



CITY OF OAKLAND

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February 7, 2022

Oakland Police Commission  
Chair Regina Jackson  
*Submitted Via Email to RJackson@oaklandcommission.org*

Re: Submission of Oakland Police Department's Risk Management Policy for  
Commission Approval

Dear Chair Jackson and Police Commission,

The Oakland Police Department respectfully requests that the Oakland Police Commission (Commission) approve the attached Oakland Police Department policy, *Departmental General Order (DGO) R-01: Risk Management*, and submits this request letter and attached policy for inclusion in the agenda packet for the February 10, 2022 Commission meeting as part of the Chief's update to provide notice of this request.

This is a new policy that commits to writing the Department's internal risk management processes developed and refined over a period of years in consultation with the Court-ordered Monitoring Team and plaintiffs' counsel in *Allen v. City of Oakland*, 00-cv-04599 WHO. This policy requires the Department to maintain certain risk management processes, including risk management meetings, not only to comply with the Negotiated Settlement Agreement but that demand the type of continued focus necessary to sustain the progress the Department has made using these risk management processes.

At the last *Allen* hearing in January 2022, the Court stated that it expects that the Department will have "completed and adopted the risk management, social media, cell phone, anti-discrimination, and Special Order 9208 regarding the Type 32 force reporting policies; they're all done by [April 27]." *Allen* Jan. 5, 2022 Court Hearing Transcript, 49-50 (Dkt. 1503).

On February 1, 2022, the Monitoring Team and plaintiffs' counsel in *Allen* participated in a final review of DGO R-01. The Oakland City Attorney's Office has also reviewed DGO R-01.

Ideally, we ask that the Commission review and approve DGO R-01 no later than April 18, 2022. This would allow the City to let the Court know in its written submission due April 20 that the policy has been completed and would allow the Department to publish the policy prior to the next court hearing on April 27. Alternatively, we ask that the Commission approve DGO R-01 as soon as possible within the 120-day timeline set forth pursuant to City Charter Section 604(b)(5).

Respectfully submitted,

/s/

Brigid S. Martin

cc: Rania Adwan, Chief of Staff, Oakland Police Commission, via email  
RADwan@oaklandca.gov  
Attachments (1) *DGO R-01: Risk Management*



## DEPARTMENTAL GENERAL ORDER

### R-01: RISK MANAGEMENT

Effective Date: DD MMM YY

Coordinator: Bureau of Risk Management

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#### COMMAND INTENT

Understanding, assessing, and managing risk – to officers, the Department, and the City of Oakland – is critically important. The Department’s Bureau of Risk Management conducts data-based assessments of risk behavior, helps the Department mitigate risk by developing interventions and other strategies for individual officers, and promotes policies and procedures to reduce risk in the Department.

#### A. OVERVIEW OF RISK MANAGEMENT AND DEFINITIONS

##### A - 1. Defining Risk

With regard to law enforcement, risk refers to the potential for damage, injury, inability to achieve objectives, or other negative occurrences. The failure to address risk may result in lawsuits and legal claims, injuries to police officers or community members, property damage, damage to the Department’s reputation, harm to officers’ law enforcement careers, and the erosion of trust between the Department and the community it serves.

##### A - 2. Risk Management

Risk Management is a comprehensive, proactive approach to the reduction of risks associated with organizational operations. While it is impossible to eliminate all risk, a comprehensive risk management program allows an organization to meet its strategic goals/fulfill its mission and build a culture where risk management is engrained at every level of the organization. Risk management involves recognizing risks, prioritizing risks, and mitigating those risks. Some common risk mitigation strategies include a clear vision from leadership, data collection/analysis, training, supervisory review, and accountability measures.

##### A - 3. Role of the Bureau of Risk Management

The goal of the Bureau of Risk Management (BRM) is to identify and manage risk through analysis of individual and organizational activity, including employee conduct, citizen contacts, use of force, pursuits, traffic collisions, training, command and supervisory direction, and personnel decisions.

The BRM analyzes levels of risk, develops focused and specific risk management interventions, and provides training throughout the Department to ensure that all members understand and implement the overall risk management strategy of the Department. The Bureau of Risk Management is integral in maintaining a culture of risk awareness and risk management throughout the different levels and units of the

organization. It includes the Office of Inspector General, the Training Division and the Internal Affairs Division.

Within the Office of Inspector General, there are four Units dedicated to risk management: the Risk Analysis Unit (RAU), the Personnel Assessment System (PAS) Unit, the Risk Impact Unit (RIU), and the Audit Unit. While the Training Division and Internal Affairs Division also fall under the Bureau of Risk Management, their roles and responsibilities are clearly defined within other policies. The co-location of all these Divisions and Units allow for a coordinated approach to risk management.

## **B. CONSTITUENT PARTS OF THE DEPARTMENT'S RISK MANAGEMENT SYSTEM**

### **B - 1. Risk Management as Organization-Wide Responsibility**

The Department's risk management strategy depends on an overall understanding that every member of the organization has the responsibility to identify, respond to, and mitigate risk when possible. This is consistent with the requirements that all members take steps to intervene if they observe another member using excessive force (as set forth in [DGO K-3](#)) and report any offenses in violation of Department policy (as required by the [Manual of Rules](#), Reporting Violations-Failure to Report Misconduct When Required, 314.48-1).

### **B - 2. Role of Supervisors and Commanders/Managers in Risk Management**

Supervisors play a key role in risk management by being a primary identifier of behavior or actions that could increase risk to their subordinates. It is incumbent on supervisors to constantly identify risk, manage it at their level whenever appropriate, and provide training to their subordinates on ways to appropriately manage acceptable risk and avoid unacceptable risk.

Commanders and Managers also play an important role in risk management by setting the expectations for their respective commands on proper risk management, as well as by acting as conduits for information coming from larger risk management entities and processes (e.g. the Bureau of Risk Management or Risk Management Meetings).

### **B - 3. Personnel Assessment Systems (PAS) - Early Warning System**

The Department's early warning system, known as PAS (Personnel Assessment System), is a pro-active, non-disciplinary, early identification and intervention program designed to identify and positively influence conduct, correct performance – related problems, and recognize exemplary performance.<sup>1</sup> PAS oversees assessment, evaluation, and management of risk by officers, establishing performance standards and providing the requirement for supervisors, commanders, and managers to review their subordinate's performance as it relates to these standards. PAS allows for peer

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<sup>1</sup> [DGO D-17](#), *Personnel Assessment System*

group threshold comparisons for review of outliers, with subsequent review and potential follow-up action. The Department's use of PAS as part of its overall risk management strategy is key in its risk management processes.

PAS contributes to the Department's ability to better maintain supervisory and managerial accountability, ensure consistent high-quality performance standards vertically and laterally in the organization and ensure policy compliance throughout the organization. (Reference [DGO D-17](#), *Personnel Assessment System*).

#### **B - 4. Risk Analysis Unit**

The Risk Analysis Unit (RAU), overseen by the Department's Data Manager, is responsible for analyzing key areas of risk such as the PAS dimensions, stop and enforcement data (to include whether disparities exist in outcomes or practices), and other police data that is recorded by the Department. This analysis includes assessment of department trends, drilldowns to individual-level concerns, and drill-ups to review the impact of supervisory and command decisions on risk. The RAU is also responsible for analysis, preparation of documents and discussion points for Risk Management Meetings, and creation and evaluation of various risk management thresholds and measurements used by the Department in other areas of risk management. Note section C-1 for RAU minimum staffing.

#### **B - 5. Risk Impact Unit**

The Risk Impact Unit (RIU) tracks data including, but not necessarily limited to, uses of force, collisions, and pursuits; and supports the use of force and pursuit board processes. The RIU identifies areas in need of improvement through data collection and analysis and training needs assessments, and makes recommendations for organizational improvements. The RIU shall at minimum be staffed by a supervisor and two support staff members, though this does not preclude the Department from adding staff to the unit.

#### **B - 6. Risk Management Meetings**

The Department's Risk Management Meetings (RMMs) provide data and command insight to analyze, assess, and mitigate risk, from the level of the Area/Division through the Bureau and to the Department as a whole. This includes recommendations and reviews of officers who are identified for supervisory monitoring and intervention. Risk Management Meetings are held at the Division/Area level, Bureau level, and Citywide level.

### **C. RISK ANALYSIS UNIT (RAU)**

#### **C - 1. RAU Staffing**

The Department's Data Manager oversees the RAU. The RAU, at the direction of the Chief of Police and/or designee, may provide direction to other units and staff to accomplish the responsibilities of the office as set forth below. The Risk Analysis

Unit shall at minimum be staffed by a Data Manager and an Administrative Analyst, though this does not preclude the Department from adding staff to the unit.

### **C - 2. RAU Responsibilities**

The responsibilities of the RAU include, but are not limited to, the following:

- Developing and setting peer group comparison and methodology in concert with the PAS Administration Unit (PAU);<sup>2</sup>
- Developing and defining specific criteria, utilizing PAS data, for determining whether members may be engaging in at-risk behavior;<sup>3</sup>
- Assisting with preparations for Citywide, Bureau, and Area/Division RMM;<sup>4</sup>
- Consulting with the Audit Unit on trends for possible audits;
- Consulting with Area/Division commanders and executive staff on risk identification techniques and areas of concern;
- Creating reports and analyses which track risk indicators, and which can be used for RMM preparation (see C-3);
- Conducting assessments of department trends, drilldowns to individual-level concerns, and drill-ups to review the impact of supervisory and command decisions on risk;
- Facilitating the Bureau and Citywide RMM; and
- Identifying areas of concern or trends for commanders to consider during RMM.

### **C - 3. RAU Documentation Creation Responsibilities**

The documents produced by the RAU include, but are not limited to, the following:

- *Risk Analysis Report* – Monthly. A snapshot report that shows critical PAS dimensions plus stop data, broken down by Bureau or Area with percentage changes and year-to-date comparisons;<sup>5</sup>
- *Risk Analysis Supplemental Analysis Report* – Quarterly. Additional charts, graphs, in-depth review, squad comparisons, and other analysis, including trend lines or other visual representations of data (e.g., sparklines) where appropriate, as directed by the RAU manager to provide context and analysis for upcoming topics of conversation at the Bureau and Citywide RMM;
- Quarterly reports for the IAD Commander, and a yearly report for the annual PAS meeting, regarding internal investigation outcomes by race. A copy of these reports shall be sent to the Office of Chief of Police, IAD Captain, all Bureau

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<sup>2</sup> NSA 41, VII.B.6

<sup>3</sup> NSA 41, VII.B.5

<sup>4</sup> NSA 41, VII.B.5

<sup>5</sup> NSA 40, VII.A; NSA 34, VI.B

Deputy Chiefs, the Chair of the Police Commission, and the Police Commission's Inspector General;

- Written responses to Public Records Act requests as needed.

## **D. AREA/DIVISION RISK MANAGEMENT MEETINGS**

### **D - 1. Area/Division RMM Frequency**

The following Divisions and Areas (Bureau of Field Operations geographical area, under the command of a Captain of Police) shall hold RMM at least quarterly:

- All Bureau of Field Operations Patrol Areas
- Criminal Investigation Division
- Ceasefire Division
- Violent Crime Operations Center

Other Divisions, Sections, or Units may hold RMM at the direction of their Commanding Officer, their Bureau Deputy Chief / Director, or the Chief or Assistant Chief of Police. While Area/Division RMM constitute a quarterly review and analysis of all relevant employee performance information concerning personnel under that command,<sup>6</sup> additional review and individualized risk management will also be completed using the PAS process<sup>7</sup> and normal supervision and leadership.<sup>8</sup>

### **D - 2. Topics of Review in Area/Division RMM**

The Area/Division RMM is typically led by that Area/Division's Commanding Officer, which the respective Bureau Deputy or Assistant Chief shall attend.<sup>9</sup> Area/Division RMM shall include, but are not limited to, discussion and analysis of the following issues:

- Individual members who may be drivers of Area/Division trends identified in the RAU monthly report or by the Area/Division Commanders;
- Top 5 Area/Division individual members for:
  - a. Non-dispatch stops
  - b. Complaint allegations and cases
  - c. Uses of force
  - d. Pursuits

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<sup>6</sup> NSA 41, VII.B.5

<sup>7</sup> Reference DGO D-17, *Personnel Assessment System*.

<sup>8</sup> Reference for example DGO B-22, *Supervisory Notes Files*.

<sup>9</sup> For instance (under the Department organization as of February 2022), the BFO 1 Deputy Chief would attend the Area 1, 2, and 3 meetings, the BFO 2 Deputy Chief would attend the Area 4, 5, and 6 meetings, the Bureau of Investigations Deputy Chief would attend the VCOC and CID meetings, and the Assistant Chief would attend the Ceasefire meeting.

e. Collisions

- Review of monitoring/intervention status and strategies for any individual members of the Area/Division on PAS monitoring/intervention;
- Identification of larger trends, analysis, and audit assignments (for Area/Division Commanders or Supervisors) regarding areas identified by RAU, relevant employee performance information concerning personnel under that command, supervision and leadership, and individual risk management, and ongoing or future risk management strategies to address both individual and overall risk trends.

**D - 3. Description of Analyses Used During / as a Result of RMM Meetings**

Different types of analyses shall be warranted depending on the data and the issues observed during review in an Area/Division RMM. These analyses shall include, but are not limited to, the following:

- **Drilldowns:** A drill-down is a review that focuses on changes in data to determine which specific groups or individuals are impacting the changes. Drilldowns are useful to understand whether specific actions or events involving OPD members were consistent with Department priorities, expectations, and best practices, and help supervisors and commanders determine if intervention is required to change behavior or actions. Drilldowns may be completed using the Department's data systems such Vision, Risk Management Dashboards, and other reporting tools.
- **Drill-ups:** A drill-up is a way to "zoom out" from the data to examine the larger context, determining whether larger patterns or systemic issues exist that require more than individual interventions. Drill-ups may also be useful in detecting policy or training deficiencies, or larger issues with supervision or command that have an impact on more than one individual.
- **Pattern and Trend Analysis:** If a trend is noted (e.g., an increase in the amount of vehicle pursuits in an Area, a decline in the number of arrests versus the same period last year, etc.), pattern and trend analysis is a process of formulating hypotheses as to *why* the pattern or trend might be occurring and *testing* (as much as is possible) those hypotheses against available data.

**E. BUREAU RISK MANAGEMENT MEETINGS**

**E - 1. RMM Scheduling**

At the direction of the Assistant Chief of Police or their respective Bureau Deputy Chief, the following Bureaus may hold RMM following the RMM of their constituent Areas/Divisions:<sup>10</sup>

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<sup>10</sup> Note that Area/Division RMMs are required at least quarterly; reference Section D-1.



- **Bureau of Field Operations I and II:** Includes discussion of all Patrol Areas
- **Bureau of Investigations:** Includes Violent Crime Operations Center, Criminal Investigation Division, and Ceasefire Division

If these Bureaus do not hold a Bureau RMM for a period exceeding one (1) calendar year, the respective Bureau Deputy Chief shall write a memorandum documenting the reason why the Bureau meeting was not held. This memorandum shall be addressed to the Chief of Police with information copies to the City Administrator and the Chair of the Oakland Police Commission. This shall be limited solely to the Bureau meetings.

Other Bureaus may hold RMM at the direction of their Bureau Deputy Chief / Director or the Chief or Assistant Chief of Police.

## **E - 2. Topics of Review in Bureau RMM**

Bureau RMM shall include, but are not limited to, discussion and analysis of the following issues:

- Review of Bureau trends by Area in stops, force, complaints, pursuits, and collisions;
- Analyses conducted and outcomes of each Area/Division RMM held that quarter for Areas/Divisions under the respective Bureau;
- Results of specific drill-down or equivalent analyses into individual Bureau members during Area/Division RMM;
- Risk management strategies for any areas that, after analysis, were deemed as risk during Area/Division RMM or preparation for Bureau RMM. These may include strategies for individual members;
- A list of Bureau individual member outliers in comparison to their peer groups as guided in the PAS process;
- Any additional risk management issues deemed relevant by the Command staff in the Bureau under review.

## **E - 3. RMM Preparation**

Primary preparation for the Bureau RMM is completed at the Area/Division RMM, which shall be held prior to the Bureau RMM. Data used in preparation for Bureau RMM shall include, but is not limited to, information in the *Risk Analysis Monthly* and *Risk Analysis Supplemental Analysis* reports as well as any other data generated by the RAU or other units as is deemed necessary for the meetings. Additionally, Bureau command officers may use PAS data, the Department Risk Management Dashboards, stop data, and other data found in the Department's VISION program or other databases.

## **E - 4. Bureau RMM Format**

At the Bureau RMM, each Area/Division Commanding Officer (typically a Captain of Police or equivalent) shall provide a brief presentation (see section E-5). Following each presentation, members of the Executive Command Staff present may ask questions or provide comment as necessary. Additionally, follow-up of deliverable tasks from prior Bureau RMM will be presented as necessary.

#### **E - 5. Bureau RMM Presentations**

The Area/Division Commanding Officer's presentation at the Bureau RMM is designed to allow the commanding officer to:

- **summarize** the detailed discussions and analyses conducted at the Area/Division RMM and during preparation for the Bureau RMM;
- **describe** the most relevant and pertinent areas of concern;
- **show their work** regarding the analyses, audits, drilldowns, drill-ups, or other forms of review of the data;
- **detail** whether trends existed or if outlier individuals were identified;
- **identify** solutions and risk management efforts for issues discovered; and
- **forward** larger systemic issues for consideration at the Citywide RMM.

A sample outline and meeting presentation plan is available as *Appendix R-01.1*.

#### **E - 6. Bureau RMM Deliverable Tasks**

Any deliverable tasks arising from the Bureau RMM shall be approved and tracked by the RAU.

### **F. CITYWIDE RISK MANAGEMENT MEETINGS**

#### **F - 1. Frequency**

The Department shall hold a Citywide RMM at least quarterly.

#### **F - 2. Topics of Review in Citywide RMM**

Citywide RMM shall include, but is not limited to, discussion and analysis of the following issues:

- Report from the PAS unit supervisor or commander on overarching trends observed in the PAS process and any individual or supervisory issues that may be better addressed by the Department as a whole;
- Discussion of any members who are in PAS monitoring and have had more than one extension, to include an assessment of any supervisory concerns;
- Review of Citywide trends in stops, force, complaints, pursuits, and collisions;
- Review of select data trends that the RAU has identified as an indicator of risk or an indicator of positive progress;

- Highlights of Bureau RMM discussions that may help with risk management Citywide;
- A list of Citywide individual members who are outliers in any risk-related PAS dimension, with discussion and analysis (including any supervisory concerns) as necessary;
- Information from the Quarterly and Yearly Internal Investigation Outcomes by Race report created by the RAU, as well as information regarding any identified internal racial disparities in the IAD, Training, or hiring processes;
- Discussion of any events or occurrences of activity related to significant risks or significant risk management efforts.

**F - 3. Citywide RMM Format**

At the Citywide RMM, the RAU shall provide a presentation of Citywide trends and each Bureau Chief may provide a brief presentation of the highlights from the Bureau and/or Area/Division RMM that have implications for Citywide risk management. Following each presentation, members of the Executive Command Staff present may ask questions or provide comment as necessary.

**F - 4. Citywide RMM Deliverable Tasks**

Any deliverables arising from the Citywide RMM shall be approved and tracked by the RAU.

**F - 5. Cancellation or Postponement of any RMM**

If Area/Division (Section D-1) or Citywide (Section F-1) required RMM are cancelled or significantly postponed (i.e., such that the requirement for quarterly meetings is not fulfilled) for any reason, the reason for said cancellation or postponement shall be written in a memorandum by the respective Commanding Officer (for Area/Division meetings) or the Deputy Chief of the BRM (for Citywide meetings). This memorandum shall detail at least:

- The reason for the cancellation or postponement, and
- The date for the next meeting or a replacement meeting.

This memorandum shall be addressed to the Chief of Police with an informational copy to the City Administrator and the Chair of the Police Commission.

By order of

LeRonne L. Armstrong  
Chief of Police

Date signed:

DRAFT