

---

# Oakland Police Department Office of the Inspector General

---



---

## 2020 Year End Report

**Oakland Police Department**  
**Office of Inspector General**

455 7<sup>th</sup> Street, 9<sup>th</sup> Floor | Oakland, CA 94607 | Phone: (510) 238-3868

## Contents

<b>Introduction .....</b>	<b>2</b>
<b>Review of the Oakland Police Department’s Oversight of its Canine Program .....</b>	<b>3</b>
<b>Review of Transporting Persons by Patrol Officers .....</b>	<b>55</b>

## Introduction

In November 2020, I was appointed as Inspector General, taking over for Manager Kristin Burgess who served with distinction as the Acting Inspector General prior to my transfer. As I assume responsibility from Manager Burgess, who will remain in the Office of Inspector General (OIG) as the Police Performance Audit Supervisor, I want to briefly introduce myself. I have been with the Oakland Police Department (OPD) for 23 years and currently hold the rank of Lieutenant of Police. I have held a variety of primary and collateral assignments throughout my career, and most recently served as the Commander for the Internal Affairs Division (IAD) Investigations Section.

2020 has been a year of disruption and change. Within the City of Oakland as with everywhere else, we all have had to adjust to a “new normal” in the face of a global pandemic, while still providing uncompromising service to the community. As this tumultuous year ends and we look ahead with optimism to 2021, this year-end report includes the final two audits conducted by the Office of Inspector General (OIG) in 2020, which included an examination of the Canine Program and an inspection of custodial transports by field personnel.

The Canine Program Audit examined the overall structure, oversight, and accountability of the Canine Program relative to Department policy (*Departmental General Order K-09, Department Canine Program*). The inspection of custodial transports by field personnel gauged compliance with policy related to the transportation of persons other than Department personnel (*Departmental General Order O-02 Transportation of Prisoners and Persons in Custody, and Special Order 8262*).

Respectfully,



Christopher Sansone  
Inspector General  
Oakland Police Department

## Review of the Oakland Police Department's Oversight of its Canine Program

By Auditors Mehiya Thomas, Rebecca Johnson and Kristin Burgess-Medeiros

---

### Objective

From January 1, 2018 to March 31, 2020, determine whether the Oakland Police Department's oversight of its Canine Program was effective.

### Key Findings

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 for three years, January 2017 to January 2020, deferring the responsibilities to other supervisors within the Special Operations Division. Consequently, many of the supervisory responsibilities appear to not have been fulfilled by other sergeants as planned, as evidenced by an absence of documented canine oversight activities during the audit period of January 1, 2018 to March 31, 2020, unless otherwise specified:

- OPD was unable to produce evidence to account for 21 required monthly canine statistical reports from April 2018 to December 2019.
- OPD was unable to provide documentation to substantiate quarterly meetings and/or training related to the canine program/deployments were conducted, as necessary, with its Patrol/Field Supervisors.
- 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.
- OPD was unable to provide evidence that field observations of its 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.
- 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.

### Key Recommendations

The review resulted in 12 recommendations, with the most significant one being that OPD should ensure its Canine Program Supervisor position is continuously staffed with a dedicated Sergeant to ensure there is daily, effective oversight over its Canine Program. (See pages 40-43 of 54 for a list of the review's findings and recommendations.)

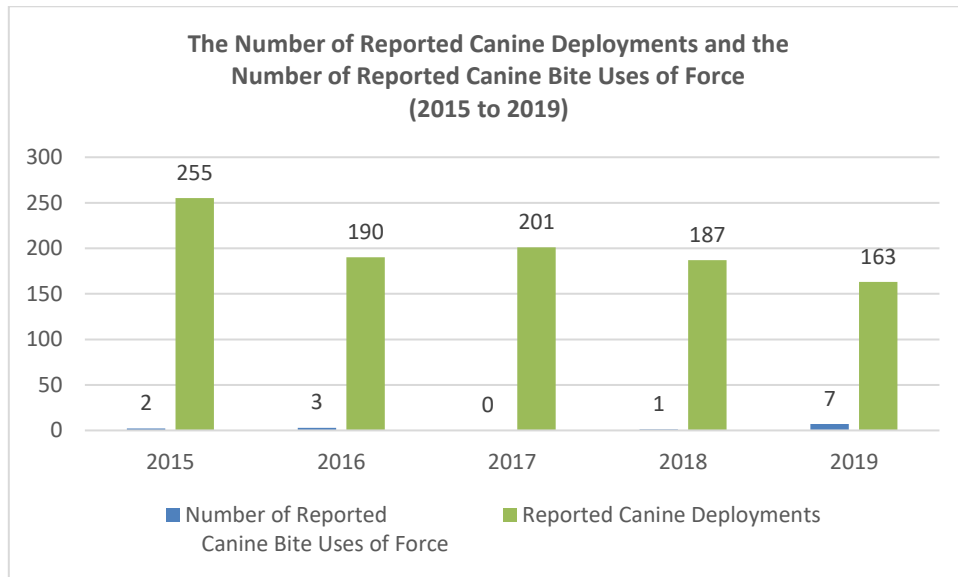
### References

- Department General Order K-9, *Department Canine Program*, effective October 16, 2014.
- Departmental General Order K-4, *Reporting and Investigating the Use of Force*, effective October 16, 2014.
- Department General Order (DGO) K-4.1, *Force Review and Executive Force Review Boards*, effective December 16, 2015.
- Departmental General Order K-3, *Use of Force*, effective October 16, 2014.
- *Patrol Canines: Concepts and Issues Paper*, Revised May 2015, International Association of Chiefs of Police Law Enforcement Policy Center, 2015.
- *Patrol Canines: Model Policy*, International Association of Chiefs of Police Law Enforcement Policy Center, May 2015.
- City of Oakland Police Department, *Departmental Manual of Rules*, September 30, 2010.
- State of California Commission on Peace Officer Standards and Training, *Law Enforcement K-9 Guidelines*, January 2014.
- City of Oakland Police Department, *Annual Management Report*, 2013.
- *Guidance on Policies and Practices for Patrol Canines*, Police Executive Forum Research, May 2020.

## Executive Summary

The purpose of the Department’s Canine Program is to search for, locate, and assist in the apprehension of criminal suspects. Canine programs can enhance police officer safety by using a canine to search for suspects in places that are dangerous for officers. However, using a canine as a potential use of force comes with risk of injury to criminal suspects, fellow officers, and innocent bystanders. Therefore, it is critical to have controls in place to ensure canines and handlers are properly trained and supervised and executive management is being provided with necessary data to assess the health and effectiveness of the Program.

On April 1, 2020, 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 for two primary reasons. First, the audit was initiated at the request of OPD’s Internal Affairs Division because, while IAD was investigating a Level 1 canine bite use of force, concerns arose about oversight over OPD’s Canine Program. Secondly, the need for an audit was reaffirmed once OIG requested and received from OPD’s Business Analyst the number of reported canine deployments and number of reported canine bite uses of force from 2015 to 2019. A review of the data indicated that deployments have been, for the most part, trending downward with three or fewer canine bites per year from 2015 to 2018. In 2019, however, there were seven bites. The chart below illustrates the progressive decline in the number of reported canine deployments from 2015 to 2019 and the number of reported canine bites during the same time period.



Based on IAD’s concerns about the Canine Program, declining canine deployment numbers, and a rise in canine-bite uses of force, the audit was used as a tool to identify deficiencies in the program, and make recommendations to diminish risk to the Oakland Police Department and the City of Oakland where appropriate. The review 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.

During the audit, OIG determined one significant deficiency: the lack of a dedicated Canine Program Supervisor for three years, from January 14, 2017 to January 10, 2020. This resulted in OIG's identification of various issues in need of improvement. The Canine Program Supervisor position is responsible for completing the majority of the administrative work for the program (e.g., creating monthly statistical reports, scheduling training for Canine Teams and Patrol/Field Supervisors, observing Canine Teams in the field, conducting reviews for Handlers whose bite ratios exceed 20 percent within a six-month period, etc.). Consequently, the responsibilities of the position were not fulfilled, causing the oversight of the program to be negligible as evidenced by an absence of documented canine oversight activities during the audit period. For details, see Finding #1 to Finding #5 and Finding #7 and Finding #8. It was noted that as of January 11, 2020, the Department filled the dedicated Canine Program Supervisor position with a Sergeant of Police, and the Supervisor began making improvements upon his arrival.

In closing, the review resulted in 15 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. See pages 40-43 of 54 for a list of the Review's findings and recommendations.

## Background

The Oakland Police Department's (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 SOD and is responsible for staffing, training, and equipping the Department's police Canine Teams<sup>1</sup> (Canine Handler and his/her assigned canine).

OPD currently has a total of five Canine Teams that are assigned to the Bureaus of Field Operations on Patrol Watches.<sup>2</sup> The Canine Handlers report to a Patrol Supervisor during day-to-day operations and supplement Patrol functions when not actively utilizing their police canine during an incident. In incidents where the use of a police canine is requested, the Canine Handler's primary function is to use the police canine to search for, locate, and assist in the apprehension of criminal suspects. The Canine Handler may deploy his/her canine to search for or bite a criminal suspect.<sup>3</sup> However, because OPD considers a canine bite to be an intermediate use of force<sup>4</sup> that may inflict serious injury, OPD only allows Patrol canine deployments for violent, forcible crimes,<sup>5</sup> burglary, and weapons related offenses.<sup>6</sup>

OPD has documented its internal controls for achieving effective oversight of its canine program in policy, *Departmental General Order K-9, Department Canine Program*, dated October 16, 2014. For this review, OIG 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.

### Deployment of a Canine

Before a canine may be deployed, the suspect must have allegedly committed one or more violent forcible crimes, burglary, and/or a weapon-related offense and the use of an intermediate level of force must be analyzed under the Fourth Amendment's objective reasonableness test. The application of the test requires an analysis of the totality of circumstances, including the three factors below to determine if the use of force to affect 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.
- Whether the suspect is actively resisting arrest or attempting to evade arrest by flight, including the act of evading arrest by hiding.

In addition, a supervisor or commander must authorize the deployment.<sup>7</sup>

---

<sup>1</sup> A Canine Team is comprised of a Canine Handler and his/her assigned canine, and the Handler is a Police Officer in rank.

<sup>2</sup> City of Oakland Police Department, *Annual Management Report*, 2013, pg. 43.

<sup>3</sup> Departmental General Order K-3, *Use of Force*, effective October 16, 2014, pg. 5.

<sup>4</sup> *Ibid.*, 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.

<sup>5</sup> See **Appendix C** for a list of violent forcible crimes.

<sup>6</sup> Departmental General Order K-9, *Department Canine Program*, October 16, 2014, pg. 1.

<sup>7</sup> DGO K-9, Department Canine Program, pgs.1-2, 5-6 and Report.

### **On Scene Supervision of a Deployed Canine**

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. He/she works with the handler to devise a plan to search for, locate, and arrest the suspect and briefs the search and arrest team on the plan. The supervisor is the team leader and is responsible for ensuring tactically sound search techniques are employed and only reasonable force is used to take the suspect into custody, if located.<sup>8</sup>

### **Reporting Canine Activities**

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

- When a canine is deployed, two reports must be completed by the Canine Handler before the end of his/her shift. First, he/she must complete a Canine Event Record<sup>9</sup> and submit the report to the Canine Program Coordinator. Secondly, he/she must place an appropriate entry of the deployment in his/her logbook.<sup>10</sup>
- The Canine Program Supervisor is responsible for conducting periodic in-field observations of Canine Handlers' patrol deployments to ensure they are adhering to canine policy and procedures. The Supervisor must enter his/her observations of each handler's performance in OPD's [Vision<sup>11</sup>] System's Supervisory Notes File (SNF) section.<sup>12</sup>
- The Canine Program Supervisor is also responsible for preparing a monthly 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 assessment. 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.<sup>13</sup>

### **Training for the Canine and Handler and Patrol Supervisors**

OPD's policy controls ensure oversight of its canine deployments via training:

- 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

---

<sup>8</sup> Ibid, pgs. 8-9.

<sup>9</sup> Report Writing Manual K-09, *Canine Events/Canine Records: Vision Form Completion Instructions*, November 23, 2019, pgs. 2-7.

<sup>10</sup> Ibid., pg. 10.

<sup>11</sup> Formerly called "Personnel Assessment System." Vision is OPD's electronic database used to track employee performance dimensions, such as assignments, training, uses of force, etc.

<sup>12</sup> Ibid., pg. 14.

<sup>13</sup> Ibid., pgs. 13-14.



field must be certified and are required to successfully pass semi-annual State of California's Commission on Police Officer Standards and Training (POST) certifications.<sup>14</sup>

- 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.<sup>15</sup>
- The Canine Program Supervisor is responsible for attending all Canine Program training sessions, as practical. In addition, he/she is responsible for conducting quarterly meetings/training with all Patrol supervisors, as necessary.<sup>16</sup>
- Canine Teams are responsible for participating in annual 40-hour, canine-specific Continuing Professional Training, as well as weekly, five-hour canine program training.<sup>17</sup>

## Scope, Population and Methodology

OPD has documented its internal controls for achieving effective oversight of its Canine Program in policy, *Departmental General Order K-9, Department Canine Program*, dated October 16, 2014. For this review, OIG focused on OPD's policy controls related to deployment of a canine; on scene supervision of a deployed canine; reporting canine activities; and training for the canine and the handler (the police officer who controls the canine) and Patrol Supervisors.

The audit period was January 1, 2018 to March 31, 2020. See **Appendix A** for the population and methodology.

## Findings

### 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.**

OPD utilizes two positions to provide oversight of the Canine Program, a Special Operations Section Commander position (staffed with a Lieutenant of Police in rank) and a subordinate Canine Program Supervisor position (staffed with a Sergeant of Police in rank).<sup>18</sup> The SOS Commander position has limited oversight of the Canine Program because, in addition to supervising the Canine Unit, the following units are also under the position's jurisdiction and require oversight: Special Operations Unit (which includes an Air

---

<sup>14</sup> Ibid., pgs. 2, 16.

<sup>15</sup> Ibid., pg.15.

<sup>16</sup> Ibid., 14.

<sup>17</sup> Ibid., pg. 21.

<sup>18</sup> DGO K-9, *Department Canine Program*, pgs. 14-15.

Support Unit, Marine Unit, and Police Reserve Unit), Alcoholic Beverages and Tobacco/Special Events Unit (which includes a Cannabis Unit), Homeless Outreach Unit, and a Mental Health Unit. OPD's policy expresses the limited oversight of the SOS Commander position as follows:

- Provide command supervision for the Canine Program.
- Establish and approve all Canine Program policies and procedures.
- Submit all monthly reports on Canine Program statistics and deployments through the chain of command to the Chief of Police.
- Collect and submit performance data from the Canine Program to the Support Operations Division Commander (a Captain of Police in rank) for the inclusion into OPD's Annual Report.
- Approve all public service presentation requests.

In contrast, the Canine Program Supervisor position is responsible for only one unit, the Canine Unit, and the Canine Program is based in the Canine Unit. The position is responsible for supervising the daily activities of the unit/program, and the position's responsibilities are reinforced in OPD's *Manual of Rules*,<sup>19</sup> Section 285.00, *Supervisors' Authority and Responsibilities*, which states, in part:

In addition to the general and individual responsibilities of all members and employees, each supervisor is specifically responsible for the following:

- SUPERVISION – A supervisor may be assigned to field or staff duties. During his/her tour of duty, he/she shall closely supervise the activities of subordinates, making corrections where necessary and commending where appropriate.
- LEADERSHIP – Effective supervision demands leadership. Provision of leadership shall include on-the-job training as needed for efficient operation and coordination of effort when more than one member or employee is involved.
- DIRECTION – Supervisors shall exercise direct oversight in a manner that ensures the good order, conduct, discipline, and efficiency of subordinates. Exercise of authority may extend to subordinates outside his/her usual sphere of supervision if the police objective or reputation of the Department so requires... (pg. 17).

On November 13, 2019, when the Department was considering initiating an audit of the Canine Program, OIG met with the Canine Unit Staff (the Special Operations Division Captain, Special Operations Section Lieutenant, incoming Canine Unit Sergeant, and Canine Unit Coordinator) and was informed by the Captain that the Canine Unit had been without a dedicated Sergeant (the Canine Program Supervisor) since the [prior Sergeant] left. Additionally, the Canine Program Coordinator stated that he tried to take on the duties of the Sergeant but could not do everything since he is the trainer and a Handler. OIG, using OPD's Vision system,

---

<sup>19</sup> City of Oakland Police Department Manual of Rules, September 30, 2010, a manual that specifies the standards of conduct embodied in the law enforcement officers' Code of Ethics and OPD's Statement of Values.

researched the date the former Canine Program Supervisor left the Canine Unit and determined that he was reassigned to another unit in January 2017, resulting in OPD's Canine Program Supervisor position being eliminated for three years, January 14, 2017 to January 10, 2020.

Not knowing the ramifications resulting from OPD's Canine Program Supervisor position being eliminated for three years, OIG audited five tasks assigned to the position and all findings related to the five tasks yielded negative results because of the lack of documentation: Finding #2 to Finding #5 and Finding #7 and Finding #8. Operating the Canine Program without an incumbent in the Canine Program Supervisor position and not ensuring the Supervisor's duties are handled by another Supervisor/Commander equates to ineffective oversight of the program and a risk to OPD and the City of Oakland. Monitoring the performance of Canine Teams (Handler and assigned canine) in the field; planning weekly and annual training for Canine Teams and attending the training; decertifying Canine Teams, if necessary; and conducting quarterly meetings/training with field Supervisors are some of the most important duties of the position. The position is not only required to execute these functions but is also required to document the execution of the functions.

Below are five of the Canine Program Supervisor position's duties that further demonstrate that OPD relies upon this position to provide effective oversight of the Canine Program, especially when compared to the duties of the SOS Commander. In addition, the five tasks are part of this audit and the findings for each of them yielded negative results:

- Oversee the Canine Program's training management system, to include planning, scheduling, resourcing, and records maintenance, and attend all Canine Program training sessions, as practical. (See Finding #4 and Finding #7)
- Complete monthly reports on Canine Program statistics and deployments, to include analysis and recommendations related to policy, training, and risk management, and submit these reports to the SOS Commander by the 7th day of each month covering the data for the previous month. (See Finding #2)
- Conduct a review of patrol Canine Handlers whose bite ratios exceed 20% during any six (6) month period and take corrective measures, when appropriate. (See Finding #8)
- Conduct periodic, in-field observations of Canine Handlers' patrol deployments to ensure they are in accordance with canine policy and procedures. Observations shall be entered in the Vision System's Supervisory Notes File (SNF), as appropriate. (See Finding #5)
- Conduct quarterly meetings/training with all Patrol supervisors, as necessary. (See Finding #3)

For a complete list of the Canine Program Supervisor positions' duties, see **Appendix B**.

Even though the Canine Program Supervisor position was eliminated, the Canine Program remained. OIG sought to determine how the responsibilities of the eliminated position were to be handled. OPD's Chief of Police is responsible for planning, directing, coordinating, controlling, and staffing all activities of the Department,<sup>20</sup> but OIG was unable to interview the Interim Chief of Police who was in office during the audit

---

<sup>20</sup> City of Oakland Police Department Manual of Rules, September 30, 2010, pg. 13.

period since that person retired. Therefore, OIG opted to interview OPD's incumbent Special Operations Division Commander for answers.

The Special Operations Division Commander (a Captain of Police in rank) has been supervising SOD since May 2017, and he has 28 years of experience with the Department. On December 16, 2020, OIG (Inspector General, Audit Unit Supervisor, and Auditor) met with the SOD Commander and he gave his perspective about the decisions that have to be made and the risks taken when the Department is dealing with a shortage of Sergeants:

For the Department, Patrol [the division where the police officers who respond to calls for service from the community work] is a priority. If there is a shortage of Sergeants in Patrol, the Department has to figure out where to pull Sergeant positions to help with Patrol.

At the time, Patrol needed Administrative Sergeants to help with the administrative side of Patrol and division-level investigations were a big deal. There was a big push to get administrative support (Administrative Sergeants) in Patrol, and we do not have a lot of Sergeants. All the Sergeants who work outside of Patrol (i.e., Canine Unit, Information Technology Unit, Criminal Investigations Division, etc.) are in administrative assignments and can be pulled, if necessary, to assist with Patrol.

I am not sure who made the decision to eliminate the dedicated Canine Program Supervisor position. It was either the Retired Deputy Chief or the Retired Interim Chief of Police who made the decision to eliminate the position. The result was a high liability unit not being staffed with an Acting Sergeant. The plan was to add the collateral tasks [of the Canine Program Supervisor] to the Sergeant who was already responsible for two programs, Alcoholic Beverages and Tobacco (ABAT) and Special Events. In my opinion, the Retired Interim Chief of Police had to make a decision, and he was willing to assume some risks by tasking the collateral duties to the ABAT and Special Events Sergeant.

I tried to get the Canine Program Supervisor position filled because the workload was very heavy. The Special Events and ABAT Sergeant was handling staffing requests for the Warriors, Raiders, and A's games at a time when the Warriors were doing really well, and the Special Events and ABAT Sergeant was also supervising three programs. Things were being done in the Canine Program but were not being memorialized. I was successful in getting a Sergeant for the Mental Health Unit and another Sergeant for the Homelessness Outreach Unit but not for the Canine Unit.

Based on the SOD Commander's testimony, it appears that OPD's need for Sergeants in Patrol prevented OPD from having a dedicated Sergeant assigned to the Canine Unit, and the Canine Program documents that were not produced during the audit period resulted from the risks OPD assumed when transferring the responsibilities of the Canine Program Supervisor to the ABAT and Special Events Supervisor, who had a heavy workload.

## **FINDING #2**

**OPD's policy requires the Canine Program to produce monthly statistical reports for submission to the Chief of Police via the chain of command. 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 included only two of the 21 measures required in policy. Nevertheless, OPD did not submit to OIG 21 monthly reports to account for April 2018 to December 2019.**

OPD's policy requires its Canine Program Supervisor to prepare a monthly report on Canine Program statistics and deployments, to include analysis and recommendations related to policy, training, and risk assessment. The Canine Program statistics must include a list of 21 measures:

- (1) Number of certified Canine Teams and (2) Non-certified Canine Teams.
- (3) Total number of canine deployments; including: (4) OPD canine deployment requests fulfilled by OPD, by type; (5) Requests fulfilled by outside agencies (with name of agency); (6) Requests that were unfulfilled; (7) Outside agency requests fulfilled by OPD, by type.
- (8) Number of patrol canine searches in which the suspect is located; (9) Is not located; (10) Number of times a suspect is located during a Patrol canine search and a bite occurs; (11) A bite does not occur; including (12) Patrol canine bite ratios.
- (13) Number of narcotics detection canine searches in which the narcotics are located; and (14) Are not located; (15) Quantity of narcotics recovered.
- And six additional categories including: (16) Number of Unintentional Bites, on duty; and (17) Off duty; (18) Number of canine-related Internal Affairs Division (IAD) complaints; and (19) IAD complaints resulting in a "Sustained" finding; (20) Number of public service appearances; (21) Number of training hours conducted (both scheduled program training and individual Handler training).<sup>21</sup>

The monthly report serves two primary purposes. It captures, in writing, the activities of OPD's Canine Teams, and it allows senior and executive management to analyze the health of the program upon their review since the Canine Program Special Operations Section Commander, after receiving the report from the Canine Program Supervisor, is required to submit the report through the chain of command to the Chief of Police.<sup>22</sup>

OIG requested copies of the monthly reports produced during the audit period of January 1, 2018 to March 31, 2020. Subsequently, OPD's Canine Program Supervisor submitted six reports: three monthly reports he produced in January, February, and March of 2020, and three monthly reports completed by a former Sergeant, who simultaneously supervised three OPD units, produced for the months of January, February, and March of 2018. There should have been a total of 27 monthly reports submitted, but there were no monthly reports submitted to OIG to account for 21 months from April 2018 to December 2019, and the response suggests that the reports were not produced because the Canine Unit did not have a dedicated Canine Program Supervisor during the entire audit period.

---

<sup>21</sup> DGO K-9, *Department Canine Program*, pgs. 24-25.

<sup>22</sup> *Ibid.*, pg. 13.

The three monthly reports produced by the former Sergeant for the months of January, February, and March 2018 included the 21 measures set forth in policy, and they were comprehensive and easy to read. The Auditor also noted that the reports included calculations related to canine deployment requests and deployments by day and hour for each respective month and the day(s) of the week most of OPD's Canine Teams' requests/deployments occurred in addition to the hour(s) the requests/deployments occurred.

OIG received three monthly reports produced in 2020: January, February, and March. However, upon review, the Auditor noted that the reports were not created as required in policy because the statistics primarily included the number and type of deployments but omitted 19 of the 21 measures. During a virtual meeting between OIG and the Canine Unit on July 17, 2020, the Auditor asked OPD's Canine Program Supervisor, "Is there a reason for not creating the monthly reports, conducting analyses and making recommendations about the entire [canine] program as required in policy?" The Supervisor replied, "No. I will look into that. If I am deficient... I will work on that."

Because OIG received three 2018 monthly reports and three 2020 monthly reports, the Auditor sought to determine why there were no OIG monthly reports submitted to OIG for April 2018 to December 2019 since there appeared to be some type of supervisory oversight over the Canine Program in January, February, and March 2018. On November 19, 2020, OIG, via Microsoft Teams, met with OPD's Canine Program Supervisor and Canine Program Coordinator. During the meeting, the Canine Program Coordinator explained how the Canine Unit was supervised from January 14, 2017 to January 10, 2020. The Auditor, paraphrasing, received the information below from the Coordinator:

Sergeant A, who prepared the January, February, and March 2018 monthly reports, was the permanent supervisor when the former dedicated Canine Unit supervisor left. The difference was that Sergeant A was responsible for three units (Alcoholic Beverages and Tobacco Unit, Special Events Unit, and the Canine Unit), while the former supervisor was solely responsible for the Canine Unit. When Sergeant A left, Sergeant B replaced him and Sergeant B's time was also split amongst three units, ABAT, Special Events, and Canine. There may have been a gap in there somewhere, meaning there was no supervisor assigned to the Canine Unit. Nevertheless, there was a third supervisor, Sergeant C, and his time was split between the Homelessness Detail and the Canine Unit. Of the three supervisors, Sergeant A had a better understanding of the Canine Unit than Sergeants B and C and therefore produced the three 2018 monthly reports during the audit period.

Not producing comprehensive monthly reports that include the 21 Canine Program statistical data measures, as stated in policy, prevents OPD from capturing the activities of its Canine Teams, and it prevents senior and executive management from analyzing the health of the program as a whole, which diminishes their ability to provide additional oversight of the program, if necessary. Also, not staffing the Canine Unit with a dedicated Canine Program Supervisor diminishes the likelihood that the monthly reports will be produced. It should be noted that as of January 11, 2020, OPD staffed the Canine Unit with a dedicated Canine Program Supervisor, who holds the rank of Sergeant.

### **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 conducted, as necessary, with its Patrol/Field Supervisors. Without documentation that shows the frequency and content of the meetings/training conducted for its Patrol/Field Supervisors, OPD may be unable to substantiate its Patrol/Field Supervisors have the qualifications and training needed to fulfill their assigned functions during a canine deployment, which may affect OPD's and the City of Oakland's ability to mitigate liability in an excessive force case involving a canine bite.**

OPD requires its Canine Program Supervisor to conduct quarterly meetings/training with all Patrol/Field Supervisors, as necessary.<sup>23</sup> Seeking documentation to substantiate the meetings/training occurred during the audit period, on June 15, 2020, via email, OIG asked OPD's incumbent Canine Program Supervisor, "Can you tell us when you conduct quarterly meetings/training with all Patrol Supervisors? Where can OIG find documentation of these quarterly meetings/training?"

On June 17, 2020, via email, OPD's Canine Program Supervisor responded by stating,

I did lineup training in February in which I reviewed some of the bigger points of DGO K-9, deployment criteria, de-escalation, and gave refresher training on search team briefs. I had a short handout that I passed out to everyone that included space for folks to make notes. The document (K-9 Sergeant Training) is attached to the email in which this document was attached.

I was unable to reach every lineup, so in early March, I drafted a document via email that covered things in a much more in-depth manner, to again include deployment criteria and de-escalation. I also attached a copy of that email (K-9 Training Email).

It was determined there was additional confusion in terms of authorizing a canine search, leading a search team, and investigating any subsequent canine use of force. As a result, I sent out additional training at the end of March, again via email, to hit everyone at once. The training covered specific responsibilities of a supervisor in terms of authorizing the use of a canine, leading the respective search team, and investigating any canine-related uses of force. I have attached a copy of that email (K-9 Supervisor Responsibilities Email).

The three documents (*K-9 Sergeant Training*, *K-9 Training Email*, and *K-9 Supervisor Responsibilities Email*) were attached to the June 17, 2020 email. Upon review of documents, the Auditor noted the following:

- The February *K-9 Sergeant Training Document* was a Word document and when opened, it was titled *K-9 Deployment Points*, and the format was an outline (the handout). It was not dated. It did not include any information relating to who the recipients were or which line-ups received the outline. It included the information expressed by OPD's Canine Program Supervisor.

---

<sup>23</sup> Ibid., pg.14.

- The *K-9 Training Email* included the information expressed by OPD's Canine Program Supervisor, and the Auditor noted that it was dated March 3, 2020 and sent to OPD's Officers, Sergeants, and Commanders.
- The *K-9 Supervisor Responsibilities Email* was actually titled *Canine UOF<sup>24</sup> Responsibilities*, and it included the information expressed by OPD's Canine Program Supervisor. The Auditor noted that it was dated March 26, 2020 and sent to OPD's Sergeants.

The Auditor noted that the only documentation provided was for meetings/training conducted in the first quarter of 2020. The Auditor also noted that during a meeting with the Canine Unit on November 13, 2019, OIG was advised that the incumbent OPD Canine Program Supervisor was "coming to the [Canine] unit," and therefore the meetings/training documentation that OIG received for the first quarter represented the meetings/training the incumbent conducted.

Since the audit period is January 1, 2018 to March 31, 2020, there remained eight quarters in which the Auditor was unable to determine whether OPD's Canine Program Supervisor, or other OPD designee, if applicable, conducted quarterly meetings and/or training related to the canine program/deployments with its Patrol Supervisors, as necessary, according to policy. On July 20, 2020, OIG requested from the incumbent OPD Canine Unit Supervisor documentation of the meetings/training conducted with Patrol Supervisors prior to his arrival, and on August 14, 2020, he responded that he did not know if [the documentation] existed.

OPD's Patrol/Field Supervisors are responsible for the five functions below:

- Providing close and consistent supervision of their assigned Canine Handlers.
- Responding to the scene of any canine deployment.
- Authorizing canine deployments in accordance with the provisions of OPD policy.
- Supervising canine deployments to ensure they are conducted within OPD policy.
- Taking a position on the search and arrest team as the team leader to ensure both tactically sound search techniques are employed and that only reasonable force is used in taking the criminal suspect(s) into custody.<sup>25</sup>

As mentioned before, OIG determined that the former Canine Unit Supervisor was reassigned to another unit in January 2017. Nevertheless, without documentation that shows the frequency and content of the meetings/training conducted for its Patrol/Field Supervisors, OPD may be unable to substantiate its Patrol/Field Supervisors have the qualifications and training needed to fulfill their assigned functions during a canine deployment, which may affect OPD's and the City of Oakland's ability to mitigate liability in an excessive force case involving a canine bite.

---

<sup>24</sup> UOF denotes Use of Force.

<sup>25</sup> DGO K-9, *Department Canine Program*, pgs. 9, 17.



Furthermore, in a report entitled *Guidance on Policies and Practices for Patrol Canines*, published by the Police Executive Research Forum<sup>26</sup> in May 2020, it is recommended that the canine team provide training to sergeants and other supervisors, so they will understand when they should and should not call the canine team to an incident and the capabilities of the canine team once it is on-scene (pg. 14).

Because of OPD's lack of documentation that shows the frequency and content of the meetings/training conducted for its Patrol/Field Supervisors, OPD needs to provide enough training that shows its Sergeants understand when they should and should not call the Canine Team to an incident and the capabilities of the Canine Team once it is on-scene. OPD's evidence of providing training to its Supervisors in one quarter during the audit period of January 1, 2018 to March 31, 2020 is not effective.

#### **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. However, 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 Reports*, were unvalidated because an OPD Supervisor did not initial or sign the reports, when the form, as printed, requires a supervisor's initials and/or signature on each page of the four-page document.**

OPD requires its Canine Program Supervisor to oversee the Canine Program's training management system, to include planning, scheduling, resourcing, and records maintenance, and attend all Canine Program training sessions, as practical. Annually, OPD requires its Canine Teams to participate in a 40-hour canine specific Continued Professional Training.<sup>27</sup> During a Microsoft Teams meeting with the Canine Unit staff on July 17, 2020, OIG requested the items below:

- A complete list of the Canine Teams that were deployed to incidents to search for and locate criminal suspects during the audit period of January 1, 2018 to March 31, 2020, including the length of time they have been a team.
- The lesson plans and the curricula for 2018 and 2019, to determine what OPD taught its Handlers and to verify that each Handler's training record in Vision documented the same courses.

On August 14, 2020, via email, OPD's incumbent Canine Program Supervisor provided a list of Canine Teams and stated, "None [of the documents requested] presently available." The Auditor noted that the list of Canine Teams included nine Canine Teams: six active Canine Teams and three inactive, former Canine Teams.

On October 30, 2020, OIG conducted an exit conference with the Canine Unit staff (Special Operations Division Captain, Special Operations Section Lieutenant, Canine Program Supervisor, and Canine Program Coordinator) via Microsoft Teams. During the conference, the Auditor asked, "How does the 40-hour canine-

---

<sup>26</sup> The Police Executive Research Forum is an independent research organization that focuses on critical issues in policing. Since its founding in 1976, PERF has identified best practices on fundamental issues such as reducing police use of force; developing community policing and problem-oriented policing; using technologies to deliver police services to the community; and evaluating crime reduction strategies. (<https://www.policeforum.org/about-us>).

<sup>27</sup> DGO K-9, *Department Canine Program*, pgs. 14, 21.

related Continued Professional Training differ from OPD's regular 40-hour CPT course provided to officers annually?" The Canine Program Coordinator stated, "The focus is on the training of the dog and the Handler. The course is 40 hours, and, in 2018, we brought in a well-respected person, who taught us how to train the dogs better for safety purposes." The Canine Program Supervisor stated, "Annually, an outside trainer(s) is brought in to teach 30 hours of the CPT course and we [Canine Unit] spend 10 hours teaching [the Canine Teams] by providing information, experience, and confirming tactics. This course is a POST recommendation and not mandated." The Canine Program Coordinator stated, "The CPT is recorded in the *After-Action* reports."

The Audit Unit Supervisor asked, "Are Handlers required to attend OPD's annual CPT in addition to the 40-hour canine-related CPT?" And the Canine Program Coordinator responded, "Handlers are still required to go to CPT. The 40-hour canine-related training is a more informal training. It is a one-week course." The Auditor noted that there are no lesson plans and curriculums for the training as is required for OPD's annual CPT training courses. It needs to be said that, traditionally, OPD's annual CPT for all Police Officers (also the rank of each Canine Handler) is 40 hours of more formal, structured training, meaning at least 24 hours of the CPT are geared towards perishable skills training (firearms, arrest and control, and pursuit driving) and the remaining hours of training are geared toward reinforcing OPD's position on departmental topics such as bias-based policing; homelessness; use of force reporting; patrol procedures; critical incidents, etc.

Subsequently, during the exit conference on October 30, 2020, the Canine Unit Captain expressed they may have some of the missing documentation stated in the draft audit report, and, after the conference, on November 4, 2020, via email, OPD's Canine Program Supervisor forwarded to OIG documentation that indicated that OPD's Handlers received 41 hours of canine-related CPT in 2018, April 16, 2018 to April 19, 2018. However, the documents, entitled *Canine Program Training and Evaluation Report*, were not validated by a Supervisor and there was no evidence that each Handler attended the training:

- There was no signed attendance sheet attached to each training form, even though the box on the top of the form on page 1 is checked "Signed Attendance Sheet Attached."
- For each form, there is no supervisor signature on page 4 of 4 in the area labeled "Unit Supervisor's Signature and watermarked "Signature Required." There were no initials on each page in the bottom, right hand corner, labeled "Unit Supervisor's Initials."

The absence of the signed attendance sheet and the Supervisor's initials/signature on the reports renders them unvalidated.

The Auditor also noted that it was difficult to determine when external trainers were used because their names and titles did not appear in the attendance section of the reports and the purpose of their attendance during the training sessions was not articulated on the reports. The names of two trainers are noted on two forms in the "Follow-up/Take Away" section (4/16/18 and 4/17/18).

Upon review of the four *Canine Program Training and Evaluation Reports*, the Auditor concluded that external trainers attended on 4/16/18 and 4/17/18, for a total of 15 hours, 5 hours on 4/16 and 10 hours on 4/17.

Additionally, OPD conducted in-house training and used its primary trainer, who is also the Canine Program Coordinator, on 4/18/18 and 4/19/18, providing a total of 16 hours (10 hours on 4/18 and 6 hours on 4/19).

OIG did not receive any documentation to substantiate that OPD provided 40 hours of canine-related CPT to its Handlers in 2019, and in the November 4, 2020, email submitted to OIG from OPD’s Canine Program Supervisor, he stated, “There was no Canine CPT conducted in 2019 due to the lack of a permanent sergeant to allocate the time and dedicate instructor(s) for the event.”

The Auditor noted that although the 40-hours of canine-related CPT is more “informal” than OPD’s annual CPT for all Police Officers, which includes Handlers, the canine-related CPT still provides additional training to the Handlers but from an external source.

**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.**

OPD requires its Canine Program Supervisor to conduct periodic field observations of its Canine Handlers’ patrol deployments to ensure they are in accordance with canine policy and procedures. OPD also requires its Canine Program Supervisor to enter his/her observations in OPD’s [Vision] Supervisory Notes File (SNF) section.<sup>28</sup> OIG requested and received a list of former and incumbent Canine Handlers who were responsible for responding to deployments to search for and locate criminal suspects in order to safeguard the community and police officers during the audit period of January 1, 2018 to March 31, 2020.

There was a total of nine Canine Handlers, but upon the Auditor’s review of their SNFs in Vision, there was no evidence that observations of their performance had been periodically conducted by the Canine Program Supervisor. There were only two Handlers whose SNF profiles in Vision included a documented field observation from OPD’s Canine Program Supervisor. Each Handler had one observation entered in his/her SNF and both observations were created in March 2020. Table 1 shows the audit period in which the Auditor reviewed the SNFs for each Handler and the number of documented field observations by an OPD Canine Program Supervisor during the audit period.

**Table 1: Number of Documented Observations Conducted by the Canine Program Supervisor in Each Handler’s Vision Supervisory Notes Files**

Handler	Dates Served as Canine Handler During Audit Period	# of Documented Observations By an OPD Canine Program Supervisor	Comment(s)
A	1/1/18 to 1/5/18 1/25/18 to 3/31/20	0	No documented observations from 1/1/18 to 3/31/20.
B	1/1/18 to 7/9/19	0	No documented observations from 1/18/18 to 7/9/19.
			No documented observations

<sup>28</sup> DGO K-9, *Department Canine Program*, pg. 14.

C	1/1/18 to 8/24/18	0	from 1/1/18 to 8/24/18.
D	1/1/18 to 3/31/20	0	No documented observations from 1/1/18 to 3/31/20.
E	1/1/18 to 6/1/19	0	No documented observations from 1/1/18 to 6/1/19.
F	1/1/18 to 3/31/20	2	Positive field observations on 3/20/20 and 3/26/20.
G	1/1/18 to 1/10/20	0	No documented observations from 1/1/18 to 1/10/20.
H	1/1/18 to 3/31/20	0	No documented observations From 1/1/18 to 3/31/20
I	1/1/18 to 3/31/20	1	Positive field observation on 3/25/20.

Because OPD’s policy does not state the number of days, weeks, or months in which the observations of Canine Handlers should be conducted, via email on June 15, 2020, OIG asked OPD’s incumbent Canine Program Supervisor, “How often do you conduct field observations of Canine Handlers’ patrol deployments? What is considered periodic? Where can OIG find documentation of these periodic observations that are conducted?” The Supervisor responded, via email on June 17, 2020, by stating:

If I am working and am aware of a deployment, I will respond. I could not put a number on it. I have deployed at least once with every Patrol handler we have...since I have been in the unit. I generally write Supervisory Notes but thinking back, particularly over the last couple months, I may have missed a couple. Thinking about it now, it should probably be standard that in-field observations are documented via SNFs.

The Auditor noted that some observations may be missing from the Handlers’ SNFs but was unable to determine how many were missing and the dates. Nevertheless, the frequency of periodic field observations of patrol deployments, conducted by OPD’s Canine Program Supervisor, was not present on any of the Handlers’ SNFs.

OPD’s policy requires its Canine Program Supervisor position to provide a level of oversight over the Handlers’ performance in the field by periodically observing them in the field to ensure they are performing in accordance with canine policy and procedures and documenting the results of the observations in the Handlers’ respective SNFs. Without documentation from OPD’s Canine Program Supervisor, there is no evidence stating each Handler is performing in accordance with canine policy and procedures based on the standards taught in OPD’s Canine Program or evidence stating deployment tactics in which each Handler needs to improve, based on the observation of the Canine Program Supervisor. This is problematic when there are changes in the Canine Program’s supervisory personnel since future Supervisors/Commanders would have no documented history of a Canine Team’s performance.

**Additional Observations**

**Three Handlers’ Supervisory Notes Files included documented canine-related corrective action/observations from Patrol/Field Supervisors, but the frequency of the documentation was minimal.**

During the review of the nine Canine Handlers’ supervisory notes files, the Auditor noted that three Handlers’ SNFs included documented canine-related entries by a Patrol/Field Supervisor, but the frequency of the documentation was minimal:

**Table 2: Number of Documented Canine-Related Entries Made by the Patrol/Field Supervisor in Each Handler’s Vision Supervisory Notes Files**

Handler	Dates Served as Canine Handler During Audit Period	# of Documented Canine Related Entries Made by OPD’s Patrol/Field Supervisor	Comment(s)
B	1/1/18 to 7/9/19	1	Documented on 6/13/19 corrective training Handler received for issues related to a 3/28/19 incident.
D	1/1/18 to 3/31/20	1	Documented on 10/10/18 positive field observation for incident that occurred on 9/26/18.
E	1/1/18 to 6/1/19	1	Positive field observation on 2/23/18.

**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.**

OPD mandates that its Canine Teams conduct State of California Commission on Peace Officer Standards and Training (POST) canine certification on a semi-annual basis. OPD’s Canine Program Supervisor position is responsible for ensuring all training is planned, coordinated, resourced, and that there is records maintenance. OPD’s Canine Program Coordinator position is responsible for coordinating and attending all semi-annual POST certifications. Lastly, OPD’s Canine Handlers are responsible for successfully passing all semi-annual POST certifications.<sup>29</sup>

During a Microsoft Teams meeting with OPD’s Canine Unit staff on July 17, 2020, the Auditor asked, “Do you have copies of each Handler’s POST semi-annual certifications for the last two years? If so, may we have copies of them?” The Canine Program Coordinator stated, “There are no actual certificates.” And the Special Operations Division Captain stated, “POST actually has certificates. Have the Training Division pull the POST records for the Handlers.”

The Auditor requested the POST training records from OPD’s Training Division for six Canine Handlers because they, along with their assigned police dogs, were active and responsible for deploying to incidents to search for and locate criminal suspects during the entire, or some part of, the audit period of January 1, 2018 to

<sup>29</sup> DGO K-9, *Department Canine Program*, pgs. 16, 21-22.

March 31, 2020. Upon review of the Handlers' training records, the Auditor was unable to locate any documentation related to Canine Team certifications.

The Auditor, seeking to determine why there would not be any certifications from POST on record for OPD's Canine Teams, asked, via email on September 2, 2020, POST's Senior Law Enforcement Consultant, who is also the Regional Manager, "Does POST offer a certification course for canine teams (handler/canine)?" He stated, via email, on the same day, "POST certifies training courses for K-9 for CPT credit ONLY. However, we do not certify individual handlers or dogs."

Because POST does not certify canine teams, the Auditor sought to determine why OPD policy states their Canine Teams are POST certified. The Auditor referenced the State of California's Commission on Peace Officer Standards and Training (POST) *Law Enforcement K-9 Guidelines* booklet<sup>30</sup> and deduced that OPD does not actually certify its Canine Teams but uses a POST-trained evaluator to evaluate its Canine Teams. The POST guidelines read, in part:

The K-9 Team should be evaluated by a POST-trained evaluator prior to general law enforcement deployment and at least once annually. Minimum requirements for law enforcement K-9 evaluators:

1. Should have a minimum of five years of experience as a Law Enforcement K-9 Handler or Law Enforcement K-9 Trainer, and a minimum of 200 hours of documented training in the area they are evaluating.
2. Should pass a POST-certified K-9 Team Evaluator's Course. (Trainees in the course must provide verification of prerequisites to the course presenter prior to the beginning of the course.)
3. In order to preserve the highest standards of professionalism and to avoid any perceived conflict of interest between the Evaluator and the K-9 Team, the Evaluator:
  - 3.1. Should not have a monetary interest in breeding/selling/training of the dog being evaluated.
  - 3.2. Should not be the handler of the dog being evaluated (pg. 7).

The Auditor reviewed OPD's Canine Program Coordinator's Vision training record to determine if he is a POST-trained evaluator since he is OPD's primary trainer. Upon review of the Coordinator's Vision records, the Auditor noted that it was documented that the Coordinator attended the POST-certified *Scenario Evaluator Training* course in September 2019 and June 2018.

---

<sup>30</sup> State of California, Commission on Peace Officer Standards and Training, *Law Enforcement K-9 Guidelines*, pgs. 7. Produced by POST Training Program Services Bureau ([https://post.ca.gov/Portals/0/post\\_docs/publications/K-9.pdf](https://post.ca.gov/Portals/0/post_docs/publications/K-9.pdf)).

To clarify that OPD does not use an outside organization to conduct certifications for its Canine Teams, on November 19, 2020, OIG, via Microsoft Teams, met with OPD's Canine Program Supervisor and Coordinator, and during the meeting, the Auditor asked the Coordinator, "You have taken the POST-certified K-9 Team Evaluator course, right? In essence, instead of you evaluating the Canine Teams, OPD has someone other than you, who holds the same credentials, to evaluate the teams?" The Coordinator replied, "Correct. I certify other departments and get other departments to certify our dogs. We use outside people based upon their availability."

Based on the statements of OPD's Canine Program Coordinator and POST's Senior Law Enforcement Consultant, the Auditor determined that, even though the Coordinator used the word "certify," OPD does not certify its Canine Teams, meaning that there is no certification conducted by a state-level agency or an independent association. Instead, as recommended in the POST *Law Enforcement K-9 Guideline* booklet, OPD has its Canine Teams evaluated by a POST-trained evaluator (see Finding #7 for additional details).

It should be noted that the Commission on Peace Officer Standards and Training (POST) is a state-level organization. It was established by the [State of California] Legislature in 1959 to set minimum selection and training standards for California law enforcement. OPD is a member of the POST Program, which is voluntary. However, as a participating member, OPD agrees to abide by the standards established by POST, which has more than 600 agencies that participate in the POST Program.<sup>31</sup>

Because OPD does not "certify" its Canine Teams, but instead, uses an Evaluator who has taken a POST-certified course to evaluate its Canine Teams, OPD's policy does not match its practice and needs to be revised to reflect OPD's actual practice of having its Canine Teams successfully pass "evaluations" on a semi-annual basis, conducted by an Evaluator who has taken a POST-certified course. The clarification of language will ensure that any future Canine Program staff clearly understand the requirements.

### **Additional Observation**

A report entitled *Guidance on Policies and Practices for Patrol Canines*, published by the Police Executive Research Forum<sup>32</sup> in May 2020, advises law enforcement of the importance of certified canine teams, who should certify the teams, and the recommended frequency of certification. The report reads, in part:

Police command staff members, elected officials, and the public generally are not knowledgeable about canine training, so outside certification can provide assurances that canine teams are prepared and qualified to be sent into the field. Certification should be conducted annually by a reputable outside organization. This may be a state-level agency...or an independent association such as the National Police Canine Association ([www.npca.net](http://www.npca.net)); American Working Dog Association ([www.americanworkingdog.com](http://www.americanworkingdog.com)); the United States Police

---

<sup>31</sup> Commission on Peace Officer Standards and Training, About Us. Retrieved December 8, 2020 (<https://post.ca.gov/About-Us>).

<sup>32</sup> See Footnote 27 for details about the Police Executive Research Forum (PERF).

Canine Association ([www.uspcak9.com](http://www.uspcak9.com)); or the International Police Work Dog Association ([www.ipwda.org](http://www.ipwda.org)) (pg. 15).<sup>33</sup>

Although OPD’s Canine Teams are being evaluated by POST-certified evaluators which meets the requirements of POST, as indicated by the Police Executive Research Forum, there are other outside organizations that offer “certifications.” The Department may benefit from periodically researching certification programs to ensure OPD Canine Teams are being evaluated/certified in line with the most current industry practices.

**FINDING #7**

**In 2018, five of OPD’s six Canine Teams were evaluated semi-annually by an external POST-trained Evaluator. In 2019, five of OPD’s six Canine Teams were evaluated only once during the year.**

OIG sought evidence from OPD’s Canine Unit staff that OPD’s six Canine Teams, active during all or part of the audit period and responsible for deploying to incidents to search for and locate suspects, were evaluated by an external POST-trained evaluator on a semi-annual basis during the audit period of January 1, 2018 to March 31, 2020.

OIG requested from the Canine Unit the semi-annual evaluations conducted for its Canine Teams in 2018 and 2019 and received copies for OPD’s six Canine Teams. The results were as follows:

**Table 3: OPD’s Canine Teams’ Attendance for Semi-Annual Evaluations**

Canine Team	Team A	Team B	Team C	Team D	Team E	Team F
FEB/MAR 2018	N	Y	Y	Y	Y	Y
OCT 2018	Y	Y	Y	Y	Y	Y
SEP 2019	Y	Y	Y	N/A	Y	Y

The table shows that Canine Teams B, C, D, E, and F were evaluated two times in 2018, and Canine Team A was evaluated once. It also shows that in 2019 there was only one semi-annual evaluation conducted for OPD’s Canine Teams and all five active Canine Teams attended. Canine Team D left the Canine Program circa late April 2019 and therefore was not required to attend the September 2019 semi-annual evaluation. Although OPD did not evaluate its Canine Teams twice in 2019, OPD did meet POST’s requirement of having its Canine Teams evaluated annually by an external POST-trained Evaluator. Upon review of the evaluations, the Auditor noted that all Canine Teams passed the evaluations.

When reviewing the evaluations, the Auditor noted that they included the name of an “Evaluator.” On November 19, 2020, via Microsoft Teams, OIG met with OPD’s Canine Program Supervisor and Canine Program Coordinator, and the Auditor asked, “Who ensures the evaluator has received the certificate of completion of a POST-certified *Canine Team Evaluator* course?” OPD’s Canine Program Coordinator stated, “They give me their POST identification number and I ask what class they attended. They tell me and I contact the person to confirm.” The Auditor noted that some type of vetting was taking place.

<sup>33</sup> Police Executive Research Forum, *Guidance on Policies and Practices for Patrol Canines*, May 2020, pg. 15.



Below are various tactics taken from the 2018 and 2019 evaluation:

- Obedience on leash and off leash
- Down in motion and down from a distance
- Apprehension without contact and apprehension with contact
- Handler protection
- Outdoor search and interior search
- Handler protection test
- Search Test

**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.**

OPD requires its Canine Program Supervisor to conduct a review of the Canine Handlers whose bite ratios exceed 20 percent during any six-month period and take corrective measures when appropriate.<sup>34</sup> For OPD, a bite ratio is a ratio calculated as the number of instances in which a bite occurred divided by the total number of instances where a suspect was located by the canine.<sup>35</sup>

From January 2018 to December 31, 2019, as stated in the Executive Summary, OPD reported a total of eight canine bite uses of force, one in 2018 and seven in 2019. The Auditor reviewed OPD’s Force Review Board and Executive Force Review Board Reports<sup>36</sup> completed during the audit period of January 1, 2018 to March 31, 2020, to determine the number of reported incidents, the number of Handlers reportedly involved in each incident, the reported number of subjects bitten in each incident, and the number of reported canine bites in each incident from January 2018 to December 2019, and the results were as follows:

**Table 4: Canine Bite Use of Force Incidents in 2018 and 2019**

Handler	Number of Incidents According to OPD’s FRB/EFRB Reports	Date of Incident	Number of Suspects	Number of Canine Bite Uses of Force
Handler A	Incident #1	5/9/2018	1	1
<b>Handler B</b>	<b>Incident #2</b>	<b>4/17/2019</b>	<b>2</b>	<b>2</b>
Handler C	Incident #3	3/28/2019	1	2
Handler D	Incident #4	2/5/2019	1	1

<sup>34</sup> DGO K-9, Department Canine Program, pg. 14.

<sup>35</sup> Ibid, pg. 5.

<sup>36</sup> Force Review Board and Executive Review Board Reports are reports OPD uses to summarize hearings convened by the Boards OPD uses to examine its employees’ performance in incidents involving canine bite uses of force. The Board members determine whether the force used, via canine, was compliant with OPD policies, procedures, and training.

Handler E	Incident #5	6/4/2019	1	1
Handler E	Incident #6	7/23/2019	1	1

The table shows that Handler E was involved in two canine bite uses of force incidents in less than six months, and Handler B was involved in one use of force incident in which there were two different suspects, and each suspect was bitten by the canine. Handler A, C, D were all involved in one canine bite use of force incident in which one suspect endured one canine bite use of force.

On October 30, 2020, OIG conducted an exit conference, via Microsoft Teams, with OPD’s Canine Unit staff (Special Operations Division Captain, Special Operations Section Lieutenant, Canine Program Supervisor, and Canine Program Coordinator). During the meeting, the Auditor sought documented evidence that OPD analyzed its Canine Handlers’ whose bite ratios exceeded 20 percent during any six-month period, and, if appropriate, corrective measures were taken. The Auditor asked, “Did anyone conduct bite ratios for the Handlers whose canines bit a suspect in 2018 and 2019?” OPD’s incumbent Canine Program Supervisor, as of November 2019, stated he would see if he could find any documentation. Subsequently, OPD was unable to produce any documentation. The Auditor did note that the canine bite uses of force occurred during the period in which OPD’s Canine Program Supervisor position was not staffed with a permanent Supervisor.

The International Association of Chiefs of Police (IACP) is the world’s largest and most influential professional association for police leaders. With more than 31,000 members in over 165 countries, the IACP is a recognized leader in global policing, committed to advancing safer communities through thoughtful, progressive police leadership. Since 1893, the association has been serving communities worldwide by speaking out on behalf of law enforcement and advancing leadership and professionalism in policing worldwide.<sup>37</sup>

An excerpt from *Patrol Canines: Concepts and Issues Paper*, originally published May 1992 and revised September 2001 and May 2015, by the International Association of Chiefs of Police Law Enforcement Policy Center, explains the use and value of bite ratios:

...[M]uch has been written about the use and value of “bite ratios.” Such ratios—based on the number of bites in relationship to the number of contacts or apprehensions—are believed by some to be a good barometer for canine units to identify overly aggressive or otherwise unmanageable dogs. Use of a bite-to-contact ratio is preferred over a bite-to-deployment ratio because it includes only those deployments in which the canine made an encounter with a suspect and was thus in a position to bite. However, it is good to maintain both bites-to-contacts and bites-to-deployments statistics as it gives a more complete picture of canine utilization (pg. 8).

---

<sup>37</sup> International Association of Chiefs of Police (October 5, 2020) About IACP Retrieved from <https://www.theiacp.org/about-iacp>.

OPD, according to policy, is supposed to calculate bite ratios using the bite to contact ratio format, but there is no evidence that OPD analyzed its Handlers' bite ratios in 2018 and 2019. Not analyzing a Handler's bite ratio that exceeds 20 percent within a six-month period may cause OPD's management to fail to identify an overly aggressive or otherwise unmanageable dog in a timely manner.

#### **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. Not providing adequate direction is a control deficiency that needs to be corrected to ensure OPD Supervisors know what is expected of them when conducting a review.**

Upon the review of the monthly reports produced by OPD's incumbent Canine Program Supervisor in January and February, and March 2020, OPD reported in the January and February reports that there were no canine bites within the last six months. But in March 2020, OPD's Canine Program Supervisor documented that there were two separate incidents in which a Handler's canine bit a suspect. One Handler's bite ratio was 20 percent (1:5) and the other Handler's bite ratio was 100 percent (1:1). In the monthly report, he documented his review of the "circumstances of the deployment and the bite" for both incidents and his conclusion that "the use of force was within policy and the law and see no need for corrective action at this time" for both incidents. The Auditor noted that the Canine Program Supervisor conducted a review of a Handler's whose bite ratio did not exceed 20 percent to ensure no corrective measures were needed.

OPD, in practice, calculates bite ratios using the bite to contact ratio format, but OPD does not direct its Canine Program Supervisors, in policy, on what should be reviewed and why, leaving the interpretation of the policy to the reader. For example, does the bite ratio help assess the Handler's overall performance, the incident, or the canine's behavior? Not providing adequate direction 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 #10**

**Upon review of 36 Canine Event Records, 6 records were not completed as stipulated in OPD's RWM K-09, which is due in part to an inconsistency between practice and policy and lack of clarity in policy terminology.**

The OPD's Departmental General Order (DGO K-9), *Department Canine Program*, states that following all Patrol Canine Deployments, the canine handler shall complete a Canine Deployment Record by the end of their work shift<sup>38</sup> and starting in May 2017, the canine handler completed this record electronically in a database system called PRIME. Subsequently, in November 2019, the Canine Deployment Records in PRIME were migrated into a new electronic database system called Vision and the OPD changed the name of the Canine Deployment Record to a Canine Event Record.<sup>39</sup>

---

<sup>38</sup>DGO K-9, *Department Canine Program*, pg.10.

<sup>39</sup> See Footnote 11 for a definition of Vision, OPD's electronic database.

As of November 2019, OPD’s Canine Handlers are required to complete the Canine Event Record, which replaced the Canine Deployment Record. The Department also implemented a new policy, OPD’s Report Writing Manual (RWM K-09), *Canine Events/Canine Records: Vision Form Completion Instructions*, effective November 23, 2019, which directs the canine handler to create the Canine Event Record using the VISION system.<sup>40</sup> Therefore, the Auditor focused on the policy requirements outlined in OPD’s RWM K-09 that stipulated which data fields in Vision are required to be completed.

The Department’s RWM K-09 uses two terms regarding deployments (used and deployed), neither of which are defined. For example, the instructions for the data field *Incident Number* state, “enter the incident number for the incident where the canine was **used**,” while the instructions for the *location* field state, “enter the location where the canine **deployment** occurred.” Additionally, there is a checkbox titled *Deployment*, which is required to be checked if there is a deployment.

For Deployments, there are additional fields that are required:

- **Deployment Type**  
This section lists all deployments of the canine during the incident (i.e., area search, building search, force option, bomb search, evidence search, narcotic search, track, prevention by presence)
- **Deployment Category** (was the canine the primary canine or secondary)

It is unclear based on RWM K-09 if there is a difference between a canine use and a canine deployment.

The Canine Unit provided OIG with a list of all canine deployments (containing the record date, the Vision record ID, and the respective report (RD) and/or incident number), and a list of the Canine Teams (Handler and his/her assigned dog) from January 1, 2018 to March 31, 2020. There were 333 records completed in Prime and 36 records completed in Vision. To determine whether canine handlers were completing the Canine Event Record in Vision as stipulated in OPD’s RWM K-09, the Auditor reviewed all 36 Canine Event Records completed in Vision from November 23, 2019 to March 31, 2020, which involved four of the six Canine Teams. Upon review of the 36 Canine Event Records, the Auditor found that:

- **30 records were completed as required in OPD’s RWM K-09, and**
- **6 records were not completed as required in OPD’s RWM K-09**

In one of the six records, the handler checked the deployment box but did not complete the deployment type and the deployment category data fields.

Deployment (checkbox)	Deployment Type	Deployment Category
Y		

<sup>40</sup> City of Oakland Police Department Report Writing Manual K-9, *Canine Events/Canine Records: Vision Form Completion Instructions*, November 23, 2019, Pg. 2.

The OPD's RWM K-09 requires the canine handler to complete the deployment type and category data fields when a canine is deployed.<sup>41</sup> However, since the handler added a note in the Chronological Log, stating "*the k9 was deployed to search the residence for suspects with negative results,*" the Auditor was able to confirm that the one incident was an actual deployment and the handler just forgot to complete the additional deployment data fields.

In five of the six records, the handler did not check the deployment box, but completed the deployment type and category data fields.

Deployment (checkbox)	Deployment Type	Deployment Category
	Prevention by Presence	Primary
	Force Option	Primary
	Prevention by Presence	Primary
	Prevention by Presence	Primary
	Prevention by Presence	Primary

The OPD's RWM K-09 requires the deployment type and category (additional deployment data fields) to be completed when a canine was deployed and the deployment (checkbox) is checked.<sup>42</sup> In an email on November 5, 2020, the Canine Unit Supervisor confirmed that all five Canine Event Records, "by virtue of them existing in VISION, qualified as deployment requests where the canine was not deployed." The Canine Unit Supervisor introduced a new term, **deployment requests**, which are different than deployments. In his email he stated:

Some background on this. It took some time and discussion after I came to the unit to come to a consensus on what constitutes a request and what constitutes a deployment. Ultimately, we determined a request involves any incident in which a canine is requested and a handler initiates a response, regardless of the actual use of the canine. Every request therefore necessitates a VISION entry. For example, if a patrol unit requests a canine for a burglary call and a canine unit begins to respond, that constitutes a request and therefore a VISION entry, even if the canine is not used (for example, units ultimately determine there was no burglary).

In the email, he also stated:

A deployment is defined as any use of a canine off leash (i.e., a search), or a direct action (bite) while on leash. Example: a canine unit responds for a suspect barricaded in a vehicle and has their dog ready as part of the arrest team. The handler has their dog ready as a force option. The suspect gives up after verbal announcements. This would qualify as a request (therefore a VISION entry), but NO deployment. However, it also would qualify as "prevention by presence" (PBP). Ironically, the way to designate PBP in a VISION entry is under the section titled "Deployment Type." So, in this particular example, a VISION entry would be made (because there was a fulfilled canine request), the

<sup>41</sup> RWM K-09, *Canine Events/Canine Records: Vision Form Completion Instructions*, pg.4.

<sup>42</sup> Ibid., pg.4.

Deployment box would NOT be checked, and Prevention by Presence would be added under the Deployment Type heading.

While some of the sampled Canine Event Records did not comply with RWM K-09, they appear to have followed the guidance of the new Canine Program Supervisor, who has defined what constitutes a deployment and how to complete the forms when there is no deployment. The Supervisor also now requires more detailed entries about the deployment/deployment request in the Chronological Log, which is not a requirement listed in RWM K-09. Lastly, the Supervisor has requested changes to the Vision Canine Event Record to more clearly identify a deployment.

Distinguishing between a deployment request and a deployment is beneficial for the Department in assessing the value of the Program. As recognized by the new Canine Program Supervisor, clarification in terminology and training handlers on how to complete Canine Event Records is necessary for handlers to capture data more accurately. Therefore, the Department should update the Canine Event Record and RWM K-09 to ensure the Canine Program is capturing the data they need to assess the health and value of the Program.

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

Following all Patrol Canine Deployments, OPD requires its Canine Handlers to complete a *Canine Deployment Record* and submit the report to the Canine Program Coordinator by the end of their work shift.<sup>43</sup> The Auditor reviewed all 36 Canine Event Records completed in Vision from November 23, 2019 to March 31, 2020, and upon review, the Auditor found 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 Canine Coordinator prior to the end of the Handler's work shift.
- **4 (11%)** records in which the evidence substantiated that the Handler did not complete the Canine Event Record prior to the end of his/her shift, and therefore the record was submitted late to the Canine Coordinator.

The Auditor deemed the creation of four Canine Events Records out of compliance because the Event Date data field displayed a date that was two or more days earlier than the date OPD's Handler created and submitted the record according to the Chronological Log. There were nine Canine Event Records that were created on the date after the deployment date. While the Auditor could not confirm if the created dates were during the handler's shift because there was no time listed, the Auditor deemed these nine records in compliance because they were created within one day of the deployment date. The Auditor noted that the OPD should update the Vision system to make sure the Chronological Log includes a time in addition to the date the handler creates and submits the record.

---

<sup>43</sup> DGO K-9, *Department Canine Program*, pg. 10.

To address the tardiness of the four Canine Event Records that were not completed by the end of the handlers shift and to determine what the Canine Unit Supervisor looks for when approving the records, during the exit conference on October 30, 2020, the Auditor asked, "When auditing, I found that there were 4 records the handler submitted late, and the policy states that the records should be submitted by the end of the handler's work shift. What is the risk of turning them in late?" The Canine Unit Supervisor stated that "it is just a request not a risk to the department."

### **Additional Observation**

**Although policy requires that the Canine Coordinator review and approve Canine Event Records, whether involving a canine bite or not, all 36 (100%) Canine Event Records were reviewed and approved by the Canine Unit Supervisor rather than the Coordinator.**

According to the OPD's Report Writing Manual K-09, *Canine Events/Canine Records: Vision Form Completion Instructions*, effective November 23, 2019, the Chronological Log automatically keeps track of Vision system events (e.g., when the report is created and when a task is created).<sup>44</sup> In addition, the Canine Event process in VISION follows the workflow below:

- **Creation:** The canine handler creates the Canine Event Record using the VISION system and shall task the form for review to the Canine Coordinator.
- **Canine Coordinator review:** All Canine Event Records are reviewed by the Department's Canine Coordinator. If there was a canine bite during the deployment, the form goes to Supervisor Review, otherwise, the form goes to Finalization.
- **Supervisor Review:** The Canine Unit Supervisor reviews all Canine Event Records involving a canine bite.
- **Finalization:** The form is finalized by the Canine Coordinator or Canine Supervisor.<sup>45</sup>

The Auditor reviewed the Chronological Logs in Vision for the 36 Canine Event Records to determine if the Canine Coordinator reviewed and finalized the records when there was no canine bite. If there was a canine bite, the Auditor reviewed the Canine Event Records to ensure the records were forwarded to the Canine Unit Sergeant before being finalized by the Sergeant or Coordinator. Upon review, the Auditor found that although the Canine Coordinator was responsible for reviewing all 36 Canine Records and finalizing the 34 where a bite did not occur, the Auditor was unable to determine whether the Canine Coordinator reviewed the 36 Canine Event Records, because there was no documentation by the Coordinator.

During the exit conference on October 30, 2020, the Canine Supervisor stated that he changed practice to be able to review all Canine Event Records, not just events that resulted in a canine bite, which is the reason the Auditor was unable to see the Coordinator's review. He also stated that he placed the Coordinator's review back into place, however, the change occurred after the review period. Since the Coordinator serves as the Department's Canine Program subject matter expert and is responsible for training canine teams, it is important that he/she reviews all deployments and that the reviews are documented in the Canine Event Record.

---

<sup>44</sup> RWM K-09, *Canine Events/Canine Records: Vision Form Completion Instructions*, pg. 6.

<sup>45</sup> Ibid, pg. 2.

Although having the Canine Unit Supervisor review all Canine Event Records is not required by the Vision workflow, it is an additional layer of oversight. Therefore, the Auditor noted that the RWM K-09's workflow process should be updated to reflect those changes in practice made by the Canine Unit Supervisor.

#### **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.**

OPD’s policy, Departmental General Order K-9, *Department Canine Program*, states that Canine Handlers are required to place an “appropriate entry” in their logbooks by the end of their work shift, following a deployment.<sup>46</sup> Based on two conversations with OPD’s Canine Unit staff, it was determined that, in practice, OPD does not require its Canine Handlers to place an “appropriate entry” in a logbook and the Handlers’ logbooks are not reviewed, rendering the policy invalid.

On June 15, 2020, OIG, via email, OIG asked OPD’s Canine Program Supervisor, “Is anyone responsible for reviewing the [Handlers’] logbooks to ensure required data is included? Are logbooks in paper format or electronic format? Does OPD require Handlers to document other information in their logbooks? If so, what is it?”

On June 17, 2020, OPD’s Canine Program Supervisor, via email, stated, “Handlers are responsible for their handbooks. It is up to the Handlers on how they maintain their data. Some physically log and others via computer. They log their individual training. Team training is tracked by the Canine Program Coordinator and me. We do not review individual Handler logs.”

Subsequently, during a Microsoft Teams meeting with the Canine Unit staff (Special Operations Division Captain, Special Operations Section Lieutenant, Canine Program Supervisor, and the Canine Program Coordinator) on July 17, 2020, the Auditor stated, “Part of our audit involves verifying that the Handlers are following policy by placing an ‘appropriate’ entry in their respective logbooks. In addition, although not part of OPD’s policy, but based on best practices according to an article written by a think tank for the International Association of Chiefs of Police, to ensure the canine is suitable for police operations and to have appropriate court documents, we want to review the Handlers’ logbooks to see if they track team and individual training; the performance history of the dog (any quirks and how it is being dealt with, if necessary); certifications; awards; and the canine’s medical history, diet, grooming, and bites. Is it possible for us to review the Handlers’ logbooks? If so, how can we arrange it?”

OIG received responses from the Canine Program Supervisor and the Canine Program Coordinator. The Canine Program Supervisor stated, “I have to see how they compile it.” The Canine Program Coordinator stated, “First, I became a Handler in 2005 and at the end of the year, everyone would turn records in. I do not think there is a problem with [bringing back the logbooks]. The assumption is that not everybody is keeping a

---

<sup>46</sup> DGO K0-9, *Department Canine Program*, pg. 10.



logbook. My answer is, ‘No, they are not.’” The Canine Program Supervisor then stated, “I assume that Vision was taking the place of the logbook. The big problem is that Vision is not on a server. Taking dogs to the vet is documented on an invoice, which is sent to Fiscal Services and verified by the [Canine Program Coordinator].” Lastly, the Canine Program Coordinator stated, “I think the logbook is redundant. I use the *Training After-Action Reports* for documentation. It is on One Drive, the *After-Action Report*.”

In an article entitled *Patrol Canines: Concepts and Issues Paper*, published in May 2015 by the International Association of Police Chiefs Law Enforcement Policy Center,<sup>47</sup> the author(s) uses the *Kerr v. City of West Palm Beach*<sup>48</sup> case to illustrate the importance of a strict performance monitoring system, which includes documenting the canine’s performance in a logbook. The article reads, in part:

In this case, three plaintiffs brought suit against an agency, its chief, and two canine handlers. The plaintiffs alleged that they had suffered serious injuries as a result of excessive force used in their apprehension. Among other problems relating to inadequate training and unclear policy on the use of canines, the court found that a strict performance monitoring system is necessary to ensure that misbehaving dogs receive prompt corrective training. The court stressed that the department had no specialized internal procedures for monitoring the performance of the canine unit. Rather, the department relied on a general system of “force reports” prepared by the shift commander upon being notified that an officer had used force to make an apprehension. **These reports were not compiled to keep track of the performance of individual dogs** and were usually discarded within 30 days. The court felt that these reports were insufficient to ensure that misbehaving dogs would be withdrawn from use or receive corrective training.

This case also illustrates the need of agencies to establish clear and complete policies and procedures on the use of canines and ensure that all instances in which canines are deployed are accurately and completely documented and evaluated. Complete and accurate records in all these areas are vital. **Handlers testifying in court should be 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.**

Additionally, the IACP Law Enforcement Center published in May 2015 a complementary *Patrol Canines Model Policy*, which further articulates what should be included in a Handler’s logbook. The policy states, in part, “Each canine team shall maintain a current handler’s ‘log’ that contains information on training, certification, awards, bite memos, recall memos, veterinary records, and other information designated by the canine supervisor.”<sup>49</sup>

---

<sup>47</sup> *Patrol Canines: Concepts and Issues Paper*, Revised May 2015, International Association of Chiefs of Police Law Enforcement Policy Center, 2015, pg. 8.

<sup>48</sup> *Kerr v. City of West Palm Beach*, 875 F.2d 1546 (11th Cir. 1989).

<sup>49</sup> *Patrol Canines: Model Policy*, International Association of Chiefs of Police Law Enforcement Policy Center, May 2015, pg. 2.

The IACP Law Enforcement Center's *Concepts and Issues Paper* and *Model Policy* express a need for OPD to ensure it collects information in one place, a log, that demonstrates its canines used in deployments are fit for police operations duties. The Concepts and Issues Paper further expresses the need for Handlers to have access to this information when appearing in court. Based on OPD's current method of collecting data, information is scattered and not logged in one place: vet bills are on invoices in OPD's Fiscal Services; some Handlers may use OPD's electronic data based called Vision to document canine information; the Canine Program Coordinator, who is also a Handler, uses OPD's After Action reports to document canine information, etc.

If OPD does not require its Handlers to log information related to their canines in one place, its Canine Handlers, if called to testify in court, may be able to produce accurate records of the incident in question but not able to produce accurate records that reflect their team and individual training to correct issues related to their canine, performance history of the dog, and any additional documentation, such as certifications, canine vet visits, shots, diet, awards, etc.; thereby not able to prove their respective canine was fit for police operations at the time of the incident in question.

### **FINDING #13**

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

OPD requires its Canine Teams (the Handler and the dog) to participate in weekly five-hour Canine Program training as well as any additional scheduled in-house canine training.<sup>50</sup> To determine the training schedule, the Inspector General, during the entrance conference on November 13, 2019, asked, "What type of training do you currently provide to the Canine Teams?" and OPD's Canine Program Coordinator stated, "We train every Monday for five hours, 1700 to 2200 hours. In addition, we train for 10 hours on the second Tuesday of each month. We train on car apprehensions, gunfire, control, obedience...It varies. It depends where dogs are at, and that is what we train on."

According to OPD's Report Writing Manual K-09, *Canine Events/Canine Records: Vision Form Completion Instructions*, effective November 23, 2019, OPD requires its Canine Teams' (Handlers and their assigned dogs) training to be tracked in Vision, an electronic database used to track various dimensions of OPD's employees' performance. The RWM states that each Canine Handler is required to create his/her canine training records in Vision, and upon completion of the record, task it to the Canine Program Coordinator for review of the record and "finalizing" the record (pg. 2).

The Auditor, using Vision, sought to review OPD's Handlers' canine training records from December 1, 2019 to March 31, 2020, but located only one training record, with a training date of March 29, 2020 and a training category labeled "group." Upon printing out the form, the Auditor noted that the "group" canine training record listed attendance for only two of OPD's six Canine Teams that respond to deployment requests to

---

<sup>50</sup> DGO K-9, *Department Canine Program*, pgs. 3, 16, 21.

search for and locate suspects. The Auditor asked, via email on November 25, 2020, OPD's Canine Program Supervisor the reason the records were not entered and, via email on December 3, 2020, he stated:

There was not an established system or even understanding of how training would be logged. Team training was logged via [Canine Program Training and Evaluation Reports] by [the Canine Program Coordinator], via pen/paper. Individual handlers logged things independently (on computer, physical logbook, etc.). There was no consistency. It was not until post-OIG-audit that it was established that every single training event would be logged in VISION. The idea behind this was to obviously establish a single database for all canine training in a standard template. Not everyone understood the workflow process for entering training. The beginning of the year when I joined the team, we had a Basic Handler School. The workflow and familiarity with VISION was not set. It was not until just a few months ago that the training was done as a unit, and with the VISION team, to set the standard for documentation. Now, all training—individual and team—is logged in VISION.

The importance of training and accurate recordkeeping is expressed in an article entitled *Patrol Canines: Concepts and Issues Paper*, originally published May 1992 and revised September 2001 and May 2015, by the International Association of Chiefs of Police Law Enforcement Policy Center, and states, in part:

Proper training and accurate recordkeeping regarding training are essential in defending officers and agencies against claims of negligence related to improper training, failure to train, and excessive force. An example of the importance of training is found in *Robinette v. Barnes*,<sup>51</sup> wherein the Sixth Circuit Court of Appeal reviewed a civil rights lawsuit brought by the estate of a burglary suspect killed by a police canine...The importance of competent training was a focus in the court's analysis of whether or not the use of a police dog to apprehend a suspect constituted the use of deadly force. The court stated, 'when a properly trained dog is used in an appropriate manner to apprehend a felony suspect, the use of the dog does not constitute deadly force. While the officer's intent in using a police dog, or the use of an improperly trained dog, could transform the use of the dog into deadly force, we find no such intent or improper training present in this case. (pg. 3).<sup>52</sup>

The response suggests OPD did not provide its Canine Handlers with enough training to navigate the Vision system to enter their canine training records. Without entering records into Vision that date back to November 23, 2019, OPD will not have accurate recordkeeping of the training provided to its Canine Teams stored in its Vision system, especially since *Report Writing Manual K-9, Canine Events/Canine Records: Vision Form Completion Instructions*, effective November 23, 2019 indicates that all of OPD's canine training/events records are to be recorded, approved, and maintained in Vision.

---

<sup>51</sup> *Robinette v. Barnes*, 854 F.2d 909 (6<sup>th</sup> Cir. 1998).

<sup>52</sup> *Campbell v. City of Springboro*, 700 F.3d 779 (6<sup>th</sup> Cir. 2012) is another case that illustrates rulings related to claims of excessive force, failure to train and failure to supervise.

Although OPD did not use the Vision system to record its Canine Teams' training attendance from December 1, 2019 to March 31, 2020, OPD did forward to OIG training records on a form entitled *Canine Program Training and Evaluation Report* to account for the Canine Teams' attendance. See Finding #14 below for details.

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

In Finding #13, OPD's Canine Program Coordinator provided the Canine Teams' training schedule by stating, "We train every Monday for five hours, 1700 to 2200 hours. In addition, we train for 10 hours on the second Tuesday of each month." Hence, for the audit period of December 1, 2019 to March 31, 2020, there are 18 Mondays and 4 second Tuesdays, a total of 22 training sessions. During a Microsoft Teams meeting with the Canine Unit staff on July 17, 2020, OIG requested two items:

- A complete list of the Canine Teams that get deployed to incidents to search for and locate criminal suspects, including the length of time they have been a team.
- Four months of training records, December 1, 2019 to March 31, 2020 to determine whether the Canine Teams attended the five-hour weekly training and the monthly 10-hour training.

OIG received a list of six Canine Teams and 19 *Canine Program Training and Evaluation Reports*, the reports OPD used to document attendance.

During the review of each of the 19 *Canine Program Training and Evaluation Reports*, the Auditor first noted that an OPD Supervisor did not approve the *Canine Program Training and Evaluation Reports* as being true and accurate by initialing and signing them. Each report was four pages, and each page, in the bottom right-hand corner, had a line, and above the line, typewritten words stating, "Unit Supervisor's initials." In addition, on page 4 of 4 of each report, there was a box with typewritten words stating, "Unit Supervisor's Signature" and "Date" and there was a watermark in the same box stating, "Signature Required." None of the reports included the Supervisor's initials or the Supervisor's signature, rendering the reports unvalidated. Nevertheless, OIG still reviewed the reports.

From the sample of 19 *Canine Program Training and Evaluation Reports*, there were three "Monday" reports missing: March 16, 2020, March 23, 2020, and March 30, 2020, and on November 16, 2020, OPD's Canine Program Supervisor, upon seeing OIG's draft of this finding, stated, in a comment, via Microsoft Word, "It should be noted that there were not any *Training and Evaluation Reports* from March 16 onward because all [OPD] in-service training, to include canine training, was canceled due to COVID."

Having accounted for all 22 training sessions, the Auditor rendered five training dates "not applicable" for each Canine Team's attendance since training was cancelled, the three dates mentioned by OPD's Canine Program Supervisor and two (Monday, January 6, 2020 and Monday, January 27, 2020) of the 19 *Canine*

*Program and Evaluation Reports* since it was documented on page 3 of 4 “Training Cancelled” on each report, leaving 17 training reports to review. The Auditor noted that there was no documented reason on the reports to indicate why training was cancelled.

The Auditor also deemed training dates “not applicable” for each Canine Team if the Handler was on leave (i.e., vacation, sick, military, etc.).

Upon review of the 17 *Canine Program and Evaluation Reports*, the results were as follows:

**Table 5: Canine Team Attendance at Training Sessions December 2019 to March 2020**

<b>Total</b>	<b>22</b>	<b>22</b>	<b>22</b>	<b>22</b>	<b>22</b>	<b>22</b>
Not Applicable	5	7	5	5	5	22
<b>Applicable</b>	<b>17</b>	<b>15</b>	<b>17</b>	<b>17</b>	<b>17</b>	<b>0</b>
Attended	100%	100%	100%	100%	94%	0%
Did not Attend	0%	0%	0%	0%	6%	0%
	<b>Canine Team A</b>	<b>Canine Team B</b>	<b>Canine Team C</b>	<b>Canine Team D</b>	<b>Canine Team E</b>	<b>Canine Team F</b>

The table shows that Canine Teams A, B, C, and D attended all 17 training sessions. Canine Team E attended 16 of the training sessions, and the Handler was absent for one training session, but no reason was documented on the report. Lastly, Canine Team F was on leave during the training sessions that occurred during the audit period covering December 1, 2019 to January 9, 2020, and the Handler left OPD’s Canine Program on January 10, 2020. Therefore, he was not responsible for attending any training during the audit period.

If the training records OIG received and reviewed are to serve as OPD’s official training records for its Canine Teams during the period of December 1, 2019 to March 31, 2020, OPD has to ensure each of the forms’ pages are initialed/signed by a Supervisor. Without a supervisor’s signature/initials, OPD’s weekly training records remain unvalidated.

**Additional Observations**

**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.**

OPD’s Canine Program Supervisor is required to attend all Canine Program training sessions as practical.<sup>53</sup>

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.

<sup>53</sup> DGO K-9, Department Canine Program, pg.14.

On 16 of the reports, on page 1 of 4, there is a box with the word “Supervisor” typewritten in it, and the name of a Supervisor is also typewritten next to it. There are no indicators on the report to substantiate the Supervisor whose name appears on the report attended the training, leaving the Auditor unable to determine whether the Canine Program Supervisor attended the training. It should be noted that the name of OPD’s incumbent Canine Program Supervisor was typewritten on 13 reports and the name of another Supervisor was typewritten on three reports. There was one report (Monday, December 2, 2019) in which a name of a supervisor was not typewritten on the report.

Not including wording or some type of indicator (e.g., a check box that states “attended”) on the *Canine Program Training and Evaluation Report* that clearly indicates OPD’s Canine Program Supervisor attended the Canine Program training sessions makes 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.

**It was documented on all 17 *Canine Program Training and Evaluation Reports* that OPD’s Canine Program Coordinator, the primary trainer, attended the training sessions.**

OPD’s Canine Program Coordinator is responsible for serving as the primary trainer for all in-house Canine Program training.<sup>54</sup> During the review of the reports, the Auditor noted that Handler A is also OPD’s Canine Program Coordinator. It was documented on all 17 *Canine Program Training and Evaluation Reports* that Handler A attended the training sessions. Therefore, OPD’s primary trainer, the Canine Program Coordinator, attended all 17 training sessions.

#### **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. 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.**

OPD requires two members to participate in planning the weekly Canine Program training: the Canine Program Supervisor and the Canine Program Coordinator. The Supervisor is responsible for overseeing the planning of the training, and the Coordinator is responsible for developing weekly training plans that maintain the proficiency of OPD’s Canine Teams.<sup>55</sup>

The Auditor reviewed the 17 *Canine Program Training and Evaluation Reports* and sought deployment scenarios used to train OPD’s Canine Teams to ensure the training enhanced the skills for the Handlers’ during a deployment, but deployment scenarios are not documented on the reports. 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. Below are examples of two

---

<sup>54</sup> DGO K-9, *Department Canine Program*, pg. 15.

<sup>55</sup> *Ibid.*, pgs. 14-15.

deployment scenarios in the State of California's Commission on Peace Officer Standards and Training (POST) *Law Enforcement K-9 Guidelines* booklet.<sup>56</sup>

**Apprehension (without contact)**

...The K-9 team will begin the exercise "off-leash" from a designated starting position. The handler will ensure that the dog remains with them and may hold the dog's collar if needed. Upon the evaluator's signal, a person acting as a 'suspect' (agitator/decoy) will present himself visually at a reasonable distance (25-30 yards) from the K-9 team and begin running away. The handler will verbally order the 'suspect' to stop. The 'suspect' will ignore the order and continue flight. The handler will then send the dog in pursuit of the suspect and may join in the pursuit to ensure full view of the dog and 'suspect.' Allowing a reasonable distance (20-30 yards), the 'suspect' will stop in mid-flight at the evaluator's command and stand still. When the dog is approximately halfway to the decoy, the handler will verbally order the dog to abandon the apprehension. The dog must not physically contact the decoy after the "call off" command from the handler (pg. 4).

**Apprehension (with contact)**

...This exercise will duplicate the above procedure, except in this scenario the agitator/decoy will not stop and the handler will send the dog to pursue, contact, and apprehend the agitator/decoy. The handler may join in the pursuit. The dog will contact and control the agitator/decoy until called off by the handler. During the apprehension and on verbal command only from the handler, the dog will disengage the contact (pg. 5).

What is apparent in both deployment scenarios are the tactics being taught to the Handler and the canine based on the actions of the suspect (agitator/decoy). Specifically, there is documented evidence of the conditions in which the Handler is trained to execute his/her duties while maintaining control over the canine, and there is documented evidence that the canine is trained in an appropriate manner to apprehend a felony suspect.

**Additional Observation**

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

Upon review of the 12 *Canine Program Training and Evaluation Reports*, the Auditor noted that OPD does evaluate its Canine Teams' performance but without deployment scenarios was unable to conceptualize the meaning of the evaluations. The table below shows the type of evaluations that were documented in the *Follow-up (Take Away)* section of four of OPD's *Canine Program Training and Evaluation Reports*:

---

<sup>56</sup> State of California, Commission on Peace Officer Standards and Training, *Law Enforcement K-9 Guidelines*, pgs. 4-5. Produced by POST Training Program Services Bureau, [https://post.ca.gov/Portals/0/post\\_docs/publications/K-9.pdf](https://post.ca.gov/Portals/0/post_docs/publications/K-9.pdf).

**Table 6: Evaluations Documented in *Canine Program Training and Evaluation Reports***

Example	Follow-up (Take Away)
1	Multiple suspect finds were a focus of this training, and all the dogs were able to refocus after the first find and locate the second suspect.
2	All of the...Handler/dog teams in attendance performed well.
3	During the training, we focused on POST standard exercises and control work. Every dog in attendance performed well.
4	[Canine Team 1] Demonstrated amazing control. Was able to down the dog and recall from a bark and hold. Also was able to do last second call offs. [Canine Team 2] On the bark and hold...did well. Initially, he struggled with recalling from the bark and hold but after more reps, he was fine.

In Example #1, the reader is unable to envision where each suspect was located; how dogs were trained to refocus; and the location of the handler is unknown. In Example #2, the reader is unable to envision the tactics performed well by all Handler/dog teams. The same can be said for Example 3 and Example 4, the reader is unable to envision what is being rated. If the evaluation system does not allow the reader to envision the actual conditions and tactics on which the Handler and canine are being rated, the evaluations have no value to those who did not attend OPD’s training sessions.

Below is an example of an evaluation system in the *POST Law Enforcement K-9 Guidelines* booklet<sup>57</sup> that allows the reader to envision the conditions and tactics the Handler and canine are rated on when used in conjunction with the deployment scenario examples in the finding above. The form has a box to check either “Pass” or “Fail,” the tactics that are included in the deployment scenarios are documented, and there is space to write notes related to the pass or fail of the Handler or canine or both.

The form is titled "Pass" and "Fail" at the top right. It contains four numbered sections, each with a title and checkboxes for "Pass" and "Fail".

- 1. Apprehension without contact**: Includes checkboxes for "Control", "Pursuit on command", and "Call off without contact".
- 2. Apprehension with contact**: Includes checkboxes for "Control", "Pursuit on command", "Contact", and "Call off".
- 3. Call off**: Includes a checkbox for "Control".
- 4. Disengage**: Includes a checkbox for "Control".

<sup>57</sup> State of California, Commission on Peace Officer Standards and Training, *Law Enforcement K-9 Guidelines*, pg. 18.



## Findings and Recommendations

### OIG Findings

#### **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.

#### **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.

#### **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 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

### OIG Recommendations

#### **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.

#### **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.

#### **Recommendation #3**

OPD should ensure there is evidence to substantiate its Canine Handlers' bite ratios are analyzed.

#### **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

<p>signature on the reports, rendering the documents unofficial and unapproved.</p> <p><b><u>FINDING #5</u></b> 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.</p> <p><b><u>FINDING #6</u></b> 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.</p> <p><b><u>FINDING #8</u></b> 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.</p> <p><b><u>FINDING #9</u></b> 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.</p>	<p>with best practices in the State and nationwide.</p> <p><b><u>Recommendation #5</u></b> 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.</p>
<p><b><u>FINDING #10</u></b> Upon review of 36 Canine Event Records, 6 records were not completed as stipulated in OPD’s RWM K-09, which is due in part to an inconsistency between practice and policy and lack of clarity in policy terminology.</p>	<p><b><u>Recommendation #6</u></b> 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</p>

<p><b><u>FINDING #11</u></b> 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 Canine Program Coordinator prior to the end of the Handler’s work shift.</p> <p><b><u>FINDING #12</u></b> 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.</p>	<p>deployment data is captured accurately and consistently.</p> <p><b><u>Recommendation #7</u></b> OPD should update its RWM K-09’s workflow process, to reflect those changes in practice made by the Canine Unit Supervisor.</p> <p><b><u>Recommendation #8</u></b> 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.</p>
<p><b><u>FINDING #13</u></b> 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.</p> <p><b><u>FINDING #14</u></b> 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 training, and one Canine Team was exempt during the audit period.</p> <p><b><u>FINDING #14 (Additional Observation)</u></b> Upon review of the 17 <i>Canine Program Training and Evaluation Reports</i>, the Auditor was unable to</p>	<p><b><u>Recommendation #9</u></b> 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.</p> <p><b><u>Recommendation #10</u></b> 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.</p> <p><b><u>Recommendation #11</u></b></p>

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.

**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.

**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.

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.

**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.

## APPENDIX A

### Scope/ Population

#### Scope

The review 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.

#### Population

There were various populations requested by OIG:

Finding #	Population
2	27 Canine Program Monthly Reports from January 1, 2018 to March 31, 2020.
3	Quarterly meetings/training for OPD’s Patrol/Field Supervisors from January 1, 2018 to March 31, 2020.
4	Annual 40-hour canine related Continued Profession Training curriculums/lesson plans for 2018 and 2019
5	Supervisory Notes Files of six current Canine Handlers and 3 former Handlers from January 1, 2018 to March 31, 2020.
6	Certifications for 6 current Canine Teams and 3 former Canine Teams from January 1, 2018 to March 31, 2020.
7, 8	Eight Canine Handler’s bite ratios (one in 2018, five in 2019, and two in 2020)
9, 10	36 Canine Event Records created November 23, 2019 to March 31, 2020
11	Six Current Canine Handlers’ Logbooks covering entries January 1, 2018 to March 31, 2020.
12, 13, 14	One Executive Force Review Board Report and five Force Review Board Reports completed for canine bite uses of force that occurred in 2018 and 2019
15, 16	22 Training Sessions December 1, 2019 to March 31, 2020

### Methodology

Department General Order K-9, Department Canine Program, effective October 16, 2014, is the Oakland Police Department’s policy that includes guidelines for the effective operation of its Canine Program. To determine whether OPD’s oversight of its Canine Program was effective during the audit period, the Auditor reviewed the OPD’s policy controls related to deployment of a canine; on scene supervision of a deployed canine; reporting canine activities; and training for the canine and the handler (the police officer who controls the canine) and Patrol Supervisors. Hence, the following tests were conducted:

#### **Policy Controls Related to Oversight of OPD’s Canine Program**

##### **(Finding #1)**

To determine who was responsible for providing effective oversight over OPD’s Canine Program during the audit period, the Auditor reviewed OPD’s Manual of Rules,<sup>58</sup> dated September 30, 2010, seeking the defined

---

<sup>58</sup> It is the purpose of this Manual of Rules to provide additional specificity to the standards of conduct embodied in the law enforcement officer’s Code of Ethics and the Department’s Statement of Values. In that regard, all personnel will better understand requirements and limitations pertaining to their conduct and activities while on and off duty (pg. i). The Manual of Rules provides responsibilities of commanders and supervisors by rank.

responsibilities of OPD's Special Operations Commander position (a Lieutenant in rank) and Canine Program Supervisor (a Sergeant in rank). In addition, the Auditor reviewed each position's assigned responsibilities in DGO K-9. Based on information gathered from both policies, the Auditor analyzed and interpreted the data in order to deem who was primarily responsible for providing oversight over OPD's Canine Program.

## **Policy Controls Related to Deployment Documentation (Findings #10, #11, and #12)**

### Canine Event Record Review in Vision (Finding #10)

To determine what data fields were required when completing the Canine Event Record in Vision and whether the Canine Event Record was completed as stipulated in OPD's Report writing Manual K-09, *Canine Events/Canine Records: Vision Form Completion Instructions*, dated November 23, 2019, the Auditor took the following steps:

First, OPD's Canine Unit, at the request of OIG, provided OIG with a list of 369 canine deployments (containing the record date, the Vision record ID, and the respective report (RD) and/or incident number) and a list of the Canine Teams (Handler and his/her assigned dog) from January 1, 2018 to March 31, 2020. There were 333 records completed in Prime and 36 records completed in Vision from November 23, 2019 to March 31, 2020. To determine the population, the Auditor selected to review all 36 Canine Event Records when Vision went online, dated November 23, 2019.

Secondly, with the determined population listed above, the Auditor used OPD's electronic database called Vision to retrieve the Canine Event Records via report numbers. Once the Canine Event Records were retrieved, the Auditor sought to determine what data fields were required when completing the Canine Event Record in Vision and whether the Canine Event Record was completed as stipulated in OPD's Report writing Manual K-9, *Canine Events/Canine Records: Vision Form Completion Instructions*, dated November 23, 2019. Specifically, the Auditor focused on the following data fields to determine if the canine was deployed:

- **Deployment (Checkbox)**  
Check if the canine was deployed
- **Deployment Type**  
This section lists all deployments of the canine during the incident (i.e., area search, building search, force option, bomb search, evidence search, narcotic search, track, prevention by presence)
- **Deployment Category**  
Was the canine the primary canine or secondary

In addition, the Auditor reviewed all other required data fields in the RWM K-09, such as:

- **Respective Report (RD) Number**  
The RD number is entered for the incident where the canine was used
- **Incident Number**  
The incident number is entered for the incident where the canine was used
- **Event Date/Time**  
The date and time are entered of the first canine deployment
- **Location**  
The location is entered where the first canine deployment occurred
- **Canine**  
The Department canine which was deployed should be selected

The Auditor also reviewed data fields such as the Assistant Handler, Outside Agency Request, Person Name, located by, Bite (Y/N), Evidence), if applicable.

**Canine Handlers' Completion of Canine Event Record before End of Shift (Finding #11):**

To determine whether following all Patrol canine deployments, the Canine Handler completed a *Canine Event Record* and submitted the report to the Canine Program Coordinator by the end of their work shift,<sup>59</sup> the Auditor took the following steps:

First, the Auditor requested from OPD's Policy and Publication Unit a copy of the Canine Deployment Record (TF-3268a), but it was never provided. Therefore, the Auditor used OPD's Report Writing Manual K-09, *Canine Events/Canine Records: VISION form Completion Instructions*, effective November 23, 2019,<sup>60</sup> to determine what data fields indicated that the Canine Handler, following a deployment, completed a Canine Event Record before the end of his/her shift and submitted the report to OPD's Program Coordinator by the end of his/her shift. The Auditor deemed that there was documented evidence to substantiate that OPD's Canine handler complied with policy if the following data fields were completed:

- If the RD Number and Record Date from the original Vision Canine Events list, provided by the Canine Unit, were the same as (when the Auditor retrieved) the Vision Canine Event Record's report number and event date.
- If the Incident Number and Record Date from the original Vision Canine Events list, provided by the Canine Unit, were the same as (when the Auditor retrieved) the Vision Canine Event Record's incident number and event.
- Using the Vision Canine Event Record's Chronological Log Section, if the name of the person who created the records was the same as the person listed as the handler in the Canine Event Record, the auditor considered it as the correct handler to have created the report.
- Using the Chronological Log, if the date the person who created the record was the same as the Event Date, the Auditor deemed the Handler to have completed the record following the deployment.

**Because the Chronological Log Section does not keep track or capture "the time" the report was created or submitted, the Auditor used professional judgement and set the following parameters:**

- Using the Chronological Log, the Auditor deemed all records in compliance if the record was created/submitted within one day after the deployment date.
- Using the Chronological Log, the Auditor deemed all records out of compliance if the record was created/submitted two or more days after the deployment date.
- In addition, the Auditor used the Vision Canine Event Record's Task Details Section seeking evidence that the Canine Event Record was submitted/tasked to the Canine Program Coordinator. If tasked to the Coordinator, the Auditor reviewed the Chronological Log to ensure the Canine Event Record was tasked to the Coordinator by the end of the handlers work shift.

---

<sup>59</sup> Ibid. III.A.6.a. pg.10.

<sup>60</sup> OPD's Report Writing Manual (RWM K-09), *Canine Events/Canine Records: Vision Form Completion Instructions*, effective November 23, 2019.

**Canine Program Coordinator's Approval of Canine Event Record in Vision (Finding #11 Additional Observation)**

The Auditor reviewed 36 Canine Event Records to determine whether the Records were tasked to the Canine Coordinator by the end of the Handler's shift. For the events that did not involve a canine bite, the Auditor sought documentation of the Canine Program Coordinator's review and finalization of the Records. For the events that involved a canine bit, the Auditor reviewed the Records to determine if they were tasked to the Canine Unit Supervisor and if there was documentation that the supervisor reviewed and finalized the Records.

**Canine Handlers' Logbooks (Finding #12)**

To determine whether OPD's Canine Handler made an appropriate entry in their logbook by the end of their work shift, OIG interviewed the Canine Unit staff to gain access to the logbooks, if available.

**Policy Controls Related to On Scene Deployment Performance (Finding #5)**

**Canine Program Supervisor Responsibility**

OPD requires its Canine Program Supervisor to conduct periodic field observations of its Canine Handlers' patrol deployments to ensure their performance is in accordance with canine policy and procedures. The observations are to be entered in the respective Handler's SNFs in Vision. The Auditor reviewed each of OPD's six Canine Handlers' documented Supervisory Notes Files (SNFs) from January 1, 2018 to March 31, 2020, seeking documentation to substantiate that OPD's Canine Program Supervisor conducted periodic, field observations of the Handlers' patrol deployments to ensure each Handler was performing in accordance with canine policy and procedures or performance issues were documented and corrected. The Auditor determined compliance based on the number of times the Canine Program Supervisor documented his/her observation of each Handler in the respective Handler's SNF, seeking at least one documented observation per quarter during the audit period.

**Policy Controls Related to Reporting of Canine Activities/Bites (Finding #2)**

**Canine Program Monthly Reports**

OPD requires its Canine Program Supervisor to prepare a monthly report on canine program statistics and deployments, to include analysis and recommendations relate to policy, training and risk assessment, submitting the report to the Special Operations Section Commander each month. The Auditor requested and received all monthly reports prepared by OPD's Canine Program Supervisor for the months of January 2018 to March 2020 and sought the following information in each report, as stipulated by policy:

- Canine Program statistics and deployments, which includes analysis and recommendations related to policy, training, and risk assessment.
- Number of certified Canine Teams
- Number of non-certified Canine Teams



- Number of canine deployment requests fulfilled by OPD, by type (e.g., building searches, yard searches, prevention through presence, security checks, narcotics detection, Tactical Operations Team support, etc.)
- Number of canine deployment requests fulfilled by outside agencies (with name of agency)
- Number of canine deployment requests that were unfulfilled
- Number outside agency requests fulfilled by OPD, by type
- Total number of canine deployments
- Number of patrol canine searches in which the suspect is located
- Number of patrol canine searches in which the suspect is not located
- Number of times a suspect is located during a patrol canine search and a bite occurs
- Number of times a suspect is located during a patrol canine search and a bite does not occur
- Patrol canine bite ratios
- Number of narcotics detection canine searches in which the narcotics are located
- Number of narcotics detection canine searches in which the narcotics are not located
- Number of narcotics recovered
- Number of Unintentional Bites, on duty
- Number of Unintentional Bites, off duty
- Number of canine-related Internal Affairs complaints
- Number of canine-related Internal Affairs complaints resulting in a "Sustained" finding
- Number of public service appearances
- Number of training hours conducted (both scheduled program training and individual handler training.)

In addition, the Auditor sought evidence that each monthly report was submitted to the Special Operations Section Commander, who in turn, submitted each monthly, via the chain of command, to the Chief of Police, as stipulated by policy.

### **Policy Controls Related to Canine Deployment Training (Findings #3, #4, #6, #7, #8, #12, 14, and #15)**

#### Canine Program Supervisor Conducts Quarterly Meetings/Training with Patrol/ Supervisors (Finding #3)

OPD requires its Canine Program Sergeant to conduct quarterly meetings/training with all Patrol Supervisors, as necessary. The Auditor interviewed OPD's Canine Program Sergeant to determine when he/she deemed it necessary to conduct quarterly meetings/training with all Patrol Supervisors. Once determined, the Auditor sought documentation from the Canine Unit that the Canine Supervisor conducted the quarterly meeting/training with all Patrol Supervisors during the audit period according to his/her definition of "as necessary." In addition, the Auditor assessed whether the number of times Patrol Supervisors were trained during the audit period was sufficient.

#### Canine Handlers' Annual 40 Hour, Canine-Related Continued Professional Training (Finding #4)

OPD requires its Canine Handlers to attend an annual 40-hour, canine related CPT. The Auditor requested from the Canine Unit the lesson plans and curriculum for the 40-hour, canine-related CPT for OPD's Canine Handlers in 2018 and 2019. Upon receipt, the Auditor sought to review each Handler's training record in OPD's electronic database called Vision to ensure the courses were documented in the system. If the 2018

and 2019 courses were documented on a Handler's training record, the Auditor deemed the Handler to have complied with OPD policy by attending the annual 40-hour, canine-related CPT.

**California POST Canine Certifications (Finding #6 and Finding #7)**

OPD requires its Canine Teams to conduct State of California Peace Officer Standards and Training (POST) canine certifications on a semi-annual basis. The Auditor requested from the Canine Unit a list of the names of OPD's Canine Teams who were deployed to incidents to search for and locate criminal suspects during the audit period of January 1, 2018 and March 31, 2020 and copies of their respective certifications during the audit period. The Auditor deemed compliance based on the number of certifications received for each Handler when compared to the length of time he/she served as a Handler deployed to incidents. For example, if a Handler was active the entire audit period, the Auditor sought evidence that the Canine Team (Handler and his assigned canine) was certified a minimum of four times during the audit period.

**Handler's Bite Ratio Exceeds 20 Percent during Six Month Period (Finding #8 and Finding #9)**

OPD requires its Canine Program Supervisor to conduct a review of its Canine Handlers whose bite ratios exceed 20 percent during any six-month period and take corrective measures when appropriate. The Auditor requested evidence from the Canine Unit that indicated the bite ratios of Handlers whose canines bit a suspect during the audit period, January 1, 2018 to March 31, 2020, were analyzed to ensure no Handler's bite ratio exceeded 20 percent. In addition, the Auditor sought evidence that if a Handler's bite ratio exceeded 20 percent, a review of the Handler was conducted and corrective action was taken, if necessary.

**Weekly Training for Canine Teams (Finding #13 and Finding #14)**

In policy, OPD requires its Canine Teams to participate in weekly five-hour canine program training; its Canine Program Supervisor to attend all training sessions as practical; and its Canine Program Coordinator to serve as the primary trainer for all in-house OPD training. The Auditor took two steps to test whether OPD documented its Canine Teams attendance in weekly training:

- The Auditor reviewed OPD's Vision system to determine whether the Canine Teams' weekly training from December 1, 2019 to March 31, 2020, was entered in the Canine Training section as required by *Report Writing Manual K-09, Canine Events/Canine Records: Vision Form Completion Instructions*, effective November 23, 2019.
- If the training was not entered in the Vision system, the Auditor requested from the Canine Unit documented evidence of the weekly training from December 1, 2019 to March 31, 2020 (approximately 4 months) and the attendees.

Compliance was based on evidence that each Handler attended the weekly training. If the training was canceled or a Handler was on leave (e.g., vacation, medical, etc.), the Auditor deemed the affected week not applicable. The Auditor also noted how often the Canine Program Supervisor attended training and how often the Canine Program Coordinator was the primary trainer.

Deployment Scenarios (Finding #15)

The Auditor reviewed each of OPD's training records to determine what tactics were being taught to OPD's Canine Handlers. If the Auditor was unable to determine tactics taught, the Auditor noted the issue(s) that precluded transparency.

## **APPENDIX B**

### **Departmental General Order K-9, Department Canine Program, effective October 16, 2014**

#### **Section IV.B1-B15—Responsibilities (Canine Program Supervisor) reads as follows:**

Below are the Canine Program Supervisor position's duties that further demonstrate that OPD relies upon this position to provide effective oversight of the Canine Program:

- Manage the procurement of canines for the Canine Program.
- Manage the selection process for the Canine Coordinator and Canine Handlers
- Identify and procure equipment needs for the Canine Program.
- Develop, maintain, and update Canine Program Policies and Procedures.
- Oversee the Canine Program's training management system, to include planning, scheduling, resourcing, and records maintenance, and attend all Canine Program training sessions, as practical.
- If requested, attend Force Review Boards (FRB) or Executive Force Review Boards (EFRB) related to canine use of force incidents.
- Collect and maintain all Canine-related statistical data.
- Complete monthly reports on Canine Program statistics and deployments, to include analysis and recommendations related to policy, training and risk management, and submit these reports to the SOS Commander by the 7th day of each month covering the data for the previous month.
- Conduct a review of patrol canine handlers whose bite ratios exceed 20% during any six (6) month period and take corrective measures, when appropriate.
- Review all canine-related use of force reports and associated Personal Digital Recording Device (PDRD) recordings to ensure canine deployments were conducted in accordance with Department policy and procedures.
- Provide input to use of force investigators relating to canine policy and procedures, compliance, and training points.
- Conduct periodic, in-field observations of Canine Handlers' patrol deployments to ensure they are in accordance with canine policy and procedures. Observations shall be entered in the Personnel Assessment System (PAS) Supervisory Notes File (SNF), as appropriate.
- Conduct quarterly meetings/training with all Patrol supervisors, as necessary.
- When required, providing instruction during Continuing Professional Training (CPT) and Commanders Retreats on the following topics:
  - a. Canine Program policies.
  - b. Canine deployment methods and tactics.
  - c. Supervisor and commander responsibilities during canine deployments.
  - d. Current canine statistical data.
  - e. Canine-related case law
- When required, make recommendations for the decertification of a canine handler or canine when any of the circumstances enumerated in Part IX exist.

**Departmental General Order K-9, Department Canine Program, effective October 16, 2014**

**Section IX--Handler Decertification/Removal From Program reads as follows:**

- A. The Chief of Police may remove canine handlers from the program, as necessary. The **Canine Program Supervisor** or Canine Program Coordinator may request a member be removed from the program by submitting a recommendation in writing through their chain of command to the Chief of Police.
- B. If a canine handler is promoted, he/she shall be decertified as a handler. The handler's canine shall be retired, placed with a new handler or other appropriate plans made, at the direction of the SOS Commander.
- C. A canine handler may also be considered for decertification and removal from the Canine Program under any of the following circumstances:
  - 1. An overall "Unacceptable" or "Needs Improvement" performance appraisal.
  - 2. Failure to certify on two consecutive occasions.
  - 3. An established pattern of failure to attend unit training sessions.
  - 4. Failure to progress in training as documented by the Canine Program Coordinator.
  - 5. Any documented mistreatment, neglect, or improper use of the canine.
  - 6. Failure to satisfactorily complete a physical fitness and shooting proficiency evaluation and subsequent remediation.
  - 7. Failure to maintain proper training or deployment records.
  - 8. Exhibition of a pattern of unsafe tactics during actual deployments as documented by the **Canine Program Supervisor**, Canine Program Coordinator, a FRB or an EFRB, when appropriate.
  - 9. An unjustifiable high bite ratio that cannot be corrected by training, as determined by the **Canine Program Supervisor**, Canine Program Coordinator, a FRB or an EFRB, as appropriate.
  - 10. Any "Sustained" Class I finding.
- D. The **Canine Program Supervisor** shall notify the SOS Commander of any Canine Handler meeting any of the criteria specified in Part IX, C of this order. The **Canine Program Supervisor**, Canine Program Coordinator and the SOS Commander shall determine if remedial training would rectify the problem or if the handler should be removed from the program immediately.

If it is determined the Canine Handler should be removed from the program immediately, the SOS Commander shall forward a memorandum to the SOD Commander detailing the circumstances and recommendation for the decertification and removal of the Canine Handler from the program.

- E. In the event remedial training is prescribed, the Canine Program Coordinator shall schedule the appropriate training with the Canine Handler and canine. The Canine Program Coordinator shall notify the SOS Commander or designee when the remedial training has been satisfactorily completed, and the Canine Handler shall be retained in the program.

If remedial training has not been satisfactorily completed, the Coordinator shall notify the SOS Commander who shall forward a memorandum to the SOD Commander, detailing the remedial training prescribed, the failure to satisfactorily complete the training and recommendation for decertification and removal from the program.

- F. Notwithstanding the above considerations for decertification, a Patrol Canine Handler and their canine shall immediately be decertified whenever a FRB or an EFRB determines their Level 2 UOF (canine bite only) is out of compliance with policy.

In such circumstances the **Canine Program Supervisor**, Canine Program Coordinator and the SOS Commander shall determine if remedial training would rectify the problem or if the handler should be removed from the program permanently.

In the event remedial training is prescribed, the provisions of Section IX, E above applies, with the exception that the authority to re-certify the Patrol Canine Handler and their canine shall be retained at the SOD Commander level.

## **APPENDIX C**

### **Violent Forcible Crimes**

For the purposes of Departmental General Order K-9, Department Canine Program, a violent forcible crime is defined as the commission or attempted commission of:

- Murder
- Manslaughter
- Mayhem
- Kidnapping
- Robbery
- Carjacking
- Arson to an inhabited structure, inhabited property or that causes great bodily injury
- Explode or ignite a destructive device or any explosive causing bodily injury or death
- Use or possession of a weapon of mass destruction
- Use of a firearm in the commission of a felony
- Assault with a deadly weapon, firearm
- Assault with a deadly weapon other than a firearm
- Aggravated battery
- 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
  - e) Sexual penetration

## Review of Transporting Persons by Patrol Officers

By Auditors Mehiya Thomas, Kristin Burgess-Medeiros, and Lieutenant Christopher Sansone

---

### Objective

To determine whether the Department is complying with all reporting requirements of its transportation of persons policy as detailed in OPD's Special Order 8262 effective September 12, 2005, revising Department General Order (DGO) O-2, *Transportation of Prisoners and Persons in Custody*, effective March 23, 2000.

### Key Findings

The Department is maintaining compliance with officer transport reporting requirements.

- ✓ Upon review of 108 transports of persons other than Department members in September 2020, OIG was able to confirm that transporting officers advised Communications of the beginning and ending of their transports 93% of the time (100 transports).
- ✓ Upon review of 108 transports of persons other than Department members in September 2020, OIG was able to confirm that transporting officers advised Communications of all required elements at the **beginning** of their transports 96% of the time averaged across all elements. Although overall compliance was high, the Auditor noted that the gender/juvenile designator was the element most frequently missed by transporting officers.
- ✓ Upon review of 108 transports of persons other than Department members in September 2020, OIG was able to confirm that transporting officers advised Communications of all required elements at the **end** of their transports 88% of the time averaged across all elements. When factoring incidents where the transporting officer(s) broadcast the intended ending location at the **beginning** of the transport, compliance

rose to 93%. Although overall compliance was high, the Auditor noted that confirming the ending location at the end of the transport was the element most frequently missed by transporting officers.

### Key Recommendation

The Department should issue a reminder to all officers and dispatchers of Special Order 8262 requirements, with emphasis on including the gender/juvenile designator at the beginning of transport and confirming the ending location at the end of transport.

### References

- Department General Order (DGO) O-2 *Transportation of Prisoners and Persons in Custody*, effective March 23, 2000.
- Special Order (SO) No. 8262 *Transportation of Persons in Police Vehicles*, effective September 12, 2005.
- Departmental General Order (DGO) I-15.1, *Portable Video Management System*, Modified by Special Order 9191, effective November 27, 2018.



## Executive Summary

On October 21, 2020, the Office of Inspector General initiated an audit to determine whether the Department is complying with all reporting and documentation requirements of its transportation of persons policy as detailed in Special Order (SO) 8262, effective September 12, 2005, revising the Oakland Police Department's (OPD) Department General Order (DGO) O-2, *Transportation of Prisoners and Persons in Custody*, effective March 23, 2000. Special Order 8262 requires that transporting officers advise Communications of their transports of all persons other than Department members and provide the starting mileage and location at the beginning of the transport and the ending mileage and location at the end of transport, as well as the purpose of transport, gender of the person being transported and whether the person is a juvenile. The requirements do not apply to transports by the Patrol Wagon (vehicle designated to transport arrestees to jail).

Documentation of transports of persons, especially the beginning and ending mileage, location, and time, provides the Department with a record of those transports should the Department face a complaint or lawsuit alleging improper behavior on the part of the transporting officer. Documenting time, mileage, and location allows the Department to ensure that officer transports reflect what is documented in associated incident reports and provides an accountability measure should there be a discrepancy. Additionally, the requirement to advise Communications of the beginning and ending of a transport alerts the Department to the transport (including location) should something go awry during transport that puts the officer's safety at risk while they are transporting persons other than Department members.

For this review, the Auditor reviewed all transports occurring during arrest incidents involving juveniles in September 2020 and all transports occurring during a sample of arrest incidents involving adults between September 1, 2020 and September 14, 2020. Upon conclusion of the review, OIG had three findings with one recommendation.

- Upon review of 108 transports of persons other than Department members in September 2020, the Auditor found that transporting officers advised Communications of the beginning and ending of the transport 93% of the time (100 transports). Two transports were missing both the beginning and ending advisements and OIG was unable to confirm the ending advisement in six transports. (Finding #1).
- Upon review of 108 transports of persons other than Department members in September 2020, OIG was able to confirm that transporting officers advised Communications of all required elements at the **beginning** of their transports 96% of the time averaged across all elements. Although overall compliance was high, the Auditor noted that the gender/juvenile designator was the element most frequently missed by transporting officers (Finding #2).
- Upon review of 108 transports of persons other than Department members in September 2020, OIG was able to confirm that transporting officers advised Communications of all required elements at the **end** of their transports 88% of the time averaged across all elements. When factoring incidents where the transporting officer(s) broadcast the intended ending location at the **beginning** of the transport, compliance rose to 93%. Although overall compliance was high, the Auditor noted that confirming the ending location at the **end** of the transport was the element most frequently missed by transporting officers (Finding #3).

Based on the findings, the Office of Inspector General recommends the Department should issue a reminder to all officers and dispatchers of Special Order 8262 requirements, with emphasis on including the gender/juvenile designator at the beginning of transport and confirming the ending location at the end of transport.

## Background

The OIG previously audited compliance with the Department's transporting of persons requirements in 2010 and 2013 and found high levels of compliance. The most recent review was conducted by OIG in 2016 and found the following:

- The Department advised Communications of the beginning and ending of the transport 88% of the time.
- All elements required to be reported were above 90%, except the purpose of transport which was documented in 81% of transports and the mileage which was documented in 88% of transports.

### Policy Requirements

Special Order (SO) 8262, effective September 12, 2005, revising the Oakland Police Department's (OPD) Department General Order (DGO) O-2, *Transportation of Prisoners and Persons in Custody*, effective March 23, 2000, requires transporting officers to advise Communications, via radio transmission, when transporting any individual other than an OPD member (unless the transport is done by wagon). Further, the transporting member must provide specific information to Communications prior to the transport and at the end of transport and Communications has a responsibility to memorialize that information in the Computer Aided Dispatch (CAD) system. The following are the requirements of the transporting members and Communications personnel to report and document the transport:

#### Transporting Member Requirements:

##### 1. Beginning of Transport Requirements

At the beginning of the transport, the transporting member is responsible for advising Communications of the following elements:

- Starting Mileage (vehicle's odometer reading-five digits to the nearest tenth of a mile)
- Starting Location
- Purpose of transport (i.e., in-custody, courtesy ride)
- Gender of individual being transported and whether individual is a juvenile (i.e., X-for all females, Y-for all males, J-for all juveniles - person under 18 years of age)
- Identification of the transporting member (unit call sign)<sup>61</sup>

---

<sup>61</sup> Special Order 8262, Transportation of Persons in Police Vehicles, effective September 12, 2005, G. required information. pg. 2.

## 2. Ending of Transport Requirements

At the end of transport, the transporting member is responsible for advising Communications of the following elements:

- Ending Mileage (vehicle's odometer reading-five digits to the nearest tenth of a mile)
- Ending Location
- Identification of transporting member (unit call sign)<sup>62</sup>

The Auditor noted that although the beginning and ending times of the transport are important elements to capture, the transporting members are not responsible for providing the beginning or ending time, as this is automatically captured when Communications Personnel (Dispatcher) record the elements in CAD.

### Communications Personnel (Dispatcher) Requirements:

Communications Personnel (Dispatchers) are responsible for (upon receiving notification of a Person Transport from a field unit):

- a. Acknowledging receipt of the transmission
- b. Stating the time of the transmission on the radio
- c. Entering the required information into the Computer Assisted Dispatch (CAD) system
- d. Adding a disposition of PT (person Transport) to the call

An example of information to be entered into CAD at the start of transport is:

2L1 PT YJ IC BWY AND EMB MIL 5432.1

An example of information to be ended into CAD at the end of transport is:

2L1 PT PAB MIL 5432.3<sup>63</sup>

## Scope/Population and Methodology

The scope of the audit consisted of an assessment of radio reports (CAD purges) to determine if during transports, transporting members broadcast via radio and report to Dispatch, both the beginning and ending time, mileage, and location, purpose of transport, gender of individual being transported and juvenile status, and the identification of the transporting members, during the audit period of September 2020. The Auditor reviewed all transports occurring during arrest incidents involving juveniles in September 2020 and all transports occurring during a sample of arrest incidents involving adults between September 1, 2020 and September 14, 2020.

See **Appendix A** for the population and methodology.

---

<sup>62</sup> Ibid. pg. 2.

<sup>63</sup> Ibid. pg. 3.

## Findings

### FINDING #1

**Upon review of 108 transports of persons other than Department members in September 2020, OIG was able to confirm that transporting officers advised Communications of the beginning and ending of their transports 93% of the time (100 transports). Two transports were missing both the beginning and ending advisements, and OIG was unable to confirm the ending advisement in six transports.**

The Department's Special Order (SO) No. 8262, revising DGO 0-2, *Transportation of Persons in Police Vehicles*, effective September 12, 2005, requires its transporting officers to advise Communications of the beginning and ending of a transport when transporting any person that is not a Department member, unless the transport is done by Patrol Wagon.<sup>64</sup> Therefore, in order to determine whether the Department was complying with SO 8262, the Auditor requested all Criminal Records Information Management System (CRIMS) Daily Booking Logs for OPD Arrests and all Juvenile 24-hour Intake Logs from the Criminal Investigations Division Unit (CID), during the audit period of September 2020. The Auditor reviewed all Juvenile Arrests for September 2020 and a sample of Adult Arrests between September 1, 2020 to September 14, 2020. The Auditor retrieved the Crime and Supplemental Reports from Vision-Tek<sup>65</sup> and reviewed all Crime and Supplemental Reports for each incident in order to identify who was transported. Upon review of 72 incidents involving adult and juvenile arrests, the Auditor found there was a total of 140 transports that fell into two categories:

- 108 Patrol Vehicle Transports (patrol officers transporting persons in their patrol vehicles)
- 32 Patrol Wagon Transports (vehicle designated to transport arrestees to jail)

The Auditor noted that Patrol Wagon Transports were exempt from the transporting requirements, therefore, the Auditor only tested compliance for the 108 patrol vehicle transports.

The Auditor sought to find a documented transport on the Computer Assisted Dispatch (CAD) Purges for every person identified in the Crime and Supplemental Reports as being transported by an officer (not the Patrol Wagon). The Auditor also reviewed the CAD Purges to determine whether the Department complied with all reporting requirements, and upon review of the 108 transports, the Auditor was able to confirm that:

- **106 (98%)** transports were in compliance with advising Communications of the beginning of transport
- **100 (93%)** transports were in compliance with advising Communications of the end of transport

If beginning or ending advisements of the transports were missing from the CAD purge, the Auditor reviewed Body Worn Camera (BWC) footage of the transporting officer(s). However, a review of the footage could only confirm that the advisement occurred when the Auditor was able to locate it and make out what the officer was saying. In some transport incidents, due to the amount of video and/or quality of sound, the Auditor was unable to confirm if the ending advisement was made.

---

<sup>64</sup> Special Order 8262.

<sup>65</sup> Vision-Tek is the Department's field-based reporting application where officers enter their crime and supplemental reports.

**Table 1: Advisement of the Beginning and Ending of Transport**

	<b>Advised Communication of the beginning of transport</b>	<b>Advised Communication of the end of transport</b>
<b>Total Transports</b>	108	108
<b># of Confirmed Advisements</b>	106	100
<b># of Unconfirmed Advisements</b>	2	8
<b>% of Confirmed Advisements</b>	98%	93%
<b>% of Unconfirmed Advisements</b>	2%	7%

One incident involved two transports of the same individual by the same officer and neither were captured on the CAD purge. The Auditor did not hear any transport advisements during a review of the transporting officer’s BWC footage; however, both transports were captured on the officer’s BWC in their entirety. There were an additional eight transports with no ending advisement documented on the CAD purge, but in two of these eight transports, the Auditor was able to confirm that the transporting officer did advise Communications of the end of transport by reviewing the officer’s BWC footage. For these two transports, the transporting officer advised Communications, but the advisement did not get recorded on the CAD purge by the dispatcher. In the remaining six transports, the Auditor was unable to locate the ending advisement during a review of the transporting officer’s BWC footage.

To confirm beginning and ending advisements to Communications for transports, the Auditor reviewed the BWC footage for 10 transporting officers, specifically to listen for the beginning and ending advisements. While reviewing CAD audio would have provided an additional check for transport advisements since BWC may not capture the advisement or the advisement may not be audible, due to the high level of compliance and the time-consuming nature of locating, downloading, and reviewing CAD audio, the Auditor decided to forgo a review of the CAD Audio.

**Additional Observation**

**Although exempt from the transport requirements, the Auditor noted that the sample included 32 Patrol Wagon transports, some of which were not documented on the CAD purge or articulated as a Patrol Wagon transport in the associated crime and supplemental reports.**

Patrol Wagons are used to transport arrestees to Santa Rita Jail and can accommodate multiple arrestees. Using Patrol Wagons to transport arrestees to Santa Rita Jail, which is in the City of Dublin, allows officers to return to service more quickly after an incident, rather than taking an additional hour or more to transport an arrestee to jail. Patrol Wagons are staffed with two officers and outfitted with cameras. Patrol Wagon transports are exempt from the requirements of SO 8262. The Auditor noted that 25 of the incidents reviewed involved at least one Patrol Wagon transport. There was a total of 32 Patrol Wagon transports.

The Auditor also noted that a small percentage of Patrol Wagon transports were not documented as such in the Crime/Supplemental reports of the arresting officer(s) nor the CAD Purges associated with the incident, making it more challenging to determine how the arrestee was transported and requiring the Auditor to do significant research to confirm the transport method. The Auditor found it helpful when the CAD Purge and Crime/Supplemental Reports of the arresting officer(s) identified that the transport was done via Patrol

Wagon. When the CAD Purge and Crime/Supplemental Reports did not identify that the transport was done via Patrol Wagon, the auditor found that the Patrol Wagon Log report completed by the officers assigned to the Patrol Wagon were useful to the auditor to locate the missing information.

**FINDING #2**

**Upon review of 108 transports of persons other than Department members in September 2020, OIG was able to confirm that transporting officers advised Communications of all required elements at the BEGINNING of their transports 96% of the time averaged across all elements. Although overall compliance was high, the Auditor noted that the gender/juvenile designator was the element most frequently missed by the transporting officer(s).**

The Department’s Special Order (SO) No. 8262, revising DGO 0-2, *Transportation of Persons in Police Vehicles*, effective September 12, 2005, requires its transporting officers to advise Communications of the beginning of a transport when transporting any person that is not a Department member, unless the transport is done by Patrol Wagon, and provide the following information:

- Starting time (automatically captured via CAD)
- Starting mileage
- Starting location
- Purpose of transport
- Gender of individual being transported and whether the individual is a juvenile
- Identification of transporting officer (call sign)

There were 47 incidents, involving 108 transports of persons by patrol officers in their patrol vehicles, reviewed. The Auditor reviewed the CAD Purges to determine whether each element required to be reported at the beginning of the transport was documented on the Purge. The Auditor was able to confirm that transporting officers advised communications of all elements between 96% and 98% of the time, with the exception of gender/juvenile status which was 88% of the time.

**Table 2: Beginning of Transport (Required Elements)**

	Time	Mileage	Location	Purpose of Transport	Gender of Individual/ Juvenile Status (J)	Identification of Transporting Officer
<b>Total Transports</b>	108	108	108	108	108	108
<b># of Confirmed Advisement</b>	106	106	106	104	95	106
<b># of Unconfirmed Advisements</b>	2	2	2	4	13	2
<b>% of Confirmed Advisements</b>	98%	98%	98%	96%	88%	98%
<b>% of Unconfirmed Advisements</b>	2%	2%	2%	4%	12%	2%
<b>Total Overall Average</b>	<b>96%</b>					

There was one transport in which the beginning advisement was not documented on the CAD purge, although the ending advisement was on the purge. The BWC footage of the transporting officer was reviewed and the Auditor confirmed that the officer did advise Communications of the beginning mileage and location and the gender but was unable to hear if the officer stated the purpose of transport. Additionally, even though the CAD purge did not automatically record the time of transport, the Auditor was able to calculate the time based on the date and time stamp on the BWC footage.

As stated in Finding #1, there were two transports in which the transporting officer did not advise Communications of their transport and therefore, no required elements were documented on the CAD purge. Both transports were captured in their entirety by the officer's BWC, but the Auditor did not hear any advisements to Communications about the transports. There was one additional transport in which the purpose of transport was not captured on the CAD purge.

The element that had the lowest compliance percentage was gender/juvenile designation. In addition to the two transports in which the transporting officer did not advise Communications of the transports, there was one transport in which the gender of the individual was incorrectly documented on the CAD purge. Also, in 11 transports of juveniles, the CAD purge did not document the "J" for juvenile. However, in one of those transports, upon review of BWC footage, the transporting officer could be heard providing the age "17" to Communications, so that transport was deemed in compliance with gender/juvenile designation. In the remaining 10 transports, the Auditor was unable to confirm if the officer advised Communications of the juvenile status based on a review of the BWC footage. The 10 transports missing the juvenile status involved five juveniles and 5 officers in five incidents:

- Incident 1: one juvenile was transported 4 times by the same officer
- Incident 2: one juvenile was transported 2 times by the same officer
- Incident 3: one juvenile was transported 2 times by the same officer
- Incident 4: one juvenile was transported 1 time
- Incident 5: one juvenile was transported 1 time

### **FINDING #3**

**Upon review of 108 transports of persons other than Department members in September 2020, OIG was able to confirm that transporting officers advised Communications of all required elements at the END of their transports 88% of the time averaged across all elements. When factoring incidents where the transporting officer(s) broadcast the intended ending location at the BEGINNING of the transport, compliance rose to 93%. Although overall compliance was high, the Auditor noted that confirming the ending location at the END of the transport was the element most frequently missed by transporting officers.**

The Department's Special Order (SO) No. 8262, revising DGO 0-2, *Transportation of Persons in Police Vehicles*, effective September 12, 2005, requires its transporting officers to advise Communications of the end of a transport when transporting any person that is not a Department member, unless the transport is done by Patrol Wagon, and provide the following information:

- Ending Time (automatically captured via CAD)
- Ending Mileage
- Ending Location

- Identification of transporting officer (call sign)

There were 47 incidents, involving 108 transports of persons by patrol officers in their patrol vehicles, reviewed. The Auditor reviewed the CAD Purges to determine whether each element required to be reported at the end of the transport was documented on the Purge. The auditor was able to confirm that transporting officers advised Communications of all elements 93% of the time, with the exception of ending location, which was only 72% of the time.

**Table 3: End of Transport (Required Elements)**

	Time	Mileage	Location	Identification of Transporting Officer
<b>Total Transports</b>	<b>108</b>	<b>108</b>	<b>108</b>	<b>108</b>
<b># of Confirmed Advisements</b>	<b>100</b>	<b>100</b>	<b>78</b>	<b>100</b>
<b># of Unconfirmed Advisements</b>	<b>8</b>	<b>8</b>	<b>30</b>	<b>8</b>
<b>% of Confirmed Advisements</b>	<b>93%</b>	<b>93%</b>	<b>72%</b>	<b>93%</b>
<b>% Unconfirmed Advisements</b>	<b>7%</b>	<b>7%</b>	<b>28%</b>	<b>7%</b>
<b>Total Overall Average</b>	<b>88%</b>			

The Auditor noted that of the 108 total transports, 50 transports were missing the ending location at the end of transport on the CAD Purge. After a review of transporting officers’ BWC footage, the Auditor was able to confirm that transporting officers advised Communications of the ending location at the end of transport in 20 of the 50 transports. In these 20 transports, the officers reported properly, but the ending location was not recorded on the CAD Purge by the Dispatchers.

Of the remaining 30 transports, there were 22 in which OIG was unable to confirm if the ending location was provided at the end of transport because the ending location was not documented on the CAD purge, nor did the Auditor hear the ending location provided on the transporting officer’s BWC footage. However, in these 22 transports, the intended ending location was broadcast by the officer at the *beginning* of transport when advising Communications. For example, the officer would state, “7A02 PT IC FRM 1150 85<sup>th</sup> ST to CID SM 60523” at the beginning of the transport. Additionally, in these 22 transports, the officer identification, ending mileage, and time were all properly memorialized.

For the remaining eight transports, the Auditor could not determine if the transporting officer(s) advised Communications of the end of their transport, therefore, the ending time, mileage, and location were not documented on the CAD purge and the Auditor was unable to find the transport ending advisement after reviewing the transporting officers’ BWC footage.

Advising Communications of the ending location at the end of the transport is important to ensure accuracy of transport documentation. In the event the transport is not captured on BWC and the officer needs to change course during the transport and ends at a different location than was stated at the beginning, the record of the transport would be inaccurate and could cause confusion. Additionally, providing the ending location at the end of transport ensures Communications is aware of the correct location of the officer, in the event the



officer's safety is in jeopardy. Therefore, the Department should remind officers to advise Communications of their ending location when they are advising Communications of their ending mileage.

**Additional Observation**

**Body worn camera footage provides an additional record of officer transports that can mitigate risk.**

Departmental General Order I-15.1, *Portable Video Management System*, modified by Special Order 9191, effective November 27, 2018 states that members shall activate their PDRD [Body Worn Camera] when "transporting any detained or arrested citizen (excluding prisoner wagon transports)." <sup>66</sup> Although the Auditor did not review BWC footage for every transport in this review, the Auditor found this provision of the policy to be both useful in conducting this audit, and that it can provide additional evidence to mitigate risk in the event of an allegation of misconduct on the part of the transporting officer(s). With BWC footage of transports, the Department can observe/hear what occurs during the transport, rather than just noting the time, mileage, location, etc. The Auditor also notes that the utilization of an in-car video system could enhance the utility of recording transports by mitigating the limitations of BWC footage through improved audio and broader video view capabilities.

While BWC footage is valuable evidence, advising Communications via radio of transports continues to be important for officer safety and for the situational awareness of Communications and other field units.

---

<sup>66</sup> Departmental General Order I-15.1, *Portable Video Management System*, Modified by Special Order 9191, effective November 27, 2018, Section: II. A.7. pg. 3.

## Findings and Recommendations

### OIG Findings

### OIG Recommendations

**FINDING #2**

Upon review of 108 transports of persons other than Department members in September 2020, OIG was able to confirm that transporting officers advised Communications of all required elements at the BEGINNING of their transports 96% of the time averaged across all elements. Although overall compliance was high, the Auditor noted that the gender/juvenile designator was the element most frequently missed by transporting officers.

**FINDING #3**

Upon review of 108 transports of persons other than Department members in September 2020, OIG was able to confirm that transporting officers advised Communications of all required elements at the END of their transports 88% of the time averaged across all elements. When factoring incidents where the transporting officer(s) broadcast the intended ending location at the BEGINNING of the transport, compliance rose to 93%. Although overall compliance was high, the Auditor noted that confirming the ending location at the END of the transport was the element most frequently missed by transporting officers.

**Recommendation #1**

The Department should issue a reminder to all officers and dispatchers of Special Order 8262 requirements, with emphasis on including the gender/juvenile designator at the beginning of transport and confirming the ending location at the end of transport.

## **APPENDIX A**

### **Scope/ Population**

#### **Scope**

The scope of the audit consisted of an assessment of radio reports to determine if during transports, transporting officers advise Communications of the beginning and ending of said transports and provide the beginning and ending mileage and location, as well as the purpose of transport, gender of individual being transported and whether the individual is a juvenile and the identification of the transporting officer during the audit period of September 2020. The Auditor reviewed all Juvenile arrests in September 2020 and a sample of adult arrests between September 1, 2020 to September 14, 2020.

#### **Audit Population and Sample**

The Auditor reviewed a sample of arrest incidents during the audit period of September 2020, including all Juvenile arrests in September and a sample of adult arrests between September 1, 2020 to September 14, 2020.<sup>67</sup> Utilizing the Criminal Records Information Management System (CRIMS) Daily Booking Log and the Youth and Family Services Division's (YFSD) 24-hour Intake Log, the Auditor identified adult and juvenile arrests that occurred during the audit period.

#### ***Adult Arrests***

There was a total of **269** adult arrests between September 1, 2020 and September 14, 2020 listed on the CRIMS Daily Booking Log. The Auditor excluded from the review population all arrests which occurred at the Police Administration Building (PAB), 455 7th Street, as they were less likely to involve a transport. After removing those 8 arrests made at the PAB, the resulting population was 261 arrests. The Auditor also excluded from the review population 65 duplicate arrests (more than one arrest in the same incident, resulting in 196 incidents involving one or more adult arrest.

A random sample was chosen from the 196 arrest incidents. Using a one-tailed test with a confidence level of 95% ± 4% margin of error rate, 65 incidents involving one or more adult arrests were randomly selected for review.

The Auditor removed one incident because the crime for which the person was arrested occurred several months prior to the review period and the Auditor was unable to locate documentation of how the arrestee, who was booked during the review period, was transported to Jail. The resulting sample of incidents involving adult arrests was 64.

#### ***Juvenile Arrests***

During the review period of September 2020, there were 18 juvenile arrests listed on the YFSD 24-hour Log. Since the juvenile arrest population was low, the entire population was selected for review, less patrol wagon

---

<sup>67</sup> This requirement does not pertain to those transports done by patrol wagon. Per Special Order No. 8262, transports made by patrol wagons need not report the required elements of SO 8262.

transports and instances in which the juvenile was cited and released. Duplicate arrests in the same incident were removed, leaving a total of 13 incidents involving one or more juvenile arrests.

In total, for both adult and juvenile arrests, 77 incidents were reviewed. Five incidents were subsequently removed because the only transport located was done by ambulance, leaving 72 incidents involving 140 separate transports.

	Adult and Juvenile Incidents	Adult and Juvenile Transports
<b>Patrol Officer Transports</b>	<b>47</b>	<b>108</b>
<b>Patrol Wagon Transports</b>	<b>25</b>	<b>32</b>
<b>Total</b>	<b>72</b>	<b>140</b>

Patrol Wagon Transports are exempt from the transport requirements. Therefore, the Auditor only reviewed the 47 incidents involving transports by patrol officers in their patrol vehicles.

## Methodology

To determine whether the Department was complying with all reporting and documentation requirements of its transportation of persons policy as detailed in OPD’s Special Order 8262, the following tests/reviews were conducted:

### CRIME/SUPPLEMENTAL REPORTS

The Auditor retrieved the crime/supplemental reports for the 72 selected incidents from Vision-Tek<sup>68</sup> and read all crime/supplemental reports in order to identify who was transported during each incident (some incidents included transports of persons other than arrestees). If the crime/supplemental report documented that the transport occurred by Patrol Wagon, the Auditor recorded the transport on a separate list.

### CAD/RADIO PURGES

The Auditor created a spreadsheet to identify who in each incident was transported and then reviewed the CAD purges to make sure there was a CAD entry for every individual documented as being transported in the crime/supplemental reports, and that all required elements were documented as required by Special Order 8262. The Auditor reviewed the purges for the following:

- Advisement of the transport at the beginning and end of the transport
- Starting time and ending time
- Starting mileage and ending mileage
- Starting location and ending location
- Purpose of transport
- Gender of individual being transported and whether the individual being transported is a Juvenile
- Identification of member or employee (involved in the transport)

<sup>68</sup> Vision-Tek is the Department’s field-based reporting application where officers enter their crime and supplemental reports.

If required elements for a transport were missing on the CAD purges, the Auditor used various data sources such as the Forensic Logic-Law Enforcement Analysis Portal (LEAP Portal)<sup>69</sup> to identify transports that may have been documented under a different report or incident number. Finally, after using the LEAP Portal, if elements were still missing, the body worn camera footage of the transporting officers was reviewed to help determine if the officers had advised Communications of the transport and stated the required elements, indicating that the error was on the CAD purge, not on the part of the transporting officers. The BWC footage was only reviewed for beginning and ending of transports. The Auditor did not review the entire footage, some of which were one to two hours in length.

Although reviewing CAD audio would have been an additional check for compliance, given the time-consuming nature of reviewing CAD audio and the Auditor's access issues, and the high levels of compliance, the Auditor chose not to review CAD audio.

---

<sup>69</sup> The LEAP Portal is the Forensic Logic-Law Enforcement Analysis Portal that allows access to information, incidents, reports, field contacts and events contained in CAD and other OPD databases.