

# OPD Policies for Review

## **OIS Policy: Criminal Investigations Division (CID) 19-01**

**Current Policy:** No current policy, drafting in progress.

**Year Developed:** N/A

**Status:** Drafting in progress.

**Brief Definition:** A policy regarding investigation by the Criminal Investigation Division of officer involved shootings and other serious uses of force.

[Federal Monitor Report](#) **Task Number: 31 Officer-Involved Shooting Investigation**

### Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

## **Chemical Agents**

**Current Policy:** TB V-F2 (not available for public viewing)

**Year Developed:** 2006

**Status:** No drafting has begun on any revisions.

**Brief Definition:** Chemical agents used by the Oakland Police Department are divided into three classes: duty aerosol to distract and confuse threats (discussed in Part II), chemical agents to disperse crowds (discussed in Part III), and chemical agents to detect and dislodge barricaded subjects (discussed in Part IV). Some chemical agents are used for more than one purpose and fall into more than one category. When used correctly, chemical agents are highly effective, but their effects dissipate quickly when a subject leaves a contaminated area. Members shall report all incidents when a chemical agent is applied to a subject in accordance with Department General Order (DGO) K-4, REPORTING AND INVESTIGATING THE USE OF FORCE

[Federal Monitor Report](#) **Task Number: 27**

### Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

## **Specialty Impact Munitions**

**Current Policy:** TB III-H (not available for public viewing)

**Year Developed:** 2017

**Status:** No drafting has begun on any revisions.

**Brief Definition:** The purpose of this Training Bulletin is to provide members with guidelines on the use of Specialty Impact Munitions (SIM). This Training Bulletin does not supersede the training and qualification requirements members shall meet to use and deploy SIM. This Training Bulletin is a supplemental to Department General Order K-3, USE OF FORCE, which is the master policy regarding the use of force. In addition to this policy, members shall have a complete and thorough understanding of DGO K-3, USE OF FORCE and TB III-H.2, HAND HELD IMPACT WEAPONS which outline, in part, when the use of an impact weapon is appropriate and objectively reasonable, criteria for consideration, definitions, force options and medical requirements.

[Federal Monitor Report](#) **Task Number: no defined task number**

### **Commission Work Plan**

<b>Ad Hoc Committee</b>	<b>Deadline for Final Draft</b>	<b>Date to Present at Meeting</b>

## **Canine: DGO K-09**

**Current Policy:** [DGO K-9, Department Canine Program](#)

**Year Developed:** 2006

**Status:** Review of policy has been requested, but no current drafting status.

**Brief Definition:** The mission of the Department Canine Program is to train, maintain and deploy Canine Teams to search for and locate criminal suspects and evidence in order to safeguard our community and police officers. The law enforcement industry has recognized that the appropriate deployment of police canines enhances the safety of citizens and officers by increasing an agency's ability to capture criminals and locate items of evidence. A dog bite is an intermediate use of force that may inflict serious injury. Therefore, this policy only allows Patrol Canine deployments for violent forcible crimes, burglary and weapons related offenses.

**CPRA Report Recommendations:** 2020 – [April 23](#)- The CPRA recommends that the Department provide training to all OPD members on utilizing interpreters/translators in the field, and that the Canine Program integrate the use of interpreters/translators in regular training scenarios. DGO K-9 and DGO K-4 presumptively categorize canine bites as Level 2 uses of force. Due to the potential for canine bites to cause severe bodily injury, the CPRA recommends eliminating the presumption that a canine bite is automatically a Level 2 use of force. Updating the policy to indicate that a canine bite shall be at least a Level 2 or above, followed by the criteria for both Level 2 and Level 1 cases, would provide clarity to officers in incidents such as these.

[Federal Monitor Report](#) **Task Number: no defined task number**

**Commission Work Plan**

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

**Social Media**

**Current Policy:** No current policy specific to the Department and its members.

**Year Developed:** N/A

**Status:** Policy on Department (official) social media is in the drafting phase. Policy on member (personal) use of social media is in the drafting phase.

**Brief Definition:** A policy on the use of social media Department-wide and as a member of the Department.

**CPRA Report Recommendations:** 2020 – [June 25](#) - The CPRA recommends that the Department continue to review its social media policy and make recommendations for appropriate revisions. Those should include: a) Comparing OPD policy to that of other jurisdictions for best practices; b) Creating specific guidance in missing persons cases as to when social media should and should not be used, including consultation with family members of the missing person; c) Having a central mid-level member (likely professional, not sworn) designated to monitor the overall use of the Department’s social media platforms with an eye towards ensuring consistent messaging to the community about the Department’s priorities.

[Federal Monitor Report](#) **Task Number: no defined task number**

**Commission Work Plan**

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

**Bystander Intervention**

**Current Policy:** No current policy specific to the Department and its members.

**Year Developed:** N/A

**Status:** Not yet started.

**Brief Definition:** A policy giving officers rules for handling bystanders and onlookers to police action, including the right of onlookers to observe and record police activity.

**CPRA Report Recommendations:** None.

[Federal Monitor Report](#) **Task Number: no defined task number**

**Commission Work Plan**

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

**Missing Persons: DGO O-06**

**Current Policy:** [DGO-O-06 Missing and Abducted Persons](#)

**Year Developed:** 2009

**Status:** Drafting in progress.

**Brief Definition:** A missing person is any juvenile or adult who is missing voluntarily or involuntarily under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance. Penal Code Section 14295(a) states, all local police and sheriffs’ departments shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports related to crimes involving property.

**CPRA Report Recommendations:** 2020 – [June 25](#) - The CPRA recommends that OPD work with the proper legal advisers to bring DGO O-6 – Missing Persons up to date as quickly as is practicable, including the following specific edits: a) The DGO references Penal Code section 14213 for the definition of an “at risk” individual; in 2017, the Legislature renumbered that section and the definition is now contained in Penal Code section 14215. b) The DGO references Penal Code section 14205, and talks about steps to take when a missing person is under the age of 16 or “at risk”. That section was renumbered in 2015, and also revised to include persons under the age of 21, not 16. Additionally, the department should independently double-check the DGO against current law and consult with current subject matter experts for recent changes in best practices.

[Federal Monitor Report](#) Task Number: no defined task number

**Commission Work Plan**

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting
Jackson, Jordan		

**Racial Profiling: DGO M-19**

**Current Policy:** [DGO M-19 Prohibitions Regarding Racial Profiling and Other Bias-Based Policing](#)

**Year Developed:** 2004

**Status:** Department recognizes need for revision, no draft as of yet.

**Brief Definition:** The Department recognizes that there has been a growing national perception that law enforcement action is too often based on racial stereotypes (“racial profiling”) or other bias-based policing – whether it is against African Americans, Latinos, Asians, Middle Easterners, South Asians, or any other race, ethnicity, national origin, gender, age, religion, sexual orientation, or disability. In Oakland, there is concern within our communities that some members may engage in this behavior. Whether

individual members agree or not, we, as an organization, must recognize that this concern exists and be responsive to it. The purpose of this policy is to reaffirm the Oakland Police Department’s commitment to providing service and enforcing laws in a fair and equitable manner, and to establish a relationship with the community based on trust and respect. Whenever our practices are, or are perceived to be, biased, unfair, or disrespectful, we lose public trust and support and diminish our effectiveness.

[Federal Monitor Report](#) **Task Number: no defined task number**

**Commission Work Plan**

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting
Dorado, Jackson, Milele		

**SWAT: Tactical Operations Team DGO K-05**

*Current Policy:* [Tactical Operations Team \(DGO K-05\)](#)

*Year Developed:* 2000

*Status:* No work at this time on new policy iteration.

*Brief Definition:* Recognizing that the use of specially trained and equipped police tactical operations teams during critical incidents has been shown to substantially reduce the risk of injury or loss of life to citizens, law enforcement personnel and suspects; and recognizing that a well-managed team response usually results in the successful resolution of such incidents, the Department will utilize the Tactical Operations Team as a resource for the handling of appropriate critical incidents as described in this order. The purpose of this order is to set forth Departmental policy regarding the Tactical Operations Team, consisting of Tactical Commanders, the Entry Team, Sniper Team and Hostage Negotiation Team, and to establish policy for deployment during high risk operations.

[Federal Monitor Report](#) **Task Number: no defined task number**

**Commission Work Plan**

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

**Community Engagement**

*Current Policy:* [DGO B-7 Public Appearances](#) and [BFO 11-01 Problem Solving Officer Deployment and Responsibilities](#)

*Year Developed:* DGO B-7, 2005 and BFO 11-01, 2011

*Status:* No work at this time on new policy iteration.

*Brief Definition:* DGO B-7: The purpose of this order is to set forth Departmental policy and procedures for providing and authorizing qualified personnel to make public appearances, to set forth

policy on public appearance tracking responsibility and to provide a centralized file for public appearance information.

BFO 11-01: The purpose of this directive is to set forth bureau policy and procedures regarding deployment, responsibilities and standards for Departmental Problem Solving Officers (PSOs). These objectives and standards are designed not only to meet legal mandates but also to improve police community relations, enhance City-wide problem-solving efforts, reduce violent crime, and diminish citizens' perception of crime.

**CPRA Report Recommendations:** 2020 – [October 22](#) - The CPRA recommends that Field Training Officers receive additional training related to communication with the public and trainees during an incident. The CPRA recommends additional training related to communications with detainees during an incident.

[Federal Monitor Report](#) **Task Number: no defined task number**

#### Commission Work Plan

Standing Committee	Deadline for Final Draft	Date to Present at Meeting
Dorado, Jordan		

#### Hand Held Impact Weapons

**Current Policy:** TB III-H.2 (not available for public viewing)

**Year Developed:** 2006

**Status:** No drafting has begun on any revisions.

**Brief Definition:** Officers must have a thorough understanding of DGO K-3 in order to know when the use of a hand held impact weapon is appropriate and objectively reasonable. Department General Order K-4, Reporting and Investigating the Use of Force, enumerates the use of a hand held impact weapon as a Level 2 use of force and requires that a supervisor be summoned to the scene to conduct a Level 2 force investigation. An intentional strike to the head with a hand held impact weapon is a Level 1 use of force and requires a Level 1 force investigation. The use of a hand held impact weapon may be warranted prior to any actual physical contact. It is not necessary that an individual actually assault a third party or member prior to using a hand held impact weapon. The imminent threat of violence, whether it is verbal or non-verbal, coupled with the present intent, means, opportunity, and ability to carry out such threats may warrant its use.

[Federal Monitor Report](#) **Task Number: no defined task number**

#### Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

## **Handcuffing: (Lexipol 302)**

**Current Policy:** [Handcuffing and Restraints](#)

**Year Developed:** This is a Lexipol policy. Policy says printed date is 2017.

**Status:** Request has been made to move this to the current DGO format, but still in the drafting phase.

**Brief Definition:** The use of handcuffs and other restraints is intrusive and can impact the community's trust in the police. As courts put it, the use of handcuffs "substantially aggravates the intrusiveness of an otherwise routine investigatory detention and is not part of a typical Terry (investigative) stop." The application of restraints shall never be considered a part of standard operating procedure. This policy sets forth guidelines for the use of handcuffs and other restraints during arrests and detentions.

**CPRA Report Recommendations:** [2019 Policy and Training Recommendations](#) page 3, number 13 - The CPRA recommends that the Department provide additional training on when officers can handcuff or pat search detainees; towing procedures and explaining Fourth Amendment justifications for handcuffing and pat searching under Terry.; 2020 – [May 28](#), - The CPRA recommends that OPD consider instituting more specific policies and/or training regarding the handcuffing of pregnant women. In particular, CPRA staff recommend that OPD: consider training officers on the specific risks associated with handcuffing pregnant women, so that officers are better positioned to evaluate the totality of the circumstances when presented with a pregnant detainee/arrestee; consider training officers on modified restraint methods that would alleviate these risks, so that officers are better positioned to determine whether modified restraints would be appropriate in a given situation; and consider developing more specific standards to inform officer discretion when presented with the choice of whether and how to handcuff pregnant detainees/arrestees, along the lines of the more specific instruction officers receive related to using certain types of force on pregnant women. [November 12](#) - The CPRA recommends that officers receive additional training related to the proper positioning of handcuffs.

[Federal Monitor Report](#) **Task Number: no defined task number**

### **Commission Work Plan**

<b>Ad Hoc Committee</b>	<b>Deadline for Final Draft</b>	<b>Date to Present at Meeting</b>

## **Electronic Control Weapon (Lexipol 304)**

**Current Policy:** [Electronic Control Weapon](#)

**Year Developed:** This is a Lexipol policy. Policy says printed date is 2017.

**Status:** On the list to be converted to DGO format, no drafting as of yet.

**Brief Definition:** The electronic control weapon (ECW) is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such an ECW should result in fewer serious injuries to officers and suspects.

[Federal Monitor Report](#) Task Number: no defined task number

Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

**Report Writing Manual**

**Current Policy:** This is a very large set of documents that are updated as technologies change; many in the original report writing manual had information on how to properly fill out paper forms. Large-scale changes are anticipated when the Department changes to a new CAD/RMS system in 2022 (estimated).

**Year Developed:** N/A

**Status:** Large-scale changes are anticipated when the Department changes to a new CAD/RMS system in 2022 (estimated).

**Brief Definition:** Manual for writing reports.

[Federal Monitor Report](#) Task Number: no defined task number

Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

**Community Policing: Bureau of Field Operations (BFO) 15-01**

**Current Policy:** [Training Bulletin III-A.05, Community-Oriented Policing](#) and [SO 9112 Revision of TB III-A.05](#)

**Year Developed:** 2008

**Status:** [Draft of 15-01](#) has been submitted to Police Commission

**Brief Definition:** Community Policing is the affirmed public safety policy and philosophy of the City of Oakland and Oakland Police Department and its purpose is to reduce crime, enhance public safety and to improve quality of life through police and community partnerships. The purpose of this directive is to set forth bureau procedures regarding expectations and responsibilities for Neighborhood Service Coordinators (NSCs), Community Resource Officers (CROs), Foot Patrol Officers, Crime Reduction Team (CRT) Officers, and Community Meetings. This policy is designed to improve police community relations, enhance Citywide problem-solving efforts, reduce serious and violent crime, and address public safety issues through the community policing philosophy.

[Federal Monitor Report](#) Task Number: 47 Community Policing Plan

Commission Work Plan



Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting
Dorado, Harbin-Forte, Jackson		

### **Crowd Management**

*Current Policy:* [TB III-G](#)

*Year Developed:* 2013

*Status:* There has been discussion about revision, but no drafting has begun yet.

*Brief Definition:* The Oakland Police Department crowd management and crowd control policy is to: apply the appropriate level of direction and control to protect life, property, and vital facilities; maintain public peace and order; and uphold constitutional rights of free speech and assembly while relying on the minimum use of physical force and authority required to address a crowd management or crowd control issue.

[Federal Monitor Report](#) Task Number: no defined task number

#### Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

### **Reporting and Investigating the Use of Force: DGO K-4**

*Current Policy:* [DGO K-4](#)

*Year Developed:* 2014

*Status:* This is on the list for revision but have not begun drafting yet.

*Brief Definition:* The purpose of this order is to set forth Departmental policy and procedures for reporting, investigating, reviewing, and managing use of force incidents involving Departmental personnel.

[Federal Monitor Report](#) Task Number: 24 Use of Force Reporting, 25 Use of Force Investigations and Report Responsibility

#### Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting