

Negotiated Settlement Agreement Status

OAKLAND
POLICE
DEPARTMENT

PUBLIC SAFETY
COMMITTEE
BRIEFING

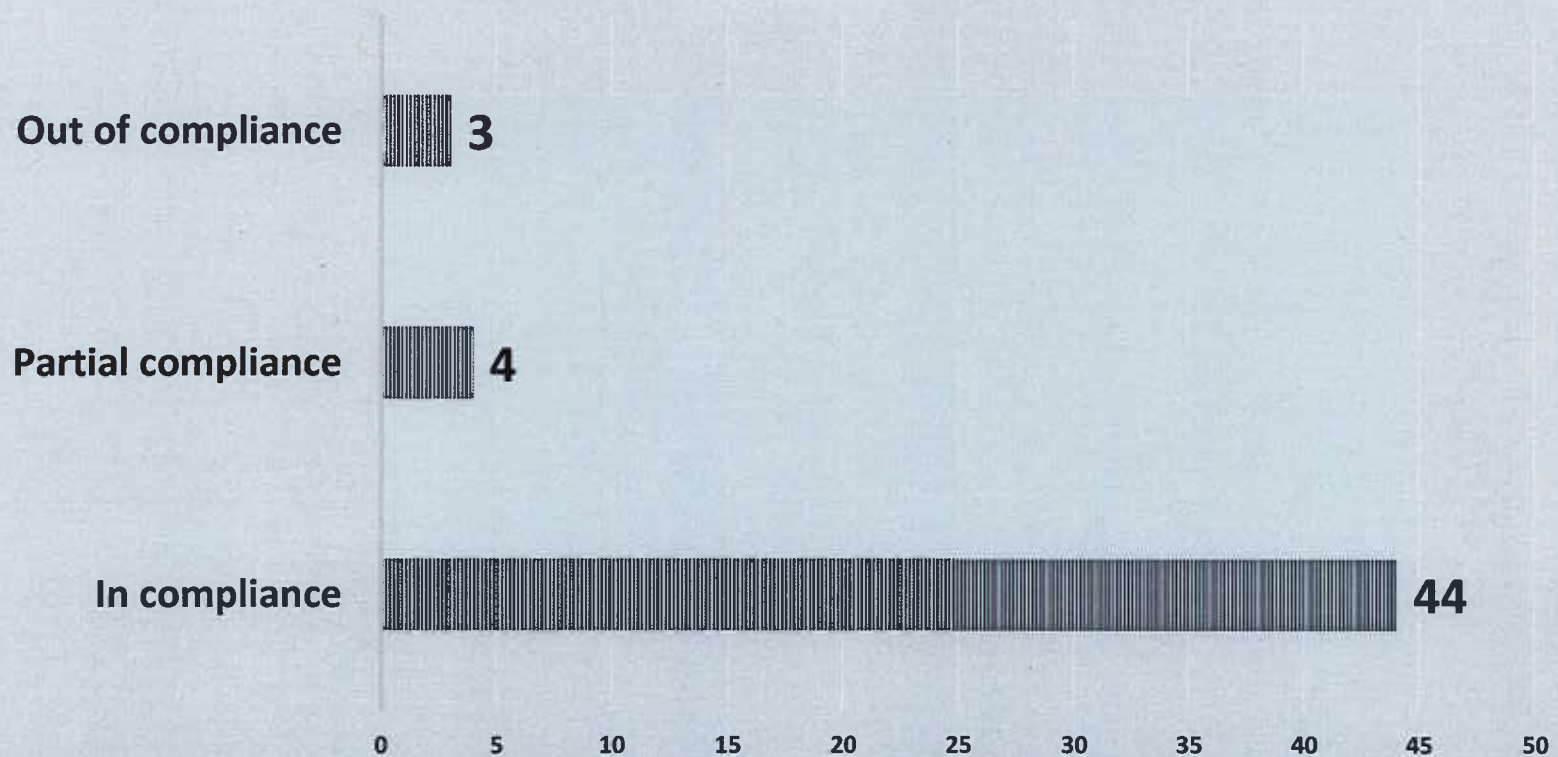
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Background

- In 2003, the City of Oakland entered into a Negotiated Settlement Agreement (NSA) to settle the *Allen v. City of Oakland* lawsuit (the “Riders” case). The NSA requires implementation of 51 Tasks to promote police integrity and prevent unconstitutional policing.
- A court appointed Monitor reviews and reports on compliance with each task and makes a determination of “in compliance,” “out of compliance,” or “partial compliance.”

Current Status of the 51 Tasks



Out of compliance tasks

Task	Subject
2	Timeliness with Internal Affairs Division (IAD) Investigations
5	Complaint Procedures for IAD
30	Firearms Discharge Board of Review

Task 2 – Timeliness of IAD Investigations

- This task requires IAD Investigations to be completed within 180 days.
- Staffing shortages and a failed database system caused OPD to fall out of compliance.
- In 2019 OPD added staff, provided additional training, and streamlined processes to clear up the backlog.
- OPD expects to be in compliance with this task in early 2020.

Task 5 – IAD Complaint Procedures

- OPD fell out of compliance in 2016 related to OPD's investigation into the 2016 sex scandal.
- An external investigator recommended nine process improvements; all have been implemented.
- The monitor deferred a finding on this task until completion of a new report related to the internal investigation of the Pawlik shooting.

Task 30 – Executive Force Review Board

- In 2019, the Monitor found the Department out of compliance with Task 30 based on the Executive Force Review Board (EFRB) regarding the officer-involved shooting that resulted in the death of Joshua Pawlik.
- In the five years prior to this EFRB, the Department conducted 17 EFRBs. All were found to be in compliance with the NSA and Department policy.

Partial Compliance Tasks

Task	Subject
24	Use of Force Reporting Policy
25	Use of Force Investigation and Report Responsibilities
34	Vehicle Stops, Field Investigation and Detentions
45	Consistency of Discipline

Tasks 24 & 25 – Use of Force Reporting and Investigations

- The court reactivated these tasks and found OPD out of compliance in November 2018 related to an OIG audit on use of force reporting.
- Technology solutions are being evaluated to track pointing of firearms to assist with accurate reporting.
- The Department, in collaboration with the Police Commission, is in the process of updating and creating policies to address the issues.

Task 34 – Vehicle Stops, Field Investigations and Detentions

- The task requires:
 - 1) the collection of specific, detailed stop data;
 - 2) analysis of the data to ascertain the presence or absence of indicators of disparate treatment; and where indicated,
 - 3) the implementation of corrective measures.
- After completion of the Vision database and dashboards in early 2020 this task will be reevaluated.

Stanford Recommendations

- In 2014 Stanford University issued *Strategies for Change: Research Initiatives and Recommendations To Improve Police-Community Relations in Oakland* which included 50 recommended strategies.
- OPD has completed 47 of the 50 recommendations.
- Two will be completed with the release of the Vision system, which is operational and will be continued to be built out into 2020 with interactive risk management dashboards.
- The final recommendation requires hiring an OPD Data Manager which is expected in early 2020.

Stop Data Analytics

OPD has been working with a local developer to create interactive stop data dashboards that will allow commanders and supervisors to review stop data activities in near real time.

The dashboards will capture several data elements including:

- race, age and gender
- total number of traffic and pedestrian stops
- number of searches
- search recoveries

Data can be analyzed by the entire overall department, squad and individual officer

Task 45 – Consistency of Discipline

- In 2014, the Monitor found the Department in partial compliance with Task 45 and it has remained in partial compliance.
- In 2015, a court-appointed investigator made several corrective recommendations related to the disciplinary process. All have been implemented.

CONCLUSION

The Department is focused on building sustainable systems and processes to mitigate risk and foster community relationships.

When compliance issues arise, OPD responds quickly and thoughtfully.

With the City's assistance, the Department invests in improved technology and updates policies and practices through the lens of progressive and principled policing.