatment of the dogs of the canine unit when not on duty. Likewise, the Department's role in supporting canines and their handler's during off-duty time is insufficiently codified in department policy.	**See Recommendation #7**
Finding #14 During the inspection period of June 1, 2021, to March 31, 2022, department canines were found to have participated in five public appearances documented with Public Appearance Reports (PARs), but those reports were not available in Vision.	**Recommendation #8** The Department should create additional record types for the Canine Module of the Vision records system to allow the Department to maintain records of key canine program activities and events that are neither deployments nor trainings.

Appendix A – 2020 Canine Audit Findings, Recommendations, and Department Response

Findings	Recommendations
FINDING #1 Because of the command and supervisory structure of the Canine Unit, effective oversight of OPD's Canine Program resides in its Canine Program Supervisor position. However, OPD eliminated the dedicated supervisor position, from January 14, 2017 to January 10, 2020, deferring the responsibilities to other supervisors within the Special Operations Division who had existing operational units under their supervision. Consequently, many of the supervisory responsibilities appear to not have been fulfilled by those other supervisors as planned, as evidenced by an absence of documented canine oversight activities during that time period.	**Recommendation #1** OPD relies upon its Canine Program Supervisor position to provide effective oversight over its Canine Program. Therefore, the Department should ensure the Canine Program Supervisor position is continuously staffed by a Sergeant of Police, or a designee. The audit showed that the Canine Program Supervisor is the manager over the entire program and is responsible for executing and documenting all the administrative duties for the program. If at any time effective oversight cannot be established for the program, OPD should discontinue its Canine Program until such time effective oversight can be reestablished. Finding #1 through Finding #5 and Finding #7 and Finding #8 resulted from the Canine Program Supervisor's position not being staffed.
FINDING #2 From January 1, 2018 to March 31, 2020, OPD submitted to OIG six monthly reports accounting for January, February, and March of 2018 and January, February, and March of 2020, but the three 2020 reports were not comprehensive, as stipulated in policy. Nevertheless, OPD did not submit to OIG monthly reports to account for April 2018 to December 2019.	**Recommendation #2** OPD should ensure all forms used to document training are initialed and signed by a supervisor when required. This will render the forms approved and official.
FINDING #3 From January 1, 2018 to December 31, 2019, OPD was unable to provide documentation to substantiate quarterly meetings and/or training related to the canine program/deployments were	**Recommendation #3** OPD should ensure there is evidence to substantiate its Canine Handlers' bite ratios are analyzed.

conducted, as necessary, with its Patrol/Field Supervisors.

FINDING #4

OPD was unable to provide documentation to substantiate its Canine Teams attended 40 hours of canine-specific Continued Professional Training in 2019, as required by policy. On the other hand, OIG did receive documentation from OPD to indicate that its Canine Teams attended 40 hours of canine-specific CPT in 2018, but the reports, entitled *Canine Program Training and Evaluation Report*, were not validated by an OPD Supervisor based on the absence of his/her initials and signature on the reports, rendering the documents unofficial and unapproved.

FINDING #5

From January 1, 2018 to March 31, 2020, OPD was unable to provide evidence that field observations of its current and former Canine Handlers' patrol deployments were conducted by its Canine Program Supervisor periodically to ensure each Handler's' performance was in accordance with canine policy and procedures.

FINDING #6

While OPD's policy mandates that its Canine Teams conduct POST canine "certification" on a semi-annual basis, in practice, OPD uses an Evaluator who has taken a POST-certified course to evaluate its Canine Teams. OPD does not "certify" its Canine Teams.

Recommendation #4

OPD, in policy, DGO K-9, mandates that its Canine Teams conduct State of California Commission on Peace Officer Standards and Training (POST) canine certification on a semi-annual basis. During the audit, it was determined that POST does not conduct certifications and OPD does not "certify" its Canine Teams but, instead, uses a POST-trained Evaluator to evaluate its Canine Teams. Therefore, OPD should change its policy to reflect its practice and evaluate whether the current practice for evaluation or "certification" of Canine Teams is keeping with best practices in the State and nationwide.

Recommendation #5

OPD should direct its Canine Program Supervisors, in policy, on what should be reviewed and why when a Handler's bite ratio exceeds 20 percent during a six-month period. Leaving the interpretation of the policy to the reader is a control deficiency that needs to be corrected to ensure OPD Canine Program Supervisors know what is expected of them when conducting a review.

FINDING #8

In 2018 OPD reported one canine bite use of force and in 2019 seven canine bite uses of force. OPD was unable to produce evidence that in 2018 and 2019 its Canine Handlers' bite ratios were analyzed, ensuring required reviews were conducted for Canine Handlers whose bite ratios exceeded 20 percent during any six-month period and taking corrective measures, if appropriate.

FINDING #9

There were two incidents involving canine bite uses of force in March 2020, and OPD's incumbent Canine Program Supervisor conducted reviews for two respective Handlers, one whose bite ratio exceeded 20 percent within a six-month period and another whose bite ratio was 20 percent within a six month period. However, when the bite ratio exceeds 20 percent, OPD does not direct its Supervisors, in policy, on what should be reviewed and why, leaving the interpretation of the policy to the reader.

FINDING #10 Upon review of 36 Canine Event Records, 6 records were not completed as stipulated in OPD's RWM K-9, which is due in part to an inconsistency between practice and policy and lack of clarity in policy terminology.	**Recommendation #6** OPD should update RWM K-9 so that policy reflects practice and deployment terminology is clearly defined. Additionally, the Canine Event Record should be updated, if deemed necessary by the Canine Program, to ensure deployment data is captured accurately and consistently.
FINDING #11 Upon review of the 36 Canine Event Records, there were 32 (89%) records in which there was documentation in Vision to substantiate that, following a deployment, the Handler completed the Canine Event Record and submitted it to the	**Recommendation #7** OPD should update its RWM K-9's workflow process, to reflect those changes in practice made by the Canine Unit Supervisor.

Canine Program Coordinator prior to the end of the Handler's work shift.

FINDING #12

In practice, OPD is not requiring its Canine Handlers to place an "appropriate entry" in a logbook following a canine deployment and the Handlers' logbooks are not reviewed, rendering the policy invalid. In addition, information related to each Handler's canine is not logged in one place but rather stored in various units, systems, and/or reports throughout the Department.

Recommendation #8

OPD should ensure that that each of its Canine Teams maintain a current Handler's log, whether handwritten or electronic, that contains information on training, certification, awards, bite memos, recall memos, veterinary records, and other information designated by the canine supervisor. Storing information about the canine in one place will ensure OPD's Handlers testifying in court are prepared to produce accurate records of the incident in question, as well as records that reflect their team and individual training, performance history of the dog, and any additional documentation, such as certifications and awards. All the information, if stored properly, can be used to show the canine was fit for police operations at the time the incident in question.

FINDING #13

OPD's Report Writing Manual, dated November 23, 2019, requires its Canine Handlers to enter their training records in Vision, but due to Handlers not being trained properly on data entry into Vision, training records were not entered.

FINDING #14

Based on OPD's unvalidated training records, during the audit period of December 1, 2019 to March 31, 2020, the records indicate that four of OPD's six Canine Teams attended 100 percent of the required weekly training, one Canine Team attended 94 percent of the required weekly

Recommendation #9

OPD should ensure documentation of its Canine Teams' attendance at weekly training is consistently maintained (in Vision, logbooks, and/or in Training and Evaluation Reports) and the documentation is validated by its Canine Program Supervisor. If for some reason training was not held, documentation that states the reason for OPD not having a weekly training session should also be maintained.

Recommendation #10

OPD should ensure Canine Program Training and Evaluation Reports are designed in a manner that allows the reader of the forms to

training, and one Canine Team was exempt during the audit period.

determine whether its Canine Program Supervisor attended training.

FINDING #14 (Additional Observation)

Upon review of the 17 *Canine Program Training and Evaluation Reports,* the Auditor was unable to determine whether the OPD's Canine Program Supervisor attended the training sessions due to the design of the reports, making it impossible for OPD's chain of command through the rank of Captain, and above, if necessary, to demonstrate that OPD provides some level of supervision over its weekly training sessions and the frequency of the oversight.

Recommendation #11

OPD should ensure its *Canine Program Training and Evaluation Reports* include documentation of the deployment scenarios used during the weekly training sessions for OPD's Canine Teams. Without documented deployment scenarios, there is no evidence of the conditions in which the Handler is trained to execute his/her duties while maintaining control over the canine, and there is no documented evidence that the canine is trained in an appropriate manner to apprehend a felony suspect.

FINDING #15

The *Canine Program Training and Evaluation Reports* do not include documentation of the deployment scenarios used during the weekly training sessions for OPD's Canine Teams.

Recommendation #12

OPD should devise an actual rating or evaluation system that complements deployment scenarios to ensure the reader of the training records understand whether a Canine Team passed or failed the training exercises or needs improvement in a particular area.

FINDING #15 (Additional Observation)

OPD's rating system for its Canine Teams' performance during training is not transparent resulting from the absence of deployment scenarios. If the rating system does not allow the reader to envision the actual conditions and tactics on which the Handler and canine are being rated, the ratings have no value to those who did not attend OPD's training sessions.

INTER OFFICE MEMORANDUM

CITY OF OAKLAND

TO: Office of Inspector General

FROM: Nishant Joshi
Deputy Chief of Police
Bureau of Field Operations 2

SUBJECT: Response to the OIG K9 audit **Addendum**

DATE: May 8, 2021

Chief of Police Approval

Date: _28 APR 21_

The purpose of this memorandum is to provide additional clarifying details to the Department's response and follow up to the Office of Inspector General's (OIG) review and recommendations on the Canine Program.

RECOMMENDATION	RESPONSE	FOLLOW-UP
Recommendation #1 OPD relies upon its Canine Program Supervisor position to provide effective oversight over its Canine Program. Therefore, the Department should ensure the Canine Program Supervisor position is continuously staffed by a Sergeant of Police, or a designee. The audit showed that the Canine Program Supervisor is the manager over the entire program and is responsible for executing and documenting all the administrative duties for the program. If at any time effective oversight cannot be established for the program, OPD should discontinue its Canine Program until such time effective oversight can be reestablished. Finding #1 through Finding #5 and Finding #7 and Finding #8 resulted from the Canine Program Supervisor's position not being staffed.	AGREE	The Department agrees with this recommendation. It is critical to have a *dedicated* supervisor, even if it is an interim. Additionally, the Canine Program falls under the command of the Support Operations Division. Accordingly, oversight will continue through the chain of command to ensure there are several layers of oversight present. Oversight will not be relegated to the *dedicated* supervisor.
Recommendation #2 OPD should ensure all forms used to document training are initialed and signed by a supervisor when required. This will render the forms approved and official.	AGREE	The Department agrees and this is currently being implemented. All administrative documents (i.e., training events and canine requests) are routed through the canine program coordinator and then canine program supervisor for sign-off in VISION. The VISION system contains a form called "Training Event" which contains details specific to training to include: 1) Date 2) Time 3) Location 4) Attendance 5) Supervisor present 6) What was trained All "Training Events" are reviewed and signed off by the unit supervisor.

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Recommendation #3 OPD should ensure there is evidence to substantiate its Canine Handlers' bite ratios are analyzed	**AGREE**	The Department agrees. The current practice follows policy. The dedicated canine supervisor reviews every bite and revisits these incidents on the monthly report. Bite ratios are determined by the number of bites divided by the number of times a person a located. If that ratio exceeds 20%, an assessment of the canine and the canine handler is conducted to determine if there are at risk patterns of behavior requiring intervention. This recommendation is also connected to Recommendation # 5.
Recommendation #4 OPD, in policy, DGO K-9, mandates that its Canine Teams conduct State of California Commission on Peace Officer Standards and Training (POST) canine certification on a semi-annual basis. During the audit, it was determined that POST does not conduct certifications and OPD does not "certify" its Canine Teams but, instead, uses a POST-trained Evaluator to evaluate its Canine Teams. Therefore, OPD should change its policy to reflect its practice and evaluate whether the current practice for evaluation or "certification" of Canine Teams is keeping with best practices in the State and nationwide.	**AGREE**	The Department agrees with this recommendation. All certifications are scheduled for May and November of every calendar year. POST does not have POST certified evaluations. Rather, POST recommends the types of evaluations that should be done. To ensure an objective assessment occurs, the Department uses external POST certified instructors who certify canines based on the recommendations made by POST. The verbiage in the DGO K9 will be updated.
Recommendation #5 OPD should direct its Canine Program Supervisors, in policy, on what should be reviewed and why when a Handler's bite ratio exceeds 20 percent during a six-month period. Leaving the interpretation of the policy to the reader is a control deficiency that needs to be corrected to ensure OPD Canine Program Supervisors know what is expected of them when conducting a review.	**AGREE**	The Department agrees with this recommendation. The verbiage in the DGO K9 will be updated to reflect more specific criteria for handlers' select indicators. The dedicated canine supervisor will conduct a holistic review on training, field deployment, and overall performance to evaluate more performance measures than just bite ratios. The reliance on bite ratios alone is myopic and does not afford the dedicated supervisor the ability to mitigate risk before a handler exceeds the 20% bite ratio. Use of force investigations, force board deliverables/training points, performance during training, and the VISION system will provide early warning notifications on risks that will require follow up and mitigation by the dedicated canine supervisor.
Recommendation #6 OPD should update RWM K-09 so that policy reflects practice and deployment terminology is clearly defined. Additionally, the Canine Event Record should be updated, if deemed necessary by the Canine Program, to ensure deployment data is captured accurately and consistently.	**AGREE**	The Department agrees with this recommendation and is gathering information from the current handler team, reviewing past forms the unit felt were effective, and working with the VISION team to streamline the canine VISION module. It will reflect appropriate terminology and entry fields for both training and deployment entries. This will be completed by December 2021.
Recommendation #7 OPD should update its RWM K-09's workflow process, to reflect those changes in practice made by the Canine Unit Supervisor.	**AGREE**	The Department agrees with this recommendation. This will be included with recommendation #6. The VISION staff will update the canine module and RWM K-09 be modified. Having a proper VISION manual will outline the workflow and instruction on how to properly complete the relevant forms.
Recommendation #8 OPD should ensure that that each of its Canine Teams maintain a current Handler's log, whether handwritten or electronic, that contains information on training, certification, awards, bite memos, recall memos, veterinary records, and other information designated by the canine supervisor. Storing information about the canine in one place will ensure OPD's Handlers testifying in court are prepared to produce accurate records of the incident in question, as well as records that reflect their team and individual training, performance history of the dog, and any additional documentation, such as certifications and awards. All the information, if stored properly, can be used to show the canine was fit for police operations at the time the incident in question.	**AGREE**	The Department agrees with this recommendation. The use of logs and/or notebooks is inefficient and makes recovery of relevant documentation difficult. The canine program will rely on VISION as the repository for required documentation. As highlighted above, all handler training records and events are currently being logged into VISION with a multi-tier approval system. Awards and training certifications are also entered into each handler's profile in VISION.

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Recommendation #9 OPD should ensure documentation of its Canine Teams' attendance at weekly training is consistently maintained (in Vision, logbooks, and/or in Training and Evaluation Reports) and the documentation is validated by its Canine Program Supervisor. If for some reason training was not held, documentation that states the reason for OPD not having a weekly training session should also be maintained.	**AGREE**	The Department agrees with this recommendation. All team training entries are now entered into VISION by the program coordinator and approved by the canine supervisor. If training is canceled, the reason for the cancelation will be memorialized in the next training log through VISION.
Recommendation #10 OPD should ensure Canine Program Training and Evaluation Reports are designed in a manner that allows the reader of the forms to determine whether its Canine Program Supervisor attended training.	**AGREE**	The Department agrees with this recommendation. Currently, supervisor attendance is noted in all VISION training entries via checkbox. Additionally, VISION captures attendance for all persons who attend canine training as mentioned in Recommendation # 2.
Recommendation #11 OPD should ensure its *Canine Program Training and Evaluation Reports* include documentation of the deployment scenarios used during the weekly training sessions for OPD's Canine Teams. Without documented deployment scenarios, there is no evidence of the conditions in which the Handler is trained to execute his/her duties while maintaining control over the canine, and there is no documented evidence that the canine is trained in an appropriate manner to apprehend a felony suspect.	**AGREE**	The Department agrees with this finding. The Canine Unit Coordinator has increased the detail of training events entered into VISION. The details are more specific and cover what scenarios and instruction were covered. Additionally, the documentation includes feedback which captures learning challenges and opportunities. This level of documentation affords the ability to identify training needs, potential risk factors, and steps to mitigate risk.
Recommendation #12 OPD should devise an actual rating or evaluation system that complements deployment scenarios to ensure the reader of the training records understand whether a Canine Team passed or failed the training exercises or needs improvement in a particular area.	**AGREE**	The Department agrees with this recommendation. While it is not practical to assign a "pass/fail" or scoring system for every training scenario, there is a distinction between training, testing, and formal evaluation. Canines and canine handlers conduct training to develop the program. These scenarios or other deployment exercises can come from field experience, industry feedback, or preparation for upcoming needs. When developing the training, canines are used to help narrow the true intent of the desired instruction and repetition/scenario adjustment will occur. This level of exposure and familiarity will help develop the canines and the canine handlers. These instances would not be categorized as graded instruction. However, required evaluations based on POST recommendations will continue to occur and will contain a pass/fail grading.

Respectfully,

Nishant Joshi
Deputy Chief of Police
Bureau of Field Operations 2

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Appendix B: Sample Canine Care, Handling, and Vehicle Policy Language from the San Diego Police Department

7.1 CANINE EQUIPMENT & SUPPLIES

F. Dog Food

1. P.S.D.s will be fed dry food as provided by the department, unless otherwise directed by a canine unit sergeant, or the veterinarian.

2. Dry dog food, and canned food for authorized use, will be supplied by the San Diego Police Department, and will be issued to the handler as required.

3. Through the approved vendor, or the authorized veterinarian; alternate diets will be accommodated, with approval from the Veterinary Sergeant or a Canine Unit sergeant. Dog food must be issued by a supervisor and signed out on the dog food log kept in the food locker.

7.2 KENNEL FACILITY

A. Specifications for Home Kennels

1. Each handler will be provided with a portable kennel of nine-gauge fabric (4''x10'x6'), which will be placed in an approved area at the handler's home.

2. The yard where the dog and kennel are housed must have a secure perimeter fence, to include all gates. The fence and gates must be at least five (5) feet tall.

3. Each handler is responsible for ensuring a cement slab or suitable paver surface is ready when the kennel is delivered. If no slab or suitable surface is available at the handler's home, bags of cement can be requisitioned by the Equipment and Supply Sergeant for use by the handler.

4. The Department issued kennel must be kept on the cement slab or suitable paver surface, and the handler is responsible for the upkeep and sanitation of the kennel and surrounding area. Handlers are to use the approved disinfectant supplied by the department and available in the food/equipment storage locker. These kennels will be subject to inspection by the canine supervisors.

B. Inspection of Home Kennels

Inspections of home kennels will be conducted on an annual basis, in conjunction with the handler's annual performance evaluation. Inspections will be conducted by the handler's immediate supervisor, and will include:

1. Proper maintenance and sanitation.

2. Doghouse and kennel pad.

3. Available cover for the canine in case of inclement weather. (i.e. cover for top of kennel)

4. Security of kennel and security of officer's yard where kennel is maintained.

5. Two installed signs stating, "POLICE DOG ON PREMISES."

7.3 CANINE VEHICLES

A. Each canine handler (officer and sergeant) assigned a P.S.D., will be issued a take home black and white canine vehicle for transportation of the P.S.D. to and from work, training, and selected special events. No modifications to the vehicle will be made without expressed authorization from the Unit Lieutenant…

D. Authorized Use

A properly equipped vehicle will be assigned to each handler. It shall be used only in the performance of duty. When the handler is off duty, the vehicle shall be housed off the street. Canine handlers are authorized to use assigned police vehicles as follows:

1. To and from work with the P.S.D. This includes going to and from court, training sites, and the vet with the dog.
2. To and from non-canine related training, if the training requires participants to take a police car. Prior supervisory approval is required.
3. To and from special or overtime assignments with the P.S.D.
4. To and from special or overtime assignments without the P.S.D., if the assignment requires the handler to bring a police car.   Prior supervisory approval is required.

E. Restrictions

1. Handlers are not to utilize their assigned department canine vehicle for personal business while on-duty or when traveling between work and home.
2. All non-emergency, out-of-county travel utilizing the P.S.D. and/or police vehicle must have prior approval from the Canine Unit Lieutenant.
3. Handlers will not commute to work in, or otherwise operate a marked police vehicle while on "Industrial Leave" or assigned to "Light Duty." An exception to this would be if a handler is placed on "light duty," but restrictions do not prohibit the handler from performing some training functions with his/her PSD.
4. See Department Procedure 1.16, III, D regarding leaving canine vehicles at police facilities during vacations, or other periods of leave

Review of Oakland Police Department 2021 Vehicle Pursuits: Assessment of the Pursuit Review Process and Comparison of 2020 and 2021 Pursuit Data

By Auditors Mehiya Thomas and Kristin Burgess-Medeiros

Objectives

The first three objectives of this review focused on the timeliness of pursuit reviews, the completeness of pursuit packets, and the pursuit review board composition.

1. Determine how long it took the chain of command to complete the pursuit review process in 2021 and if the timelines improved from 2020.
2. Determine if the 2021 level 2 and 3 vehicle pursuit report packets in Vision included all required documents.
3. Determine if preliminary boards and full review boards were convened for each level 2 and 3 pursuit in 2021 and if they were comprised of the Departmental Safety Committee members listed in policy.

Due to the increase in pursuits between 2020 and 2021, this review included two objectives focused on assessing changes in pursuit characteristics and outcomes between 2020 and 2021.

4. Determine if any factors may have contributed to an increase in vehicle pursuits between 2020 and 2021.
5. Determine if there were changes in pursuit characteristics and outcomes between 2020 and 2021 that indicate increased risk to the Department.

Key Findings

- The Department has shown improvement in the timeliness of pursuit reviews between 2020 and 2021.
- The 60 sampled 2021 pursuit report packets were found to be complete. While policy does not require a pursuit investigative report for level 3 pursuits, 36 of the 42 (86%) level 3 packets included a narrative report from the supervisor documenting their review of the incident, which was a helpful practice particularly for subsequent reviewers. There were 6 level 3 packets that did not have a narrative report.

- All 60 sampled 2021 pursuits were reviewed by the Departmental Safety Committee at either a preliminary review board or full review board as required by policy. However, current practice does not align with policy in the Committee composition, mostly impacting the permanent board chairperson and the temporary member of the rank of captain.

Key Observations

- Carjacking (California Penal Code Section 215) increased by 73% citywide from 2020 to 2021. Pursuits for carjacked vehicles, or those used to facilitate carjacking of other vehicles, increased by 105% during the same period.
- There were six officers who, combined, initiated 21 more pursuits in 2021 versus 2020, which contributed to the increase in overall pursuits. In 2020, the six officers were either a driver or passenger in 12 pursuits and in 2021, they were the driver or passenger in 33 pursuits. The 21 additional pursuits for these six officers accounted for 81% of the total increase in pursuits between 2020 and 2021.
- The number of level 2 and 3 pursuits increased by 39% between 2020 and 2021, but the percentage of pursuits resulting in property damage dropped from 28% in 2020 to 23% in 2021 and the percentage of pursuits resulting in injury dropped from 12% in 2020 to 6% in 2021.
- The average maximum speed of pursuits occurring on freeways increased by 13.8 miles per hour between 2020 and 2021.
- Officers self-terminated a higher percentage of pursuits in 2021 (59%) compared to 2020 (39%).
- The apprehension rate of suspects involved in police pursuits decreased from 37% in 2020 to 28% in 2021. The percentage of apprehensions involving solely juvenile suspects increased between 2020 and 2021 (24% versus 31%).

Executive Summary

In March 2022, the Office of Internal Accountability (OIA) initiated a review of 2021 vehicle pursuits to verify the timeliness and completeness of pursuit report packets, and to ensure pursuit review boards were convened for each pursuit and comprised of the required members. The Oakland Police Department's (OPD) pursuit policy, Departmental General Order J-4 (DGO J-4), *Pursuit Driving*, requires OIA to conduct an annual audit to ensure pursuits are being reviewed in accordance with policy. Due to the significant increase in the reported number of vehicle pursuits within a year's time, and the inherent risks associated with pursuits, the OIA also looked for factors that may have contributed to a 39 percent increase in the number of vehicle pursuits between 2020 to 2021. Pursuit data from 2020 and 2021 was compared to determine if there were any changes in pursuit characteristics or outcomes that indicate increased risk to the Department.

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics, such as high-speed driving, driving off a highway or turning suddenly and failing to yield to the officer's signal to stop. For OPD, the protection of human life is the primary consideration when deciding to engage in a vehicle pursuit. Vehicle pursuits are inherently risky, but at times may be necessary to apprehend dangerous criminals who attempt to evade police. The decision to engage in a vehicle pursuit to immediately apprehend a fleeing suspect requires a careful weighing of risks to the safety of officers, motorists, bystanders, and the public versus the benefit to public safety by apprehending the suspect. Therefore, the OPD has a policy that allows vehicle pursuits to be initiated only when there is reasonable suspicion to believe the suspect committed a violent forcible crime, a crime involving the use of a firearm, or probable cause that the suspect is in possession of a firearm.[29]

For the first three objectives of this review, the OIA focused on the timeliness of pursuit reviews, the completeness of pursuit packets, and pursuit review boards. The OPD categorizes pursuits into three levels, with level 1 being the most serious (causing death or serious injury likely to cause death) and level 3 being the least serious (no property damage or injuries).[30] The OIA reviewed a sample of 60 (18 level 2 and 42 level 3) pursuits from January 1, 2021, to December 31, 2021, to verify the completeness of pursuit report packets; ensure the pursuit report packets were reviewed and approved by the appropriate chain of command in a timely manner; and confirm that all pursuits were reviewed by the required pursuit review board (Objectives 1-3). Level 1 pursuits (one level 1 in 2020 and one in 2021) were excluded from the population because they go through a different review process. [31] During this review, OIA had three findings and two additional observations.

- The Department showed improvement in the timeliness of 2021 pursuit reviews, with the average level 2 pursuit review taking 13 less days and the average level 3 pursuit review taking

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[29] DGO J-4, *Pursuit Driving*, effective date 25 Aug 14. pg. 1.
[30] Regardless of injuries or property damage, anytime the department utilizes a Pursuit Intervention Maneuver (PIM), the pursuit is categorized as a level 2.
[31] Level 1 pursuits are investigated independently by the Criminal Investigations Division and the Internal Affairs Division and are ultimately reviewed by an Executive Force Review Board.

23 less days compared to the average 2020 pursuit reviews. The most noticeable improvement was in the Departmental Safety Coordinator's (DSC) portion of the review process, wherein the pursuit packets get reviewed and scheduled for a pursuit review board **(Finding #1).**

- The 60 sampled 2021 pursuit report packets were found to be complete. While policy does not require a pursuit investigative report for level 3 pursuits, 36 of the 42 (86%) level 3 packets included a narrative report from the supervisor documenting their review of the incident, which was a helpful practice particularly for subsequent reviewers. There were 6 level 3 packets that did not have a narrative report **(Finding #2).**

- In seven level 2 pursuits and three level 3 pursuits, training issues identified by the reporting supervisor in their investigative reports were not reflected in the Supervisor Review section in the Vision[32] record **(Finding #2 Additional Observation).**

- All 60 sampled 2021 pursuits were reviewed by the Departmental Safety Committee at either a preliminary review board or full review board, as required by policy. However, because the policy dictating the composition of the Departmental Safety Committee (Department General Order G-4, *Departmental Safety*) was last updated in 1998, current practice does not align with policy in the Committee composition, mostly impacting the permanent board chairperson and the temporary member of the rank of captain **(Finding #3).**

- OPD's Departmental Safety Committee found all but one of the level 2 and 3 vehicle pursuits in 2021 in compliance with policy **(Finding #3 Additional Observation).**

Based on the findings, the OIA recommends that OPD requires level 3 pursuit report packets to contain a narrative by the reviewing supervisor documenting their review of the incident, assessment of risk factors, any training issues they discovered, and compliance finding. Additionally, OPD should evaluate whether such a high compliance rate (99% in 2021) is acceptable and if changes to policy are necessary to more clearly establish criteria for pursuit compliance.

This review also examined changes in pursuit characteristics and outcomes between 2020 and 2021. OPD reported an increase of 26 level 2 and 3 vehicle pursuits between the two years (67 in 2020 versus 93 in 2021).

Table 1: Total Reported Number of Level 2 and 3 Pursuits by Year (2020-2021)

Year	2020	2021
Level 2 Pursuits	19	21
Level 3 Pursuits	48	72
Total Level 2 and 3 Pursuits	**67**	**93**

The OIA compared pursuit data for the 67 pursuits in 2020 and the 93 pursuits in 2021 and identified two factors that may have contributed to the 39 percent increase in the number of level 2 and 3 vehicle pursuits between 2020 to 2021.

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[32] Vision is an electronic database that allows for the digital storage of administrative investigations and employee records such as assignments, training, arrests, uses of force, pursuits, etc.

- Carjacking[33] increased by 73% citywide between 2020 and 2021,[34] and pursuits for carjacked vehicles, or those used to facilitate carjacking of other vehicles,[35] increased by 105% during this same period. The increase in pursuits for vehicles involved in carjacking (20 additional pursuits in 2021) accounted for 77% of the increase in total pursuits (26 additional pursuits in 2021).[36]
- There were six officers who collectively initiated 21 more pursuits in 2021 versus 2020, which contributed to the increase in overall pursuits. In 2020, the six officers were either a driver or passenger in 12 pursuits and in 2021, they were the driver or passenger in 33 pursuits. The 21 additional pursuits for these six officers accounted for 81% of the total increase in pursuits between 2020 and 2021.

The OIA also looked at changes in pursuit characteristics and outcomes between 2020 and 2021, including property damage, injuries, speed, distance, time, apprehensions, pursuit terminations and compliance. The OIA observed that between 2020 and 2021, although there were 26 additional pursuits, the percentage of pursuits resulting in property damage fell from 28% to 23% and the percentage of pursuits resulting in injury dropped from 12% to 6%. The average distance and time of level 2 and 3 pursuits decreased between 2020 and 2021 (distance decrease from 2.52 miles to 1.86 miles and time decreased from 2.92 minutes to 2.27 minutes). The average maximum speed of pursuits occurring on City streets only increased slightly, but the average maximum speed of pursuits occurring on freeways increased by 13.8 miles per hour between 2020 and 2021. Only 14 of the 93 (15%) level 2 and 3 pursuits in 2021 took place on a freeway.

More pursuits in 2021 were self-terminated by pursuing officers compared to 2020 (39% of pursuits were self-terminated by officers in 2020 versus 59% in 2021). In 2020, supervisors terminated pursuits due to risk factors more often than officers, but in 2021 the opposite was true. The apprehension rate of suspects involved in police pursuits decreased from 37% in 2020 to 28% in 2021. The percentage of apprehensions involving solely juvenile suspects[37] increased between 2020 and 2021, 6 of 25 (24%) in 2020 and 8 of 26 (31%) in 2021. Additionally, of the 14 pursuits in both years involving solely juvenile suspects, 8 (57%) resulted in a collision (4 in 2020 and 4 in 2021). The pursuit with the most serious injuries in 2021 (a broken ankle and cracked skull) involved a juvenile suspect driver.

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[33] Carjackings are defined in California Penal Code Section 215 as "the felonious taking of a motor vehicle in the possession of another, from his or her person or immediate presence, or from the person or immediate presence of a passenger of the motor vehicle, against his or her will and with the intent to either permanently or temporarily deprive the person in possession of the motor vehicle of his or her possession, accomplished by means of force or fear."

[34] Oakland Police Department End of Year Crime Report, January 1 – December 31, 2021, published by Crime Analysis.

[35] In some incidents, officers identified a vehicle that had been reported as stolen via a carjacking. In other incidents, officers identified a vehicle that was connected to a carjacking that had occurred, for example a car carrying suspects who had committed a carjacking.

[36] Although some pursuits involved multiple criminal violations, the Auditor counted only the primary criminal violation as the reason for the pursuit.

[37] 17 years old or younger.

This review found that although OPD engaged in more pursuits in 2021 compared to 2020, changes in pursuit characteristics and outcomes did not tend to indicate increased risk, except for the increase in freeway speeds and juvenile suspect drivers. Also, the pursuit compliance rate for level 2 and 3 pursuits went up in 2021 compared to the compliance rate in 2020, from 91% to 99%.

Based on the pursuit data reviewed, the OIA recommends that the Department conduct a review of the six officers with the greatest increase in pursuits between 2020 and 2021 to assess whether additional training or supervisory oversight is necessary. The Department should also consider providing additional guidance on the weighting of certain risk factors, both during pursuits and during reviews of pursuits, especially concerning speed and involvement of juvenile suspects.

This review focused on 2021 pursuits and changes in pursuit characteristics and outcomes between 2020 and 2021. The Auditor noted that pursuit numbers are on the rise again in 2022. As of August 6, 2022, OPD reported 89 pursuits, which is just shy of the 94 total pursuits in 2021.

Prior to publishing this report, the Department informed OIA that it is updating DGO J-4 and will have draft revisions ready for the policy review process by February 2023.

Background

The Department's pursuit policy (Departmental General Order J-4, *Pursuit Driving*, effective date 25 Aug 14) requires OIA to conduct an annual audit of vehicle pursuits and associated documents.

In 2019, the OIA conducted an [Assessment of the Oakland Police Department's 2018 Vehicle Pursuits](#) due to a 75% increase in the number of pursuits between 2017 and 2018. The purpose of that review was to identify factors that contributed to the significant increase, as well as explore ways to mitigate risks associated with vehicle pursuits. In that review, the OIA found there were 45 more pursuits in 2018 compared to 2017 and identified three factors that contributed to the increase.

- There were 13 more officers (26%) who initiated pursuits in 2018 compared to 2017;
- Pursuits for vehicles involved in robberies made up the largest percentage of total pursuits and increased by 117% from 2017 to 2018 (35 additional pursuits); and
- In late 2017, OPD increased its emphasis on intelligence-led policing, a strategy that involves timely access to intelligence and focuses officers' efforts on specific targets. Officers engaged in the highest number of pursuits in 2018 indicated they were identifying more vehicles involved in crimes based on intelligence.

At the time, OIA recommended closely monitoring officers who had high numbers of pursuits, assessing the risks and benefits of pursuits associated with strong-arm robberies[38] potentially committed by juveniles, exploring additional technologies to mitigate risk, and updating policies regarding pursuit board members and board practices (Department General Orders J-4, *Pursuit Driving* and G-4, *Departmental Safety*).

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[38] Strong-arm robberies involve physical force, such as pushing, punching, kicking, etc., rather than a weapon.

In 2020, the OIA initiated an inspection of the Oakland Police Department's 2020 vehicle pursuit investigation and review timelines. The purpose of that review was to ensure vehicle pursuits were being investigated and reviewed in a timely manner and in accordance with OPD's policy. During the inspection, OIA determined that policy had become outdated in its timeline requirements, potentially contributing to longer review periods and delays in the final compliance determination for level 2 and 3 pursuit incidents. The only mandated timeline in policy was for the supervisory investigation of level 2 pursuits and supervisory review of level 3 pursuits, which was 7 days. The pursuit policy was and remains silent on the chain of command's timelines (e.g., Lieutenants, Captains, BFO Administration, and Departmental Safety Coordinator/Committee).

Despite the additional work to investigate a level 2 pursuit versus a level 3 pursuit, the timeline for supervisors to complete level 2 investigations and level 3 reviews is the same. The inspection resulted in 6 recommendations, with the most significant being that OPD should determine appropriate timelines for the chain of command's pursuit reviews and to update policy with said timeline requirements.

At the time of this current inspection, OPD had not yet updated Department General Order J-4, *Pursuit Driving* or Department General Order G-4, *Departmental Safety*.

Pursuit Policy and Practice
Department policy limits the types of crimes for which officers can pursue a vehicle to violent forcible crimes and crimes involving the use or possession of firearms (See Appendix C).[39] Pursuits are categorized into three levels. Level 1 pursuits include pursuits that result in death or serious injury likely to cause death and were not included in this review. Level 2 pursuits include all pursuits resulting in property damage, injury, or when a Pursuit Intervention Maneuver (PIM) is utilized.[40] Level 2 pursuits are reviewed through the chain of command up to a Captain of Police[41] and are ultimately reviewed by the Departmental Safety Committee at a full review board. Level 3 pursuits include all other pursuits (no property damage, injuries, or PIM). Level 3 pursuits are reviewed through the chain of command up to a Lieutenant of Police and are ultimately reviewed by the Departmental Safety Committee at a pre-board.

Departmental General Order J-4, Pursuit Driving, requires members of the Departmental Safety Committee to review all level 2 and 3 pursuits for compliance with OPD policy, training recommendations, and liability issues.[42] Departmental General Order G-4, *Departmental Safety*, dated August 24, 1998, includes the list of members that serve on the Departmental Safety Committee, which is comprised of four permanent and four temporary members.[43]

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[39] DGO J-4, *Pursuit Driving*, effective date 25 Aug 14, Appendix A. H. pg. 28.
[40] A Pursuit Intervention Maneuver is one or more authorized techniques designed to terminate a vehicle pursuit in a safe and prudent manner (DGO J-4, pg. 27).
[41] During the OIA's prior review of pursuit review timelines published in October 2021, the Oakland Police Departmental Safety Coordinator informed the Auditor that the department's practice was to require a Captain's review for level 2 pursuits, even though policy only requires a review through the first level-commander (a lieutenant in most cases).
[42] DGO J-4, *Pursuit Driving*, effective 25 Aug 14, XV. B, pg. 24.
[43] DGO G-4, *Departmental Safety*, dated 24 Aug 98. III. A.1.a-d. pg. 4-5.

Permanent Members

- Commander of the Personnel and Training Division, who shall serve as Chairperson
- Departmental Safety Coordinator (DSC)
- Traffic Division Administrative Sergeant
- City Attorney Representative (non-voting)

Temporary Members (Appointed biannually by the Chief of Police on January 15 and July 15 to serve six-month terms)

- One Captain
- One Lieutenant
- One Sergeant
- One Police Officer

The Board members listed above make a compliance finding during the pursuit pre-board or full board. Any pursuits found out of compliance are forwarded to the Internal Affairs Division to generate a complaint file and prepare for the disciplinary process. The Chief of Police reviews and approves all pursuits found to be out of compliance. Table 2 includes the workflow for level 2 and 3 pursuits as it occurs in practice.

Table 2: Chain of command Workflow for Level 2 and Level 3 Pursuit Reviews

Level 2 Pursuits	Level 3 Pursuits
Sergeant completes the **pursuit investigation** and forwards the pursuit packet to the lieutenant	Sergeant completes the **pursuit review** and forwards the pursuit packet to the lieutenant
Lieutenant reviews and forwards the pursuit packet to the **Captain**	Lieutenant reviews and forwards the pursuit packet to **BFO Administration**
Captain reviews and forwards the pursuit packet to BFO Administration	***Lieutenants may choose to forward to a Captain for additional review or a Captain may request to review, although a Captain's review is not required by policy.**
BFO Administration reviews and forwards the pursuit packet to the Departmental Safety Coordinator	
Departmental Safety Coordinator reviews and schedules a board for the Departmental Safety Committee to review (pre-board for level 3 pursuits and full board for level 2 pursuits and select level 3 pursuits), during which the final compliance finding is determined.	
After the Board's review, the Departmental Safety Committee forwards all pursuits found out of compliance to the Internal Affairs Division to initiate the discipline process and to the Chief of Police for final approval. Additionally, the Departmental Safety Coordinator completes a memorandum which memorializes the Board's findings.	

Completeness of Pursuit Report Packets

Level 2 and level 3 pursuits have different review requirements.[44] According to DGO J-4, *Pursuit Driving*, level 2 vehicle pursuits (vehicle pursuits which involve injury or property damage and/or whenever a PIM was utilized[45]) require the reporting supervisor or commander to prepare a Pursuit Report packet, which includes the following documentation.

    a. Original Pursuit Report (TF-3051)
    b. Original Pursuit Review Tracking Sheet (TF-3257)
    c. Copy of CHP 187A form
    d. Copy of Collision Report
    e. Copy of Radio (CAD) purge
    f. Copy of the electronic recording file (PDRD)[46], if available, or that a request for a copy is documented
    g. Photographs, if available
    h. Copy of any statements, if taken
    i. Copy of Offense Report
    j. Ancillary documents[47]

Level 3 vehicle pursuits (vehicle pursuits which do not result in injury or property damage, unless a PIM is utilized[48]) require the reporting supervisor or commander to prepare a Pursuit Report packet, which includes the following documentation.

    a. Pursuit Review Tracking Sheet (TF-3257)
    b. Copy of Offense Report and/or other documentation
    c. Copy of CHP 187A form[49]

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[44] Level 1 pursuits are investigated at the highest level by both the Criminal Investigations Division and the Internal Affairs Division. They were excluded from this review.
[45] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. Appendix A. K. pg. 29.
[46] PDRD is a Portable Digital Recording Device also known as a body-worn camera (BWC).
[47] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. XIII. D.3 a-j. pg. 20. (a-j per policy).
[48] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. Appendix A. L. Pg. 29.
[49] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. XIII. F.6. pg. 21. (a-c per policy).

Scope and Methodology

Audit Scope

The scope of this audit consisted of a review of the level 2 and 3 pursuits that occurred during the period of January 1, 2021, to December 31, 2021, to verify the completeness of pursuit report packets; to ensure the pursuit report packets were reviewed and approved by the appropriate chain of command in a timely manner; and to confirm that all pursuits were reviewed by the required pursuit review board (Objectives 1-3).

In addition, the Auditor reviewed pursuit data captured by OPD to identify factors that may have contributed to an increase in the number of vehicle pursuits between 2020 and 2021, and to determine if there were any changes in pursuit characteristics or outcomes between 2020 and 2021 that indicate increased risk to the Department.

Audit Population

Objectives 1, 2, and 3

To determine the audit population, the Auditor requested and obtained via the Departmental Safety Coordinator, access to the 2021 pursuit spreadsheet containing a list of all vehicle pursuit incidents that occurred from January 1, 2021, to December 31, 2021. The pursuit spreadsheet maintained by the Departmental Safety Coordinator captures important pursuit characteristics and outcomes. There were 94 pursuit incidents during the time-period, including one level 1 pursuit, 21 level 2 pursuits, and 72 level 3 pursuits. The level 1 pursuit was removed from the population because Level 1 pursuits have a different investigative process and timeline. Therefore, only the level 2 and 3 pursuit incidents were reviewed.

The Auditor selected a random sample from the 93 level 2 and 3 pursuits in 2021. Using a one-tailed test[50] to achieve a 95% confidence level with an error rate of +/-4%, 60 level 2 and 3 pursuits were randomly selected for review. Table 3 includes the breakdown of the sample.

Table 3: 2021 Sample of the 60 Completed Level 2 and Level 3 Pursuit Report Packets

Pursuit Level	Level 2	Level 3	Totals
Number of Pursuits in the Sample	18	42	60

Objectives 4 and 5

The Auditor reviewed pursuit data contained in the spreadsheet for the total population of level 2 and 3 pursuits in 2020 and 2021. Tables 4 and 5 include the total pursuit numbers for 2020 and 2021.

Table 4: 2020 Level 2 and Level 3 Pursuit Population

Pursuit Level	Level 2	Level 3	Totals
Number of Pursuits in Population	19	48	67

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[50] A one-tail test is a statistical test measuring the statistical significance in one direction of interest, and for the purposes of this review, was used to determine a sample size.

Table 5: 2021 Level 2 and Level 3 Pursuit Population

Pursuit Level	Level 2	Level 3	Totals
Number of Pursuits in Population	21	72	93

There was one level 1 pursuit in 2020 and one in 2021, which were not included in the data reviewed for objectives 4 and 5. At the time this review was initiated, the level 1 pursuit in 2021 was still under investigation by the Internal Affairs Division. Therefore, all level 1 incidents were removed for consistency.

The level 1 pursuit in 2020 was for vehicle driven by a homicide suspect. Oakland officers pursued the suspect vehicle into Richmond, CA where the incident ended in an officer involved shooting after the suspect vehicle rammed police vehicles and hit a police officer. The incident was investigated by an Executive Force Review Board and the pursuit was found to be in compliance with policy.

The level 1 pursuit in 2021 was for a vehicle involved in multiple armed robberies that just occurred. The suspect vehicle collided with a large dump truck approximately 30 seconds after the officer initiated the pursuit, resulting in the suspect's death two months after the incident. The incident was investigated as a level 1 pursuit due to the fatality and was found to be in compliance with policy.[51]

See Appendix A for the detailed methodology.

References

- Department General Order J-4, *Pursuit Driving,* effective date August 25, 2014
- Department General Order G-4, *Departmental Safety,* effective date August 24, 1998
- Departmental General Order M-03, *Complaints Against Departmental Personnel or Procedures,* effective date December 22, 2017
- Oakland Police Department, Report Writing Manual (RWM P-03), Pursuit Report: Vision Form Completion Instructions, effective date November 23, 2019 (Reference DGO J-4)

Findings

Objectives 1, 2, and 3

The first three objectives of this review focused on the timeliness of pursuit reviews, the completeness of pursuit packets, and the pursuit review boards.

Finding #1

Based on a sample of 60 pursuit reports from 2021, the Department showed improvement in the timeliness of pursuit reviews, with the average level 2 pursuit review taking 13 less days and the average level 3 pursuit review taking 23 less days compared to the average 2020 pursuit reviews. The

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[51] The level 1 pursuit in 2021 was still under investigation when this review was initiated. It was reviewed by an Executive Force Review Board after this review was underway and was found to be in compliance.

most noticeable improvement was in the Department Safety Coordinator's (DSC) portion of the review process, wherein the pursuit packets get reviewed and scheduled for a pursuit review board. Departmental General Order J-4, *Pursuit Driving,* requires that supervisors review level 2 and 3 pursuits, prepare a pursuit packet and forward the packet through the chain of command within 7 calendar days of the pursuit date. The policy does not specifically address timeline requirements for each part of the chain of command, nor does it provide guidance on timeline extensions. The OIA published an audit in October 2021 on the timeliness of pursuit reviews for pursuits occurring in 2020 and recommended that policy be updated to clarify timelines and extensions. This follow-up inspection looked at pursuit review timelines for a sample of 60 pursuits in 2021 to see if there had been improvement between 2020 and 2021 in the timeliness of pursuit reviews. At the time of this follow-up inspection, DGO J-4 had not yet been updated to clarify timelines.

To determine how long it took the chain of command to complete the pursuit review process and if the timelines improved since the prior audit, the Auditor requested and obtained, via the Departmental Safety Coordinator (DSC), access to the 2021 pursuit spreadsheet. There were 93 Level 2 and 3 pursuits (21 level 2 and 72 level 3)[52] completed during the audit period of January 1, 2021, to December 31, 2021. A random sample of 60 pursuits, consisting of 18 level 2 and 42 level 3 pursuits, was selected for this inspection. The Auditor reviewed the 2021 pursuit spreadsheet and the Vision[53] pursuit records to capture the date the incidents occurred; the name of each reviewer (i.e., supervisor, lieutenant, captain,[54] BFO Admin, DSC) and the date of their review; and the date of the review board. The average number of days and the range for the entire review process were calculated for the sample of 60 pursuits in 2021. The Auditor compared this data with the 2020 pursuit timeline data published by OIA in its 2020 inspection of pursuit review timelines.

Of the 18 level 2 pursuits sampled in 2021, the Auditor found the total review process from date of pursuit incident to date of pursuit board averaged 83 days and ranged from 45 to 129 days. In contrast, in 2020, the total review process from date of pursuit incident to date of pursuit board averaged 96 days and ranged from 52 days to 174 days. The Auditor noted that there was a 13-day improvement in the average number of days to complete a level 2 pursuit review between 2020 and 2021. Chart 2 includes the average number of days to complete a level 2 pursuit review (from date of incident to date of the full review board) in 2021 compared to 2020.

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[52] There was one Level 1 pursuit in 2021, which was removed from the population because Level 1 pursuits have a different investigative process and timeline.

[53] Vision is an electronic database that stores employee records such as assignments, training, uses of force, pursuits, etc. The pursuit form in Vision has a Chronological Activity Log that tracks system events (e.g., when the report is created and when a task is created) and manual entries by investigators and reviewers.

[54] The captains' review dates were not captured in the 2021 Pursuit spreadsheet, so were collected from Vision. In practice, captains review all level 2 pursuits and may review level 3 pursuits.

Chart 2: 2021 and 2020 Level 2 Vehicle Pursuit Review Timeline Comparisons

Average Number of Days to Complete the Level 2 Pursuit Reviews in 2020 vs. 2021
(pursuit Incident date to date of full board review)

Average # of Days 2020	96
Average # of Days 2021	83

For the 2021 level 2 pursuit reviews, sergeants averaged 35 days to complete their investigations and the rest of the review process averaged 47 days. In contrast, for the 2020 level 2 pursuit reviews, sergeants averaged 33 days to complete their investigations and the rest of the review process averaged 64 days. While the sergeants took a few more days on average to complete their investigations in 2021 compared to 2020, there was noticeable improvement in the lieutenants' reviews (7 days) and in the Department Safety Coordinator's reviews (8 days). Chart 3 includes the average number of days it took the chain of command to forward the level 2 pursuit packets through the workflow in 2021 and 2020.

Chart 3: Average Numbers of Days It Took the Chain of Command to Forward Level 2 Pursuit Report Packets Through the Workflow in 2021 Compared to 2020

Average Number of Days to Forward the Level 2 Pursuit Report Packets Through the Workflow in 2021 vs. 2020

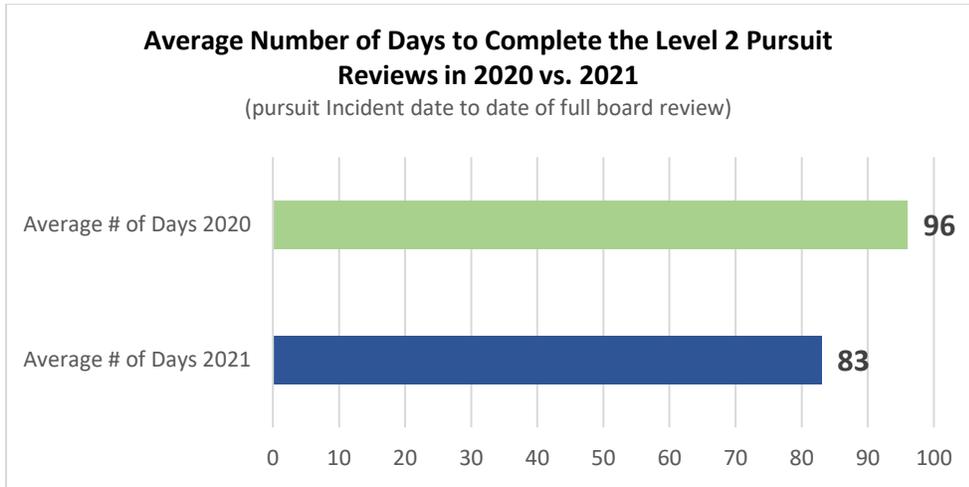|	Average # of Days 2020	Average # of Days 2021
Departmental Safety Coordinator's Completion to Departmental Safety Committee Board	32	24
BFO Admin to Department Safety Coordinator	5	4
Captain to BFO Admin	7	6
Lieutenant to Captain	20	13
Sergeant to Lieutenant	33	35
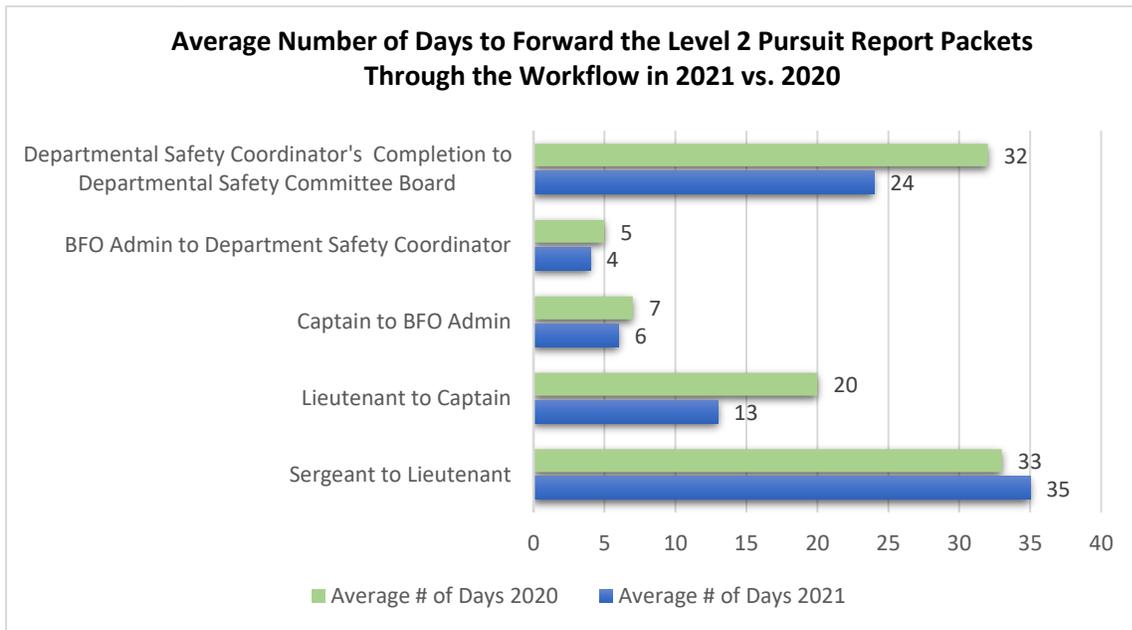
Of the 42 level 3 pursuit report packets sampled in 2021, the Auditor found the total review process from date of pursuit incident to date of pursuit board averaged 43 days and ranged from 16 days to 107 days. In contrast, in 2020, the total review process from date of pursuit incident to date of pursuit board averaged 66 days and ranged from 23 days to 142 days. The Auditor noted a 23-day improvement in the average number of days to complete a level 3 pursuit review between 2020 and 2021. Chart 4 includes the average number of days to complete a level 3 pursuit review in 2021 (from date of incident to date of the full review board) compared to the average number of days to complete a level 3 pursuit review in 2020.

Chart 4: 2021 and 2020 Level 3 Vehicle Pursuit Review Timeline Comparisons

Average Number of Days to Complete the Level 3 Pursuit Reviews in 2021 vs. 2020
(pursuit incident date to date of full board review)

Average # of Days 2020	66
Average # of Days 2021	43
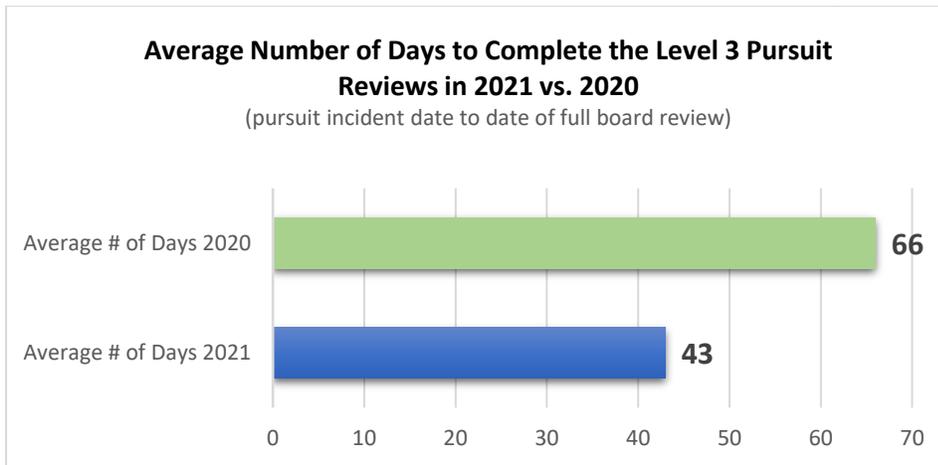
For the 2021 level 3 pursuit reviews, sergeants averaged 9 days to complete their reviews and the rest of the review process averaged 35 days. In contrast, for the 2020 level 3 pursuit review, sergeants averaged 8 days to complete their reviews and the rest of the review process averaged 61 days. While the sergeants took one day longer on average to complete their investigations in 2021 compared to 2020, there was noticeable improvement in the Department Safety Coordinator's reviews (22 days). Chart 5 includes the average number of days it took the chain of command to forward the level 3 pursuit packets through the workflow in 2021 and 2020.

Chart 5: Average Numbers of Days It Took the Chain of Command to Forward Level 3 Pursuit Report Packets Through the Workflow in 2021 Compared to 2020

Finding #2

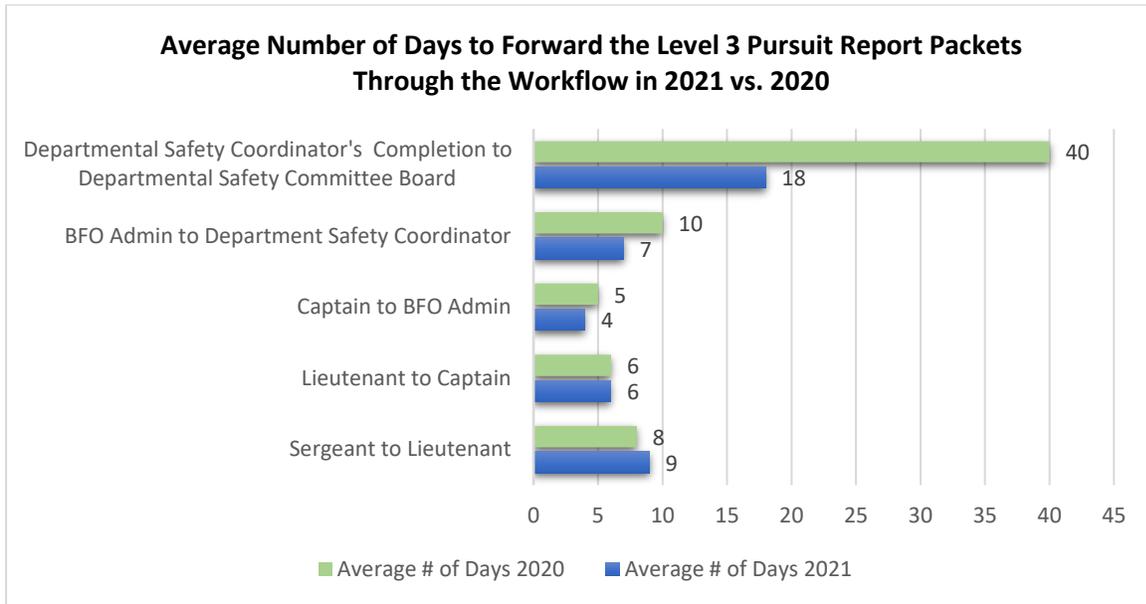**The 60 sampled 2021 pursuit report packets were found to be complete. Since OPD's pursuit policy (Departmental General Order J-4) has not been updated since 2014, it still requires packets to contain the Pursuit Review Tracking Sheet (TF-3257), a paper form. However, OPD has transitioned to capturing the required information electronically in Vision. The audit found that all pursuits were entered into Vision and the required data fields on the Tracking Sheet were contained in Vision. Also, while policy does not require a pursuit investigative report for level 3 pursuits, 36 of the 42 level 3 (86%) packets included a narrative report from the supervisor documenting their review of the incident, which was a helpful practice particularly for subsequent reviewers. There were 6 level 3 packets that did not have a narrative report.**

There are two levels of pursuits with different review requirements. According to DGO J-4, *Pursuit Driving*, Level 2 vehicle pursuits ((vehicle pursuits which involve injury or property damage and/or whenever a PIM was utilized [55]) require the reporting supervisor or commander to prepare a Pursuit Report packet, which includes the following documentation.

    a. Original Pursuit Report (TF-3051)
    b. Original signed Pursuit Review Tracking Sheet (TF-3257)
    c. Copy of CHP 187A form
    d. Copy of Collision Report
    e. Copy of Radio (CAD) purge
    f. Copy of the electronic recording file (PDRD), if available, or that a request for a copy is documented

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[55] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. Appendix A. K. pg. 29

g. Photographs, if available
h. Copy of any statements, if taken
i. Copy of Offense Report
j. Ancillary documents[56]

Level 3 vehicle pursuits (which do not result in injury or property damage, unless a PIM is utilized [57]) require the reporting supervisor or commander to prepare a Pursuit Report packet, which includes the Original signed Pursuit Review Tracking Sheet (TF-3257), Copy of Offense Report and/or other documentation, and Copy of CHP 187A form.[58]

DGO J-4 was last updated in 2014 when administrative investigations were captured on paper forms. In 2017, the Department implemented a comprehensive application (PRIME) that allowed for electronic data collection for pursuits and other administrative investigations. PRIME was replaced by an updated system called Vision in 2019. Since the implementation of these applications, supervisors are required to enter pursuit data into an electronic record and can attach documents, videos, and audio files to the record.

To determine if the vehicle pursuit report packets in Vision included all required documents, the Auditor accessed the 2021 pursuit spreadsheet, and the Vision pursuit records for the 60 pursuit report packets in the sample. All packets included the required documents, except for the Pursuit Review Tracking Sheet, which was not included in 33 of the 60 pursuit report packets. The Pursuit Review Tracking Sheet, a paper form required by policy, captures important data such as, pursuit review approvals and compliance determinations; confirmation of body-worn camera review; confirmation of the inclusion of the CAD incident printout and the Radio traffic recording of the pursuit; and reviewer documentation of any relevant training issues revealed by the investigation. In addition, it is the responsibility of the supervisor or commander to endorse (signature required) the pursuit report packet and include the tracking sheet in the packet.

In a meeting on April 28, 2022, with the Departmental Safety Coordinator, the OIA asked, "Is there a reason why the Pursuit Review Tracking Sheet for 2021 pursuits is not always included in the pursuit report packets in Vision for level 2 and level 3 pursuits?" The Departmental Safety Coordinator stated, "The pursuit policy is outdated. Vision replaced the Tracking Sheet, therefore, in practice, the sergeants are now writing a detailed investigative report narrative of the pursuit and uploading it in Vision."

The Auditor compared the data fields included on the Tracking Sheet to the data fields in Vision and found that all data fields on the Tracking Sheet are included in Vision. The pursuit record in Vision captures the review and approval of each reviewer, making the paper Tracking Sheet obsolete. Still, there was one level 2 pursuit and 26 level 3 pursuits for which a Tracking Sheet had been completed and attached to the Vision record.

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[56] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. XIII. D.3 a-j. pg. 20
[57] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. Appendix A. L. pg. 29
[58] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. XIII. F.6. pg. 21

In addition to the Pursuit Review Tracking Sheet, policy requires a supervisor or commander to complete a pursuit (investigative) report for each level 2 pursuit, to include:

- A brief summary of the pursuit including the events that led to engaging in the pursuit;
- Documentation of any discrepancies of interviews (or statements) of non-personnel and personnel witnesses;
- A determination as to whether the pursuit was in compliance with Departmental policy, based on the analysis of the facts revealed by the investigation;
- Documentation of any relevant training issues revealed by the investigation; and
- Analysis of relevant evidence including Portable Digital Recording Device (PDRD) video.[59]

The Auditor reviewed Vision to verify that a sergeant or commander completed an investigative report for the level 2 pursuits in the sample and found that all 18 level 2 Pursuit Report packets included an investigative report in Vision. Some investigative reports attached to the Vision record were completed using the Pursuit Report form (TF-3051) and some were a simple Word document. All 18 investigative reports included the required information (i.e., a brief summary of the pursuit, analysis of evidence, etc.).

The pursuit policy does not require a pursuit (investigative) report for level 3 pursuits and there is no section in the Vision record for the supervisor completing the pursuit report packet to summarize the pursuit and document their review. However, in 26 of the 42 level 3 pursuit report packets in Vision, a Tracking Sheet was attached and included a narrative section summarizing the pursuit. There were 10 additional level 3 pursuit report packets that had no Tracking Sheet attached but did have an attached narrative (a Word document). There were six level 3 pursuit report packets that did not have the Tracking Sheet or an attached narrative.

The Auditor found the narrative documenting the supervisor's review to be a valuable part of the level 3 pursuit report packet, potentially helping the rest of the reviewers understand what happened and how the sergeant came to their finding. Therefore, the OIA recommends that all level 3 pursuit report packets contain a narrative by the reviewing supervisor documenting their review of the incident, assessment of risk factors, any training issues they discovered, and compliance finding. Additionally, during the next update of the pursuit policy, the Department should clarify how pursuit report data is collected and maintained given the transition from paper reports to electronic records.

Finding #2 Additional Observation
In seven level 2 pursuits and three level 3 pursuits, training issues identified by the reporting supervisor in their investigative reports were not reflected in the Supervisor Review section in the Vision record.

The Pursuit Review Tracking Sheet includes a section on training and tactical issues, which is where supervisors completing the pursuit report packet would document whether the investigation identified any training or tactical issues. According to Report Writing Manual P-03, *Pursuit Report: Vision Form Completion Instructions*, the Supervisor Review Section in Vision is for the reporting supervisor to enter

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[59] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. XIII. D.1.L. pg. 19-20.

their findings after their review of the pursuit.[60] There is a Training or Tactical Issues box included in that section which requires the sergeant to select the most appropriate response from the drop down-menu (e.g., no, yes, unknown). In addition to documenting the training issues in the investigative report or tracking sheet, the supervisor must also complete the training or tactical issues section in Vision. The Auditor reviewed all investigative reports to determine whether the sergeant properly completed the training or tactical issues box in Vision and found that in seven level 2 pursuits, the sergeant provided a summary of training issues in the investigative report but did not select the most appropriate response in Vision. For example, the supervisor selected "no" in Vision, indicating there were no training issues, yet provided a summary of the training issue in the investigative report.

In three level 3 pursuits reviewed, the sergeant did not use the training or tactical issues box in Vision to select the most appropriate response. In two instances, the sergeant documented training points in the investigative report but selected "no" as a response for training issues in Vision. In one instance where there was no investigative report and no tracking sheet, the sergeant selected "unknown" as a response for training issues in Vision, however, the sergeant and the lieutenant documented training issues in the chronological log. Although the training issues were documented in the pursuit report or chronological log, if the pursuit record in Vision does not reflect that information, any Vision reports created to look at aggregate pursuit data would be unreliable. Therefore, OIA recommends the Department add a quality review mechanism for pursuit reports in Vision to ensure they accurately reflect the training and tactical issues identified by the investigating supervisor or commander.

Finding #3
All 60 2021 sampled pursuits were reviewed by the Departmental Safety Committee at either a preliminary review board or full review board, as required by policy. However, because the policy dictating the composition of the Departmental Safety Committee (Department General Order G-4) was last updated in 1998, current practice does not align with policy in the Committee composition, mostly impacting the permanent board Chairperson and the temporary member of the rank of captain.

According to DGO J-4, *Pursuit Driving,* upon notification from the Departmental Safety Coordinator, members of the Departmental Safety Committee will convene to review all level 2 and 3 pursuits for compliance with OPD policy, training recommendations, and/or liability issues.[61] In practice, all level 3 pursuits first go to the Departmental Safety Committee for a preliminary review board (pre-board). The pre-board includes a presentation from the Departmental Safety Coordinator, who presents preliminary recommendations for the level 3 pursuit in question. The Committee then votes to make a compliance determination, which is the final finding for level 3 pursuits found in compliance. Level 3 pursuits in which the pre-board determines further review or investigation is required are referred to the full review board. All level 2 pursuits automatically go to a full review board.

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[60] Oakland Police Department Report Writing Manual (RWM P-03), effective Date 23 Nov 19, *Pursuit Report: Vision Form Completion Instructions,* (reference DGO J-4) pg. 10.
[61] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. XV. B. pg. 24.

According to Departmental General Order G-4, *Departmental Safety,* dated August 24, 1998, the Departmental Safety Committee is comprised of the following permanent and temporary members:[62]

Permanent Members

- Commander of the Personnel and Training Division, who shall serve as Chairperson (voting)
- Departmental Safety Coordinator (voting)
- Traffic Division Administrative Sergeant (voting)
- City Attorney Representative (non-voting)

Temporary Members
(Appointed biannually by the Chief of Police on January 15 and July 15 to serve six-month terms)

- One Captain (voting)
- One Lieutenant (voting)
- One Sergeant (voting)
- One Police Officer (voting)

To determine if the pursuit preliminary boards and full review boards were convened for each level 2 and 3 pursuit and if they were comprised of the Departmental Safety Committee members listed in policy, the Auditor accessed the documents and links section in the pursuit form in Vision and reviewed the 60 Pursuit Follow-up Memoranda in the sample for 2021. The Auditor noted that each Pursuit Follow-up Memorandum included an attendance list of the members (voting and non-voting) that attended the pursuit review board. The Auditor also noted that most of the pursuit review boards were convened to review multiple pursuits on the same day (multiple pursuits may be reviewed on the same day by the same Board).

The Auditor found that all 60 pursuits in the sample were reviewed by the Departmental Safety Committee at a preliminary review board or full review board, as required by policy. The 60 sampled pursuits were reviewed by 16 Pursuit Review Boards. All 16 pursuit review boards included the following members listed in policy.

- Traffic Division Administrative Sergeant (permanent, voting)
- City Attorney Representative (permanent, non-voting)
- One Sergeant (temporary, voting)
- One Police Officer (temporary, voting)

Policy states that the board Chairperson is the Commander of the Personnel and Training Division and a permanent voting member, but due to organizational changes, there is no longer a Personnel and Training Division. The Division, which was led by a captain of police in 1998, was split into two separate divisions many years ago: the Personnel Division and the Training Division. Currently, the highest-

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[62] DGO G-4, *Departmental Safety*, dated 24 Aug 98. III. A.1.a-d. pg.4-5.

ranking commander in the Training Division is a lieutenant and a manager oversees the Personnel Division.

The Auditor found that the Departmental Safety Committee Chairperson for pursuit review boards was usually a rotating captain (not a permanent member). In the sample reviewed, the Training Division Lieutenant attended 7 of the 16 boards and was the Chairperson, and highest-ranking member, for one of those boards. There was also one board chaired by a deputy chief of police. The remaining 14 boards were chaired by six different captains.

None of the boards included a captain for the temporary voting captain spot. However, in 5 of the 16 boards, there was an extra lieutenant listed as attending who may have been serving in an acting captain capacity at the time of the board, but the acting status was not listed on the memoranda. The Departmental Safety Coordinator was missing from one board and a temporary voting lieutenant was missing from two boards.

Table 6 shows the date the pursuit review boards were convened for the 60 pursuits in the sample, the number of pursuits reviewed, and the Departmental Safety Committee members who were absent from the pursuit review boards.

Table 6: 2021 Pursuit Review Boards Held for the 60 Pursuits in the Sample

	Date Pursuit Review Boards were convened for the 60 pursuits in the sample	Number of pursuits in the sample reviewed by the same pursuit review board (same day)	Departmental Safety Committee members who were absent from the pursuit review boards
1	3/3/2021	4	• One Captain (temporary member)
2	4/14/2021	2	• One Captain (temporary member)
3	5/5/2021	8	• Departmental Safety Coordinator (permanent member) • One Captain (temporary member)
4	6/9/2021	4	• One Captain (temporary member)
5	6/16/2021	1	• One Captain (temporary member)
6	6/17/2021	1	• One Captain (temporary member)
7	6/23/2021	2	• One Captain (temporary member) • One Lieutenant (temporary member)
8	7/15/2021	1	• One Captain (temporary member)
9	7/21/2021	3	• One Captain (temporary member)
10	8/4/2021	3	• One Captain (temporary member)

11	9/1/2021	7	• One Captain (temporary member)
12	10/6/2021	8	• One Captain (temporary member)
13	10/26/2021	5	• One Captain (temporary member)
14	12/8/2021	3	• One Captain (temporary member)
15	12/28/2021	3	• One Captain (temporary member)
16	1/5/2022	5	• One Captain (temporary member) • One Lieutenant (temporary member) – missing from 3 of 5 pursuits heard by the board on January 5, 2022
	16 total Pursuit Review Boards	**60 total Pursuits Reviewed**	

Per policy, the Departmental Safety Coordinator (DSC) is required to be a voting member of the Departmental Safety Committee and shall perform specific duties at the instruction of the Committee Chairperson,[63] including presenting the pursuit to the Committee. The Auditor also noted one board listed the DSC as a non-voting member. Therefore, on May 23, 2022, the Auditor asked the DSC about his missing attendance at the one Pursuit Board in question. The DSC stated, "I was present for that Board, but I excluded my vote because there were enough voting members present. However, this has been remedied with the closer adherence to policy and now, I am always voting and everyone present is included on the memo."

Due to the missing temporary voting captains and lieutenants, on July 12, 2022, the Auditor asked the DSC, "Why Departmental Safety Committee members were missing from some pursuit boards?" The DSC stated, "Typically in these situations there was a scheduling issue, and we were not able to get an additional captain or a lieutenant for the board. Therefore, there was no replacement. Also, practice has changed in the use of only one captain per board, rather than two."

DGO G-4 has not been updated since 1998 and isn't specific to pursuits. The Department should ensure current practice in board composition and roles is included in future iterations of DGO J-4 (the pursuit policy). The OIA recommends that the Department include pursuit board composition and roles in DGO J-4, *Pursuit Driving,* rather than DGO G-4, *Departmental Safety*. The OIA also recommends requiring a Training Division representative to attend the pursuit boards. The Training Division is responsible for training officers on how to pursue fleeing suspects and is well positioned to identify training and tactical issues. The Department should also consider including a board member who has expertise in pursuit driving.

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[63] DGO G-4, *Departmental Safety*, dated 24 Aug 98. II. C. Pg. 2.

Finding #3 Additional Observation

OPD's Departmental Safety Committee found all but one of the level 2 and 3 vehicle pursuits in 2021 in compliance with policy.

In 2021, OPD reported 1 Level 1,[64] 21 level 2, and 72 Level 3 pursuits. All level 2 and 3 pursuits were reviewed by a supervising sergeant, a lieutenant for level 3 pursuits, a lieutenant and captain for level 2 pursuits, and finally, by the Department Safety Committee. The supervising sergeant and commanders made compliance determinations in all 93 level 2 and 3 pursuits. The Departmental Safety Committee[65] also reviewed the pursuits. The supervising sergeants found 91 of the 93 level 2 and 3 pursuits in compliance with policy and two out of compliance. One pursuit that was deemed out of compliance by the supervising sergeant was deemed in compliance by the Departmental Safety Committee and one pursuit that was deemed out of compliance by the supervising sergeant was also deemed out of compliance by the Departmental Safety Committee. The Departmental Safety Committee found 92 of the 93 (99%) pursuits in compliance with policy.

The one pursuit found out of compliance was a level 2 pursuit involving two units (one as the primary unit and one as the secondary unit) to investigate multiple shot spotter activations.[66] While the officers requested and received authorization to pursue the vehicle, there were several safety concerns identified by the pursuit board for the secondary unit. For example, the officer in the secondary unit followed the subject vehicle into a park where there were visibility issues (dust and dirt that was kicked up obstructing the officer's vision). The officer also failed to activate the patrol vehicle lights and sirens. The facts presented to the Committee showed there was a lack of adequate risk assessment, lack of decision making, and a violation of policy on the part of the secondary pursuing officer. Based on a review of the entire incident, the Departmental Safety Committee determined the primary pursuing officer complied with policy, but the secondary pursuing officer was found out of compliance.

Given the high compliance rate of pursuits in 2021 (99%), OPD should evaluate whether such a high compliance rate is acceptable and if changes to policy are necessary to more clearly establish criteria for pursuit compliance.

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[64] There was one level 1 pursuit in 2021, which was still under review at the time the inspection was initiated and was therefore removed from the population.

[65] The Department Safety Committee also serves as the Pursuit Review Board.

[66] ShotSpotter is a proprietary technology owned and operated by a third-party company in contract with the City of Oakland. ShotSpotter hosts a series of microphones throughout high-crime areas of Oakland designed specifically to receive, record, and use the report and echoes of gunfire to triangulate the origination point of such activity, allowing for a precision-based response from OPD.

Objectives 4 and 5
Due to the increase in pursuits between 2020 and 2021, this review included two objectives focused on assessing changes in pursuit characteristics and outcomes between 2020 and 2021.

Observation #1
Initiating violation
One factor that may have contributed to an increase in vehicle pursuits between 2020 and 2021 was the increase in carjacking in the City of Oakland. Carjacking[67] increased by 73% citywide from 2020 and 2021, and pursuits for carjacked vehicles, or those used to facilitate carjacking of other vehicles, increased by 105% during this same period. The increase in pursuits for vehicles involved in carjackings (20 additional pursuits in 2021) accounted for 77% of the increase in total pursuits (26 additional pursuits in 2021).

The Auditor reviewed the initiating violation[68] listed in Vision for the level 2 and 3 pursuits to determine if there were any factors that may have contributed to an increase in vehicle pursuits between 2020 and 2021. Upon review, the Auditor found that pursuits for vehicles involved in carjacking increased by 105% between 2020 and 2021.[69] This increase occurred as crimes for carjackings increased in the City of Oakland by 73% between 2020 and 2021.

Based on data received from the Departmental Safety Coordinator, in 2020, OPD reported 67 level 2 and level 3 vehicle pursuits, 19 (28%) of which were initiated for vehicles involved in a carjacking. In 2021, OPD reported 93 level 2 and level 3 vehicle pursuits, 39 (42%) of which were initiated for vehicles involved in a carjacking. The increase in total vehicle pursuits between 2020 and 2021 was 26 and the increase in pursuits for vehicles involved in carjacking was 20, accounting for 77% of the total increase. Table 7 below shows the reasons for level 2 and level 3 vehicle pursuits in 2020 and 2021.

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[67] Carjackings are defined in California Penal Code Section 215 as "the felonious taking of a motor vehicle in the possession of another, from his or her person or immediate presence, or from the person or immediate presence of a passenger of the motor vehicle, against his or her will and with the intent to either permanently or temporarily deprive the person in possession of the motor vehicle of his or her possession, accomplished by means of force or fear."

[68] The initiating violation is the primary penal code violation connected to the vehicle or suspect being pursued. For example, if officers observe a vehicle matching the description of a vehicle used in a robbery and choose to pursue that vehicle, the initiating violation is recorded as a robbery. There may be multiple violations connected to the vehicle or suspect, but this review only captures the primary violation listed in the Vision record. For incidents where there were discrepancies between the pursuit spreadsheet and the primary violation listed in Vision, the Auditor deferred to the Vision record and in some cases reviewed crime reports to reconcile.

[69] Level 1 pursuits were excluded from the population. There was one Level 1 pursuit in 2020 for a suspected homicide vehicle and one in 2021 for a suspected robbery vehicle.

Table 7: Reason (Initiating Violation) for Pursuits in 2020 and 2021

Reason for Pursuit (Initiating Violation)	2020	% of 2020 Violations	2021	% of 2021 Violations	Change between 2020 and 2021	% Change between 2020 and 2021	% Change 2020 vs. 2021 - City Wide End of Yr. Crime Report
Carjacking	19	28%	39	42%	+20	105%	73%
Assault with deadly weapon/Firearm	11	16%	15	16%	+4	36%	20%
Robbery/Attempted Robbery	16	24%	11	12%	-5	-31%	11%
Willful Discharge Firearm in Negligent Manner	9	13%	8	9%	-1	-11%	25%
Homicide/ Attempted Homicide	4	5%	9	10%	+5	125%	22%
Possession of Assault Weapons	1	2%	3	3%	+2	200%	
Exhibit Firearm	1	2%	2	2%	+1	100%	
Carrying a Loaded or Concealed Firearm	2	3%	4	4%	+2	100%	
Kidnapping	2	3%	1	1%	-1	-50%	
Rape	1	2%	0	0%	-1	-100%	
Shooting at Inhabited Dwelling	1	2%	1	1%	0	0%	
Totals	**67**	**100%**	**93**	**100%**	**26**		

Observation #2
Primary Pursuing Officers
There were six officers who collectively initiated 21 more pursuits in 2021 versus 2020, which contributed to the increase in overall pursuits. In 2020, the six officers were either a driver or passenger in 12 pursuits and in 2021, they were the driver or passenger in 33 pursuits. The 21 additional pursuits for these six officers accounted for 81% of the total increase in pursuits between 2020 and 2021.

According to DGO J-4, *Pursuit Driving,* the officer(s) who initiates a pursuit is designated as the primary pursuit unit in control of the pursuit until control is relinquished to another unit or otherwise directed by a supervisor or commander.[70] When the primary pursuing unit includes two (or more) officers, both are considered initiating officers and are accountable for ensuring compliance with the pursuit policy. The

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[70] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. V.A.1. pg. 5.

Auditor accessed Vision and reviewed the primary initiating officer data fields for both 2020 and 2021 to determine which officers were in the primary pursuing unit.

OPD reported that there were 80 officers who initiated the 67 level 2 and 3 vehicle pursuits in 2020 as either the driver or passenger. Twenty of the pursuits were initiated by one officer driving solo in their patrol vehicle and 47 were initiated by two primary officers as driver and passenger in the same vehicle. In 2021, OPD reported 78 officers who initiated the 93 level 2 and 3 pursuits as either driver or passenger. Twenty-eight of the pursuits were initiated by one officer driving solo and 65 were initiated by two primary officers as driver and passenger. Fewer officers initiated more pursuits in 2021 versus 2020, and six officers collectively were responsible for an increase of 21 pursuits between the two years. While there were other officers who also contributed to the increase, the six officers had the most significant increases.

The six officers with the greatest increase in pursuits between 2020 and 2021 were either the driver or passenger in 12 pursuits in 2020 and 33 pursuits in 2021. In 24 of the 33 pursuits in 2021, the six officers were partnered in a two-person unit, resulting in three teams of two. Table 8 below provides the number of times the six officers initiated a pursuit (as solo driver or as driver and passenger) in 2020 and 2021.

Table 8: Number of Times the Six Officers Initiated a Pursuit in 2020 and 2021 (as solo driver or as driver and passenger)

	2020			2021			Change in Number of times the six officers initiated a Pursuit in 2020 vs. 2021
	Driver	Passenger	2020 Totals	Driver	Passenger	2021 Totals	
Primary Officer (PO) 1	7	0	7	12	0	12	**+5**
Primary Officer (PO) 2	0	1	1	0	9 (with PO 1)		**-1**
Primary Officer (PO) 3	3	0	3	12	0	12	**+9**
Primary Officer (PO) 4	0	2 (with PO 3)		2	10 (with PO 3)	2	**+2**
Primary Officer (PO) 5	1	0	1	5	1	6	**+5**
Primary Officer (PO) 6	0	0	0	1	5 (with PO 5)	1	**+1**
Totals pursuits			**12**			**33**	**21**

One of the six officers (Primary Officer 1) initiated 7 pursuits in 2020 and 12 in 2021, an increase of 5 pursuits. In 9 of 12 2021 pursuits, Primary Officer 1 was in the primary unit with Primary Officer 2. Another of the six officers (Primary Officer 3) initiated 3 pursuits in 2020 and 12 in 2021, an increase of 9 pursuits. In 10 of the 12 2021 pursuits, Primary Officer 3 was in the primary unit with Primary Officer 4.

Primary Officers 5 and 6 were in the primary unit together for 5 pursuits in 2021. They had a combined increase of 6 pursuits between 2020 and 2021. Table 9 below provides the number of times each of the six officers was in the primary unit during a pursuit in 2020 and 2021.

Table 9: Number of Times Each of the Six Officers was in the Primary Unit During a Pursuit in 2020 and 2021

	2020			2021			Change in Number of times each of the six officers was in the primary unit during a pursuit in 2020 vs. 2021
	Officer as driver	Officer as passenger	2020 Totals	Officer as driver	Officer as passenger	2021 Totals	
Officer 1	7	0	7	12	0	12	**+5**
Officer 2	0	1	1	0	9	9	**+8**
Officer 3	3	0	3	12	0	12	**+9**
Officer 4	0	2	2	2	10	12	**+10**
Officer 5	1	0	1	5	1	6	**+5**
Officer 6	0	0	0	1	5	6	**+6**
Totals Pursuits			**14**			**57**	**43**

In 2020, four of the six officers were assigned to Areas 4 and 5 (Bureau of Field Operations 2). The other two officers, who each had only one pursuit in 2020, were assigned to Areas 1 and 2 (Bureau of Field Operations 1). In 2021, the six officers were assigned to Area 5, Ceasefire, or the Violent Crimes Operation Center (VCOC).

In 2020, 4 of the 12 (33%) pursuits involving the six officers were initiated for carjacking offenses. The other 8 pursuits were initiated for assault with a firearm, robbery, firearm discharge and attempted murder. In 2021, 19 of the 33 (58%) pursuits were initiated for carjacking offenses. The other 12 pursuits were initiated for assault with a firearm, robbery, murder/attempted murder, and other firearm-related crimes.

In 2020, 5 of the 12 (42%) pursuits initiated by the six officers resulted in a collision and 2 (17%) resulted in an injury (2 suspects had a complaint of pain). In 2021, 7 of the 33 (21%) pursuits initiated by the six officers resulted in a collision and 2 (6%) resulted in an injury (2 suspects had a complaint of pain).

The six officers apprehended a suspect in 6 of the 12 (50%) pursuits in 2020 and 7 of the 33 (21%) pursuits in 2021.

The self-termination rate by the six officers increased between 2020 and 2021. In 2020, the six officers self-terminated (due to losing site of the suspect vehicle or assessment of risk factors) 3 of the 12 (25%) pursuits and in 2021 they self-terminated 20 of the 33 (61%) pursuits.

The Auditor noted that all 33 pursuits initiated by the six primary officers between 2020 and 2021 were found in compliance by the pursuit board.

Although the six officers accounted for an increase in 21 pursuits between 2020 and 2021, the percentage of their pursuits that resulted in collision and injury decreased and they self-terminated at a higher rate in 2021. However, the increase in terminations also led to a decrease in the apprehension rate which dropped between 2020 and 2021.

Given the risk of pursuits and the increase in pursuits noted for the six officers, the OIA recommends that the Department conduct a review of the six officers with the greatest increase in pursuits between 2020 and 2021 to assess whether additional training or supervisory oversight is necessary.

Observation #3
Property Damage and Injuries
Although there were more pursuits in 2021 compared to 2020, the percentage of level 2 and 3 pursuits resulting in property damage and injuries was lower in 2021 compared to 2020. The number of pursuits increased by 39% between 2020 and 2021, but the percentage of pursuits resulting in property damage dropped from 28% in 2020 to 23% in 2021 and the percentage of pursuits resulting in injury dropped from 12% in 2020 to 6% in 2021.[71]

Level 2 pursuits are more serious pursuits, resulting in property damage[72] or injury. Given these heightened risk factors, the Auditor reviewed the property damage and injury data in the 2020 and 2021 pursuit spreadsheets, provided by the Departmental Safety Coordinator, to determine if there were any changes that indicate increased risk to the Department. In 2020, 19[73] of the 67 (28%) pursuits resulted in property damage and in 2021, 21 of the 93 (23%) pursuits resulted in property damage. In 2020, 8 of the 67 (12%) pursuits resulted in injury and in 2021, 6 of the 93 (6%) pursuits resulted in injury. So, while there were 26 more pursuits in 2021 versus 2020, the number of pursuits resulting in property damage only increased by two and the number of pursuits resulting in injury decreased by two. Chart 6 below shows the percentage of pursuits that resulted in property damage and injury in 2020 versus 2021.

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[71] There was one level 1 pursuit in 2020 and one in 2021. The level 1 pursuit in 2020 ended in an officer involved shooting and an officer being hit by the suspect vehicle. The level 1 pursuit in 2021 ended in a major accident resulting in the suspect's death. They were both excluded from the population for the purposes of this review.
[72] In 2020 and 2021, all property damage was related to vehicle collisions and pursuit intervention maneuvers.
[73] There was one level 3 pursuit in 2020 that was initiated because the suspect vehicle rammed an OPD officer's vehicle. Although the incident involved a collision, the collision was not an outcome of the pursuit and therefore was not categorized as a level 2 pursuit and was not included in the totals for pursuits resulting in property damage or injury.

Chart 6: Percentage of Pursuits That Resulted in Property Damage and Injury in 2020 Versus 2021.

Percentage of Pursuits Resulting in Property Damage and Injury (2020 vs. 2021)
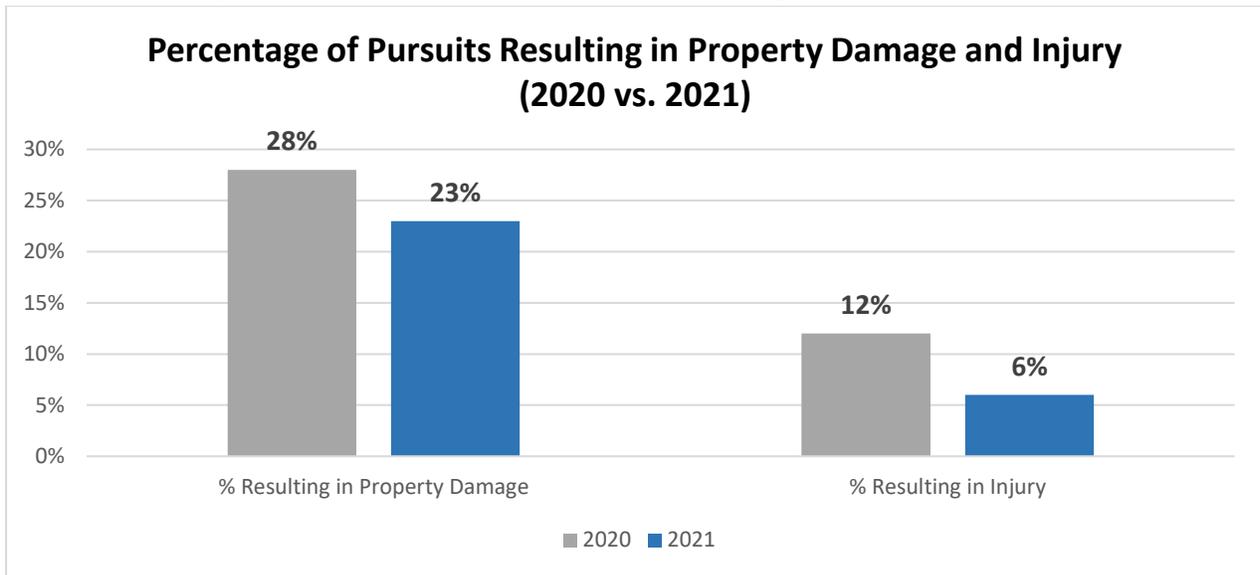
Property Damage

In 2020 and 2021 all property damage was related to a collision or a pursuit intervention maneuver (PIM), where officers intentionally bumped the suspect vehicle to facilitate the end of the pursuit. Of the 67 pursuits in 2020, there were 19 (28%) that resulted in property damage involving a total of 39 vehicles. Three of the 19 pursuits involved a PIM by OPD officers and 1 involved a PIM by another agency. The 3 PIMs involving OPD resulted in moderate damage to the suspect and OPD vehicles, much of which was caused by the suspects ramming OPD vehicles just after the PIM was utilized.

When a pursuit results in a collision or a PIM is utilized, OPD tracks which parties were involved: officers, fleeing suspects, or uninvolved motorists. Ten officers, 17 suspects, and 12 uninvolved motorists sustained damage to their vehicles. Five of the 19 pursuits resulted in property damage to a single vehicle and 14 resulted in property damage to more than one vehicle. Fifteen vehicles sustained minor damage, 18 sustained moderate damage, and 6 sustained major damage.[74] Chart 7 and table 10 below show the percentage of OPD officers, suspects, and uninvolved motorists who sustained property damage in the 19 pursuits and the severity of damage sustained (minor, moderate, or major).

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[74] Minor damage includes paint transfers, scrapes, scratches, minor dents, etc. Moderate damage includes disabled tires, broken bumpers, etc. Major damage includes badly damaged rear or front end, catching fire, etc.

Chart 7: Percentage of OPD Officers, Suspects, and Uninvolved Motorists Who Sustained Property Damage in 2020

Table 10: Number of OPD Officers, Suspects, and Uninvolved Motorists Who Sustained Property Damage in 2020 and the Severity of Damage Sustained (Minor, Moderate, or Major)

	Minor	Moderate	Major
Pursuit 1	1 Officer Vehicle		
Pursuit 2	1 Officer Vehicle 1 Suspect Vehicle		
Pursuit 3	2 Officer Vehicles	1 Suspect Vehicle	
Pursuit 4	2 Officer Vehicles	1 Suspect Vehicle	
Pursuit 5		1 Uninvolved Motorist	1 Officer Vehicle
Pursuit 6	1 Officer Vehicle	1 Uninvolved Motorist	1 Suspect Vehicle
Pursuit 7		2 Officer Vehicles 1 Suspect Vehicle 1 Uninvolved Motorist	
Pursuit 8		1 Suspect Vehicle	
Pursuit 9		1 Suspect Vehicle	
Pursuit 10		1 Suspect Vehicle	
Pursuit 11			1 Suspect Vehicle
Pursuit 12	1 Suspect Vehicle 1 Uninvolved Motorist		
Pursuit 13	1 Suspect Vehicle 1 Uninvolved Motorist		
Pursuit 14		1 Suspect Vehicle 1 Uninvolved Motorist	
Pursuit 15		1 Suspect Vehicle	

		1 Uninvolved Motorist	
Pursuit 16	1 Uninvolved Motorist	1 Suspect Vehicle	
Pursuit 17	1 Uninvolved Motorist	1 Suspect Vehicle 1 Uninvolved Motorist	
Pursuit 18	1 Uninvolved Motorist		1 Suspect Vehicle
Pursuit 19			1 Suspect Vehicle 1 Uninvolved Motorist
Totals	**Minor**	**Moderate**	**Major**
Officer	7	2	1
Suspect	3	10	4
Uninvolved motorist	5	6	1

Of the 93 pursuits in 2021, there were 21 (23%) pursuits that resulted in property damage, involving a total of 30 vehicles. Three of the 21 pursuits involved a PIM. One of the 3 also involved a collision between the suspect vehicle and an uninvolved vehicle prior to the PIM. In the other two pursuits involving a PIM, there was only minor damage.

Nine officers, 15 suspects, and 6 uninvolved motorists sustained damage to their vehicles. Twelve of the 21 pursuits resulted in property damage to a single vehicle and 9 resulted in property damage to more than one vehicle. Eighteen vehicles sustained minor damage, 5 sustained moderate damage and 7 sustained major damage. Chart 8 and table 11 below show the percentage of OPD officers, suspects, and uninvolved motorists who sustained property damage in the 21 pursuits and the type of damage sustained (minor, moderate, or major).

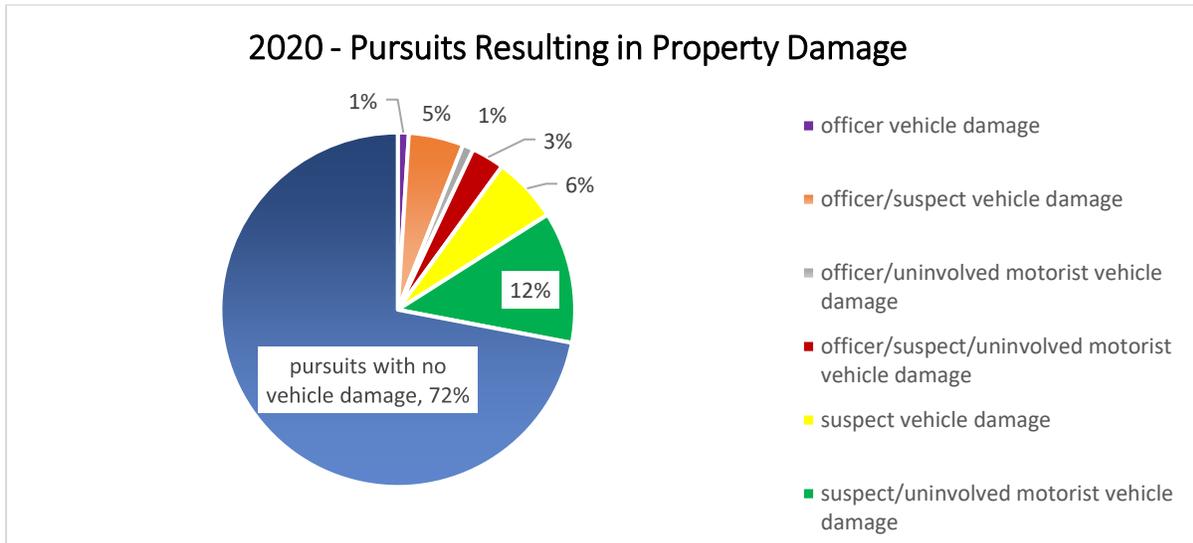**Chart 8: Percentage of OPD Officers, Suspects, and Uninvolved Motorists Who Sustained Property Damage in 2021**
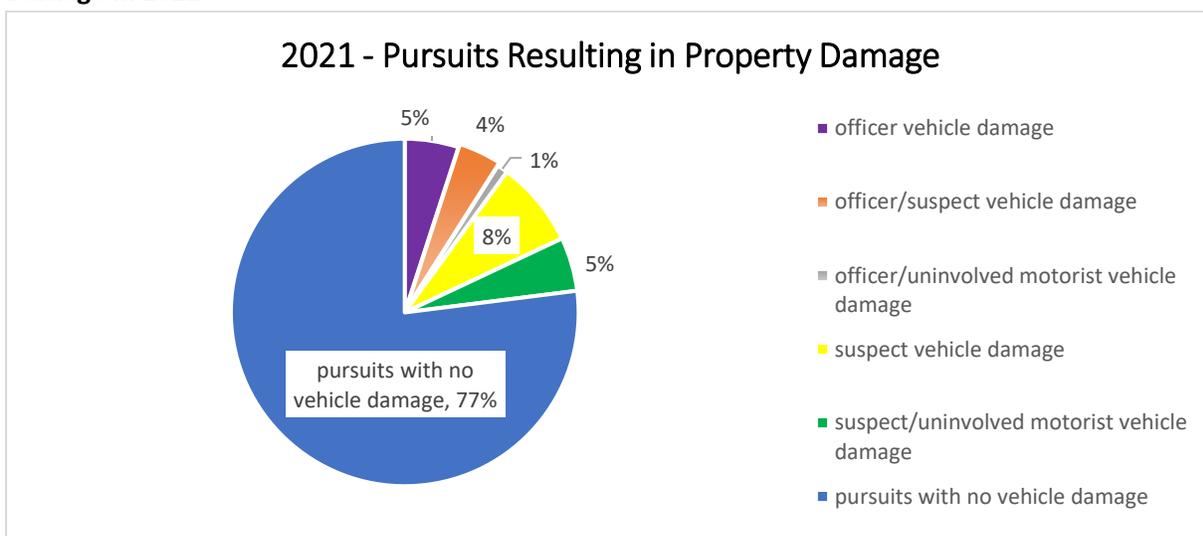
Table 11: Number of OPD Officers, Suspects, and Uninvolved Motorists Who Sustained Property Damage in 2021 and the Type of Damage Sustained (Minor, Moderate, or Major)

	Minor	Moderate	Major
Pursuit 1	1 Officer Vehicle		
Pursuit 2	1 Officer Vehicle		
Pursuit 3	1 Officer Vehicle		
Pursuit 4	1 Officer Vehicle		
Pursuit 5	1 Officer Vehicle		
Pursuit 6	1 Officer Vehicle 1 Suspect Vehicle		
Pursuit 7	1 Officer Vehicle 1 Suspect Vehicle		
Pursuit 8	1 Officer Vehicle 1 Suspect Vehicle		
Pursuit 9	1 Officer Vehicle 1 Uninvolved Motorist		
Pursuit 10	1 Suspect Vehicle		
Pursuit 11	1 Suspect Vehicle		
Pursuit 12		1 Suspect Vehicle	
Pursuit 13		1 Suspect Vehicle	
Pursuit 14		1 Suspect Vehicle	
Pursuit 15		1 Suspect Vehicle	
Pursuit 16			1 Suspect Vehicle
Pursuit 17	1 Suspect Vehicle 1 Uninvolved Motorist		
Pursuit 18	1 Uninvolved Motorist		1 Suspect Vehicle
Pursuit 19		1 Uninvolved Motorist	1 Suspect Vehicle
Pursuit 20			1 Suspect Vehicle 1 Uninvolved Motorist
Pursuit 21			1 Suspect Vehicle 1 Uninvolved Motorist
Totals	**Minor**	**Moderate**	**Major**
Officer	9	0	0
Suspect	6	4	5
Uninvolved motorist	3	1	2

Despite the increase of 26 pursuits between 2020 and 2021, there were only two additional pursuits resulting in property damage in 2021. Also, there were fewer vehicles that sustained property damage in 2021 (30 vehicles) compared to 2020 (39 vehicles). And, there were fewer vehicles that sustained moderate to major damage in 2021 (12 vehicles) compared to 2020 (24 vehicles).

Injuries

When a pursuit results in an injury, OPD tracks which parties were injured: officers, fleeing suspects, or uninvolved individuals. Of the 67 pursuits in 2020, there were 8 (12%) that resulted in 14 individuals injured: 5 officers, 7 suspects and 2 uninvolved individuals. Three of the eight pursuits involved injuries to more than one individual. Of the 14 individuals injured, only one had visible injury – a welt on the head and a limp. The other 13 individuals complained of pain, but the injuries were not visible and did not require medical attention beyond basic first aid. Charts 9 and 10 and table 12 below show the breakdown of pursuits involving injuries and which parties were injured, the types of injury sustained, and the explanation of the injury.

Chart 9: Percentage of 2020 Pursuits Involving Injuries and Which Parties Were Injured

Chart 10: Percentage of 2020 Pursuits Involving Injuries and the Types of Injury Sustained

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Table 12: 2020 Pursuits Involving Injuries and Which Parties Were Injured

	Complaint of Pain	Other Visible	Severe	Injury Type
Injury 1	1 Suspect			One suspect had a minor complaint of pain to his left arm.
Injury 2	1 Suspect			One suspect had a minor complaint of pain to his left leg.
Injury 3	1 Officer 1 Uninvolved Individual			One officer had a minor complaint of pain in the left wrist and one uninvolved individual a had complaint of pain to the left knee.
Injury 4	2 Officers 2 Suspects 1 Uninvolved Individual			One officer had a minor complaint of pain to the lower back, one officer had a minor complaint of pain in the neck and lower back, two suspects had minor complaints of pain, and one uninvolved individual had a minor complaint of pain.
Injury 5	2 Officers			Two officers had a minor complaint of pain.
Injury 6	1 Suspect			One suspect had a minor complaint of pain in left knee.
Injury 7	1 Suspect			One suspect had a minor complaint of pain.
Injury 8		1 Suspect		One suspect had a minor complaint of pain to the head and knee and sustained other visible injuries, including a welt on the right side of her head and a limp (favoring right leg). She received medical attention for her injuries.
Totals	Compliant of Pain	Other Visible	Severe	
Officer	5	0	0	
Suspect	6	1	0	
Uninvolved Individual	2	0	0	

Of the 93 pursuits in 2021, there were 6 (6%) pursuits that resulted in 13 injuries: 9 suspects and 4 uninvolved individuals. Three of the six pursuits involved injuries to more than one individual. Of the 13 individuals injured in 2021, one had visible injuries and two had severe injuries. The individual with visible injuries had a lip abrasion treated by basic first aid. There was one incident where two uninvolved indivduals were severely injured in the same pursuit. The injuries included a broken ankle and a minor

skull fracture. The other 10 individuals complained of pain, but the injuries were not visible and did not require medical attention beyond basic first aid. Charts 11 and 12 and table 13 below show the breakdown of pursuits involving injuries and which parties were injured, the types of injury sustained, and the explanation of the injury.

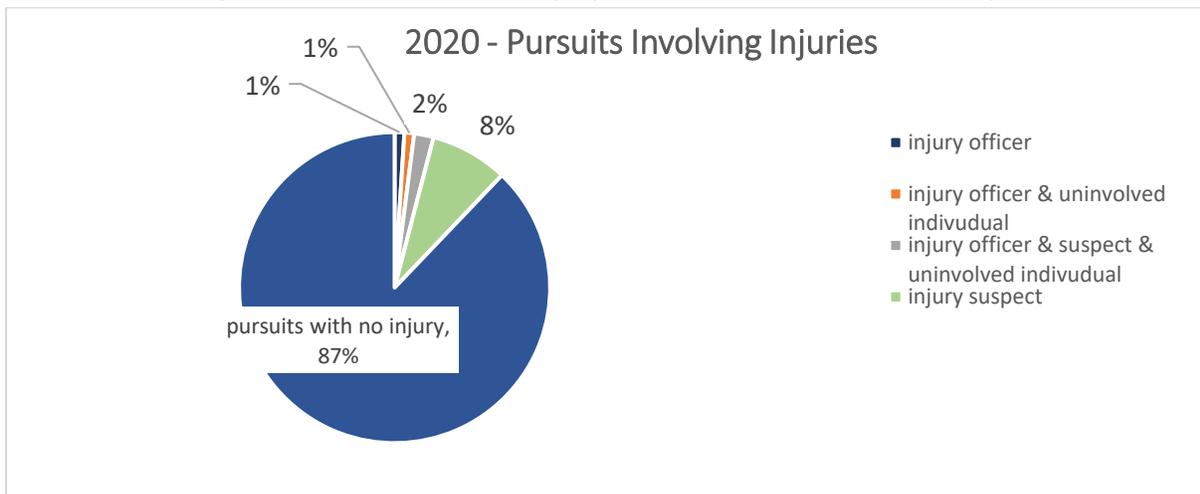**Chart 11: Percentage of 2021 Pursuits Involving Injuries and Which Parties Were Injured**
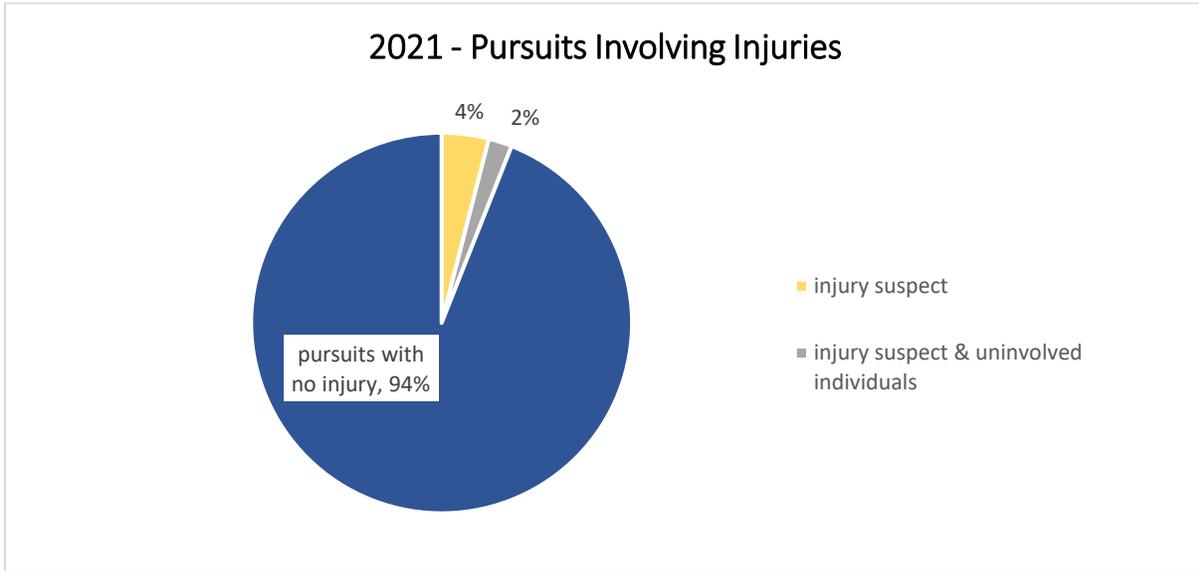
Chart 12: Percentage of 2021 Pursuits Involving Injuries and the Types of Injury Sustained
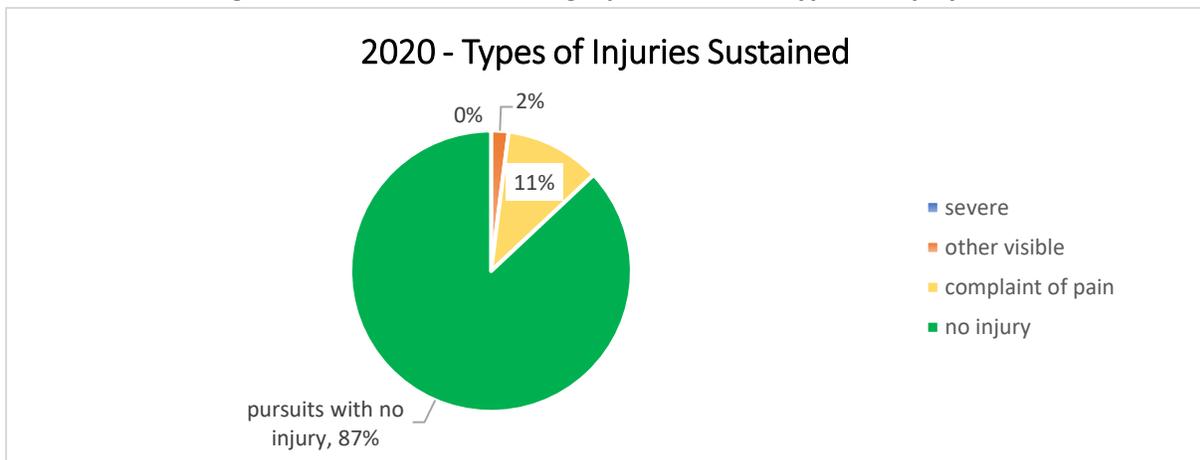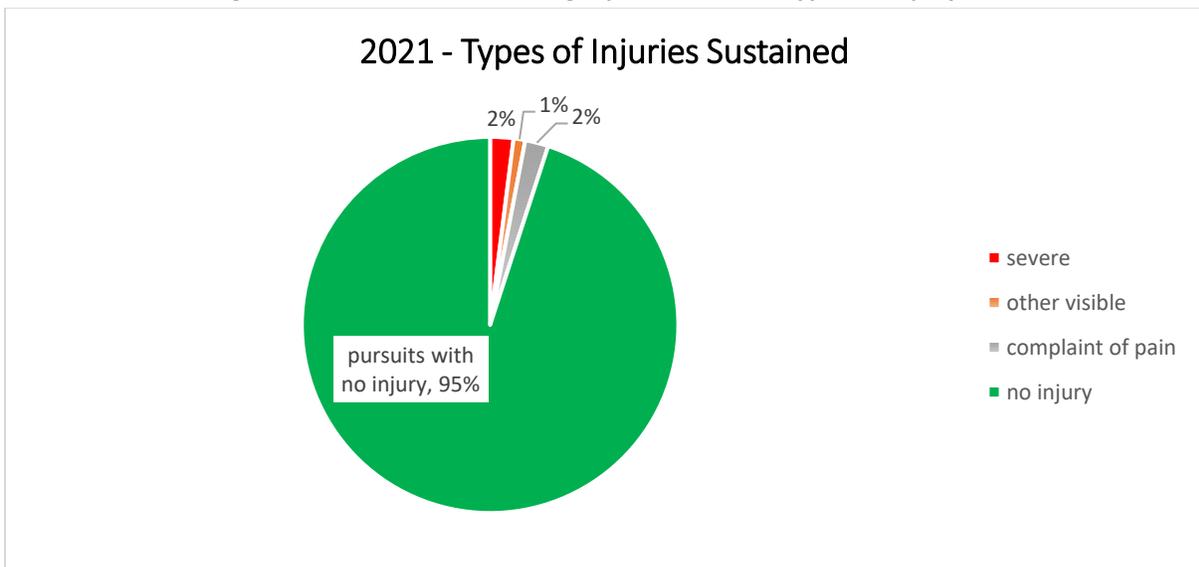
Table 13: 2021 Pursuits Involving Injuries and Which Parties were Injured

	Compliant of Pain	Other Visible	Severe	Injury Type
Injury 1	3 Suspects		2 Uninvolved Individuals	Three suspects had a minor complaint of pain resulting in basic first aid. Two uninvolved individuals had severe injuries. One uninvolved individual suffered from a broken right ankle and the other individual suffered from a minor skull fracture. Both uninvolved individuals received medical treatment for their injuries.
Injury 2	1 Suspect 2 Uninvolved Individuals			One suspect and two uninvolved individuals had minor complaints of pain.
Injury 3	2 Suspects			Two suspects had a minor complaint of pain. *Note: one additional suspect had a visible wound/abrasion to the leg as a result of being bitten by a police canine from another law enforcement agency after the conclusion of the pursuit.
Injury 4		1 Suspect		One suspect had a visible abrasion to the lip. The injury was minor and required basic first aid.
Injury 5	1 Suspect			One suspect had a minor complaint of pain. *Note: the suspect's injury is believed to have occurred after the collision when the suspect was running from police and tried to jump a fence.
Injury 6	1 Suspect			One suspect had a minor complaint of pain.
Totals	Compliant of Pain	Other Visible	Severe	
Officer	0	0	0	
Suspect	8	1	0	
Uninvolved Individual	2	0	2	

There were fewer pursuits resulting in injury and fewer individuals injured in 2021 compared to 2020. However, while in 2020 the most significant injuries included cuts, welts, and a limp, in 2021, there were two uninvolved motorists that sustained broken bones.

Observation #4
Pursuit Time, Distance, and Speed

The average distance and time of level 2 and 3 pursuits decreased between 2020 and 2021 (distance decrease from 2.52 miles to 1.86 miles and time decreased from 2.92 minutes to 2.27 minutes). The average maximum speed of pursuits occurring on City streets only increased slightly, but the average maximum speed of pursuits occurring on freeways increased by 13.8 miles per hour between 2020 and 2021. Only 14 (15%) of the 93 level 2 and 3 pursuits in 2021 took place on a freeway.

The Auditor reviewed the pursuit time, distance, and speed data categories in the 2020 and 2021 pursuit spreadsheets, provided by the Departmental Safety Coordinator, to determine if there were any changes in pursuit time, distance, and speed between 2020 and 2021 that indicate increased risk to the Department.[75] Upon review, the Auditor found that in 2021, there was a decrease in the average distance and time of pursuits. The average duration of pursuits decreased from 2.92 minutes to 2.27 minutes (decrease of more than half a minute). The average distance traveled decreased from 2.52 miles to 1.86 miles (decrease of over half a mile).

There was only a slight increase in the average maximum speed of pursuits on city streets between 2020 and 2021. However, there was an increase of 13.8 miles per hour in the maximum average freeway speeds in 2021 compared to 2020. Fourteen of the 93 (15%) pursuits involved driving on a freeway and the average freeway speed increased from 84.1 miles per hour in 2020 to 97.9 miles per hour in 2021. The range of the maximum speed for the 14 freeway pursuits in 2021 was 75 to 120 miles per hour. Of the 14 freeway pursuits, 3 resulted in collision (two OPD vehicle sustained minor damage and one suspect vehicle sustained moderate damage), but none resulted in injury. Charts 13 and 14 below show the average pursuit time, distance, and maximum speeds in 2020 and 2021.

Chart 13: The Average Pursuit Time and Distance in 2020 vs. 2021

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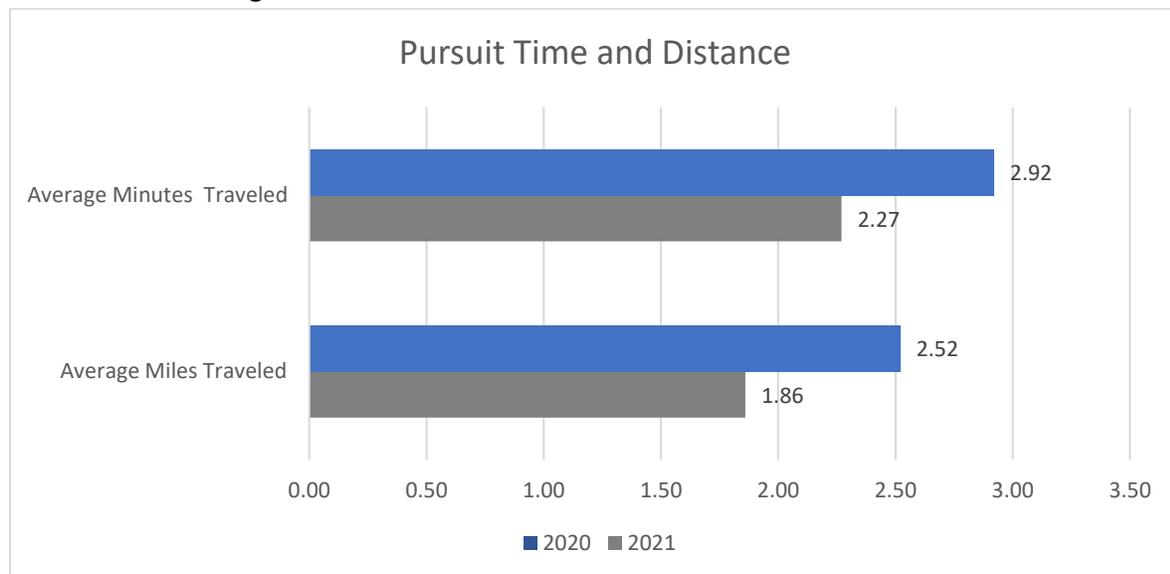
[75] The Auditor made some adjustments to the numbers on the Departmental Safety Coordinator's spreadsheet upon review of the pursuit documents in Vision.

Chart 14: The Average Maximum Pursuit Speeds in 2020 vs. 2021

Pursuit Speeds (Street and Freeway)
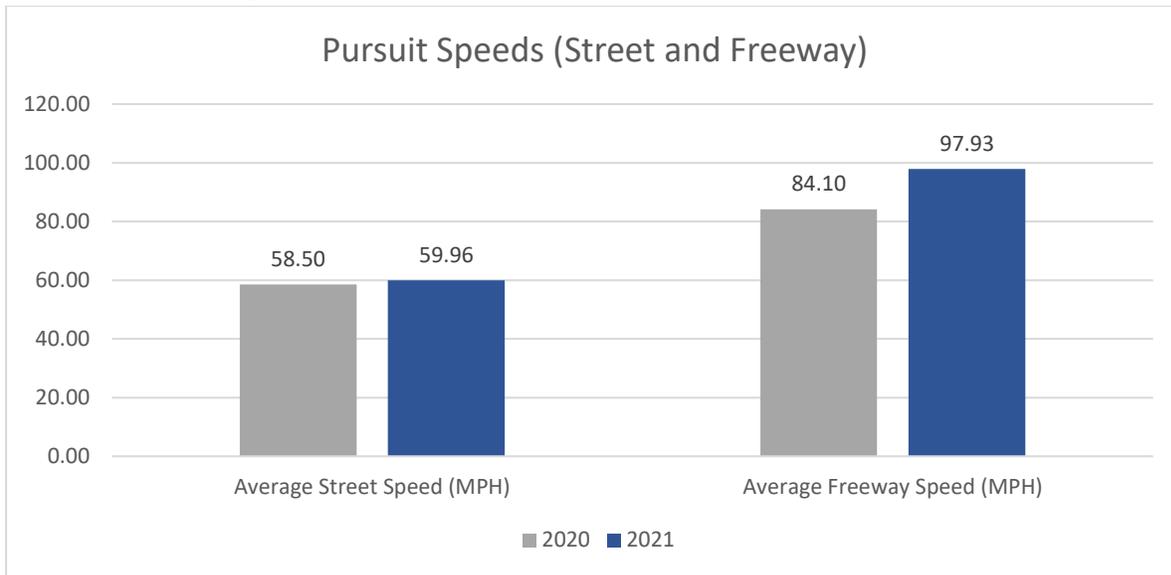
Reducing the distance, time and speed of pursuits can mitigate some of the risk associated with pursuits. Since the average maximum freeway speed increased by over 13 miles per hour between 2020 and 2021, OIA recommends that OPD closely monitor freeway speeds and provide additional guidance about assessing speed as a risk factor.

Observation #5

Officer Pursuit Terminations

More pursuits in 2021 were self-terminated by pursuing officers compared to 2020 (39% of pursuits were self-terminated by officers in 2020 versus 59% in 2021). Additionally, in 2020 supervisors terminated pursuits due to risk factors more often than officers, but in 2021 the opposite was true.

OPD's pursuit policy requires pursuing officers to:

- Consider all risk factors when determining whether to pursue and continue to pursue a vehicle,[76]
- Get approval to pursue from a supervisor as soon as reasonably practical,[77]
- Broadcast the progress of their pursuit,[78] and
- Terminate the pursuit, after evaluating the risk factors and safety of officers and the public, when the risks outweigh the benefits of immediately apprehending the fleeing suspect.[79]

Supervisors and commanders who are monitoring the pursuit are also responsible for terminating the pursuit when the risks outweigh the need to immediately apprehend the fleeing suspect. However,

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[76] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. III. pg. 2.
[77] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. V. A. pg. 5.
[78] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. V. A. pg. 6.
[79] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. IV. B.pg. 4.

supervisors and commanders rely on the information provided by the pursing officer during the pursuit, including risk factors, when making a decision to terminate. Officers are seeing the risks firsthand and are better positioned to determine when to terminate a pursuit compared to the supervisor or commander monitoring the pursuit.

OPD tracks who terminates the pursuit (officer, supervisor, or suspect) and the reason for the termination (risk assessment, losing sight of suspect, collision, etc.). In most cases where the suspect is determined to have terminated the pursuit, it is due to the suspect being involved in a collision. The Auditor reviewed the pursuit termination data categories in the 2020 and 2021 pursuit spreadsheets, provided by the Departmental Safety Coordinator, to determine if there were any changes in pursuit terminations between 2020 and 2021 that indicate increased risk for the Department. The Auditor defined officer self-terminations as pursuits wherein officers made the decision to terminate due to losing sight of the suspect vehicle or due to assessing risk factors. The Auditor found that 29 more pursuits in 2021 were self-terminated by pursuing officers compared to 2020 (39% of pursuits were self-terminated by officers in 2020 versus 59% in 2021).

In 2020, 33 of the 67 pursuits were terminated by pursuing officers, 26 of which were officer self-terminations (13 due to losing sight of the suspect vehicle and 13 due to risk factors). In contrast, in 2021, 60 of the 93 pursuits were terminated by pursuing officers, 55 of which were officer self-terminations (34 due to losing sight of the suspect vehicle and 21 due to risk factors).

Despite the increase in pursuits between 2020 and 2021, supervisors and commanders terminated fewer pursuits in 2021 compared to 2020. In 2020, 17 pursuits were terminated by a supervisor or commander, all due to risk factors. In 2021, 15 pursuits were terminated by a supervisor or commander, 12 of which were terminated due to risk factors. In 2020, supervisors and commanders terminated pursuits due to risk factors more than officers (17 supervisor/commander terminations vs. 13 officer terminations), but in 2021, the reverse was true (12 supervisor/commander terminations vs. 21 officer terminations). The data reflects a noticeable shift in officers taking action to mitigate risk during a vehicle pursuit. In 2020, those in supervisory ranks intervened in a pursuit by calling for its termination more often, but 2021 revealed the pursuing officer(s) themselves being more likely to end a pursuit before having to be ordered to.

Table 14 provides the breakdown of who terminated the level 2 and 3 pursuits in 2020 versus 2021 and the reasons the pursuits were terminated.

Table 14: The Number of Officers, Supervisor or Commanders, and Suspects Who Terminated the Level 2 and 3 Pursuits in 2020 and 2021 and the Reasons the Pursuits Were Terminated

Category	Pursuit Terminations in 2020				Pursuit Terminations in 2021			
	Officer	Supervisor/ Commander	Suspect	TOTALS	Officer	Supervisor/ Commander	Suspect	TOTALS
Lost Sight	13	0	0	13	34	1	0	35
Collision	1	0	9	10	1	0	10	11

Suspect fled on foot	0	0	3	3	0	0	8	8
Risk Factors (See Appendix B)	13	17	0	30	21	12	0	33
ARGUS[80] or CHP took over	2	0	0	2	3	1	0	4
Forcible Stop due to PIM	4	0	0	4	1	0	0	1
Voluntarily Stopped	0	0	5	5	0	1	0	1
Totals	33	17	17	67	60	15	18	93
% of Total	50%	25%	25%	100%	65%	16%	19%	100%

Observation #6
Suspect Apprehensions
The apprehension rate of suspects involved in police pursuits decreased from 37% in 2020 to 28% in 2021. **The percentage of apprehensions involving solely juvenile suspects increased between 2020 and 2021 (24% versus 31%).**

The responsibility of pursuing officers is to safely apprehend fleeing suspects without unnecessarily endangering the lives and safety of officers or the public.[81] The Auditor reviewed the suspect apprehension and suspect demographic data in the 2020 and 2021 pursuit spreadsheets, provided by the Departmental Safety Coordinator, to determine if there were any changes in pursuit apprehensions between 2020 and 2021. The Auditor found that while the number of pursuits increased between 2020 and 2021, the apprehension rate decreased from 37% in 2020 to 28% in 2021. There were 25 pursuits resulting in apprehensions in 2020 compared to 26 in 2021.

Of the 51 pursuits in 2020 and 2021 that resulted in an apprehension, the Auditor was able to confirm that charges were filed by the District Attorney in 41 (21 in 2020 and 20 in 2021). In 5 of the 51 pursuits involving an apprehension, there were no charges filed (2 in 2020 and 3 in 2021). In the remaining 5 pursuits, the Auditor was unable to confirm if there were charges filed by the District Attorney (2 in 2020 and 3 in 2021). In the 41 cases where charges were filed, the majority included firearms-related charges. Table 15 reflects the most severe crime charged against the primary arrestee resultant from any given apprehension. There were additional charges filed by the District Attorney against each

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[80] ARGUS is OPD's helicopter unit
[81] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. V. A. 1. A. pg. 5.

primary suspect, and for those instances wherein there were additional arrestees, other criminal charges were often filed as well. Niether the additional arrestees, nor their charges are reflected below in Table 15.

Table 15: District Attorney Charges for Apprehended Suspects in 2020 and 2021

Charges	Number
Accessory	1
Evading a Police Officer: Causing Injury/Death	2
Assault on a Police Officer	2
Stolen Vehicle	2
Assault with a Deadly Weapon (Not Firearm)	3
Assault with Force Likely to Produce Great Bodily Injury	1
Personal Infliction of Great Bodily Injury	1
Robbery	3
Carjacking	4
Murder/Attempted Murder	4
Firearm Related (Assault, Carry, Possess, Willful Discharge)	18
TOTAL	**41**

In 2020, there were 48 suspects apprehended in 25 pursuits. Thirty-five of the 48 (73%) apprehended suspects were Black (28 males and 7 females). Eleven (23%) apprehended suspects were Hispanic (all male). There was also one white female and one male Filipino.

In 2021, there were 43 suspects apprehended in 26 pursuits. Twenty-nine of the 43 (67%) apprehended suspects were Black (23 males and 6 females). Fourteen (33%) apprehended suspects were Hispanic (11 males and 3 females).

In 2021, a smaller percentage of apprehended suspects were Black compared to 2020 and a higher percentage of apprehended suspects were Hispanic. The suspects' age ranged between 12 to 52 in 2020 and between 11 to 69 in 2021.

Charts 15 and 16 and tables 16 and 17 below provide the number and percentage of suspects apprehended in 2020 and 2021 by violation, age, gender, and race.

Chart 15: Number and Percentage of Suspects Apprehended in 2020 by Gender and Race

2020 Demographics of the Suspects Apprehended

- 1 (2%)
- 1 (2%)
- 7 (15%)
- 11 (23%)
- 28 (58%)

Legend:
- Female/Black
- Male/Black
- Male/Hispanic
- Male/Filipino
- Female/White
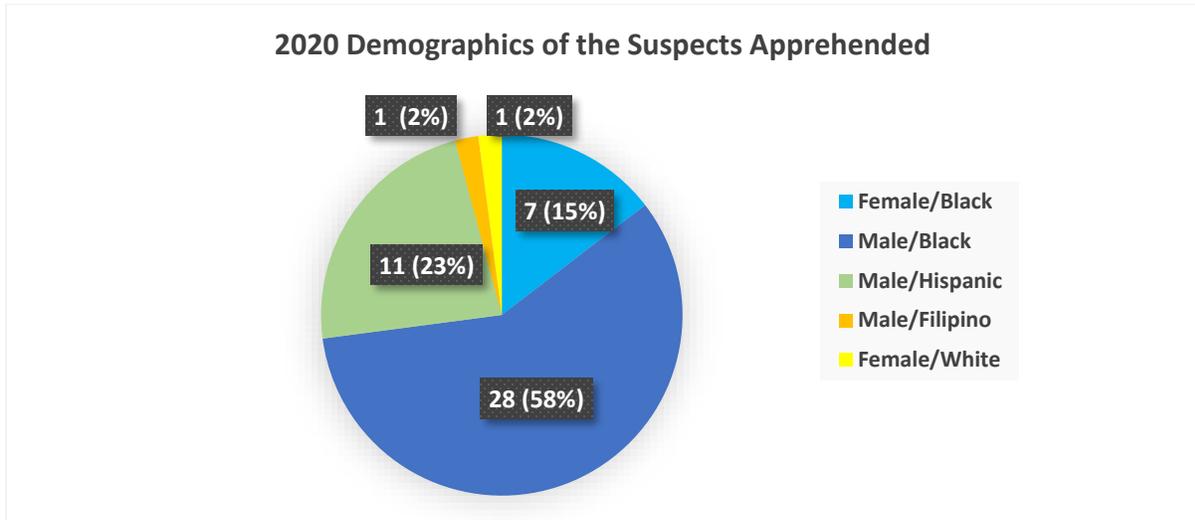
Table 16: Number and Percentage of Suspects Apprehended in 2020 by Violation, Age, Gender, and Race

Initiating Violation in 2020 that caused a pursuit and resulted in suspect app.	# of Pursuits resulting in suspect app.	% of Pursuits resulting in suspect app.	# of Suspects	# of Adults (18 & older)	# of Juveniles (17 & younger)	Suspect Demographics	Suspect Age Ranges
Carjacking	9	36%	20	4	16	11 Male/Black 7 Male/Hispanic 2 Female/Black	12-32 15-29 15-16
Assault with Firearm	5	20%	11	11	0	8 Male/Black 1 Male/Hispanic 2 Female/Black	25-48 24 21-29
Willful Discharge of Firearm in Negligent Manner	2	8%	2	2	0	1 Male/Filipino 1 Male/Hispanic	39 19
Murder/ Attempted Murder	2	8%	3	3	0	3 Male/Black	23-33
Robbery/Armed Robbery	3	12%	8	3	5	5 Male/Black 3 Female/ Black	16-52 16-41
Exhibiting a Firearm	1	4%	1	1	0	1 Male/Black	32
Possession of an Assault Weapon	1	4%	1	1	0	1 Male/Hispanic	30

Carrying a Concealed Firearm	1	4%	1	1	0	1 Male/Hispanic	29
Kidnapping	1	4%	1	1	0	1 Female/White	34
Total	**25**	**100%**	**48**	**27**	**21**		

Chart 16: Number and Percentage of Suspects Apprehended in 2021 by Gender and Race

2021 Demographics of the Suspects Apprehended

6 (14%)
3 (7%)
23 (53%)
11 (26%)

- Male/Black
- Male/Hispanic
- Female/Hispanic
- Female/Black
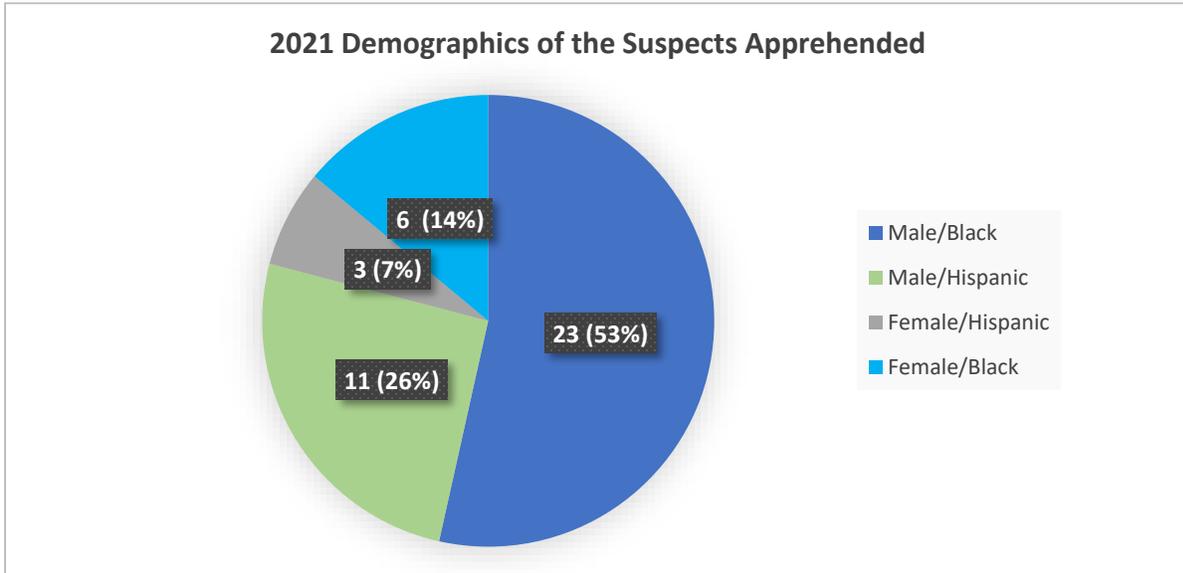
Table 17: Number and Percentage of Suspects Apprehended in 2021 by Violation, Age, Gender, and Race

Initiating Violation in 2021 that caused a pursuit and resulted in suspect app.	# of Pursuits resulting in suspect app.	% of Pursuits resulting in suspect app.	# of Suspects	# of Adults (18 & older)	# of Juveniles (17 & younger)	Suspect Demographics	Suspect Age Ranges
Carjacking	9	35%	17	4	13	9 Male/Black 3 Male/Hispanic 4 Female/Black 1 Female/Hispanic	13-28 16-44 12-15 14
Assault with Firearm	6	23%	8	8	0	4 Male/Black 3 Male/Hispanic 1 Female/Hispanic	21-69 27-29 28
Willful Discharge of Firearm in Negligent Manner	3	11%	3	2	1	1 Male/Black 2 Male/Hispanic	48 16-25

Murder/ Attempted Murder	**3**	**11%**	6	3	3	4 Male/Black 1 Male/Hispanic 1 Female/Hispanic	13-26 18 19
Robbery/ Armed Robbery	**1**	**4%**	4	0	4	3 Male/Black 1 Female/Black	11-13 14
Possession of a firearm by a prohibited person	**1**	**4%**	1	1	0	1 Male/Hispanic	30
Possession of Assault Weapon	**1**	**4%**	1	1	0	1 Male/Hispanic	36
Shooting at Inhabited Dwelling	**1**	**4%**	2	2	0	1 Male/Black 1 Female/Black	28 37
Burglary	**1**	**4%**	1	1	0	1 Male/Black	18
Total	**26**	**100%**	**43**	**22**	**21**		

The same number of juveniles were apprehended in 2020 and 2021 (21 juveniles each year), but the percentage of juveniles apprehended increased in 2021. In 2020, 44% of the apprehended suspects were juveniles. In 2021, 49% of the apprehended suspects were juveniles.

The data also shows a small increase in the percentage of pursuits involving solely juvenile suspects between 2020 and 2021. In 2020, 6 of the 25 (24%) pursuits resulting in apprehension involved solely juvenile suspects (17 and younger). Two (8%) resulted in the apprehension of a combination of juveniles and adults and 17 (68%) resulted in the apprehension of solely adult suspects. In 2021, 8 of the 26 (31%) pursuits resulting in apprehension involved solely juvenile suspects. One (4%) resulted in the apprehension of a combination of juveniles and adults and 17 (65%) resulted in the apprehension of solely adult suspects.

In 2020, the initiating violations for the six pursuits with solely juvenile apprehensions were carjacking (5) and robbery (1). In 2021, the initiating violation for 5 of the 8 pursuits with solely juvenile apprehensions was carjacking. The initiating violations for the other 3 pursuits were armed robbery, willful discharge of a firearm in a negligent manner, and attempted murder involving a firearm.

Based on a review of crime reports for the 14 pursuits in 2020 and 2021 that resulted in the apprehension of pursued vehicles containing solely juvenile occupants, it appears officers had access to information indicating the suspects may be juveniles prior to, or during, the pursuit in 5 incidents (1 in 2020 and 4 in 2021). Of the 4 incidents in 2021 in which officers had access to prior information that the suspects may be juveniles, 3 of the pursued vehicles were known to have been used in multiple robberies and carjackings.

In 2020, the six pursuits involving solely juvenile apprehensions resulted in 4 (67%) collisions and 1 (25%) injury. There were five vehicles involved in the four collisions: 1 vehicle with minor damage, 2 with moderate damage and 2 with major damage. There was one suspect with a minor complaint of pain. In 2021, the eight pursuits involving solely juvenile apprehensions resulted in 4 (50%) collisions, 1 (13%) PIM and 2 (25%) injuries. There were seven vehicles involved in the four collisions and one PIM: 2 vehicles with minor damage, 2 with moderate damage and 3 with major damage. There were four suspects with minor complaints of pain and two uninvolved individuals with severe injuries.

In 2020, the collision rate for pursuits involving the apprehension of adult suspects was lower than juvenile suspects. Nine of the 19 (47%) pursuits resulted in a vehicle collision. There were also 3 pursuits involving adult suspects in 2020 wherein a PIM was utilized, but they were not included in the collision rate because a PIM is an intentional act by officers to stop a fleeing vehicle. In 2021, the collision rate for pursuits involving the apprehension of adult suspects was the same as juvenile suspects. Nine of the 18 (50%) pursuits resulted in a collision. There was a PIM utilized in one incident, but it was counted in the collision rate, since the suspect collided with an uninvolved vehicle prior to the PIM.

For pursuits involving solely juvenile apprehensions, there was an increase in the average distance and time of pursuits between 2020 and 2021. The average duration of pursuits increased from 1.91 minutes to 3.61 minutes between 2020 and 2021. The average distance traveled increased from 1.93 miles to 3.31 miles. Also, in 2021, pursuits with juvenile drivers were 1.46 minutes and 1.58 miles longer than all other pursuits on average. One pursuit in 2021 involving a juvenile driver significantly increased the average for both distance and time. The pursuit was 13 miles in distance and 13.3 minutes in duration, far longer than the average pursuit.

For juvenile drivers, the average maximum street speed and the average maximum freeway speed increased between 2020 and 2021. The average maximum street and freeway speeds for juvenile drivers were higher than all other pursuits in 2020. In 2021, the street speeds for juvenile drivers were higher than all other pursuits, but the freeway speeds were lower. Table 18 below shows the average pursuit time, distance, and maximum speeds in 2020 versus 2021 for juvenile suspects compared to all other pursuits.

Table 18: Average Pursuit Time, Distance, Speed in 2020 vs.2021 – Juvenile Pursuits Compared to All Other Pursuits

	2020 Juvenile Only Pursuits	2020 All Other Level 2 and 3 Pursuits	2020 Difference Between Juvenile Only and All Other Pursuits	2021 Juvenile Only Pursuits	2021 All Other Level 2 and 3 Pursuits	2021 Difference Between Juvenile Only and All Other Pursuits
Average Minutes	1.91	3.02	-1.11	3.61	2.15	+1.46
Average Miles	1.93	2.58	-0.65	3.31	1.73	+1.58
Average Street Speed	60.00	58.34	+1.66	61.88	59.77	+2.11

Average Freeway Maximum speed	91.67	82.83	+8.84	96.67	98.27	-1.60

All pursuits in 2020 and 2021 involving solely juvenile suspects were found in compliance.

Whether the suspect is known to be a juvenile is a risk factor listed in policy that shall be considered when determining whether to initiate and continue a pursuit (See Appendix B for a list of risk factors from DGO J-4). Pursuing juveniles is not prohibited but should be an important consideration prior to initiating a pursuit. Based on the data reviewed, pursuits with apprehensions involving solely juvenile suspects resulted in a high rate of collisions (67% in 2020 and 50% in 2021). Additionally, a juvenile was driving the suspect vehicle in the one pursuit in 2021 that resulted in severe injuries to two uninvolved individuals (broken ankle and cracked skull). Due to the risk associated with juveniles driving vehicles pursued by OPD, OIA recommends that the Department provide additional guidance to personnel on assessing juvenile suspects as a risk factor.

Observation #7
Pursuit Compliance
The pursuit compliance rate for level 2 and 3 pursuits went up in 2021 compared to the compliance rate in 2020, from 91% to 99%.

The Auditor reviewed the pursuit compliance data categories in the 2020 and 2021 pursuit spreadsheets, provided by the Departmental Safety Coordinator, to determine if there were any changes in pursuit compliance between 2020 and 2021 that indicate increased risk to the Department. Level 2 and 3 pursuits go through a comprehensive review process, including a supervisor and at least one commander, the Departmental Safety Coordinator, and at a pursuit review board (the Department Safety Committee).

The Auditor found that the level 2 and 3 pursuit compliance rates increased in 2021 compared to the compliance rate in 2020. In 2020, 6 of the 67 level 2 and 3 pursuits resulted in an out of compliance finding, and in 2021, only one of the 93 level 2 and 3 pursuits was determined to be out of compliance. Table 18 below provides the pursuit compliance findings for 2020 and 2021. The Auditor noted there was one level 1 pursuit in 2020 and 1 level 1 pursuit in 2021, but both were excluded from the total population for this review since level 1 pursuits are reviewed and investigated using a different process. While not incuded in the review, both level 1 pursuits were found in compliance.

Table 19: Level 2 and 3 Pursuit Compliance Findings for 2020 and 2021

Pursuit Compliance Determinations	2020	2021
# of level 2 and 3 pursuits	67	93
# of pursuits in compliance	61	92
# of pursuits out of compliance	6	1
% in compliance	91%	99%
% out of compliance	9%	1%

Findings and Recommendations

Findings	Recommendations
Finding #1 Based on a sample of 60 pursuit reports from 2021, the Department showed improvement in the timeliness of pursuit reviews, with the average level 2 pursuit review taking 13 less days and the average level 3 pursuit review taking 23 less days compared to the average 2020 pursuit reviews. The most noticeable improvement was in the Department Safety Coordinator's (DSC) portion of the review process, wherein the pursuit packets get reviewed and scheduled for a pursuit review board.	**No Recommendation**
Finding #2 The 60 sampled 2021 pursuit report packets were found to be complete. Since OPD's pursuit policy (Departmental General Order J-4, Pursuit Driving) has not been updated since 2014, it still requires packets to contain the Pursuit Review Tracking Sheet (TF-3257), a paper form. However, OPD has transitioned to capturing the required information electronically in Vision. The audit found that all pursuits were entered into Vision and the required data fields on the Tracking Sheet were contained in Vision. Also, while policy does not require a pursuit investigative report for level 3 pursuits, 36 of the 42 level 3 (86%) packets included a narrative report from the supervisor documenting their review of the incident, which was a helpful practice particularly for subsequent reviewers. There were 6 level 3 packets that did not have a narrative report. **Finding #2 Additional Observation** In seven level 2 pursuits and three level 3 pursuits, training issues identified by the reporting supervisor in their investigative reports were not reflected in the Supervisor Review section in the Vision record.	**Recommendation #1** OIA recommends that all level 3 pursuit report packets contain a narrative by the reviewing supervisor documenting their review of the incident, assessment of risk factors, any training issues they discovered, and compliance finding. **Recommendation #2** During the next update of the pursuit policy, the Department should clarify how pursuit report data is collected and maintained given the transition from paper reports to electronic records. **Recommendation #3** OIA recommends the Department add a quality review mechanism for pursuit reports in Vision to ensure they accurately reflect the training and tactical issues identified by the investigating supervisor or commander.

Finding #3 All 60 2021 sampled pursuits were reviewed by the Departmental Safety Committee at either a preliminary review board or full review board, as required by policy. However, because the policy dictating the composition of the Departmental Safety Committee (Department General Order G-4) was last updated in 1998, current practice does not align with policy in the Committee composition, mostly impacting the permanent board Chairperson and the temporary member of the rank of captain. **Finding #3 Additional Observation** OPD's Departmental Safety Committee found all but one of the level 2 and 3 vehicle pursuits in 2021 in compliance with policy.	**Recommendation #4** When DGO J-04 is next updated, the Department should ensure current practice in board composition and roles is included in the pursuit policy. The OIA recommends requiring a Training Division representative to attend the pursuit boards. The Training Division is responsible for training officers on how to pursue fleeing suspects and is well positioned to identify training and tactical issues. The Department should also consider including a board member who has expertise in pursuit driving. **Recommendation #5** Given the high compliance rate of pursuits in 2021 (99%), OPD should evaluate whether such a high compliance rate is acceptable and if changes to policy are necessary to more clearly establish criteria for pursuit compliance.
Observation #1 One factor that may have contributed to an increase in vehicle pursuits between 2020 and 2021 was the increase in carjacking in the City of Oakland. Carjacking increased by 73% citywide from 2020 and 2021, and pursuits for carjacked vehicles, or those used to facilitate carjacking of other vehicles, increased by 105% during this same period. The increase in pursuits for vehicles involved in carjackings (20 additional pursuits in 2021) accounted for 77% of the increase in total pursuits (26 additional pursuits in 2021).	**No Recommendation**

Observation #2	Recommendation #6
There were six officers who collectively initiated 21 more pursuits in 2021 versus 2020, which contributed to the increase in overall pursuits. In 2020, the six officers were either a driver or passenger in 12 pursuits and in 2021, they were the driver or passenger in 33 pursuits. The 21 additional pursuits for these six officers accounted for 81% of the total increase in pursuits between 2020 and 2021.	OIA recommends that the Department conduct a review of the six officers with the greatest increase in pursuits between 2020 and 2021 to assess whether additional training or supervisory oversight is necessary.
Observation #3	**No Recommendation**
Although there were more pursuits in 2021 compared to 2020, the percentage of level 2 and 3 pursuits resulting in property damage and injuries was lower in 2021 compared to 2020. The number of pursuits increased by 39% between 2020 and 2021, but the percentage of pursuits resulting in property damage dropped from 28% in 2020 to 23% in 2021 and the percentage of pursuits resulting in injury dropped from 12% in 2020 to 6% in 2021.	
Observation #4	**Recommendation #7**
The average distance and time of level 2 and 3 pursuits decreased between 2020 and 2021 (distance decrease from 2.52 miles to 1.86 miles and time decreased from 2.92 minutes to 2.27 minutes). The average maximum speed of pursuits occurring on City streets only increased slightly, but the average maximum speed of pursuits occurring on freeways increased by 13.8 miles per hour between 2020 and 2021. Only 14 (15%) of the 93 level 2 and 3 pursuits in 2021 took place on a freeway.	OIA recommends that OPD closely monitor freeway speeds and consider providing additional guidance about assessing speed as a risk factor.
Observation #5	**No Recommendation**
More pursuits in 2021 were self-terminated by pursuing officers compared to 2020 (39% of pursuits were self-terminated by officers in 2020 versus 59% in 2021). Additionally, in 2020 supervisors terminated pursuits due to risk factors more often than officers, but in 2021 the opposite was true.	

Observation #6	Recommendation #8
The apprehension rate of suspects involved in police pursuits decreased from 37% in 2020 to 28% in 2021. The percentage of apprehensions involving solely juvenile suspects increased between 2020 and 2021 (24% vs. 31%).	OIA recommends that the Department provide additional guidance on assessing juvenile suspects as a risk factor.
Observation #7 The pursuit compliance rate for level 2 and 3 pursuits went up in 2021 compared to the compliance rate in 2020, from 91% to 99%.	No Recommendation

Appendix A

Audit Methodology

Objective 1: Pursuit Review Timelines – To determine how long it took the chain of command to complete the pursuit review process and if the timelines improved since the OIA's prior inspection of pursuit review timelines, the Auditor reviewed the 2021 Pursuit spreadsheet provided by the Departmental Safety Coordinator to compare the incident dates, dates of commander reviews, and dates of the pre-full review boards for level 2 and level 3 pursuits to see how long it took the chain of command to complete the pursuit review process and to see if the timelines improved since the last audit.

The Auditor also reviewed the 2021 Pursuit spreadsheet provided by the Departmental Safety Coordinator, to collect the names of the persons listed as responsible for reviewing the pursuits (i.e., supervisor, lieutenant, captain,[82] BFO Admin, Departmental Safety Coordinator (DSC)) to determine if the pursuit reports were approved by the appropriate chain of command.

The Auditor noted that only the pursuit incident dates, the names of the reviewing supervisors and lieutenants, BFO Admin dates, DSC dates, and Board dates were present on the spreadsheet. Therefore, the Auditor accessed Vision to obtain the dates of the supervisor and lieutenant reviews and the names and dates of the captain reviews for Level 2 and 3 pursuits.

Objective 2: Completeness of Packets – To determine if the vehicle pursuit report packets in Vision included all required documents, the Auditor reviewed the 2021 Pursuit spreadsheet provided by the Departmental Safety Coordinator that contains a list of all vehicle pursuit incidents that occurred from January 1, 2021, to December 31, 2021. Using the pursuit numbers, the Auditor accessed Vision to retrieve the pursuit packets. The Auditor reviewed the pursuit report packets in Vision to verify whether the packets were complete and included the required documents listed in policy based on the pursuit category.

Level 2 pursuit packet requirements

a. Original Pursuit Report (TF-3051)
b. Original Pursuit Review Tracking Sheet (TF-3257)
c. Copy of CHP 187A form
d. Copy of Collision Report
e. Copy of Radio (CAD) purge
f. Copy of the electronic recording file (PDRD), if available, or that a request for a copy is documented
g. Photographs, if available
h. Copy of any statements, if taken

      i.   Copy of Offense Report
      j.   Ancillary documents [83]

Level 3 pursuit packet requirements

    a.   Pursuit Review Tracking Sheet (TF-3257)
    b.   Copy of Offense Report
    c.   Copy of CHP 187A form[84]

While not listed in policy, the Auditor also checked Vision for a copy of the radio (CAD) purge, ancillary documents, and body-worn camera video.

Objective 3: Pursuit Review Boards – To determine if the preliminary board and full review boards were convened for each level 2 and level 3 pursuit and if they were comprised of the Departmental Safety Committee members listed in policy, the Auditor accessed the documents and links section in the Vision system and reviewed the Pursuit Follow-up Memoranda for all sampled pursuits in 2021. The Auditor looked for the required Departmental Safety Committee members listed as being in attendance for the Pursuit Review Boards on the Pursuit Follow-up Memoranda.

Pursuit Board Required Member List

Permanent Members

- Commander of the Personnel and Training Division, who shall serve as Chairperson (voting)
- Departmental Safety Coordinator (voting)
- Traffic Division Administrative Sergeant (voting)
- City Attorney Representative (non-voting)

Temporary Members (Appointed biannually by the Chief of Police on January 15 and July 15 to serve six-month terms)

- One Captain (voting)
- One Lieutenant (voting)
- One Sergeant (voting)[85]
- One Police Officer (voting)

Objective 4: Factors Contributing to Increase in Vehicle Pursuits – To determine if any factors contributed to an increase in vehicle pursuits between 2020 and 2021, the Auditor reviewed the pursuit spreadsheets provided by the Departmental Safety Coordinator and each pursuit record in Vision and

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[83] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. XIII. D.3 a-j. pg. 20.
[84] DGO J-4, *Pursuit Driving*, effective 25 Aug 14. XIII. F.6. pg. 21. (a-c per policy).
[85] According to the Departmental Safety Coordinator, in practice, there are two sergeants assigned as temporary members of the Departmental Safety Committee.

examined the primary pursuing officers in 2020 and 2021 and the initiating violation (reason) for the pursuits. The Auditor also reviewed the crime rates for violent crimes in 2020 and 2021.

Objective 5: Vehicle Pursuit Characteristics and Outcomes – To determine if there were any changes in pursuit characteristics and outcomes between 2020 and 2021 that indicate increased risk to the Department, the Auditor reviewed the following data categories in the 2020 and 2021 pursuit spreadsheets provided by the Departmental Safety Coordinator and in Vision: injury, property damage, time, distance, speed, terminations, apprehensions, and compliance findings.

Appendix B

Pursuit Risk Factors (DGO J-4)

Involved personnel shall consider all Risk Factors, in determining whether to initiate and continue a vehicle pursuit, including but not limited to:

1. The volume of vehicular and pedestrian traffic in the area;
2. Traffic conditions;
3. Location of pursuit;
4. Safety of the public in the area of the pursuit (e.g., the presence of children, the elderly or disabled, the proximity to hospital or school zones in the vicinity of the pursuit);
5. Safety of the pursuing officers;
6. Speeds of both officer and suspect vehicles;
7. Familiarity of the officer and supervisor with the area of the pursuit;
8. Road and weather conditions;
9. Time of day;
10. Quality of communications between the pursuing units, the Communications Section, and/or supervisor;
11. The performance capabilities of the police vehicle or the operation of the emergency lights and siren;
12. Availability of air or field support;
13. Whether the officer has a ride-along passenger with him/her;
14. Whether the suspect is known and can be apprehended at a later time;
15. Whether the suspect is known to be a juvenile;
16. When a non-suspect vehicle and/or pedestrian accident has occurred during a pursuit;
17. The safety of occupants in the fleeing vehicle;
18. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile; and
19. The pursued vehicle's location is no longer known.

Appendix C

Violent Forcible Crime (DGO J-4)
For purposes of this policy, a Violent Forcible Crime is defined as the commission or attempted commission of:

1. Murder;
2. Manslaughter;
3. Mayhem
4. Kidnapping;
5. Robbery;
6. Carjacking;
7. Arson to an inhabited structure, inhabited property or that causes GBI;
8. Explode or ignite a destructive device or any explosive causing GBI or death;
9. Use or possession of a weapon of mass destruction;
10. Use of a firearm in the commission of a felony;
11. Assault with a deadly weapon, firearm;
12. Assault with a deadly weapon, other than a firearm*, with SBI/GBI;
    * The use of a motor vehicle to solely flee a scene or enforcement action does not meet the criteria for this part unless there is a clearly articulable intentional act by the driver to use the vehicle as a weapon.
13. Aggravated Battery with SBI/GBI; and
14. Any of the following sexual assaults committed against a person's will by means of force, violence, duress, menace, fear of immediate and unlawful bodily injury on the person or another, or in concert:
    a. Rape;
    b. Sodomy;
    c. Oral Copulation;
    d. Lewd Act on a Child under the age of 14; or
    e. Sexual penetration

An Examination of Timelines for the Completion of Level 2, Level 3, and Level 4 Use of Force Report Packets

By Lead Auditor Rebecca Johnson and Contributing Auditor Kristin Burgess-Medeiros

Objectives

For Level 2, Level 3, and Level 4 uses of force incidents that occurred during the audit period of July 1, 2021, to December 31, 2021, review the completed *Use of Force Report* packets to:

a) Determine the stages in the workflow that caused the packets to be delayed in getting to the Bureau of Field Operations Administrative Unit (BFO Admin).
b) Determine whether there were documented approved extensions for the submission of the delayed packets to BFO Admin.
c) Assess whether approved extensions were granted in a timely manner and determine whether there were documented reasons for approving extensions.

Key Findings

- The majority of the delays in producing the completed Level 2 and Level 3 *Use of Force Report* packets to forward to BFO Admin occurred primarily in two stages of production: the supervisors' initial completion of the packets and when the packets were reviewed by a lieutenant or captain in the chain-of-review and returned to the supervisors for revisions.
- A sample of 20 Level 4 *Use of Force Report packets* that took more than 10 days to be completed and forwarded to BFO Admin was reviewed, and the majority of the delays occurred primarily in three stages of production: the supervisors' review of all documents in the packets; when packets were reviewed by the lieutenants and returned to the supervisors for revisions; and between the time the

lieutenants received the packets and approved them.
- Forty *Use of Force Report* packets (9 Level 2s, 11 Level 3s, and 20 Level 4s) that exceeded policy timelines were reviewed, and only 28 (70%) of them included documented approved extensions. For the 28 packets with documented approved extensions, 14 were deemed to have been granted in a timely manner. There were 47 documented approved extensions because, in some instances, packets included more than one approved extension. Thirty-six of the approved extensions included documented reasons for the approvals.

Key Recommendations

There were seven recommendations (four policy and three procedural) made to assist OPD in improving its timelines for the completion of *Use of Force Report* packets and documenting approved extensions to account for delays getting to BFO Admin. See the *Findings and Recommendations* section for the list of recommendations.

References

- Departmental General Order K-4, *Reporting and Investigating the Use of Force*, effective October 16, 2014.
- Report Writing Manual U-1, *Use of Force Report: VISION Form completion Instructions*, effective November 23, 2019.
- Special Order 9196, *Documentation of the Use of Force*, effective February 15, 2020.

Executive Summary

In 2021, the Oakland Police Department created a new unit called the Risk Impact Unit (RIU), comprised of a sergeant and two officers. RIU inherited duties formerly done by a Use of Force Coordinator position that had been vacant since the end of 2020: scheduling Force Review Boards and tracking and maintaining U*se of Force Reports.* RIU's first task was to schedule the backlog of Force Review Boards, which took some time. At the end of December 2021, RIU was able to refocus its attention to timelines for the completion of *Use of Force Reports,* and in coordination with the Bureau of Field Operations Administrative Unit (BFO Admin), began implementing procedures to address timelines and documentation of such. While not part of the scope for this audit, **Appendix A** provides a list of the procedures implemented by RIU and BFO Admin in an effort to improve timelines and the results of an Office of Internal Accountability's (OIA) inspection of 2022 use of force investigative timelines to determine whether the procedures have led to an improvement in OPD's timelines. The inspection found improvement in timelines and documentation of delays.

Although OPD was aware of timeliness issues with use of force investigations, and RIU and BFO Admin put procedures in place to address timelines, in February 2022 OIA initiated an audit to gain an understanding of why OPD was exceeding its timelines for completing *Use of Force Report* packets, which are the actual *Use of Force Reports* and any attached ancillary[86] documents and body worn camera footage used to investigate the uses of force. The audit scope was limited to examining the Department's processes from the date of the incident to the creation and completion of the packets to the delivery of the completed packets to BFO Admin. The audit scope is further expressed in the three audit objectives: (1) determine the stages in the workflow that caused the packets to be delayed in getting to BFO Admin; (2) determine whether there were documented approved extensions for the submission of the delayed packets to BFO Admin; and (3) if there were documented approved extensions, assess whether the approvals for the extensions were granted in a timely manner and whether there were documented reasons for the extensions.

There are various levels of reportable uses of force, Levels 1-4, with Level 1 being the highest level of force and Level 4 being the lowest level of force. See **Appendix B** for a detailed description of each level of force. Except for a Level 4, Type 32,[87] use of force, the Department investigates, to some degree, all uses of physical force and documents the investigation in the *Use of Force Report*. In this audit, OIA reviewed a sample of nine Level 2, 11 Level 3, and 20 Level 4 *Use of Force Report* packets for incidents that occurred during the audit period of July 1, 2021, to December 31, 2021. Packets for Level 1

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[86] Examples of ancillary documents, are subject and witness statements, Crime and Supplemental Reports, Evidence Technician Reports, photographs, etc.

[87] A Level 4, Type 32 use of force, during the audit period, was a force type that was not investigated. It required only that the police officer document the incident in a report and notify the sergeant. Special Order 9196, *Documentation of the Use of Force*, effective February 15, 2020, defines a Level 4, Type 32 as: "Any use of force, as defined in DGO K-3, used to overcome resistance of a person during an arrest or a detention; or defend oneself or another from combative action by another person; and which is not categorized in reporting Types 1-31 (pg.4)."

reportable uses of force are not included in this audit as those processes follow a different timeline for the investigation and review.

When a Level 2 or Level 3 use of force incident occurs, the associated *Use of Force Report packet*[88] must be completed and forwarded to BFO Admin within 16 calendar days of the incident, unless an extension is approved and documented.[89] A review of the nine Level 2 and 11 Level 3 packets, a total of 20 packets, determined that the Level 2s were forwarded to BFO Admin within 40 to 132 calendar days and the Level 3s were forwarded to BFO Admin within 31 to 128 calendar days. Most of the delays in producing the completed packets to forward to BFO Admin occurred primarily in two stages of production:

1. The supervisors' initial completion of the packets, and
2. When the packets were reviewed by a lieutenant or captain in the chain-of-review and returned to the supervisors for revisions.

The delays in the supervisors' initial completion of the packets were due to supervisors' workload issues (competing responsibilities) and having to address investigative report revisions required by a lieutenant or captain in the chain-of-review (**Finding #1**).

Only seven of the 20 packets (4 Level 2s and 3 Level 3s) had sufficient documented approved extensions to account for the extra time it took to complete and forward them to BFO Admin. Most of the days with insufficient documented approved extensions occurred when the packets were reviewed by a lieutenant or captain in the chain-of-review and returned to the supervisors for revisions (**Finding #2**).

The timelines for completing a packet when a Level 4 use of incident occurs were not very clear. During this audit, it was determined that there were three conflicting directives regarding the timeline for first-level commanders to review and approve Level 4 packets, and the Auditor deemed the internal controls used to ensure the packets are completed and forwarded to BFO Admin within a timely manner ineffective (**Finding #3**). Because of the conflict and because, in practice, OPD completed 79% of the population of Level 4 packets within 10 calendar days, OIA set a timeline parameter of 10 days for completing and forwarding Level 4 *Use of Force Report* packets to BFO Admin.

OIA selected a sample of 20 Level 4 packets that were forwarded to BFO Admin within 18 to 93 calendar days. A review of the packets determined that the majority of the delays in producing the completed packets to forward to BFO Admin occurred in three stages of production: the supervisors' review of all documents in the packets; when packets were reviewed by the lieutenants and returned to the supervisors for revisions; and between the time the lieutenants received the packets and approved

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[88] Departmental General Order K-4, *Reporting and Investigating the Use of Force*, was last updated in October 2014, prior to the implementation of Vision, a comprehensive application allowing for electronic data collection for use of force and other administrative investigations. Use of force packets are now in electronic format, maintained in the Vision system.

[89] DGO K-4, pg. 29.

them. Similar to Level 2 and Level 3 packets, the delays in the first two stages can be attributed to the supervisors' workload issues (competing responsibilities) and having to address investigative report revisions as required by the reviewing lieutenant. However, based on limited research, when delays occurred between the time the lieutenants received the packets and approved them, for the most part, they were unavoidable due to extensive reporting because of multiple officers or subjects; special assignment; training; and various leaves (i.e., rest days, vacation, or medical) (**Finding #4**).

Only 10 of the 20 packets had approved extensions. Five of the 10 packets with approved extensions had sufficient documentation to account for the extra time it took to complete and forward them to BFO Admin. Most of the days wherein there were insufficient documented approved extensions occurred in two stages, both of which involved periods of review (**Finding #5**):

1. When the packets were reviewed by lieutenants and returned to supervisors for revisions; and
2. Between the time the lieutenants received the revised packets and approved them.

Forty *Use of Force Report* packets (9 Level 2s, 11 Level 3s and 20 Level 4s) that exceeded policy timelines were reviewed, and only 28 (70%) of them included documented approved extensions. For the 28 packets with documented approved extensions, only 14 were deemed to have been granted in a timely manner. There were 47 documented approved extensions because, in some instances, packets included more than one approved extension. Four extensions were approved by a lieutenant, 33 extensions were approved by a captain, and 10 extensions were approved by a deputy chief. Thirty-six of the 47 approved extensions included documented reasons for the approvals (**Finding #6**).

Based on the findings, OIA made seven recommendations (four policy and three procedural) to assist OPD in improving its timelines for the completion of *Use of Force Report* packets and documenting approved extensions to account for any delays in getting to BFO Admin. See the *Findings and Recommendations* section for the list of recommendations.

Background

Policies and Procedures

For reporting and investigating purposes, the Oakland Police Department groups uses of force by levels, with Level 1 being the highest level of force and Level 4 being the lowest level of force. See **Appendix B** for a detailed description of each level of force.

Below are OPD's policies that detail the workflow for completing and forwarding *Use of Force Report* packets to BFO Admin.

Level 2 and Level 3 Uses of Force

For Level 2 and Level 3 uses of force, OPD requires a supervisor or commander to respond to the scene of the incident to conduct an investigation[90] to ensure the force used was reasonable.[91] Upon completion of the investigation, the supervisor or commander is required to prepare a *Use of Force Report* (TF-967) in accordance with the provisions of Report Writing Manual Insert U-1, *Use of Force Report: Vision Form Completion Instructions*, unless otherwise directed by a commander or investigator, and complete and forward the *Use of Force Report* packet,[92] within seven calendar days, through the appropriate chain-of-review.[93] The due date may be extended with the approval of the reviewing Division Commander and shall be documented in the Chronological Activity Log. In addition, the Division Commander must ensure BFO Admin is notified of any approved extensions.[94]

The chain-of-review are commanders (a lieutenant and a captain). The lieutenant is required to review the *Use of Force Report* packet before forwarding it to the captain. Both reviewers are required to evaluate and document whether the use of force complied with Departmental policy and comment on any training and tactical issues, when appropriate. They are also responsible for reviewing and evaluating the packet (the *Use of Force Report* and ancillary documents) for completeness, accuracy, and quality and ensuring reports do not contain "boilerplate" or "pat" language without descriptive or explanatory details of the action, returning any reports that are incomplete or inadequate for corrections. Moreover, provided the report/packet was not returned to the supervisor for corrections, they are required to endorse and forward the packet within four (4) calendar days upon receipt.[95] The Division Commander is responsible for forwarding the packet to BFO Admin.[96]

BFO Admin is responsible for receiving and tracking all *Use of Force Report* packets, and DGO K-4 mentions two timelines related to them, one indirectly and one directly. The policy states that BFO Admin is required to notify the appropriate commander if the *Use of Force Report* packet has not been received within 16 calendar days of the incident; thus, the policy, as written, infers that there is an expectation that the supervisor's use of force investigation and completion of the *Use of Force Report* packet and the chain-of-review's review of the packet should be completed and forwarded to BFO Admin within 16 days. The policy directly states that once BFO Admin receives the packet, they are required to review the *Use of Force Report*, and if the report needs to be returned for additional follow-

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[90] DGO K-4, pg. 1.
[91] DGO K-3, pg. 2.
[92] A *Use of Force Report* packet includes the original *Use of Force Report* and copies of ancillary documents, if necessary (e.g., subject/witness statements, Crime/Supplemental Reports; Technician Reports, photographs, body worn camera footage, etc.)
[93] The appropriate chain–of-review refers to the chain–of-command under which the involved member was working during that tour of duty when the force incident occurred.
[94] DGO K-4, pgs. 17, 18, 22, 23, and 27.
[95] DGO K-4, pg. 27.
[96] DGO K-4, pg. 29.

up or clarification, the due date may be extended, as needed, by the BFO Admin supervisor and documented in the Chronological Log.[97]

Level 4 Use of Force

For Level 4 use of force, OPD requires the involved personnel to self-report the force by notifying and briefing their supervisor immediately or as soon as practical and by completing a *Use of Force Report*. In addition, the involved personnel are required to deliver to their immediate supervisor, prior to the end of their tour of duty, the report, and if applicable, the appropriate *Offense Report* and ancillary documents [i.e., body worn camera footage, arrest reports, Probable Cause Declarations, etc.].[98]

Subsequently, the *Use of Force Report* packet is reviewed by a supervisor and a first-level commander (a lieutenant). OPD requires a supervisor to conduct a thorough review of all documents, including officer's body worn camera footage, to ensure completeness, accuracy, and quality. Upon the supervisor's approval of the packet, they are required to endorse and forward the packet to the lieutenant for review by the end of the next scheduled shift, not to exceed five calendar days from the date of the incident. Once the lieutenant receives the packet, they are required to review it; evaluate and document whether the use of force complied with Departmental policy; and comment on any training and tactical issues, when appropriate. If the report needs to be returned for additional follow-up or clarification, the due date of the report can be extended as needed and the extension is required to be documented in the *Chronological Log*. The lieutenant is required to endorse and forward the packet to BFO Admin within four calendar days of approval if there were no approved extensions for revisions.[99]

Vision

OPD maintains its *Use of Force Report* packets in a *Use of Force* module in Vision. The *Use of Force* module captures the data about the use of force incident, serves as a location to attach the use of force investigation report and all applicable ancillary documents, and is electronically routed through the use of force investigation and review process. Personnel are required to complete this report in accordance with Departmental General Order K-4, *Reporting and Investigating the Use of Force*, and any associated special orders, if applicable.[100]

Scope, Population, and Limitations

To gain an understanding of why OPD was experiencing delays in its timelines for completing *Use of Force Report* packets, the audit scope was limited to examining the Department's processes from the date of the incident to the creation and completion of the packets to the delivery of the completed packets to BFO Admin. The audit scope is further expressed in the three audit objectives: (1) determine the stages in the workflow that caused the packets to be delayed in getting to BFO Admin; (2) determine whether there were documented approved extensions for the submission of the delayed

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[97] DGO K-4, pg. 29.
[98] DGO K-4, pgs. 23-25.
[99] DGO K-4, pgs. 27 and 30-31.
[100] Report Writing Manual U-1, *Use of Force*, effective 23 Nov 19, pg. 1.

packets to BFO Admin; and (3) if there were documented approved extensions, assess whether the approvals for the extensions were granted in a timely manner and whether there were documented reasons for the extensions.

Limitation in Determining Whether There Were Documented Reasons for the Extensions
In determining whether there were documented reasons for the extensions, the Auditor looked for documented reasons for the extensions in the Chronological Log in Vision. The Chronological Log automatically keeps track of Vision system events (e.g., documentation and the dates of the creation of a *Use of Force Report* packet and by whom; the various users who passed the packet to the next step in the workflow; extension requests; extension approvals; any comments manually entered about the packet, etc.).

In Vision, there is also an Extension Request module that includes data fields about the requestor and the *Use of Force Report* packet: Serial Number; First Name; Last Name; Current Due Date; Requested Due Date; and Reason Extension Requested. The limitation occurred because, during the audit, OIA was informed that the "Reason Extension Requested" data field does not always automatically populate in the Chronological Log. Instead, the information is located somewhere on the Vision server and OPD is unable to produce this information without notice weeks in advance. Hence, even though the Auditor credited OPD with having documented reasons for the extensions only in the Chronological Log, the Auditor notes that reasons for the extensions could have been documented by the requestors in the "Reason Extension Requested" data fields but those reasons did not populate to the Chronological Log. According to OPD's Business Analyst, this issue was identified as a problem and has been partially fixed as of August 25, 2022, with minor work still needed.

Population and Sample

At the time of the audit, OPD reported that the following number of Level 2, Level 3, and Level 4 *Use of Force Report* packets were completed in 2021:

Completed *Use of Force Report* Packets	Jan-Jun 2021	Jul-Dec 2021	Total 2021
Level 2	6	9	15
Level 3	17	11	28
Level 4	328	352	680

The audit period was July 1, 2021, to December 31, 2021, and OIA reviewed a total of 40 completed *Use of Force Report* packets to examine what caused delays in their completion. The entire population of Level 2 and Level 3 packets were reviewed. Of the 352 Level 4 incidents, 74 (21%) of the associated *Use of Force Report* packets were not completed and forwarded to BFO Admin in a timely manner, and OIA

selected a sample of 20 packets from this population based on how late they arrived in BFO Admin. The breakdown of the 74 packets' arrival in BFO Admin and the selection process was as follows:

- 43 packets were completed and forwarded to BFO Admin within 11 to 17 days.
- 20 packets were completed and forwarded to BFO Admin within 18 to 24 days.
- 11 packets were completed and forwarded to BFO Admin within 25 to 93 days.

To create the sample of 20 packets, all 11 packets completed and forwarded to BFO Admin within 25 to 93 days were selected. Then, 9 packets were randomly selected from the population of 20 packets that were completed and forwarded to BFO Admin within 18 to 24 days. None of the packets that were completed and forwarded to BFO Admin within 11 to 17 days were selected because the Auditor chose to focus on the packets that had the most significant delays.

Methodology

See **Appendix C** for the methodology.

Findings

Finding #1
At the time of the audit, OPD reported nine Level 2 and 11 Level 3 *Use of Force Report* packets were completed during the audit period of July 1, 2021, to December 31, 2021. A review of the 20 packets found the majority of the delays in producing the completed packets to forward to BFO Admin occurred in two stages of production: 1) the supervisors' initial completion of the packets and 2) when the packets were reviewed by a lieutenant or captain in the chain-of-review and returned to the supervisors for revisions. For the most part, the delays were due to supervisors' workload issues (competing responsibilities) and having to address investigative report revisions as required by a lieutenant or captain in the chain-of-review.

When incidents involving Level 2 or Level 3 uses of force occur, OPD requires a supervisor to investigate; prepare a *Use of Force Report* packet; and forward the packet through the chain-of-review (a lieutenant and a captain), with the goal of the completed packet reaching BFO Admin within 16 calendar days of the incident.

For a *Use of Force Report* packet to reach BFO Admin within 16 days of the incident, the following timelines must be met:

| Investigating supervisor creates and completes a Level 2 or 3 *Use of Force Report* packet within **7** calendar days of the incident and forwards the packet to a lieutenant. | Upon receipt, within **4** calendar days, a lieutenant reviews the packet and evaluates and documents whether the force complied with Departmental policy and comments on any training and tactical issues, when appropriate, prior to approving and fowarding the packet to a captain. | Upon receipt, within **4** calendar days, a captain conducts the same type of review the lieutenant does prior to approving and forwarding the packet to the Bureau of Field Operations Administrative Unit. |

It should be noted that before the chain-of-review can approve a *Use of Force Report* packet, OPD requires them to review the packet and evaluate the *Use of Force Report* and ancillary documents for completeness, accuracy, and quality and ensure reports do not contain "boilerplate" or "pat" language without descriptive or explanatory details of the action. Furthermore, the chain-of-review is required to return any reports that are incomplete or inadequate and ensure corrections are made. The lieutenant or the captain can order further investigation or additional investigative resources, and the Division Commander can approve extensions.[101]

OPD creates, maintains, and tracks all levels of uses of force in Vision. The *Use of Force Report* created in Vision along with all the attached reports and ancillary documents make up the *Use of Force Report* packets. There are many data fields and sections completed when creating a *Use of Force Report* in Vision, but to meet the objectives in this audit, the Auditor focused on the data fields and sections in Table 1.[102]

Table 1: Data fields/sections in Vision reviewed to meet all the objectives in this audit

Data Field/Section	Purpose
RD Number	The report number of the use of force incident is entered.
Incident Date	The time the use of force incident occurred is entered.
Documents and Links	In the *Documents* section, primary and supporting documents (i.e., Crime/Supplemental Reports, Consolidated Arrest Reports, Probable Cause Declarations, emails, etc.) are uploaded and attached to the *Use of Force Report*. The *Links* section allows for links to body worn camera footage.
Chronological Log	The chronological log automatically keeps track of Vision system events (e.g., documentation and the dates of the creation of a *Use of Force Report* packet and by whom; the various users who passed the packet to the next step in the

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[101] DGO K-4, pg. 27.
[102] Report Writing Manual U-1, *Use of Force Report*, 23 Nov 19, pgs. 2-4, 11-12, and 14.

	workflow; extension requests; extension approvals; any comments manually entered about the packet, etc.).
Review Approvals	This section is a read-only summary of approval decisions from the Task Detail section. In this section, the captain's and lieutenant's approvals of the investigation and the *Use of Force Report* packet is documented in the following data fields: approval date, approved by (name of approver), approval status (i.e., approved or returned for update), and comments, if applicable.
Task Detail	Allows the user to pass the form to the next step in the workflow: the investigating supervisor/commander; the reviewers (a lieutenant and a captain); the Bureau of Field Operations Administrative Unit, and the use of force coordinator, if applicable.

At the time of the audit, OPD reported nine Level 2 and 11 Level 3 *Use of Force Report* packets were completed during the audit period of July 1, 2021, to December 31, 2021. The nine Level 2 *Use of Force Report* packets were completed and forwarded to BFO Admin within 40 to 132 calendar days of the incidents, and the 11 Level 3 packets were completed and forwarded to BFO Admin within 31 to 128 calendar days of the incidents. The Auditor accessed and reviewed the 20 associated completed packets in Vision.

To determine the stages in the workflow—the investigating supervisor, the lieutenant and the captain— that caused the 20 *Use of Force Report* packets to be delayed in getting to BFO Admin, the Auditor analyzed the Chronological Log, Review Approvals, and the Task Detail sections in the *Use of Force* module in Vision. The Auditor followed the completion of each packet, beginning with the date of the incident and the creation of the packet and ending with the packet being tasked to BFO Admin.

Level 2 Use of Force Report Packets
Based on documentation in the Chronological Logs, the majority of the delays in producing completed Level 2 *Use of Force Report* packets to forward to BFO Admin occurred primarily in two stages of production: the supervisors' initial completion of the packets and when the packets were reviewed by a lieutenant or captain in the chain-of-review and returned to the supervisors for revisions. For each packet, Table 2 shows the time it took at each stage of the process, beginning with the date of the incident to the date BFO Admin received the packet:

Table 2: Level 2 Completed *Use of Force Report* Packet Timelines

Level 2 UOF Report Packet	Date of Incident	Draft Report Complete	Report Revisions Complete	Lieutenant Approved	Captain Approved	BFO Admin Received	Total # of Days
1	7/2/21	10/10/21 (100 days)	10/31/21 (21 days)	11/9/21 (9 days)	11/11/21 (2 days)	11/11/21 (0 days)	132
2	8/11/21	9/29/21 (49 days)	12/1/21 (63 days)	**Review Approvals Section Not**	12/17/21 (1 day)	**No** (0 days)	128

				Completed (15 days)			
3	8/13/21	10/21/21 (69 days)	11/9/21 (14 days)	10/26/21 (5 days)	12/2/21 (23 days)	12/3/21 (1 day)	112
4	9/5/21	9/8/21 (3 days)	10/31/21 (53 days)	11/10/21 (10 days)	11/12/21 (2 days)	**No** (0 days)	68
5	9/5/21	10/18/21 (43 days)	10/30/21 (12 days)	10/31/21 (1 day)	11/2/21 (2 days)	11/2/21 (0 days)	58
6	9/19/21	10/26/21 (37 days)	N/A	11/28/21 (33 days)	11/29/21 (1 day)	11/29/21 (0 days)	71
7	11/22/21	12/19/21 (27 days)	1/28/22 (32 days)	1/25/22 (7 days)	1/28/22 (1 day)	1/28/22 (0 days)	67
8	12/20/21	1/7/22 (18 days)	1/31/22 (12 days)	1/19/22 (12 days)	1/31/22 (0 days)	1/31/22 (0 days)	42
9	12/30/21	1/24/22 (25 days)	2/7/22 (14 days)	**Review Approvals Section Not Completed** (0 days)	2/8/22 (1 day)	2/8/22 (0 days)	40

For the nine Level 2 *Use of Force Report* packets, documented evidence in the Chronological Log, Review Approvals, and the Task Detail sections provided the following information about each packet:

- Although policy[103] implies that an investigating supervisor creates the Level 2 *Use of Force Reports* in Vision, police officers created two *Use of Force Reports* in Vision (Packets #2 and #7) and forwarded them to supervisors on the same dates as the incidents.

- Investigating supervisors (all held the rank of sergeant) completed Packets #1 through #9 and forwarded them on the same day of completion to the lieutenants for review. Only Packet #4 was completed within seven calendar days, as required by policy. The due dates for the other eight packets had to be extended, citing workload issues in most instances as the cause for delay.

- Eight packets were reviewed by a lieutenant or captain of the chain-of-review and returned to the supervisors for revisions, which took additional days to complete. Packet #6 was not returned for further revisions.

- Once the revised packets were forwarded to the lieutenants, only two packets (#5 and #9) were approved and forwarded to the captains within four days of receipt, as required by policy.

  Note: For Packets #2 and #9, there was no documentation in the Chronological Log, Review Approvals, or Task Detail sections that indicated the lieutenant (same person in both instances) approved the packets. At minimum, the lieutenant should have completed the Date and Approval Status/Decision data fields in the Review Approvals section in Vision but did not.

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[103] Report Writing Manual U-1, *Use of Force Report: Vision Form Completion Instructions*, 23 Nov 19, pg. 2.

However, the Auditor considered the dates the captains received the packets from the lieutenant as the lieutenant's approval dates. The captain (same person in both instances) received Packet #2 on 12/16/21 and Packet #9 on 2/7/22.

- Upon receipt, the captains approved all nine packets and forwarded them to BFO Admin (or the Force Board Coordinator in two instances) within four days, as required by policy.

  For Packets #2 and #4, the captain (the same person in both instances) bypassed BFO Admin and forwarded the packets to the Force Board Coordinator the same day of approval. The documented reason for bypassing BFO Admin was that time constraints for holding a Force Review Board[104] caused the packets to go directly to the Force Board Coordinator.

Level 3 Use of Force Report Packets

OPD encountered the same issues when completing the 11 Level 3 *Use of Force Report* packets. Chronological Logs showed that most of the delays in forwarding completed packets to BFO Admin occurred in the same two stages of production as the Level 2 packets: the supervisors' initial completion of the packets and when the packets were reviewed by a lieutenant or captain in the chain-of-review and returned to the supervisors for revisions. For each packet, Table 3 shows the time it took at each stage of the process, beginning with the date of the incident to the date BFO Admin received the packet:

Table 3: Level 3 Completed *Use of Force Report Packet* Timelines

Level 3 UOF Report Packet	Date of Incident	Draft Report Complete	Report Revisions Complete	Lieutenant Approved	Captain Approved	BFO Admin Received	Total # of Days
1	7/5/21	8/3/21 (29 days)	8/15/21 (12 days)	8/16/21 (1 day)	9/2/21 (17 days)	9/2/21 (0 days)	59
2	7/9/21	8/5/21 (27 days)	8/27/21 (22 days)	9/1/21 (5 days)	9/8/21 (7 days)	9/8/21 (0 days)	61
3	7/20/21	8/21/21 (32 days)	10/18/21 (58 days)	10/18/21 (0 days)	11/2/21 (15 days)	11/2/21 (0 days)	105
4	8/7/21	8/16/21 (9 days)	9/25/21 (40 days)	10/9/21 (14 days)	10/25/21 (16 days)	10/25/21 (0 days)	79
5	8/14/21	9/9/21 (26 days)	10/13/21 (34 days)	10/30/21 (17 days)	11/1/21 (2 days)	11/1/21 (0 days)	79
6	8/31/21	10/19/21 (49 days)	N/A (0 days)	11/10/21 (22 days)	11/11/21 (1 day)	11/11/21 (0 days)	72

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[104] Departmental General Order K-4.1, *Force Review Boards*, states, the Board is responsible for assessing and determining concluding recommendations for the Chief of Police about the force used and performance by Department members (e.g., use of body worn camera, on-scene preliminary investigation, etc.) and whether [the force and members' performance were] compliant, as applicable, with Department policies, and procedures and training. The review process is intended to help the Department achieve its goal of using the least amount of force possible consistent with safety of all persons (pgs. 1 and 2).

7	8/31/21	9/25/21 (25 days)	N/A (0 days)	9/30/21 (5 days)	10/1/21 (1 day)	10/1/21 (0 days)	31
8	10/2/21	10/24/21 (22 days)	N/A (0 days)	11/2/21 (9 days)	12/9/21 (37 days)	12/9/21 (0 days)	68
9	10/8/21	12/2/21 (55 days)	1/6/22 (35 days)	1/19/22 (13 days)	1/19/22 (0 days)	1/19/22 (0 days)	103
10	11/10/21	12/10/21 (30 days)	2/4/22 (56 days)	1/20/22 (0 days)	2/4/22 (0 days)	2/4/22 (0 days)	86
11	12/20/21	1/22/22 (33 days)	2/2/22 (11 days)	2/5/22 (3 days)	2/7/22 (2 days)	2/7/22 (0 days)	49

Documented evidence in the Chronological Log, Review Approvals, and the Task Detail sections provided the following information about each packet:

- Although policy[105] implies that an investigating supervisor creates the Level 3 *Use of Force Reports* in Vision, a police officer created Packet #8 and forwarded it to the supervisor on the same date of the incident.

- Investigating supervisors (all held the rank of sergeant) completed Packets #1 through #11 and forwarded them on the same day of completion to the lieutenants for review. None of the packets were completed within seven calendar days, as required by policy. The due dates had to be extended, citing in some instances workload issues, extensive investigation, or additional analysis needed.

- Eight packets (all except Packets #6, #7 and #8) were reviewed by a lieutenant or captain of the chain-of-review and returned to the supervisors for revisions, which took additional days to complete.

- Once the revised packets were forwarded to the lieutenants, only four of them (#1, #3, #10, and #11) were approved and forwarded to the captains within four days of receipt, as required by policy.

- Upon the captains' receipt, only six packets (#5, #6, #7, #9, #10, and #11) were approved and forwarded to BFO Admin within four days, as required by policy. However, the Auditor noted that all packets were forwarded to BFO Admin the same day the captains approved them.

Based on documentation in the Chronological Logs, the review of the 20 *Use of Force Report* packets indicated that the majority of the delays in producing completed packets to forward to BFO Admin occurred primarily in two stages in the workflow:

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[105] Report Writing Manual U-1, *Use of Force Report: Vision Form Completion Instructions*, 23 Nov 19, pg. 2.

1. The supervisors' initial completion of the packets. The Auditor noted that, during this stage, when supervisors documented a reason for requesting an extension, the reason was mainly related to their workload issues, indicating that the completion of the reports was being delayed because of competing responsibilities.
2. When the packets were reviewed by a lieutenant or captain in the chain-of-review and returned to the supervisors for revisions. The Auditor noted that, during this stage, once the supervisors completed the reports to send through the chain-of-review, the majority of them were returned one to three times for revisions

These significant delays, for the most part, rendered OPD unable to complete the packets and forward them to BFO Admin within 16 calendar days of the incidents, as expressed in Departmental General Order K-4, *Reporting and Investigating the Use of Force*.

To get more details about the causes of the delays, OIA (the Audit Unit Supervisor and the Auditor) met separately with three lieutenants who were reviewers in the population of reports included in this review. OIA interviewed each of them and asked questions related to the supervisors' delays in completing the *Use of Force Report* packets and the revisions causing additional delays. First, the Auditor asked about the supervisors' delays by stating, "To complete Level 2 *Use of Force Report* packets, supervisors took 3 to 100 days before forwarding them to the lieutenants in the chain-of-review. For Level 3s, supervisors took 9 to 55 calendar days to complete the packets before forwarding them to the lieutenants in the chain-of-review. What is causing the delays?" The testimonies of Lieutenants #1 and #3 validated that the supervisors' workload issues were causing delays in completing the packets:

> *Lieutenant #1* stated, "It depends on the workload. A Level 3 tasing at the end of the day—it may be the last day before the sergeant's days off. They may have to attend training or work special operations. They may have a couple of DLIs.[106] There are Level 4s, performance appraisals, downloading Axon [body worn camera] video—depending on how long it is. Officers calling. Lieutenants calling. They may have to go out in the field. They are doing administrative work while listening to the radio. Patrol sergeants have an immense workload: body worn camera reviews; 3 division-level investigations; uses of force; mobile field force. A lot of video review. Auditing video and adding quotes."

> *Lieutenant #3* stated, "The policy is outdated. The division-level investigations—the number of red folders each supervisor has. They each average 3 to 6 folders. The

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[106] According to OPD's Internal Affairs Policy and Procedure Manual, Policy 21-01, *IAD General Operating Procedures*, effective 17 Aug 21, pg. 49, a DLI (Division Level Investigation) is a formal investigation into allegations of misconduct that is conducted outside the Internal Affairs Division. DLIs are subject to the same investigative requirements as those conducted by IAD investigators.

amount of officer audits (e.g., K32[107], body worn camera footage) they have to do. Sergeants do not want to work overtime on their days off anymore. Based on certain policies, sergeants have to respond to the field, so they cannot do their administrative work [when this happens]. Sergeants know Level 2s go to the Force Review Board and some Level 3s. Therefore, they catch as much as they can since they will be scrutinized more. They need to do very detailed reviews and investigations. There is so much paperwork and administrative duties."

Secondly, the Auditor asked about the delays caused by revisions, stating, "Once the supervisors completed the reports and sent them to the lieutenants, the majority of the packets had to be revised. Level 2 revisions took an additional 11 to 63 calendar days to complete and Level 3 revisions took an additional 11 to 58 days to complete. What type of reporting issues cause revisions? Why are revisions taking a long time to complete?" All three lieutenants' testimonies validated that revisions to the reports/packets also negatively impacted the timeline to BFO Admin. However, Lieutenant #2's testimony clearly defined the reasons for the revisions—OPD's standards for completing *Use of Force Report* packets led to many revisions and subsequent delays to BFO Admin:

> *Lieutenant #2* stated, "Overall, investigative sufficiency and body worn camera review are causing delays. Additional details are needed for investigative sufficiency, and the reports are sent back for additional detail, if necessary. There are new sergeants who need mentoring and teaching. Sometimes new sergeants need extra help—How do you do *Use of Force Reports*? There are times when additional fieldwork has to be done or additional interviews are necessary. Revisions can also result from feedback from the Chief of Police, the Office of [Internal Accountability], and the Independent Monitor.

> Delays are caused by the amount of scrutiny each report receives. Captains and lieutenants are ensuring specific details are in the reports. As our standards rose—such as body worn camera review; missing something and being accountable for it; new things we have to look for such as late body worn camera activations, detailed in seconds; Type 22's, the pointing of the firearm—we have additional details to focus on, not just Graham v. Connor. For example, for K32's,[108] if they occurred, they have to be called in to the dispatcher, documented in the Crime/Supplemental Report, and tagged on the [body worn camera] video."

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[107] K32 is a Level 4, Type 32 use of force. According to OPD's Special Order 9196, *Documentation of Use of Force*, effective 15 Feb 20, page 4, this force type includes such things as: lifting up and carrying people who had gone limp, holding people down on the ground, restraining people in restraint devices (such as the Hobble or WRAP), pulling people out of cars, pushing people into the back of police cars, removing people who were holding on to fixed objects, forcibly pulling people's hands behind their back when they were resisting, etc.

[108] According to Special Order 9196, *Documentation of the Use of Force*, effective 15 Feb 20, pg. 7, Type 32 is any use of force, as defined in DGO K-3, to overcome resistance of a person during an arrest or a detention or to defend oneself or another from combative action by another person.

The Auditor noted that all three lieutenants stated that edits or revisions to the *Use of Force Report* packets are happening at all stages in the production of the packets before it reaches BFO Admin, even though it may not be documented as such in the Chronological Logs.

Based upon the audit of the timelines for forwarding the 20 *Use of Force Report* packets to BFO Admin and the lieutenants' validations of the causes of the delays, 16 days to complete an investigation and the review process as outlined in OPD's policy is insufficient. The audit showed that it took an average of 80 days to forward nine completed Level 2 *Use of Force Report* packets to BFO Admin and an average of 72 days to forward 11 completed Level 3 packets to BFO Admin, which is well beyond 16 calendar days from the incident as required in policy.

One important purpose of a supervisor's investigation of the use of force is to detect and address any employee performance deficiencies (i.e., late activation of body worn cameras, unreported uses of force, excessive use of force, etc.) during the incidents. The longer it takes OPD to complete a packet, the less chance the Department has to detect and address employee performance issues in a timely manner. Furthermore, if a performance issue requires the supervisor to refer the incident to the Internal Affairs Division, the delay in detecting the performance issue may interfere with IAD's ability to investigate the employee's performance before IAD's timelines expire.

With that being said, OPD should change its policy (DGO K-4) to a more reasonable timeline for forwarding completed *Use of Force Report* packets to BFO Admin. Considering the average number of days it took to forward the 20 packets to BFO Admin, taking 72 to 80 days to detect and address performance issues if present in an investigation is too long. However, the requirement of having completed packets forwarded to BFO Admin "within 16 calendar days of the incident" is unachievable, based on the supervisors' workload issues and revisions that have to be made to the reports to ensure the completed packets meet OPD's standards of investigative sufficiency. Therefore, OPD should analyze current timelines for use of force investigations and then revise the timelines set forth in DGO K-4 to accommodate unavoidable workload issues and revisions to the packets. Additionally, the Department should set parameters around the number of and process for extension requests.

Finding #2
As mentioned in Finding #1, none of the Level 2 and Level 3 *Use of Force Report* packets (9 Level 2s and 11 Level 3s) were completed and forwarded to BFO Admin within 16 calendar days of the incidents. A review of the 20 packets' Chronological Log and Documents and Links sections showed that 18 packets included approved extensions, but only seven (4 Level 2s and 3 Level 3s) of the 18 packets had sufficient documented approved extensions to account for the extra time it took to complete and forward them to BFO Admin. Most of the insufficiently documented extensions occurred when the packets were returned by the lieutenant or captain in the chain-of-review to the supervisors for revisions.

For extensions to complete Level 2 and Level 3 *Use of Force Report* packets, Departmental General Order K-4, *Reporting and Investigating the Use of Force*, includes two directives:

1. [Supervisor Responsibilities section] Complete and forward the *Use of Force Report* packet, within seven (7) calendar days, through the appropriate chain-of-review. The due date may be extended with the approval of the reviewing Division Commander and shall be documented in the Chronological Activity Log.[109]
2. [Command Review and Endorsement section] Document extension approvals by the reviewing Division Commander on the Use of Force Chronological Activity Log.[110]

As mentioned in Finding #1, at the time of the audit, OPD reported nine Level 2 and 11 Level 3 *Use of Force Report* packets were completed during the audit period of July 1, 2021, to December 31, 2021. None of the 20 packets were completed and forwarded to BFO Admin within 16 calendar days of the incidents and therefore required approved extensions to account for all days that exceeded the 16-day requirement.

To determine whether there were documented approved extensions for the submission of the 20 delayed *Use of Force Report* packets to BFO Admin, for each packet, the Auditor subtracted 16 days from the number of days it took for the completed packet to be forwarded to BFO Admin, and for the remaining balance, the Auditor sought approved extensions to account for the balance in the Chronological Log and/or Documents and Links sections in Vision. For example, if it took 45 days to complete and forward a packet to BFO Admin, after subtracting 16 days from the 45 days, the Auditor sought approved extensions that covered the remaining 29 days.

Approved Extensions for Level 2 *Use of Force Report* **Packets**
In the aggregate, for the nine Level 2 packets, there was a total of 574 days that exceeded the 16-day requirement, and OPD documented in the respective Chronological Log or Documents and Links sections in Vision approved extensions for 337 (59%) days. There were no documented approved extensions to account for the remaining 237 (41%) days. Graph 1 shows the number of days in which each completed packet was forwarded to BFO Admin, the number of days that required approved extensions, the number of days covered by documented approved extensions, and the number of days that were not covered by documented approved extensions.

Graph 1: Level 2 Documented Approved Extensions

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[109] DGO K-4, pgs. 18 and 23.
[110] DGO K-4, pg. 27.

Level 2 Approved Extensions

	1	2	3	4	5	6	7	8	9
# of Days to BFO	132	128	112	68	58	71	67	42	40
# of Days Over the 16-Day Requirement	116	112	96	52	42	55	51	26	24
# of Days Accounted For Via Approved Extensions	7	74	81	0	42	55	28	26	24
# of Days Not Accounted For Via Approved Extensions	109	38	15	52	0	0	23	0	0

For the nine Level 2 *Use of Force Report* packets, if applicable, documented evidence in the Chronological Log and Documents and Links sections detailed where the majority of the delay(s) occurred when there were insufficient documented approved extensions:

- Packets #5, #6, #8, and #9 had documented approved extensions that covered the entire delay to BFO Admin (days exceeding the 16-day timeline requirement).

- For Packet #1, 94 of the 109 days the report was overdue to BFO Admin occurred because the investigating supervisor overlooked the report while performing other duties. The supervisor received a supervisory note in their file for the oversight. However, there was no documented approved extension that covered the 94-day oversight.

  Fourteen of the remaining 15 days in which there were no documented approved extensions occurred when the packet was reviewed by a lieutenant or captain of the chain-of-review and returned to the supervisor for revisions.

- For Packets #2, #3, #4, and #7, the days in which there were no documented approved extensions occurred when the packets were reviewed by a lieutenant or captain of the chain-of-review and returned to the supervisors for revisions.
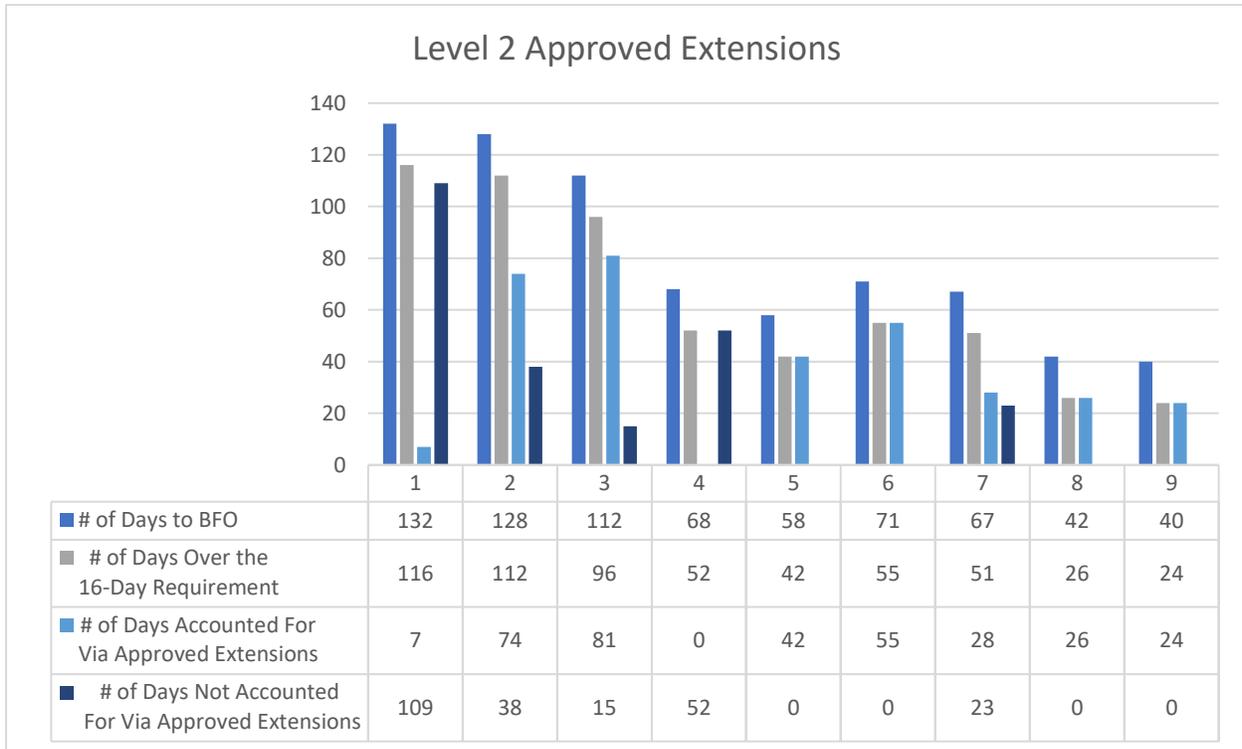
Approved Extensions for Level 3 Use of Force Report Packets

In the aggregate, for the 11 Level 3 packets, there was a total of 616 days over the 16-day requirement, and OPD documented in the respective Chronological Log or Documents and Links sections in Vision approved extensions for 357 (58%) days. There were no documented approved extensions to account for the remaining 259 (42%) days. Graph 2 shows the number of days in which each completed packet was forwarded to BFO Admin, the number of days that required approved extensions, the number of days covered by documented approved extensions, and the number of days that were not covered by documented approved extensions.

Graph 2: Level 3 Documented Approved Extensions

Level 3 Approved Extensions

	1	2	3	4	5	6	7	8	9	10	11
# of Days to BFO	59	61	105	79	79	72	31	68	103	86	49
# of Days Over the 16-Day Requirement	43	45	89	63	63	56	15	52	87	70	33
# of Days Accounted For Via Approved Extensions	21	23	27	0	58	56	15	17	49	58	33
# of Days Not Accounted For Via Approved Extensions	22	22	62	63	5	0	0	35	38	12	0

For the 11 Level 3 *Use of Force Report* packets, if applicable, documented evidence in the Chronological Log and Documents and Links sections detailed where the majority of the delay(s) occurred when there were insufficient documented approved extensions:

- Packets #6, #7 and #11 had documented approved extensions that covered the entire delay to BFO Admin (days exceeding the 16-day timeline requirement).
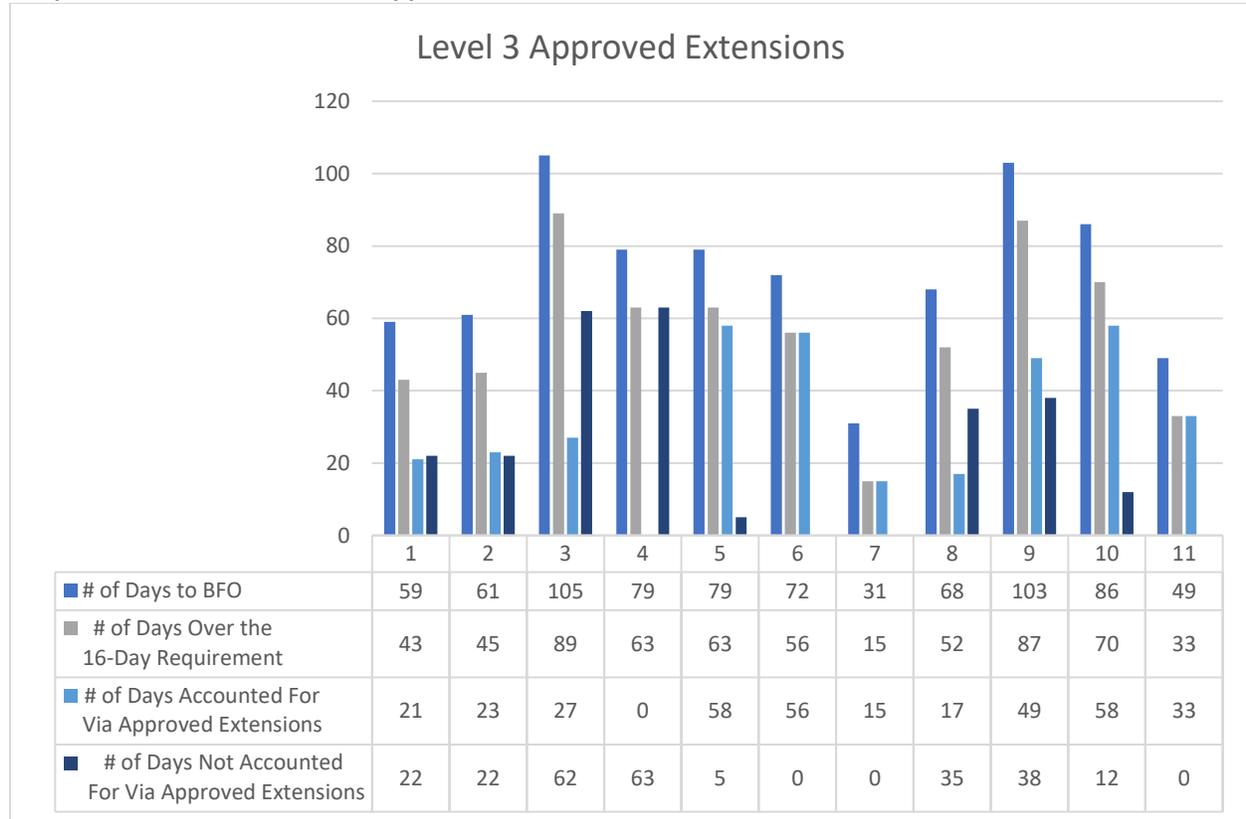
- For Packets #1 and #4, 12 of the 22 days and 40 of the 63 days, respectively, in which there were no documented approved extensions occurred when the packets were reviewed by a lieutenant or captain of the chain-of-review and returned to the supervisors for revisions. In both instances, the remaining days in which there were not documented approved extensions occurred between the time the captains received and approved the packets.

- For Packets #2, #3, and #9, the days in which there were no documented approved extensions occurred when the packets were reviewed by a lieutenant or captain of the chain-of-review and returned to the supervisors for revisions.

- For Packet #5, the days in which there were no documented approved extensions occurred between the time the lieutenant received and approved the packet.

- For Packet #8, the days in which there were no documented approved extensions occurred between the time the captain received and approved the packet. The Auditor noted that the captain documented in the Chronological Log reasons that accounted for most of the 35 days in which there were no documented approved extensions:
  a) A 15-day delay occurred when the captain thought they tasked the report back to the supervisor but because a police officer created the report in Vision, Vision automatically tasked the report to the police officer instead of the supervisor. The captain inadvertently tasked the report to the police officer on 11/15/21 and the error was discovered and corrected on 11/30/21. Fifteen days elapsed before the error was discovered.
  b) The captain took vacation leave, which accounted for, at least, an additional nine-day delay.

- For Packet #10's days in which there were no documented approved extensions, it was documented in the Chronological Log that the supervisor was on medical leave due to COVID.

Overall, 10 packets' Chronological Log and Documents and Links sections (Level 2 Packets #1, #2, #3, #4, and #7 and Level 3 Packets #1, #2, #3, #4, and #9) showed that most of the instances in which there were insufficient documented approved extensions occurred when the packets were reviewed by a lieutenant or captain of the chain-of-review and returned to the supervisors for revisions.

The Auditor referenced OPD's policy to determine how extension requests and approvals should be handled when a lieutenant or captain of the chain-of-review returns the *Use of Force Report* packet to the investigating supervisor for revisions. However, the policy, as written, does not explicitly address the issue. The policy states:

1. [Supervisor Responsibilities section] Complete and forward the Use of Force Report packet, within seven (7) calendar days, through the appropriate chain-of-review. The due date may be extended with the approval of the reviewing Division Commander and shall be documented in the Chronological Activity Log.[111]
2. [Command Review and Endorsement section] Document extension approvals by the reviewing Division Commander on the Use of Force Chronological Activity Log.[112]

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[111] DGO K-4, pgs. 18 and 23.
[112] DGO K-4, pg. 27.

It is unclear whether directive #2 is reinforcing directive #1, or if the policy is stating that the Division Commander in the chain-of-review can approve their own extension requests for revisions. It is also unclear if the rank of "Division Commander" is referring to a lieutenant or a captain or both. The Auditor noted that, upon reviewing the Chronological Logs, in practice, captains and deputy chiefs approved the majority of the extensions, but their ranks are not explicitly mentioned in policy.

If OPD's goal is have its captains and deputy chiefs supervise the completion of the packets when there is a delay that prevents the packets from reaching BFO Admin within 16 days of the incident, then the Department should require its captains and deputy chiefs to approve all delays, including the delays that occur when the packets are reviewed by a lieutenant or captain in the chain-of-review and returned to the supervisors for revisions. Furthermore, OPD should clarify in policy who is responsible for making extension requests and approving them at each segment in the production of its completed packets. Taking these measures will strengthen OPD's oversight of all delays in the completion of the packets.

Finding #3
Due to three conflicting directives regarding the timeline for first-level commanders to review and approve Level 4 *Use of Force Report* packets, the Auditor deemed the internal controls used to ensure Level 4 packets are completed and forwarded to BFO Admin within a timely manner ineffective.

According to DGO K-4, when incidents involving Level 4 uses of force occur, the officer(s) who used force on the subject is required to immediately, or as soon as practical, self-report their use of force and complete a *Use of Force Report*, delivering the report and any ancillary documents [i.e., Crime/Supplemental Reports, Probable Cause Declaration, body worn camera footage, etc.] to their supervisor prior to the end of their tour of duty. Subsequently OPD requires the supervisor to conduct a thorough review of all documents to ensure completeness, accuracy, and quality and forward the *Use of Force Report* packet to the first-level commander for review by the end of the next scheduled shift not to exceed five calendar days from the date of the incident. The first-level commander is required to review and approve the packet and forward the approved packet to BFO Admin within four calendar days of approval.[113]

The policy provides two distinct timelines that account for up to five days in the completion of the *Use of Force Report* packet. First, the officer who used force on the subject is required to complete a *Use of Force Report* and attach any ancillary documents and deliver the report to their supervisor by the end of their tour of duty. This timeline accounts for one day—the length of the officer's shift. Secondly, the supervisor is required to conduct a thorough review of all documents and forward the *Use of Force Report* packet to the first-level commander for review by the end of the next scheduled shift not to exceed five calendar days from the date of the incident. This timeline accounts for up to five days in the completion of the packet.

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[113] DGO K-4, pgs. 24, 25, and 30.

However, due to three conflicting directives, the Auditor was unable to determine a clear timeline for the first-level commander to review and approve the packet. First, in DGO K-4, under Section VIII, Command Review and Endorsement, Subsection A.5, it states, in part, "All reviewers shall complete and endorse a *Use of Force Report* and forward the *Use of Force Report* packet within four calendar days." Secondly, under Section VIII.D, Level 4 Force Review Responsibilities, Subsection D2, it states, in part, "The first-level commander shall review the original *Use of Force Report* packet, [and] upon approval, forward approved *Use of Force Report* packet to the BFO Administrative Unit **within four calendar days of approval**. In this case, the policy only provides a timeline for the commander to forward the packet after approving it. As written, the policy does not establish a timeline for the commander to complete their work (review and approve the packet) until the commander approves the packet. Upon the commander's approval of the packet, they have up to four days to forward the approved packet to BFO Admin. In theory, as long as the commander does not approve the packet, the commander's review process could go on indefinitely. Thirdly, to address *the Use of Force Report* timelines, on June 2, 2021, OPD's Bureau of Risk Management Deputy Chief sent an email to all captains and deputy chiefs that had an attached document stating the lieutenant shall review and forward Level 4 *Use of Force Report* packets to BFO Admin within five days from the date of when the use of force occurred. Nevertheless, the three directives conflict with each other.

If OPD's goal is to have its first-level commanders, upon receipt of Level 4 *Use of Force Report* packets, review, approve, and forward them in a specified number of days, the Department should correct the wording in its policy. Having three different directives that provide different timelines for a first-level commander to review, approve, and forward packets to BFO Admin renders the Department's internal controls used to ensure Level 4 packets are completed and forwarded to BFO Admin within a timely manner ineffective.

Finding #4

A sample of 20 Level 4 *Use of Force Report* packets that took more than 10 days to be completed and forwarded to BFO Admin during the audit period of July 1, 2021, to December 31, 2021, was reviewed, and the majority of the delays in producing the completed packets to forward to BFO Admin occurred in three stages of production: the supervisors' review of all documents in the packets; when packets were reviewed by the lieutenants and returned to the supervisors for revisions; and between the time the lieutenants received the packets and approved them. Similar to Finding #1, the delays in the first two stages can be attributed to the supervisors' workload issues (competing responsibilities) and having to address investigative report revisions as required by the reviewing lieutenant. However, based on limited research, when delays occurred between the time the lieutenants received the packets and approved them, for the most part, they were unavoidable due to extensive reporting because of multiple officers or subjects; special assignment; training; and various leaves (i.e., rest days, vacation, or medical).

Due to conflicting directives, OPD's timeline for first-level commanders to review and approve Level 4 *Use of Force Report* packets is unclear (see Finding #3) and because, in practice, OPD completed 79% of the population of Level 4 packets within 10 calendar days (see 4th paragraph in this finding), OIA set a

timeline parameter of 10 days for completing and forwarding Level 4 *Use of Force Report* packets to BFO Admin.

For a *Use of Force* packet to reach BFO Admin within 10 days of the incident, the following timelines must be met.[114]

| An officer creates a Level 4 *Use of Force Report* packet prior to the end of their tour of duty and forwards the packet to a supervisor. | Upon receipt, within **5** calendar days from the date of the incident, a supervisor conducts a thorough review of all documents to ensure completeness, accuracy, and quality, prior to approving and fowarding the packet to a lieutenant. | Upon receipt, a lieutenant reviews, approves, and forwards the completed packet to the Bureau of Field Operations Administrative Unit within **4** calendar days. |

Before a supervisor or a lieutenant can approve a *Use of Force Report* packet, OPD requires them to return incomplete or inadequate reports for additional details or clarification. The first-level commander (a lieutenant) can extend the due date as needed, and if the due date is extended, the lieutenant is required to document the extension in the Chronological Log.[115]

At the time of the audit, OPD reported 352 Level 4 *Use of Force Report* packets were completed during the audit period of July 1, 2021, to December 31, 2021, and 278 (79%) of them were completed within 10 calendar days of the incidents. Seventy-four (21%) packets were competed within 11 to 93 calendar days. The Auditor sampled 20 of the 74 packets:

	Total Packets in Population	**Total Packets Reviewed**
Level 4 Packets completed within 25-93 Days	11	11
Level 4 Packets completed within 18-24 Days	20	9
Level 4 Packets completed within 11-17 Days	43	0
TOTAL	**74**	**20**

- All packets (11) completed and forwarded to BFO Admin within 25 to 93 days were selected.

- 9 packets were randomly selected from a population of 20 packets that were completed and forwarded to BFO Admin within 18 to 24 days.

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[114] DGO K-4, pgs. 23-25 and 30-31.
[115] DGO K-4, pgs. 30-31.

- The Auditor chose to focus on the packets that had the most significant delays and therefore did not sample any of the population of 43 packets that were completed and forwarded to BFO Admin within 11 to 17 days.

To determine the stages in the workflow that caused the 20 *Use of Force Report* packets to be delayed in getting to BFO Admin, analyzing the Chronological Log, Review Approvals, and the Task Detail sections in the *Use of Force* module in Vision, the Auditor followed the completion of each packet, beginning with the date of the incident and the creation of the packet and ending with the packet being tasked to BFO Admin, to determine at whose stage—the police officer, the supervisor, or the lieutenant—in the process were the delays occurring.

Based on documentation in the Chronological Logs, the majority of the delays in producing completed Level 4 *Use of Force Report* packets to forward to BFO Admin occurred primarily in three stages of production: the supervisors' review of all documents in the packets; when packets were reviewed by the lieutenants and returned to the supervisors for revisions; and between the time the lieutenants received the packets and approved them. From the dates of the incidents to the dates BFO Admin received the packets, for each packet, Table 4 shows the dates each stage of the process was completed and the number of days it took to complete each stage:

Table 4: Level 4 Completed *Use of Force Report* Packet Timelines

Level 4 UOF Report Packet	Date of Incident	Report Created	Supervisor Report Review Complete	Report Revisions Complete	Lieutenant Approved	BFO Admin Received	Total # of Days
1	9/7/21	9/7/21 (0 days)	11/19/21 (73 days)	N/A	12/9/21 (20 days)	12/9/21 (0 days)	93
2	8/5/21	8/5/21 (0 days)	8/5/21 (0 days)	N/A	9/13/21 (39 days)	9/16/21 (3 days)	42
3	12/8/21	12/8/21 (0 days)	1/21/22 (44 days)	N/A	1/21/22 (0 days)	1/22/22 (1 day)	45
4	9/28/21	9/29/21 (1 day)	11/5/21 (37 days)	N/A	11/10/21 (5 days)	11/10/21 (0 days)	43
5	12/3/21	12/3/21 (0 days)	12/12/21 (9 days)	1/12/22 (31 days)	1/12/21 (0 days)	1/12/21 (0 days)	40
6	11/10/21	11/10/21 (0 days)	11/11/21 (1 day)	12/14/21 (33 days)	12/15/21 (1 day)	12/15/21 (0 days)	35
7	7/6/21	7/7/21 (1 day)	7/15/21 (8 days)	N/A	8/7/21 (23 days)	8/7/21 (0 days)	32
8	8/1/21	8/1/21 (1 day)	8/3/21 (1 day)	8/31/21 (28 days)	9/1/21 (1 day)	9/1/21 (0 days)	31
9	10/2/21	10/3/21 (1 day)	10/11/21 (8 days)	10/18/21 (7 days)	10/20/21 (2 days)	10/20/21 (0 days)	18

10	7/3/21	7/3/21 (0 days)	7/17/21 (14 days)	N/A	7/29/21 (12 days)	7/29/21 (0 days)	26
11	7/3/21	7/3/21 (0 days)	7/4/21 (1 day)	7/24/21 (20 days)	7/28/21 (4 days)	7/28/21 (0 days)	25
12	9/2/21	9/3/21 (1 day)	9/4/21 (1 day)	9/22/21 (18 days)	9/26/21 (4 days)	9/26/21 (0 days)	24
13	10/20/21	10/21/21 (1 day)	10/26/21 (5 days)	11/3/21 (8 days)	11/11/21 (8 days)	11/11/21 (0 days)	22
14	11/2/21	11/2/21 (0 days)	11/12/21 (10 days)	N/A	11/24/21 (12 days)	11/24/21 (0 days)	22
15	11/11/21	11/11/21 (0 days)	11/15/21 (4 days)	N/A	12/2/21 (17 days)	12/2/21 (0 days)	21
16	12/2/21	12/3/21 (1 day)	12/3/21 (0 days)	N/A	12/23/21 (20 days)	12/23/21 (0 days)	21
17	12/22/21	12/23/21 (1 day)	12/23/21 (0 days)	1/6/22 (14 days)	1/11/22 (5 days)	1/11/22 (0 days)	20
18	7/17/21	7/18/21 (1 day)	7/22/21 (4 days)	7/30/21 (8 days)	7/31/21 (1 day)	7/31/21 (0 days)	14
19	9/6/21	9/6/21 (0 days)	9/13/21 (7 days)	N/A	9/24/21 (11 days)	9/24/21 (0 days)	18
20	9/11/21	9/11/21 (0 days)	9/24/21 (13 days)	N/A	9/29/21 (5 days)	9/29/21 (0 days)	18

For the 20 Level 4 *Use of Force Report* packets, documented evidence in the Chronological Log, Review Approvals, and the Task Detail sections provided the following information about each packet:

- Police officers created 10 packets (#1, #2, #4, #6-#9, #16, #17, and #20) and supervisors[116] created 10 packets (#3, #5, #10-#15, #18, and #19). All packets were created on the same dates of the incidents or within 24 hours of the date of the incident when the incident happened close to midnight or the officers' tour of duty ended the next day.

  Eight of the 10 packets created by police officers (all except Packets #8 and #20) were forwarded to supervisors the same day. Packet #8 was created by a police officer the same day of the incident, close to midnight but forwarded the report to the supervisor the next day, prior to the end of their tour of duty. Packet #20 was created by a police officer the same date of the incident, but it was never forwarded in Vision to the supervisor and seven days later a BFO Admin sergeant reset the workflow and reassigned the packet to the supervisor.

- Supervisors (all held the rank of sergeant) reviewed Packets #1 through #20 and forwarded them to the lieutenants the same date they completed their review. Only nine packets (#2, #6, #8, #11, #12, and #15-#18) were forwarded to the lieutenants for review within five calendar days from the date of the incidents, as required by policy.

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[116] According to Report Writing Manual U-1, Use of Force Report: *Vision Form Completion Instructions*, for Level 4 uses of force, a *Use of Force Report* is completed by the involved member or the member's supervisor.

Note: There were 16 packets (#1-#3, #5, #7, #9-#14, and #16-#20) without documentation in the Chronological Log, Review Approvals, or Task Detail sections that indicated the supervisors approved the packets. However, the Auditor considered the dates the supervisors forwarded the packets to the lieutenants for review as the supervisors' approval dates.

- Seven packets (#5, #8, #11-#13, #17, and #18) were reviewed by lieutenants and returned to supervisors for revisions, which took additional days to complete.

- Tasking errors in Vision interrupted the workflow for two packets (#6 and #9). For Packet #6, the supervisor, after completing the packet, assigned it to an officer instead of the lieutenant. The issue was not noticed until 33 days later and the system administrator had to reset the workflow. For Packet #9, the supervisor inadvertently sent the packet to his peer instead of the lieutenant. The person who received the packet in error did not notice it until they logged into Vision seven days later. After speaking to the supervisor, they forwarded the packet to the lieutenant.

- Once the completed/revised packets were forwarded to the lieutenants, only eight packets (#3, #5, #6, #8, #9, #11, #12, and #18) were approved and forwarded to BFO Admin within four days of receipt, as required by policy.

  It should be noted that all packets, except Packets #2 and #3, were forwarded to BFO Admin the same day the lieutenants approved them. For Packet #2, the lieutenant sent the packet to a captain instead of BFO Admin. The captain approved the packet three days later and forwarded it to BFO Admin. For Packet #3, the lieutenant forwarded the packet to BFO Admin one day after approving it.

The Auditor deduced that the reasons for delays in two of the three stages (the supervisors' review of all documents in the packets and when packets were reviewed by the lieutenants and returned to the supervisors for revisions) were the same for Level 2 and 3 uses of force specified in Finding #1 of this audit. Hence, the delays in the supervisors' review of all documents in the packets were due to their workload issues (competing responsibilities) and having to address investigative report revisions as required by the reviewing lieutenant.

To determine the cause of the delays between the time the lieutenants received the *Use of Force Report* packets and approved them, the Auditor reviewed the Chronological Log sections of nine packets with the highest number of days between the time the lieutenants received the packets and approved them (Packets #1, #2, #7, #10, #13, #14, #15 #16, and #19 in Table 4) and sought documented reasons for the delays. If reasons were not documented in the Chronological Log section, the Auditor, on July 29, 2022, emailed the involved lieutenants for an explanation of the delay.

For three packets (#1, #2, and #10), the Auditor was unable to determine the reasons for delays because the lieutenant is no longer employed with OPD or was out of the office attending extended training. For the other six packets, the reasons for the delays varied. Table 4A lists each packet and the reasons for the delays:

Table 4A: Reasons for Lieutenants' Delay in Approving Level 4 *Use of Force Report* Packets

Packet #	# of Days Delayed	Reason for Delay
1	**20**	UTD (no longer employed)
2	**39**	UTD (out of the office attending extended training)
7	**23**	Packet tasked to the lieutenant but they were not alerted via Vision that packet was tasked to them.
10	**12**	UTD (no longer employed)
13	**8**	Extensive reporting as a result of multiple officers and subjects.
14	**12**	The lieutenant was away at training (11/12/21 to 11/22/21) at time packet was tasked to them, accounting for 11 days. Returned to work on 11/23/21.
15	**17**	8 rest days, 3 days of training, and 3 days on special assignment accounted for the 14 days
16	**20**	Vacation and training from 12/3/21 to 12/20/21, accounting for 18 days.
19	**11**	7 days of medical leave from 9/15/21 to 9/21/21

The table shows that the cause of the delays between the time the lieutenants received the *Use of Force Report* packets and approved them varied and, for the most part, the delays were unavoidable.

Finding #5
Only 10 of the 20 Level 4 *Use of Force Report* packets had approved extensions documented in the Chronological Logs and Documents and Links sections in Vision. Five of the ten packets had sufficient documented approved extensions to account for the extra time it took to complete and forward the packets to BFO Admin. Most of the days with insufficient documented approved extensions occurred in two stages: when the packets were reviewed by lieutenants and returned to supervisors for revisions, and between the time the lieutenants received the packets and approved them.

For extensions to complete Level 4 *Use of Force Report* packets, Departmental General Order K-4, *Reporting and Investigating the Use of Force*, includes two directives, one for the supervisor and one for the first-level commander (the lieutenant):

1. Reviewing supervisor is required to conduct a thorough review of all documents to ensure completeness, accuracy, and quality, and incomplete or inadequate reports are required to be returned [to the officer(s)] for additional details or clarification.[117]
2. The first-level commander is required to review the original *Use of Force Report* packet. If the *Use of Force Report* is returned for additional follow-up or clarification, the due date may be extended, as needed, and documented in the Chronological Log.[118]

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[117] DGO K-4, pg. 30.
[118] DGO K-4, pg. 31.

As mentioned in Finding #3, because Departmental General Order K-4, *Reporting and Investigating the Use of Force*, does not include a clear timeline for first-level commanders to review and approve Level 4 *Use of Force Report* packets and because, in practice, OPD completed 79% of the population of Level 4 packets within 10 calendar days, OIA set a timeline parameter of 10 days for completing and forwarding Level 4 *Use of Force Report* packets to BFO Admin.

A sample of 20 Level 4 *Use of Force Report* packets completed within 18 and 93 calendar days during the audit period of July 1, 2021, to December 31, 2021, were selected for review. Because none of the 20 packets were completed and forwarded within 10 calendar days of the incident, approved extensions were required to account for all days that exceeded 10 days.

To determine whether there were documented approved extensions for the submission of the 20 delayed Level 4 *Use of Force Repor*t packets to BFO Admin, for each packet, the Auditor, subtracted 10 days from the number of days it took for the completed packet to be forwarded to BFO Admin, and for the remaining balance, the Auditor sought approved extensions to account for the balance in the Chronological Log or Documents and Links sections in Vision. For example, if it took 30 days to complete and forward a packet to BFO Admin, after subtracting 10 days from the 30 days, the Auditor sought approved extensions that covered the remaining 20 days.

In the aggregate, for the 20 Level 4 packets, there was a total of 410 days over the 10-days. OPD documented in the respective Chronological Logs or Documents and Links sections in Vision approved extensions for 108 (26%) days. There were no documented approved extensions for the remaining 302 (74%) days, and 273 of them can be attributed to the lack of documented extensions in 10 packets. Table 5 shows the number of days in which each of the 10 packets was forwarded to BFO Admin and the number of days that required approved extensions:

Table 5: Level 4 *Use of Force Report* Packets with No Approved Extensions

Packet	1	2	3	4	5	6	7	8	9	10
# Days to BFO Admin	93	42	43	40	35	32	18	25	24	21
# of Days Over 10-Day Requirement	83	32	33	30	25	22	8	15	14	11

For the 10 packets with no documented extensions, the Auditor reviewed the Chronological Log and Documents and Links sections and determined the following information:

- For Packets #1 (83 days) and #3 (33 days), most of the days were expended during the supervisors' review.

  For Packet #3, the Auditor noted that on two separate occasions a supervisor requested extensions. In one instance, they documented on the Chronological Log that that they sent a request for a two-week extension to a captain because body worn camera footage needed to be recovered, but there was no documentation in the packet that the captain received or acknowledged the request. In the second instance, a copy of an email was attached in the Documents and Links section, showing that the supervisor sent a request for a 32-day extension

to a deputy chief because they had been out sick for two weeks and had workload issues. There was no documented evidence in the packet that the deputy chief received or acknowledged this request.

- For Packets #4 (30 days), #8 (15 days), and #9 (14 days), most of the days were expended when the packets were reviewed by lieutenants and returned to the supervisors for revisions.

- For Packets #2 (32 days), #6 (22 days), and #10 (11 days), the days were expended between the time the lieutenants received and approved the completed/revised packets.

- For Packets #5 (25 days) and #7 (8 days), most of the days were expended because of workflow issues, where packets were forwarded to the wrong person and laid dormant until the issues were noticed and the reports were redirected.

For 10 of the 20 Level 4 *Use of Force Report* packets, there were documented approved extensions in the packets' Chronological Log and Documents and Links sections. Graph 3 shows the number of days in which each completed packet was forwarded to BFO Admin, the number of days that required approved extensions, the number of days covered by documented approved extensions, and the number of days that were not covered by documented approved extensions.

Graph 3: Level 4 Documented Approved Extensions

Level 4 Approved Extensions

	11	12	13	14	15	16	17	18	19	20
# of Days to BFO	45	31	26	22	22	21	20	14	18	18
# of Days Over the 10-Day Requirement	35	21	16	12	12	11	10	4	8	8
# of Days Accounted For Via Approved Extensions	27	9	14	12	12	11	8	4	3	8
# of Days Not Accounted For Via Approved Extensions	8	12	2	0	0	0	2	0	5	0
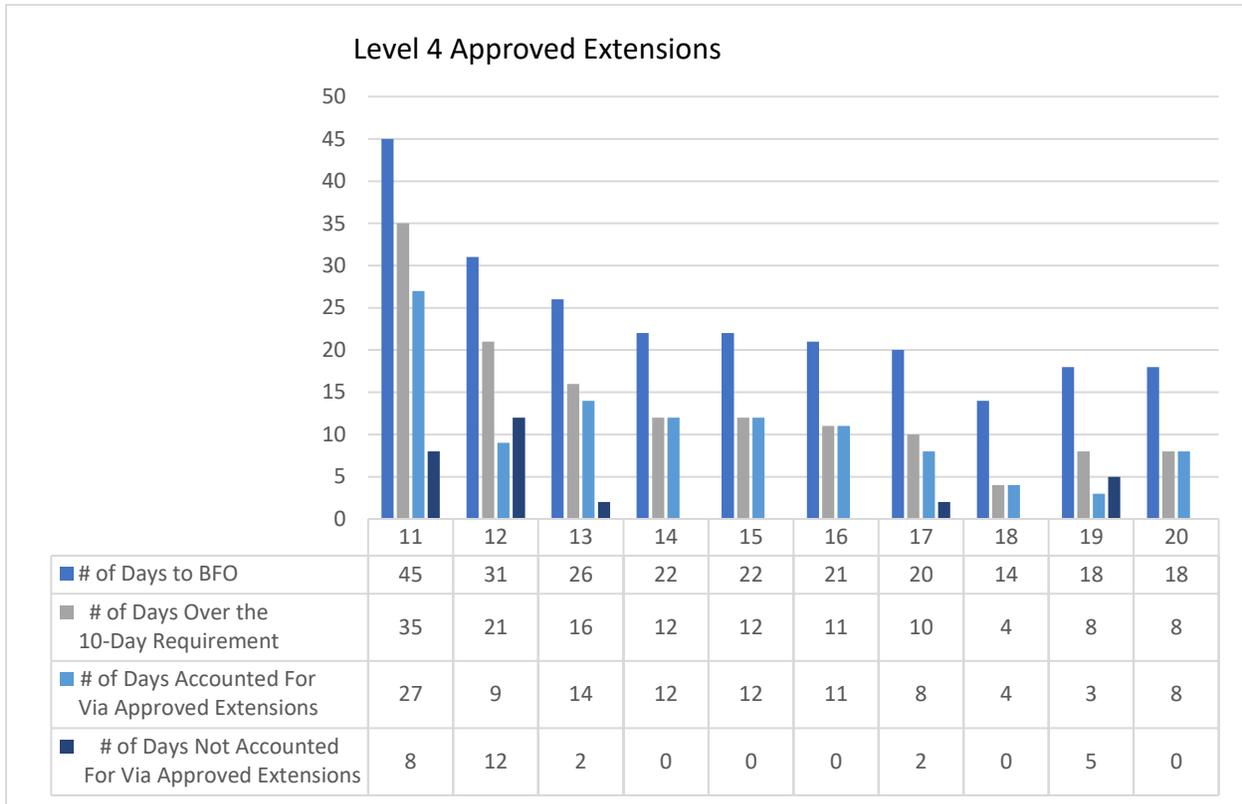
For the 10 packets, if applicable, documented evidence in the Chronological Log and Documents and Links sections detailed where most of the delay(s) occurred when there were insufficient documented approved extensions:

- Packets #14, #15, #16, #18, and #20 had documented approved extensions that covered the entire delay to BFO Admin (all days exceeding the 10-day requirement).

- For Packet #11, for the days in which there were no documented approved extensions, it was documented in the Chronological Log that the supervisor was on medical leave due to COVID.

- For Packet #12, the days in which there were no documented approved extensions occurred when the packet was reviewed by the lieutenant and returned to the supervisor for revisions.

- For Packet #17, the two days in which there were no documented approved extension occurred when the packet was reviewed by the lieutenant and returned to the supervisor for revisions (1 day) and between the time the lieutenant received and approved the revised packet (1 day).

- For Packets #13 and #19, the days in which there were no documented approved extensions occurred between the time the lieutenants received and approved the completed/revised packets.

The review of the 20 Level 4 *Use of Force Report* packets indicated most of the days in which there were insufficient documented approved extensions occurred in two stages: when the packets were reviewed

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by lieutenants and returned to supervisors for revisions; and between the time the lieutenants received the packets and approved them.

The Auditor referenced Departmental General Order K-4, *Reporting and Investigating the Use of Force* to determine how extension requests and approvals should be handled when a lieutenant returns the Level 4 *Use of Force Report* packet to the supervisor for revisions or a lieutenant needs additional time to review the packet prior to approving it. The policy explicitly addresses one issue but not the other. The policy empowers the lieutenant to extend the due date when a lieutenant returns the Level 4 *Use of Force Report* packet to the supervisor for revisions. Specifically, it states, "The first-level commander shall review the original *Use of Force Report* packet. If the *Use of Force Report* is returned for additional follow-up or clarification, the due date may be extended, as needed, and documented in the Chronological Log.[119] The Auditor did note that a lieutenant approved an extension for one of the ten packets in which there were documented approved extensions and captains approved the extensions for the other nine packets. On the other hand, the policy is silent on how extension requests and approvals should be handled when a lieutenant needs additional time to review the packet prior to approving it.

If OPD's goal is to have its captains supervise the completion of Level 4 *Use of Force Report* packets when delays occur, the Department should require its captains to approve all extensions, including the delays that occur when lieutenants return packets to the supervisors for revisions and delays in the lieutenants review and approval. Furthermore, OPD should clarify in policy who is responsible for making extension requests and approving them at each step of the process. Taking these measures will strengthen OPD's oversight of all delays in the completion of the packets.

Finding #6
Forty *Use of Force Report* packets (9 Level 2s, 11 Level 3s and 20 Level 4s) that exceeded policy timelines were reviewed and only 28 (70%) of them included documented approved extensions. For the 28 packets with documented approved extensions, the approved extensions in 14 of the packets (4 Level 2s, 5 Level 3s, and 5 Level 4s) were deemed to have been granted in a timely manner. There were 47 documented approved extensions because, in some instances, packets included more than one approved extension. Four extensions were approved by a lieutenant, 33 extensions were approved by a captain, and 10 extensions were approved by a deputy chief. Thirty-six of the approved extensions included reasons for the approvals.

There were 40 *Use of Force Report* packets sampled, and 28 (8 Level 2s, 10 Level 3s, and 10 Level 4s) of the packets' Chronological Log or the Documents and Links sections included documented approved extensions. The Auditor assessed whether the approved extensions were granted in a timely manner and determined whether there were documented reasons for approving the extensions.

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[119] DGO K-4, pg. 31.

For Level 2 and Level 3 *Use of Force Report* packets, in assessing whether approved extensions were granted in a timely manner, the Auditor deemed approved extensions to be timely based on two factors:

1. The approved extensions occurred prior to or reasonably after the pre-extension due dates. Note: For Level 2s and 3s, the first due date in policy is as follows: The supervisor is required to complete and forward the *Use of Force Report* packet within seven calendar days through the appropriate chain-of-review (DGO K-4, pgs. 18 and 23).

2. And the approved extensions covered, at minimum, 90 percent of the days that exceeded the 16-day requirement to BFO Admin.

To determine whether there were documented reasons for approving extensions, for each packet, the Auditor sought documented reasons for the extensions at the time of the approvals.

Level 2 Approved Extensions

Upon review of the eight Level 2 *Use of Force Report* packets' Chronological Log and the Documents and Links sections, there were four packets in which the approved extensions were deemed to be timely and four packets were not. There were 18 documented approved extensions because, in some instances, packets included more than one approved extension. Eleven extensions were approved by a captain and seven extensions were approved by a deputy chief. Twelve of them included documented reasons for the approvals.

Table 6 shows the four packets in which timely approved extensions were granted. The table also shows that most of the extension approvals occurred prior to or reasonably after the original due dates, and that there were nine approved extensions and only five of them included reasons for the approvals.

Table 6: Level 2 *Use of Force Report* Packets' Timely Approved Extensions

Level 2 UOF Packet	UOF Report Created	Extension Requests (Date From/To)	Reasons	Extension Approval Date	By Whom	BFO Admin Received Packet
1	9/5/21	9/10/21 to 10/5/21	unknown	9/7/21	Captain	11/2/21
		10/5/21 to 10/30/21	unknown	9/13/21	Captain	
2	9/19/21	9/24/21 to 10/19/21	unknown	9/27/21	Captain	11/29/21
		10/19/21 to **11/6/21**	workload	10/23/21	Deputy Chief	
		11/14/21 to 11/28/21	vacation leave and add'l work needed	11/17/21	Deputy Chief	
3	12/21/21	12/26/21 to 1/24/22	unknown	12/23/21	Captain	1/31/22

		1/24/22 to 1/31/22	extensive investigation and add'l work needed	1/28/22	Deputy Chief	
4	12/31/21	1/12/22 to 1/28/22 1/28/22 to 2/8/22	workload workload and add'l work needed	1/12/22 1/27/22	Captain Deputy Chief	2/8/22

Packet #2 shows there were eight days from 11/6/21 to 11/14/21 in which there was not an approved extension for the delayed packet, but the Auditor counted these eight days as part of the 16 days OPD is allotted to complete and forward the packet to BFO Admin. Additionally, the approval for the third extension was granted late, but an explanation was given for the delay in getting an approved extension. The lieutenant who requested the extension documented on 11/14/21, "I was on vacation last week and [supervisor's name] is on vacation this week. There are body worn camera questions that I need to ask [supervisor's name]. The investigation draft is complete, pending some training points and body worn camera questions." The lieutenant also documented on 11/28/21, "On November 17, I spoke to BFO Admin [sergeant's name], who advised he received the two-week extension approved from [deputy chief's name]. "

Table 6A shows the calculations the Auditor used to validate that the approved extensions covered, at minimum, 90 percent of the days that exceeded the 16-day requirement to BFO Admin. In all four instances, OPD exceeded the number of days they needed to cover with approved extensions because the approved extension time periods included some of the 16 days they were already allotted to complete and forward the *Use of Force Report* packets to BFO Admin.

Table 6A: Calculations of approved extensions that covered, at minimum, 90% of the days that exceeded the 16-day requirement to complete and forward Level 2 packets to BFO Admin

Level 2 UOF Report Packet	# of Days to BFO Admin	Minus 16 Days	# of Days w/Approved Extensions	# of Days w/o Approved Extensions	% of Days Covered w/Approved Extensions	% of Days Not Covered w/Approved Extensions
1	58	42	50	0	119%	0%
2	71	55	57	0	104%	0%
3	42	26	36	0	138%	0%
4	40	24	27	0	113%	0%

Table 7 shows the other four Level 2 packets in which approved extensions were granted relative to the dates the *Use of Force Reports* were created and the dates the *Use of Force Report* packets (the reports and any ancillary documents) were received in BFO Admin. However, there were lengthy delays that were not accounted for via approved extensions, displayed in the table as **highlighted** dates.

Furthermore, the table shows that there were nine approved extensions and seven of them included documented reasons for the approvals.

Table 7: Level 2 *Use of Force Report* Packets' Untimely Approved Extensions

Level 2 UOF Packet	UOF Report Created	Extension Requests (Date From/To)	Reasons	Extension Approval Date	By Whom	BFO Admin Received Packet
1	7/2/21	10/12/21 to 10/19/21	add'l work needed	10/12/21	Deputy Chief	11/11/21
2	8/11/21	8/19/21 to 9/2/21 9/2/21 to 9/30/21 11/13/21 to 12/15/21	unknown workload add'l work needed and workload issues	8/14/21 8/28/21 11/16/21	Captain Captain Deputy Chief	12/17/21
3	8/13/21	8/18/21 to 9/10/21 9/10/21 to 10/14/21 11/9/21 to 12/3/21	unknown workload supervisor on medical leave and add'l work needed	8/17/21 9/21/21 11/9/21	Captain Captain Deputy Chief	12/3/21
4	11/22/21	11/27/21 to 12/20/21 1/26/22 to 1/31/22	workload minor revisions	11/23/21 1/26/22	Captain Captain	1/28/22

Table 7A shows the calculations the Auditor used to validate that the approved extensions did not cover, at minimum, 90 percent of the days that exceeded the 16-day requirement to BFO Admin. In all four cases, the approved extensions covered less than 90 percent of the days that exceeded the 16-day requirement to complete and forward the *Use of Force Report* packets to BFO Admin.

Table 7A: Calculations of approved extensions that did not cover, at minimum, 90% of the days that exceeded the 16-day requirement to complete and forward Level 2 packets to BFO Admin

Level 2 UOF Report Packet	# of Days to BFO Admin	Minus 16 Days	# of Days w/Approved Extensions	# of Days w/o Approved Extensions	% of Days Covered w/Approved Extensions	% of Days Not Covered w/Approved Extensions
1	132	116	7	109	6%	94%
2	128	112	74	38	66%	34%
3	112	96	81	15	84%	16%
4	67	51	25	26	49%	51%

Level 3 Approved Extensions

Upon review of the 10 Level 3 *Use of Force Report* packets' Chronological Log and the Documents and Links sections, there were five packets in which the approved extensions were deemed to be timely and five packets were not. There were 19 documented approved extensions because, in some instances, packets included more than one approved extension. Three extensions were approved by a lieutenant, 13 extensions were approved by a captain, and three extensions were approved by a deputy chief. Fifteen of them included documented reasons for the approvals.

Table 8 shows the five packets in which timely approved extensions were granted. The table also shows that most of the extension approvals occurred prior to or reasonably after the original due dates, and that there were 13 approved extensions and 11 of them included reasons for the approvals.

Table 8: Level 3 *Use of Force* Packets' Timely Approved Extensions

Level 3 UOF Packet	UOF Report Created	Extension Requests (Date From/To)	Reasons	Extension Approval Date	By Whom	BFO Admin Received Packet
1	8/14/21	8/19/21 to 9/10/21	extensive investigation	8/17/21	Captain	**11/1/21**
		9/10/21 to **10/15/21**	Supervisor attended training	9/25/21	Captain	
2	8/31/21	9/5/21 to 10/5/21	workload	8/31/21	Captain	11/11/21
		10/5/21 to 10/23/21	workload	10/3/21	Captain	
		10/23/21 to 11/10/21	add'l work on report	10/22/21	Captain	
3	8/31/21	9/5/21 to 10/1/21	workload	9/7/21	Captain	10/1/21
4	11/10/21	11/15/21 to 12/3/21	unknown	11/15/21	Captain	2/4/22
		12/3/21 to 12/10/21	add'l body worn camera analysis	12/3/21	Captain	
		12/10/21 to **1/6/22**	unknown	12/20/21	Captain	
		1/21/22 to 2/3/22	report revisions	1/24/22	Deputy Chief	
		2/3/22 to 2/4/22	report revisions	2/4/22	Deputy Chief	
5	12/20/21	12/25/21 to 1/31/22	workload	12/23/21	Captain	2/7/22
		1/31/22 to 2/7/22	workload	1/27/22	Deputy Chief	

For Packet #1, the last approved extension expired on 10/15/21, but BFO Admin did not receive the packet until 11/1/21, 17 days later. However, the Auditor counted 11 of the days as part of the 16 days OPD is allotted to complete and forward the packet to BFO Admin, showing that there were only six days in which there was no approved extension. Even though the date of the second approved

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extension occurred on 9/25/21, the Auditor deemed it timely because the supervisor responsible for making revisions was away at training. On 10/8/21, the deputy chief documented, "Due to the supervisor's mandated attendance at POST Management School, I understand the extension is needed. I approve until 10/15/21."

Packet #4 shows there were 15 days from 1/6/22 to 1/21/22 in which there was not an approved extension for the delayed packet, but the Auditor counted 11 of the days as part of the 16 days OPD is allotted to complete and forward the packet to BFO Admin, leaving only four days in which there was no approved extension to cover the delay. In addition, this packet included five documented approved extensions, and the Auditor noted that although the third approved extension was untimely, the other four were timely.

Table 8A shows the calculations the Auditor used to validate that the approved extensions covered, at minimum, 90 percent of the days that exceeded the 16-day requirement to BFO Admin. In three instances, OPD exceeded the number of days they needed to cover with approved extensions because the approved extension time periods included some of the 16 days they were already allotted to complete and forward the *Use of Force Report* packets to BFO Admin.

Table 8A: Calculations of approved extensions that covered, at minimum, 90% of the days that exceeded the 16-day requirement to complete and forward Level 3 packets to BFO Admin

Level 3 UOF Report Packet	# of Days to BFO Admin	Minus 16 Days	# of Days w/Approved Extensions	# of Days w/o Approved Extensions	% of Days Covered w/Approved Extensions	% of Days Not Covered w/Approved Extensions
1	79	63	57	6	90%	10%
2	72	56	66	0	118%	0%
3	31	15	26	0	173%	0%
4	86	70	66	4	94%	6%
5	49	33	44	0	133%	0%

Table 9 shows the other five Level 3 packets in which approved extensions were granted relative to the dates the *Use of Force Reports* were created and the dates the *Use of Force Report* packets (the reports and any ancillary documents) were received in BFO Admin. However, there were lengthy delays that were not accounted for via approved extensions, displayed in the table as **highlighted** dates. Furthermore, the table shows that there were 6 approved extensions and four of them included documented reasons for the approvals.

Table 9: Level 3 *Use of Force* Packets' Untimely Approved Extensions

Level 3 UOF Packet	UOF Report Created	Extension Requests (Date From/To)	Reasons	Extension Approval Date	By Whom	BFO Admin Received Packet
1	7/5/21	7/10/21 to **7/31/21**	unknown	7/28/21	Lieutenant	**9/2/21**

2	7/9/21	7/14/21 to 7/30/21	body worn camera sent to vendor and waited for return (4-6 weeks)	7/9/21	Captain	**9/8/21**
		7/30/21 to **8/6/21**		8/4/21	Captain	
3	7/20/21	7/25/21 to **8/21/21**	unknown	7/28/21	Lieutenant	**11/2/21**
4	10/2/21	10/7/21 to **10/24/21**	workload	10/20/21	Captain	**12/9/21**
5	10/8/21	10/13/21 to **12/1/21**	workload and vacation	11/10/21	Lieutenant	**1/19/22**

Table 9A shows the calculations the Auditor used to validate that the approved extensions did not cover, at minimum, 90 percent of the days that exceeded the 16-day requirement to BFO Admin. In all five cases, the approved extensions covered less than 90 percent of the days that exceeded the 16-day requirement to complete and forward the *Use of Force Report* packets to BFO Admin.

Table 9A: Calculations of approved extensions that did not cover, at minimum, 90% of the days that exceeded the 16-day requirement to complete and forward Level 3 packets to BFO Admin

Level 3 UOF Report Packet	# of Days to BFO Admin	Minus 16 Days	# of Days w/Approved Extensions	# of Days w/o Approved Extensions	% of Days Covered w/Approved Extensions	% of Days Not Covered w/Approved Extensions
1	59	43	21	22	49%	51%
2	61	45	23	22	51%	49%
3	105	89	27	62	30%	70%
4	68	52	17	35	33%	67%
5	103	87	49	38	56%	44%

Level 4 Approved Extensions

For Level 4 *Use of Force Report* packets, the Auditor deemed approved extensions to be timely based on two factors:

1. The approved extensions occurred prior to or reasonably after the pre-extension due dates. Note: For Level 4s, the first significant due date in policy is as follows: The supervisor is required to conduct a thorough review of all documents [in the *Use of Force Report* packet] to ensure completeness, accuracy, and quality and forward the packet to the first-level commander for review by the end of the next scheduled shift not to exceed five calendar days from the date of the incident (DGO K-4, pg. 30).

2. And the approved extensions covered, at minimum, 90 percent of the days that exceeded the 10 days in which the completed packet should have been forwarded to BFO Admin.

To determine whether there were documented reasons for approving extensions, the Auditor sought documented reasons for the extensions at the time of the approvals.

Upon review of the 10 Level 4 *Use of Force Report* packets' Chronological Log and the Documents and Links sections, there were five packets in which the approved extensions were deemed to be timely and five packets were not. One extension was approved by a lieutenant and nine extensions were approved by a captain. There were 10 approved extensions and nine of them documented reasons for the approvals.

Table 10 shows the five packets with timely approved extensions. The table also shows that most of the extension approvals occurred prior to or reasonably after the original due dates, and that there were five approved extensions and four of them included reasons for the approvals.

Table 10: Level 4 *Use of Force* Packets' Timely Approved Extensions

Level 4 UOF Packet	UOF Report Created	Extension Requests (Date From/To)	Reasons	Extension Approval Date	By Whom	BFO Admin Received Packet
1	10/21/21	10/21/12 to 11/19/21	extensive reporting due to multiple officers and subjects	10/21/21	Captain	11/11/21
2	11/2/21	11/7/21 to 11/19/21	unknown	11/8/21	Captain	11/24/21
3	12/3/21	12/3/21 to 12/23/21	Lieutenant on vacation leave and training	12/21/21	Captain	12/23/21
4	7/18/21	7/23/21 to 7/31/21	report adjustments	7/22/21	Captain	7/31/21
5	9/11/21	9/16/21 to 9/24/21	issue w/Vision tasking feature	9/18/21	Captain	9/29/21

For Packet #3, on 12/21/21, the lieutenant requested an extension from 12/3/21 to 12/23/21 and documented, "This [Level 4 use of force] was tasked to me 12/3/21 (my admin day before vacation). I am starting the review now but likely won't complete it until tomorrow or Wednesday." On the same day as the request, the captain approved the extension.

The Auditor, not understanding why the lieutenant did not request an extension the day they received the packet (12/3/21), asked the lieutenant, via email on 6/24/22, "What prevented you from requesting an extension prior to vacation? What is an "admin day?" Would reviewing a *Use of Force Report* be part of the admin day?"

The lieutenant responded, via email on 6/24/22, "I was still assigned to 1st watch (0500-1700 hours) at the time of this incident. The sergeant that did the force investigation worked 2nd watch (1400-0200) at the time of the incident. My hours on my admin day did not afford me the overlap between the time it was tasked and my shift to access it in Vision and request the extension. I was then off for [vacation and] training until 12/21/21 which is when I requested the extension and time to complete but I wanted to document the delay in my request." Because the packet was tasked to the lieutenant outside of their shift on 12/3/21, the Auditor deemed the extension request timely.

Table 10A shows the calculations the Auditor used to validate that the approved extensions covered, at minimum, 90 percent of the days that exceeded the 10 days in which the completed packet should have been forwarded to BFO Admin. In three instances, OPD exceeded the number of days they needed to cover with approved extensions because the approved extension time periods included some or all of the 10 days they were already allotted to complete and forward the *Use of Force Report* packets to BFO Admin.

Table 10A: Calculations of approved extensions that covered, at minimum, 90% of the days that exceeded the 10 days Level 4 packets should have been completed and forwarded to BFO Admin

Level 4 UOF Report Packet	# of Days to BFO Admin	Minus 10 Days	# of Days w/Approved Extensions	# of Days w/o Approved Extensions	% of Days Covered w/Approved Extensions	% of Days Not Covered w/Approved Extensions
1	22	12	21	0	175%	0%
2	22	12	12	0	100%	0%
3	21	11	20	0	182%	0%
4	14	4	8	0	200%	0%
5	18	8	8	0	100%	0%

Table 11 shows the other five Level 4 packets in which approved extensions were granted relative to the dates the *Use of Force Reports* were created and the dates the *Use of Force Report* packets (the reports and any ancillary documents) were received in BFO Admin. However, there were delays that were not accounted for via approved extensions, displayed in the table as **highlighted** dates. Furthermore, the table shows that there were 5 approved extensions and all of them included documented reasons for the approvals.

Table 11–Level 4 *Use of Force* Packets' Untimely Approved Extensions

Level 4 UOF Packet	UOF Report Created	Extension Requests (Date From/To)	Reasons	Extension Approval Date	By Whom	BFO Admin Received Packet
1	12/8/21	12/13/21 to **1/9/22**	workload	12/9/21	Captain	**1/22/22**

2	8/1/21	8/7/21 to **8/16/21**	Lieutenant required supervisor to address training issues	8/7/21	Lieutenant	**9/1/21**
3	7/3/21	7/6/21 to **7/20/21**	Review of multiple officers' body worn camera footage	7/6/21	Captain	**7/29/21**
4	12/23/21	12/28/21 to **1/5/22**	Lieutenant requested supervisor do add'l body worn camera review	12/28/21	Captain	**1/11/22**
5	9/6/21	9/11/21 to **9/14/21**	Part of a vehicle pursuit	9/9/21	Captain	**9/24/21**

Table 11A shows the calculations the Auditor used to validate that the approved extensions did not cover, at minimum, 90 percent of the days that exceeded the 10 days in which the completed packet should have been forwarded to BFO Admin. In all five cases, the approved extensions covered less than 90 percent of the days that exceeded the 10 days in which the completed *Use of Force Report* packets should have been forwarded to BFO Admin.

Table 11A: Calculations of approved extensions that did not cover, at minimum, 90% of the days that exceeded the 10 days Level 4 packets should have been completed and forwarded to BFO Admin

Level 4 UOF Report Packet	# of Days to BFO Admin	Minus 10 Days	# of Days w/Approved Extensions	# of Days w/o Approved Extensions	% of Days Covered w/Approved Extensions	% of Days Not Covered w/Approved Extensions
1	45	35	27	8	77%	23%
2	31	21	9	12	43%	57%
3	26	16	14	2	87.5%	12.5%
4	20	10	8	2	80%	20%
5	18	8	3	5	37.5%	62.5%

To summarize, for this audit, 40 *Use of Force Report* packets (9 Level 2s, 11 Level 3s and 20 Level 4s) were reviewed, and only 28 (70%) of them included documented approved extensions. This finding focused on assessing if the documented approved extensions were granted in a timely manner and determining if there were documented reasons for approving the extensions. The results were as follows:

Level of Use of Force Report Packets	Level 2	Level 3	Level 4	Total
Packets with Documented Approved Extensions	8	10	10	28
Packets w/Timely Approved Extensions	4	5	5	14
Packets w/Untimely Approved Extensions	4	5	5	14
Overall # of Approved Extensions	18	19	10	47
Reasons for the approvals documented	12	15	9	36
Reasons for the approvals not documented	6	4	1	11

Documented approved extensions in 14 (50%) of the 28 *Use of Force Report* packets were deemed to have been granted in a timely manner, whereas the approved extensions in 14 (50%) packets were not. There were 47 documented approved extensions because, in some instances, packets included more than one approved extension. Four extensions were approved by a lieutenant, 33 extensions were approved by a captain, and 10 extensions were approved by a deputy chief. Thirty-six (77%) of the approved extensions included documented reasons for the approvals. As stated in the Scope, Population and Limitations section of this audit, for the 11 (23%) packets missing a documented reason, it is possible that the reason for the extension was entered into the Vision form but not transferred to the Chronological log, and therefore not available for the Auditor to see.

When producing *Use of Force Report* packets to forward to BFO Admin exceeds the timelines specified in policy, it is important for OPD to adequately supervise the process to ensure the packets are completed as soon as possible and that delays that occur are unavoidable. Documenting approved extensions and the reasons for the approvals in the packets is a way to ensure the presence of adequate oversight over the process.

The audit showed that when completing and forwarding *Use of Force Report* packets to BFO Admin is delayed, OPD predominantly requires its senior and executive management in the ranks of captain and deputy chief to approve extensions. To allow for sufficient command oversight of use of force timelines, documenting extension approvals, including the reasons for those extensions, is critical. Additionally, the extension approvals should cover the entire time-period that exceeds the due dates listed in policy. Clear and comprehensive documentation allows for command to determine which delays are unavoidable versus which delays are potentially related to performance issues. To show there is adequate oversight over the production of delayed packets to BFO Admin, OPD should ensure timely approved extensions are granted and the approvals are documented in the packet along with documented reasons for the extensions.

Findings and Recommendations

Findings	Recommendations
Finding #1 At the time of the audit, OPD reported nine Level 2 and 11 Level 3 *Use of Force Report* packets were completed during the audit period of July 1, 2021, to December 31, 2021. A review of the 20 associated *Use of Force Report* packets found that the majority of the delays in producing the completed packets to forward to BFO Admin occurred in two stages of production: 1) the supervisors' initial completion of the packets and 2) when the packets were reviewed by a lieutenant or captain in the chain-of-review and returned to the supervisors for revisions. For the most part, the delays were due to supervisors' workload issues (competing responsibilities) and having to address investigative report revisions as required by a lieutenant or captain in the chain-of-review.	**Recommendation #1** OPD should analyze current timelines for use of force investigations and then revise the timelines set forth in DGO K-4 to accommodate unavoidable workload issues and revisions to the packets. **Recommendation #2** The Department should set parameters around the number of and process for extension requests.
Finding #2 A review of the 20 Use of Force Report packets' Chronological Log and Documents and Links sections showed that 18 packets included approved extensions, but only seven (4 Level 2s and 3 Level 3s) of the 18 packets had sufficient documented approved extensions to account for the extra time it took to complete and forward them to BFO Admin. Most of the insufficiently documented extensions occurred when the packets were returned by a lieutenant or captain in the chain-of-review to the supervisors for revisions.	**Recommendation #3** OPD should require its captains or deputy chiefs to approve all delays, including the delays that occur when the packets are reviewed by a lieutenant or captain of the chain-of-review and returned to the supervisors for revisions. **Recommendation #4** OPD should clarify in policy who is responsible for making extension requests and approving them at each segment in the production of its completed packets. Taking these measures will strengthen OPD's oversight of all delays in the completion of the packets.
Finding #3 Due to three conflicting directives regarding the timeline for first-level commanders to review and approve Level 4 *Use of Force Report* packets, the	**Recommendation #5** If OPD's goal is to have its first-level commanders, upon receipt of Level 4 *Use of Force Report* packets, review, approve, and

Auditor deemed the internal controls used to ensure Level 4 packets are completed and forwarded to BFO Admin within a timely manner ineffective.	forward them in a specified number of days, the Department should correct the wording in its policy. By leaving the wording as is in DGO K-4, there is not a clear timeline for first-level commanders to review and approve the packets, rendering the policy ineffective as a control used to ensure Level 4 packets are completed and forwarded to BFO Admin in a timely manner.
Finding #5 Only 10 of the 20 Level 4 *Use of Force Report* packets' Chronological Logs and Documents and Links sections in Vision had approved extensions. Five of the ten packets had sufficient documented approved extensions to account for the extra time it took to complete and forward the packets to BFO Admin. Most of the days with insufficient documented approved extensions occurred in two stages: when the packets were reviewed by lieutenants and returned to supervisors for revisions; and between the time the lieutenants received the packets and approved them.	**Recommendation #6** OPD should ensure its captains approve all delays, including the delays that occur when the packets are reviewed by lieutenants and returned to the supervisors for revisions and the delays that occur between the time the lieutenants receive a packet and approve it.
Recommendation #6 Forty Use of Force Report packets (9 Level 2s, 11 Level 3s and 20 Level 4s) that exceeded policy timelines were reviewed and only 28 (70%) of them included documented approved extensions. For the 28 packets with documented approved extensions, the approved extensions in 14 of the packets (4 Level 2s, 5 Level 3s, and 5 Level 4s) were deemed to have been granted in a timely manner. There were 47 documented approved extensions because, in some instances, packets included more than one approved extension. Four extensions were approved by a lieutenant, 33 extensions were approved by a captain, and 10 extensions were approved by a deputy chief. Thirty-six of the approved extensions included reasons for the approvals.	**Recommendation #7** To show there is adequate oversight over the use of force investigation process, OPD should ensure timely approved extensions are granted and the approvals and reasons are documented in the packets.

Appendix A

Procedures Implemented to Address the Timelines for the Completion of *Use of Force Reports*

The OIA was aware of timeline issues when it initiated an audit of use of force timelines in February 2022 and conducted the audit to determine the cause of investigative delays and if the delays were accompanied by properly documented extension requests. The review period of the audit was July through December 2021. When interviewing staff to get an understanding of the department's process for tracking use of force investigative timelines, the Auditor was informed that procedures had been implemented in late 2021 and early 2022 to address timeline issues. While not part of the scope of the audit, the Auditor requested a list of the procedures implemented by OPD to improve timelines and conducted an inspection of timelines for incidents that occurred in the first quarter of 2022 to determine if the implemented procedures have led to an improvement in OPD's timelines. This Appendix includes the findings of the additional work.

In 2021, the Oakland Police Department created the Bureau of Risk Management, which included a new unit, the Risk Impact Unit (RIU). The RIU absorbed the duties of the Use of Force Coordinator, whose role had been unfilled since the end of 2020. The RIU, comprised of a sergeant and two officers, spent much of 2021 catching up on the Force Review Boards, and refocused attention on use of force timelines at the end of December 2021.

The RIU is responsible for tracking and maintaining U*se of Force Reports*. To ensure the RIU is aware of all reportable force and report timelines, the Unit conducts five checks:

- Reviews the *Use of Force Tracking Log* on a daily and weekly basis – a log used by the Communications Division to capture all uses of force called in by officers in the field.
- Reconciles the force reported on the *Use of Force Tracking Log* with the *Use of Force Reports* created in Vision.
- Reconciles the force reported on the *Use of Force Tracking Log* with the *Bi-Weekly Use of Force Report* in Vision.
- Reviews the *Use of Force Status Report* developed in January 2022 to track uses of force and determines what *Use of Force Report* packets are outstanding and when they are due.
- Conducts a weekly check-in with BFO Admin to review the status of outstanding *Use of Force Reports* and shares the *Use of Force Status Report*.

The Bureau of Field Operations Administrative Unit, comprised of one sergeant, is responsible for receiving and tracking all use of force investigations via *Use of Force Report* packets. The BFO Admin sergeant has a major role in tracking the packets' timelines by performing the following tasks:

Tracking the *Use of Force Report* Packet
- Reviews the *Daily Use of Force Tracking Log* maintained by the Communications Division supervisor.
- In Vision, locates the reported use of force incident from the *Daily Use of Force Log*.
- Using Vision and the *Daily Use of Force Log*, enters the information onto a BFO Admin tracking spreadsheet to include the Use of Force File Control Number, all force types used during the incident, which officers used force, the reviewing chain of command, and the BFO Admin due date. The Excel spreadsheet includes two counters, one showing the number of days left before the packet is due to BFO Admin and one showing the number of days that have elapsed since the use of force incident.
- In early May 2022, created an Outlook calendar event with invitations for each use of force. Designed the calendar invites to have automatic reminders. For Level 2 and Level 3 use of force investigations, the reminders are set up to alert the respective use of force investigator and chain of command one week prior to the BFO Admin due date. For Level 4 use of force investigations, the reminders are setup to alert the respective use of force investigator and chain of command one day before the BFO Admin due date.

Requested and Approved Extensions
- Works with the area captains on emailed extension requests to determine a reasonable due date. Audits the approved extension made by the area captain to ensure that the BFO Admin due date does not exceed 30 days from the incident and to ensure the request includes a reason for the extension. Note: Because the extension feature in Vision is flawed,[120] the BFO Admin sergeant ensures that the investigator or reviewing lieutenant emails their area captain for any extension request and copies BFO Admin. They are required to outline why they need an extension for the completion of the *Use of Force Report* and if they are citing "administrative workload" as one of the reasons, they are required to provide a detailed explanation of their "administrative workload."
- Once the extensions are approved and audited, updates BFO Admin records. Copies the entire extension request and approval email thread into the Vision Chronological Log.

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[120] There are two issues related to extension requests in Vision. First, the only person who can request an extension using the extension request feature in the *Use of Force* module is the person assigned to the report. For example, if a police officer creates the *Use of Force Report* in Vision on behalf of the investigating sergeant, which sometimes happens, the report is assigned to the police officer. If the police officer forgets to reassign the report to the sergeant, the sergeant cannot use the feature to request an extension. They would have to have the police officer, on their behalf, request the extension for the feature to work. Secondly, if a use of force investigator creates the *Use of Force Report*, clicks on the extension request button, types in a reason for the extension, and tasks it to the area captain, when the area captain opens the request, approves it, and writes "Extension Approved" in the comments box, the auto-generated Chronological Log entry only captures what the area captain wrote. All the details they read from the investigator are wiped out and not memorialized in the Chronological Log once the approve button is clicked by the area captain.

- Updates the Outlook calendar invite with the new BFO Admin due date, noting in the body of the invite that a first extension was approved by the area captain. Sends updated invites to everyone on the invite list. The automatic reminders remain effective.
- Works with the appropriate deputy chief on any second extension request and approval. Provides the deputy chief information for the request as needed and adds the deputy chief to the Outlook calendar invite after they approve the second extension.
- Once the *Use of Force Report* packet has been submitted to BFO Admin, reviews it to ensure all necessary information is contained in the documents associated with the use of force. If any documents are missing, researches it and uploads it to the Vision file for the investigator and reviewing commander(s). If all necessary information is present in the file, approves the packet in Vision, updates the BFO Admin tracking spreadsheet, and cancels the Outlook calendar invite with a note to all invitees stating the use of force investigation was approved by BFO Admin. The cancellation serves as a "receipt" for the completed use of force investigation. It also alerts the investigator that everything was received and approved by BFO Admin and informs the captain of the completion of the *Use of Force Report* packet.

The Office of Internal Accountability conducted an inspection of the Oakland Police Department's *Use of Force Report* packets completed during the first quarter of 2022 (January 1, 2022, to March 31, 2022) to determine if OPD had improved in the timeliness of use of force investigations and in documenting extension approvals as a result of the additional tracking measures implemented by the Risk Impact Unit and the Bureau of Field Operations Administrative Unit. However, it is important to note that the results of this inspection are not reflective of all the measures OPD put into place because some of them were completed during or after the end of the first quarter.

There were no Level 2 *Use of Force Report* packets completed in the first quarter; therefore, OIA sampled only Level 3 and Level 4 packets. The review indicated that OPD is on course to improve its timeliness in granting extensions and documenting reasons for the approvals. The results were as follows:

Level 3 Packets
For the first quarter of 2022, there was a population of 10 Level 3 *Use of Force Report* packets.
OIA reviewed all of them:

- 1 packet was completed within 14 days.
- 4 packets were completed within 33 days.
- 5 packets were completed within 59 days.

This was an improvement over the July through December 2021 incidents, when Level 3 packets were taking between 31 and 128 calendar days to complete. There was also improvement in extensions. In all, there were 18 approved extensions and 16 of them were granted in a timely manner. All but one included a documented reason for the extension.

Level 4 Packets

For the first quarter of 2022, there was a population of 171 Level 4 *Use of Force Report* packets. OIA randomly sampled 100 packets:

- 84 packets were completed within 10 days.
- 10 packets were completed within 17 days.
- 6 packets were completed over 18+ days.

Eighty-four percent of Level 4 packets were completed within 10 days, which was a small improvement over the July through December 2021 incidents, when 79% of Level 4 packets were completed within 10 days.

From the sample of 100, OIA reviewed 13 packets that were completed within 14 to 41 days. In the 13 packets reviewed, there was a total of 14 approved extensions and 13 of them were granted in a timely manner. All 13 of the approved extensions included a reason for the delay.

Appendix B
Four Levels of Force

There are four levels of force the Oakland Police Department requires its police officers to report and their respective supervisors to investigate to determine reasonableness which are detailed in Departmental General Order K-4, *Reporting and Investigating the Use of Force*, and Special Order 9196, *Documentation of the Use of Force*. **Level 1** is the most serious and it includes any use of force resulting in death; any force which creates a substantial risk of causing death; serious bodily injury; and any intentional impact weapon strike to the head. **Level 2** includes personal weapon strikes to the head or to a restrained subject; use of impact weapons; police canine bites; and any use of force resulting in an injury which requires treatment in a hospital or medical facility beyond what is required by basic first aid. **Level 3** includes the use of pepper spray or other chemical agent (not on a restrained subject); a Taser (not on a restrained subject); and weaponless defense techniques such as hand/palm/elbow strikes and kicks; and all non-carotid takedowns on a restrained subject. Finally, **Level 4** includes the intentional pointing of a firearm; weaponless defense techniques such as hair grab, pressure to mastoid or jaw line; a weaponless defense technique control hold[121] (i.e., an elbow escort, twist lock, arm-bar, or bent wrist); all non-carotid takedowns not on a restrained subject; and a canine deployment in which a suspect is located by the canine, but no bite occurs.[122]

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[121] Special Order 9196, pg. 7, states "handcuffing and escorting techniques which incorporate elements common to control holds and are not used to overcome resistance or inflict pain are NOT reportable uses of force."

[122] Departmental General Order K-4, Reporting and Investigating the Use of Force, 16 Oct 14, pgs. 4-7.

Appendix C
Methodology

To conduct the audit, the Auditor took the steps below.

Policy Review

The Auditor reviewed OPD's policies related to use of force, timelines for investigating and reporting use of force, and the system used to store its *Use of Force* packets:

- Departmental General Order K-4, *Reporting and Investigating the Use of Force*, effective October 16, 2014.
- Report Writing Manual U-1, *Use of Force Report*, effective November 23, 2019.

Interview(s)

Sergeant, Bureau of Field Operations Administrative Unit
Sergeant and Police Officer, Risk Impact Unit
3 Patrol Division Lieutenants

Access to Level 2, Level 3, and Level 4 *Use of Force Reports*

OPD stores all *Use of Force Report* packets in Vision.

Objectives

For Level 2, Level 3, and Level 4 uses of force incidents that occurred during the audit period of July 1, 2021, to December 31, 2021:

Objective (a)

To determine the stages in the workflow that caused the packets to be delayed in getting to the Bureau of Field Operations Administrative Unit (BFO Admin), first, the Auditor, using Vision, retrieved each Use of Force Report packet and focused on the data fields and sections in Table 1. Secondly, analyzing the Chronological Log, Review Approvals, and the Task Detail sections in the *Use of Force Report* module in Vision, the Auditor followed the completion of each packet, from the date of the incident to the creation and completion of the packet and ending with the packet being tasked to BFO Admin, to determine at whose stage—the investigating supervisor, the lieutenant and/or the captain—in the process were the delays occurring.

Table 1
Data fields/sections in Vision reviewed to meet all the objectives in this audit.

Data Field/Section	Purpose
RD Number	The report number of the use of force incident is entered.
Incident Date	The time the use of force incident occurred is entered.
	In the *Documents* section, primary and supporting documents (i.e., Crime/Supplemental Reports, Consolidated Arrest Reports, Probable Cause

Documents and Links	Declarations, emails, etc.) are uploaded and attached to the *Use of Force Report*. The *Links* section allows for links to body worn camera footage.
Chronological Log	The chronological log automatically keeps track of Vision system events (e.g., documentation and the dates of the creation of a *Use of Force Report* packet and by whom; the various users who passed the packet to the next step in the workflow; extension requests; extension approvals; any comments manually entered about the packet, etc.).
Review Approvals	This section is a read-only summary of approval decisions from the Task Detail section. In this section, the captain's and lieutenant's approvals of the investigation and the *Use of Force Report* packet is documented in the following data fields: approval date, approved by (name of approver), approval status (i.e., approved or returned for update), and comments, if applicable.
Task Detail	Allows the user to pass the form to the next step in the workflow: the investigating supervisor/commander; the reviewers (a lieutenant and a captain); the Bureau of Field Operations Administrative Unit, and the use of force coordinator, if applicable.

All *Use of Force Report* packets received by the BFO Administrative Unit within 16 days of the incident will be considered in compliance, even if the BFO Administrative Unit, after reviewing the *Use of Force Report*, had to return the *Use of Force Report* [to the investigating supervisor or commander] for additional follow-up or clarification.

Objective (b)
To determine whether there were documented approved extensions for the submission of the delayed *Use of Force Report* packets to the Bureau of Field Operations Administrative Unit, for each Level 2 and Level 3 packet, the Auditor subtracted 16 days from the number of days it took for the completed packet to be forwarded to BFO Admin, and for the remaining balance, the Auditor sought approved extensions to account for the balance in the Chronological Log or Documents and Links sections in Vision.

For each Level 4 packet, the Auditor subtracted 10 days from the number of days it took for the completed packet to be forwarded to BFO Admin, and for the remaining balance, the Auditor sought approved extensions to account for the balance in the Chronological Log or Documents and Links sections in Vision.

Objective (c)
To assess whether approved extensions were granted in a timely manner and determine whether there were documented reasons for approving extensions, for Level 2 and Level 3 *Use of Force Report* packets, the Auditor deemed approved extensions to be timely based on two factors:

1. The approved extensions occurred prior to or reasonably after the pre-extension due dates. Note: For Level 2s and 3s, the first due date in policy is as follows: The supervisor is required to complete and forward the *Use of Force Report* packet within seven calendar days through the appropriate chain-of-review (DGO K-4, pgs. 18 and 23).
2. And the approved extensions covered, at minimum, 90 percent of the days that exceeded the 16-day requirement to BFO Admin.

For Level 4 *Use of Force Report* packets, for each packet, the Auditor deemed approved extensions to be timely based on two factors:

1. The approved extensions occurred prior to or reasonably after the pre-extension due dates. Note: For Level 4s, the first significant due date in policy is as follows: The supervisor is required to conduct a thorough review of all documents [in the *Use of Force Report* packet] to ensure completeness, accuracy, and quality and forward the packet to the first-level commander for review by the end of the next scheduled shift not to exceed five calendar days from the date of the incident (DGO K-4, pg. 30).
2. And the approved extensions covered, at minimum, 90 percent of the days that exceeded the 16-day requirement to BFO Admin.

To determine whether there were documented reasons for approving extensions, for each Level 2, Level 3, and Level 4 packets, the Auditor sought documented reasons for the extensions at the time of the approvals.