

# Oakland Police Department Office of Internal Accountability

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## 3<sup>rd</sup> Quarterly Report July - September 2022

**Oakland Police Department**  
**Office of Internal Accountability**

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

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## Introduction

The Office of Internal Accountability's 3<sup>rd</sup> Quarterly Report for 2022 includes an inspection of use of force reporting that seeks to evaluate the accuracy of the Department's use of force reporting during the inspection period of April 1, 2022, through July 31, 2022. The audit team developed a new methodology for the process, first matching arrest data to use of force data and determining, for each penal code, the percentage of arrests that included a use of force. The audit team generated a list of penal codes, ranked by percentage of arrests involving a use of force, to select the samples for the inspection. The results of the inspection were an encouraging indicator that the Department's efforts to accurately and consistently identify and report uses of force has become sustainable and repeatable.

The second inspection herein involves assessing sergeants' compliance with long-standing policy requiring supervisors to conduct monthly random reviews of their subordinates' body worn camera videos. The results revealed overarching compliance with the policy, but also identified a few areas for improvement, which the Department is actively seeking to address.

OIA continues the exacting and necessary work of studying our Department's policies, practices, systems and personnel, always with an eye toward improvement and evolution.

Respectfully,



Deputy Chief Clifford Wong  
Bureau of Risk Management  
Oakland Police Department

# The Oakland Police Department Office of Internal Accountability's Use of Force Reporting Inspection

By Auditor Juanito Rus

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## Objectives

For the period of April 1, 2022, through July 31, 2022:

1. Determine if officers' force went unreported.
2. Determine if officers were properly documenting force, particularly the lowest level force used to overcome resistance (Level 4, Type 32 force), per Department General Order K-4, *Reporting and Investigating the Use of Force*, and Special Order 9202, *Documentation of Specific DGO K-3 Force*.
3. Determine if officers complied with the Department's body-worn camera activation policy as set forth in DGO I-15.1, *Portable Video Management System*.
4. Determine if sergeants reviewed BWC video of arrests for Penal Codes 69, PC 148, and PC 243(b) or (c) within two business days of the arrest per the requirements of SO 9191, *Additional Audit of Portable Digital Recording Device Video*.

## Key Findings

1. The Office of Internal Accountability conducted a detailed review of 36 separate arrests from two arrest categories where there was an increased chance force would be used. The inspection found 11 incidents in which force was used, including nine incidents in which 17 officers employed the lowest level of force (Level 4, Type 32), and two incidents in which three officers used other types of force. Every use of force reviewed by the audit team was documented. However, the inspection revealed one officer who failed to document a Type 32 use of force per policy, though that officer's use of force was documented by the other officer involved. In the other 25 incidents, the audit team did not observe any force.

2. In the 36 arrest events, involving 126 officers and 342 separate BWC activations, reviewed by the audit team, the inspection identified no instances in which an officer failed to activate their BWCs at an incident in which activation was required and only one video from one officer was found to have a delayed activation. The officer's supervising sergeant had already discovered the late activation and conducted corrective training, documenting it in a supervisory note in that officer's file. Furthermore, 68 of the videos reviewed by the audit team were of an officer arriving on scene. In 61 (90%) of those activations, the officer activated their BWC prior to exiting their patrol vehicle, in line with current OPD training. One activation was the late activation noted above. In the remaining six incidents, the officers activated their cameras shortly after exiting the vehicle but before engaging with any member of the public.
3. In the sample of five arrests reviewed which included charges for violations of PC 69, PC 148, and PC 243(b) or (c), the audit team found evidence to conclude that a supervising sergeant reviewed BWC video of the arrest in all cases. However, the inspection found one incident for which a sergeant did not review BWC video of the arrests within two days, as required per SO 9191.

## Key Recommendation

OPD should train supervising sergeants conducting policy-mandated video reviews to use the multi-camera feature of the Evidence.com video storage system to discover whether additional videos of the incident exist. The multi-camera feature is also a helpful tool in determining if force was used by allowing supervising sergeants to observe officer interactions from multiple angles.

## Executive Summary

The purpose of this inspection was to determine if officers' force went unreported during incidents where there was an increased chance force would be used. Since 2019, the Office of Internal Accountability (OIA) conducted four reviews to assess force reporting. The Department committed to conducting an annual review of use of force reporting after the second such audit, titled *An Assessment of the Oakland Police Department's Use of Force Reporting, Usage of Portable Digital Recording Devices, and Supervision of Incidents During Arrests for Offenses Where There is a Significant Chance That Force Would Be Used*, published in 2019. The first two audits found that uses of force involving weaponless defense techniques and pointing of a firearm at a subject were not always being reported in accordance with department policy and procedures.<sup>1</sup>

The third audit, titled *Inspection of Use of Force Reporting*, published in May 2020, was designed to evaluate the accuracy of the Oakland Police Department's reporting of uses of force, determine whether sergeants were conducting timely reviews of arrests for violations of Penal Code 69, 148 and/or 243(b) or (c) per departmental policy as set forth in Special Order (SO) 9191, and to examine officer compliance with the BWC activation policy found in Departmental General Order (DGO) I-15.1, *Portable Video Management System*. The audit found improvements in the reporting of force; however, it identified issues with sergeants conducting timely video reviews as required by SO 9191, and compliance with the Department's BWC activation policies, including delayed activations and officers with no record of BWC video where such video was required by policy.

Accordingly, the OIA made policy, training, and monitoring of force recommendations to address the issues found in all three audits, including a recommendation to revise the Department's policy on reporting and investigating force (Department General Order K-4, *Reporting and Investigating the Use of Force*). In response to the OIA's recommendations, the Department, in conjunction with the Oakland Police Commission, revised the Department's use of force policy. Changes were implemented through SO 9196 on February 15, 2020, which included the creation of a new reportable Level 4 use of force – Type 32 – designed to capture any force employed to counter resistance during a detention or arrest or protect any individual from a combative person, even if that force does not result in injury or complaint.

After implementing SO 9196, the increased workload resulting from reporting and reviewing Type 32 uses of force and its potential impact on public safety caused the Department to temporarily modify the reporting requirements for Type 32 uses of force via SO 9202, published February 27, 2020.

The fourth audit, titled *Use of Force Reporting Inspection*, published in December 2021, examined the same elements as the third audit and found improvements on every measured objective. In the 50 arrests selected for the inspection, the audit team found no unreported uses of force more serious than Level 4, Type 32 force used to overcome resistance. While the inspection team found some

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<sup>1</sup> *Audit of the Downward Trend in the Number of Reported Police Officers' Intentional Pointing of a Firearm at Subjects*, published in February 2019 and *An Assessment of the Oakland Police Department's Use of Force Reporting, Usage of Portable Digital Recording Devices, and Supervision of Incidents During Arrests for Offenses Where There is a Significant Chance That Force Would Be Used*, published in July 2019

inconsistencies in officers' reporting of the uses of force – especially with respect to noting them in the documentation of BWC video as mandated by SO 9202, only two officers in the same incident were found to have not reported their Type 32 with a supplemental written report as required – though a third officer did document that force was used in that arrest incident. Likewise, compliance with department BWC activation policy was found to be high (97% of all BWC reviewed were activated according to policy), and there were improvements in sergeant review of BWC video for Penal Code 69, 148, and 243 (b) or (c) arrests, with evidence that 76% of arrests examined had been reviewed within two days as required by policy.

Following the fourth audit, the department made several changes to policy and practice directly related to the audit's findings. In early 2022, OPD entered into a new contract with Axon for BWCs and video storage. All officers were issued new BWCs with expanded capabilities including the ability to activate automatically when triggered by certain officer actions including the unholstering of a firearm. By June 2022, all officers had been issued these new cameras and all BWC videos stored in VieVu after September 2018 were migrated to the Evidence.com platform, which also includes new tools for video search and review<sup>2</sup>.

On June 4, 2022, the Department replaced SO 9202, which had temporarily exempted Level 4, Type 32 uses of force from the reporting requirements of DGO K-4, with SO 9208. SO 9208 requires that Type 32 uses of force are reported in the same way as all other Level 4 uses of force but limits the supervisory review requirements in certain circumstances.

For this inspection of use of force reporting, the audit team reviewed a sample of 36 arrest incidents between April 1, 2022, and July 31, 2022, for crimes that the audit team determined had an increased chance of force being used, but in which no uses of force were reported. In the 36 incidents reviewed, the audit team found 9 arrests, in which 17 officers used minimal force to overcome a suspects' resistance (Level 4, Type 32), occurred prior to the expiration of SO 9202 on June 4, 2022. Only one of the 17 officers who were observed using a Type 32 use of force did not report that force with a supplemental report as required by SO 9202 (though the other officer involved in the Type 32 did report both his and his partner's use of force in the written report).

Additionally, there were two arrests with more serious uses of force (one arrest with a Type 22 – pointing of a firearm use of force, and one arrest with a takedown and taser deployment), but those uses of force were properly documented under separate related incident and arrest numbers. In the 36 arrests examined by the audit team for this inspection, only one use of force, a Type 32, was not correctly documented according to Department policy.

Whether because of improved training or the transition to new BWCs, officers had a high compliance rate with the activation requirements of DGO I-15.1. The inspection found only one instance of an out-of-policy activation delay, and upon further review determined that the supervising sergeant in that

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<sup>2</sup> The OPD continues to retain videos from 2010 through August 2018 in the VieVu/Veripatrol system.

incident had already identified the problem and taken corrective measures for that officer by placing a supervisory note in the officer's file.

Finally, while the inspection included only seven incidents in which individuals were arrested for violations of Penal Code 69, 148 and/or 243(b) or (c), in two of those the relevant charge was for conduct associated with a previous incident and therefore didn't require additional sergeant review under SO 9191. In the remaining five arrests, the audit team determined that a supervising sergeant had reviewed the relevant video for every incident. However, in one incident that review occurred six days after the arrest and not within the two days as required by policy.

## Background

An officer's use of force to physically control a subject is a seizure. The Fourth Amendment to the United States Constitution protects people from unreasonable searches and seizures by the government. In *Graham v. Connor*, 490 U.S. 386 (1986), the United States Supreme Court decided that the reasonableness of a use of force must be judged from the perspective of a reasonable officer on the scene, without regard to the officer's underlying intent or motivation. The determination of reasonableness must be based on the totality of circumstances and must include a consideration that police officers are often forced to make split second decisions in circumstances which are tense, uncertain, and rapidly evolving. The determination of reasonableness is not based on the 20/20 vision of hindsight.

There are four levels of force, detailed in Departmental General Order K-4, *Reporting and Investigating the Use of Force*, and Special Order 9196, the Oakland Police Department requires its police officers to report and their respective supervisors to investigate to determine reasonableness. Level 1 is the most serious and it includes any use of force resulting in death; any force which creates a substantial risk of causing death; serious bodily injury; and any intentional impact weapon strike to the head. Level 2 includes personal weapon strikes to the head or to a restrained subject; use of impact weapons; police canine bites; and any use of force resulting in an injury which requires treatment in a hospital or medical facility beyond what is required by basic first aid. Level 3 includes the use of pepper spray or other chemical agent (not on a restrained subject); a Taser (not on a restrained subject); and weaponless defense techniques such as hand/palm/elbow strikes and kicks; and all non-carotid takedowns on a restrained subject. Finally, Level 4 includes the intentional pointing of a firearm; weaponless defense techniques such as hair grab, pressure to mastoid or jaw line; a weaponless defense technique control hold<sup>3</sup> (i.e., an elbow escort, twist lock, arm-bar, or bent wrist); all non-carotid takedowns not on a restrained subject; and a canine deployment in which a suspect is located by the canine but no bite occurs.

### **Force Type 32 – Special Orders 9196, 9202, and 9208**

In 2020, the Department revised DGO K-4, *Reporting and Investigating the Use of Force*. That revision was implemented department-wide through SO 9196 issued on February 15, 2020. Among other provisions, that policy included changes in the way certain reportable force was defined and the addition of a force type that had not previously been reported – Type 32 use of force (categorized as a Level 4 use of force). This new Type 32 use of force was defined as:

“Members who use any force as defined in DGO K-3 that is not listed under Types 1-31 to either:

- Overcome resistance of a person during an arrest or a detention; or
- Defend oneself or another from combative action by another person”

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<sup>3</sup> Special Order 9196, pg. 7 states “handcuffing and escorting techniques which incorporate elements common to control holds and are not used to overcome resistance or inflict pain are NOT reportable uses of force.”

Upon implementation of SO 9196, the increased workload due to the reporting and review of Type 32 uses of force, which occur at a higher frequency than other force types, impacted the Department's response time to calls for service. This led the Department to issue SO 9202 on February 27, 2020, which modified SO 9196 by temporarily removing Type 32 uses of force from the standard Level 4 use of force reporting requirements of DGO K-4 and instead required that all officers participating in a Type 32 (also referred to as "K32") use of force:

1. Document their actions in the applicable Offense, Supplemental, or FI/SDR narrative.
2. Write the word 'K32' in the above narrative.
3. Use the CAD<sup>4</sup> disposition code 'K32' to note the incident.
4. Write the word 'K32' in the annotations for any associated PDRD<sup>5</sup>/BWC video.

On June 4, 2022, SO 9208 replaced SO 9202, requiring all Level 4, Type 32 uses of force to follow the regular force reporting requirements of DGO K-4, including documenting such force in Vision.

The inspection period of the current audit spanned this policy transition. Type 32 uses of force for the first two months of the inspection period (April and May) were reported under the provisions of SO 9202 and should have been documented in a written supplemental report and in the BWC video management system – documentation in Vision was not required. Type 32 uses of force that occurred in the second half of the period (June and July) were required by SO 9208 to be reported in Vision. Type 32 uses of force documented in Vision were excluded from the sample.

As noted in the previous inspection in this series, the lack of specificity in how officers were required to fulfill the requirements of SO 9202 in documenting Type 32 force inside the BWC video management system led to variation in where such force was noted. This variation made it difficult for the audit team to assess whether the appropriate notations were made according to SO 9202 in video files or within the metadata that was migrated from the VieVu platform to Evidence.com during the inspection period. For the purposes of this inspection, the audit team only assessed the SO 9202 requirement to document "K32" (Type 32) uses of force in police reports (offense and supplemental reports).

#### **Sergeants' Responsibilities for Arrests/Incidents Involving Penal Codes 69, 148, and 243 (b) or (c)**

In California, a police officer may charge an individual with Penal Code 69 if the individual attempts, by means of any threat or violence, to deter or prevent the police officer from performing any duty imposed upon the officer by law, or if the individual knowingly resists, by the use of force or violence, the officer in the performance of their duty.

A police officer may charge an individual with Penal Code 148 if the individual willfully resists, delays, or obstructs the police officer's performance of their duties.

A police officer may charge an individual with Penal Code 243(b) if the individual commits battery against the police officer or other first responder engaged in the performance of their duties and/or

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<sup>4</sup> Computer Aided Dispatch (CAD) is the Department's communication system that tracks calls for service.

<sup>5</sup> PDRD stands for Portable Digital Recording Device, which is equivalent to a body-worn camera (BWC).

charge the individual with Penal Code 243(c) if the individual committing the offense knows or reasonably should know that the victim is a peace officer or other first responder engaged in the performance of their duties.

In SO 9191, dated November 27, 2018, the Department's former Chief of Police stated that recent audits conducted by the Office of [Internal Accountability] and the Independent Monitor found that use of force was not consistently reported in accordance with DGO K-4. The former Chief noted that frequently the lack of reporting came from incidents involving Penal Codes 69, 148, and 243(b) or (c) arrests. To correct the inconsistent reporting of force, all sergeants are required to audit the BWC footage of arrests involving Penal Codes 69, 148, and 243 (b) or (c) and to review the footage within two business days of the incident. Sergeants are required to view the footage from the beginning of the incident through the arrest and annotate their review of the footage in the "Comment" area of the VieVu record.

### **Activation of Body-Worn Cameras**

The Department requires that officers activate their BWCs prior to contacting members of the public under several circumstances, including but not limited to:

- Citizen contacts to confirm or dispel a suspicion that the citizen may be involved as a suspect in criminal activity
- Detentions and arrests
- Conducting searches of a person and/or property incident to arrest
- Transporting any detained or arrested citizen (excluding prisoner wagon transport)<sup>6</sup>

### **Prior Audits**

In early 2018, the Office of [Internal Accountability] noted the continued downward trend in uses of force, specifically the decline in pointing of a firearm at subjects, and therefore initiated an audit titled *Audit of the Downward Trend in the Number of Reported Police Officers' Intentional Pointing of a Firearm at Subjects*, published in February 2019. The audit identified deficiencies in the Department's use of force reporting policy.

A follow-up audit titled *An Assessment of the Oakland Police Department's Use of Force Reporting, Usage of Portable Digital Recording Devices, and Supervision of Incidents during Arrests for Offenses Where There Is a Significant Chance that Force would Be Used*, published in July 2019, found reporting issues with certain force types, as well as deficiencies in the supervisory review of incidents where there was an increased chance force would be used.

The third audit in the series *Inspection of Use of Force Reporting*, published May 2020, found both deficiencies in sergeants' review of PC 69, 148, 243(b) or (c) arrests – which are required to ensure use of force does not go unreported – and multiple BWC activation violations.

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<sup>6</sup>Departmental General Order I-15.1, Portable Video Management System, pgs. 2-4

The December 2021 review, *Use of Force Reporting Inspection*, found improvements in BWC activations and sergeant's review of PC 69, 148, 243(b) or (c) arrests, but identified areas of improvement. The following recommendations were made, accompanied by a status update for each recommendation, as of December 2022:

- **Recommendation #1:** The Department should consider formally restructuring or streamlining the requirements for reporting Level 4, Type 32 uses of force to bring their documentation in line with the requirements for other force reporting or to at least make such reporting more consistent and searchable.
  - **Status Update:** On June 4, 2022, SO 9208 replaced SO 9202, re-establishing all uses of force follow standard force reporting requirements of DGO K-4.<sup>7</sup>
- **Recommendation #2:** Officers should receive additional training and reminders that any officers approaching an encounter between another officer and a suspect are bound to the same activation rules as the primary officer, and that activations after making contact in such encounters are considered delayed activations under the policy. Likewise, officers assigned to a crime scene perimeter should always activate their body-worn cameras when approaching individuals who have crossed that perimeter as any such person is, by definition, suspected of potentially interfering in a lawful police investigation.
  - **Status Update:** Body-worn camera activations are assessed in this audit, however none of the incidents that were reviewed included officers maintaining a crime scene perimeter, so that portion of the recommendation was not assessed.
- **Recommendation #3:** Members should be reminded to label all body-worn camera video files with the report number associated with any incidents those videos capture to facilitate review. Furthermore, supervisors should be reminded to examine whether officers have properly labelled their videos with the correct report or incident number according to Department body-worn camera policy when conducting reviews of body-worn camera video.
  - **Status:** This inspection did not include a detailed review of whether officers properly labeled all BWC video files, but the audit team did note several incidents in which there were relevant videos that were not labeled per policy. However, changes to the Department's BWC systems, and the Evidence.com platform where these videos are stored, have provided reviewers with additional tools to discover video from BWCs in proximity to others that were labeled, making this issue less salient to the review team.
- **Recommendation #4:** The Department should revise Special Order 9191 to clarify sergeant responsibilities around video review of arrests involving charges for Penal Codes 69, 148, and 243(b) or (c). This revision should specify which sergeant is responsible for assuring that a

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<sup>7</sup> Compliance with the last 2 months of the SO 9202 reporting requirements is assessed in this current audit.

review occurs, clarify expectations around the span of review required to comply with policy, and specify the notation that sergeants should make in the VieVu records of body-worn camera video to document that the review has occurred.

- **Status:** The Department has not yet revised policy. Sergeant compliance with the current, mandated SO 9191 reviews is assessed in this audit.
- **Recommendation #5:** The Department should consider using PC 148 arrests as a training tool for sergeants to review the incidents, including body-worn camera video, with the officers who were involved in the arrest.
  - **Status:** Not assessed.

## Scope and Population

The current inspection focused on use of force reporting; sergeants' review of BWC footage of Penal Code 69, 148 and 243(b) or (c) arrests; and BWC activation. The inspection covered arrest incidents occurring between April 1, 2022, and July 31, 2022. Incidents involving arrests for charges that had an increased chance of force being used during apprehension were selected from a list of all arrests during the inspection period (see Table 1). All incidents with an associated use of force report in Vision<sup>8</sup> were eliminated from the population so that the inspection could determine if force was being used but not properly reported.<sup>9</sup>

To identify sample cases, the audit team developed a new methodology for determining which penal codes could be presumed to have an increased chance of force being used. The audit team received Department arrest and use of force reports for the period of January 1, 2022, to September 15, 2022, which included 3614 arrests. The team then matched the arrest data to the use of force data and determined the percentage of arrests for each penal code that included a use of force for that period. From this, the team generated a list of penal codes ranked by percentage of arrests with a use of force to determine the samples to be used in the inspection. The data was narrowed to the inspection period of April 1, 2022, to July 31, 2022. Incidents with a use of force documented in Vision were eliminated, and incidents involving arrests for select charges were grouped into two categories.

1. Group A - Resisting and Obstructing Arrest and Battery on a Peace Officer/Emergency Personnel
  - a. As in the previous audits, the first group consisted of arrests for penal code violations related to the suspects' interactions with police and other first responders. This included PC 69, 148, and 243(b) or (c) which are also the subject of the supervisor review requirements of SO 9191. Upon examining the generated list of penal codes ranked by percentage of

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<sup>8</sup> Vision is an electronic database that stores employee records such as assignments, training, uses of force, pursuits, etc.

<sup>9</sup> Force Type 32 was not required to be entered into the Department's Vision system under SO 9202, which was in effect during the first two months of the inspection period. Therefore, incidents from the first two months of this period reviewed for this inspection included incidents that involved Type 32 uses of force.

arrests in which force was used, the audit team also chose to include arrests that included the vehicle code violation of VC 2800.2 – felony reckless evasion of an officer. The full list of these charges can be found in Table 1 below.

**Table 1: List of Penal Codes for Resisting Arrest, Battery on a Police Officer/Emergency Medical Personnel, Firearms Related Charges and Violent Crimes**

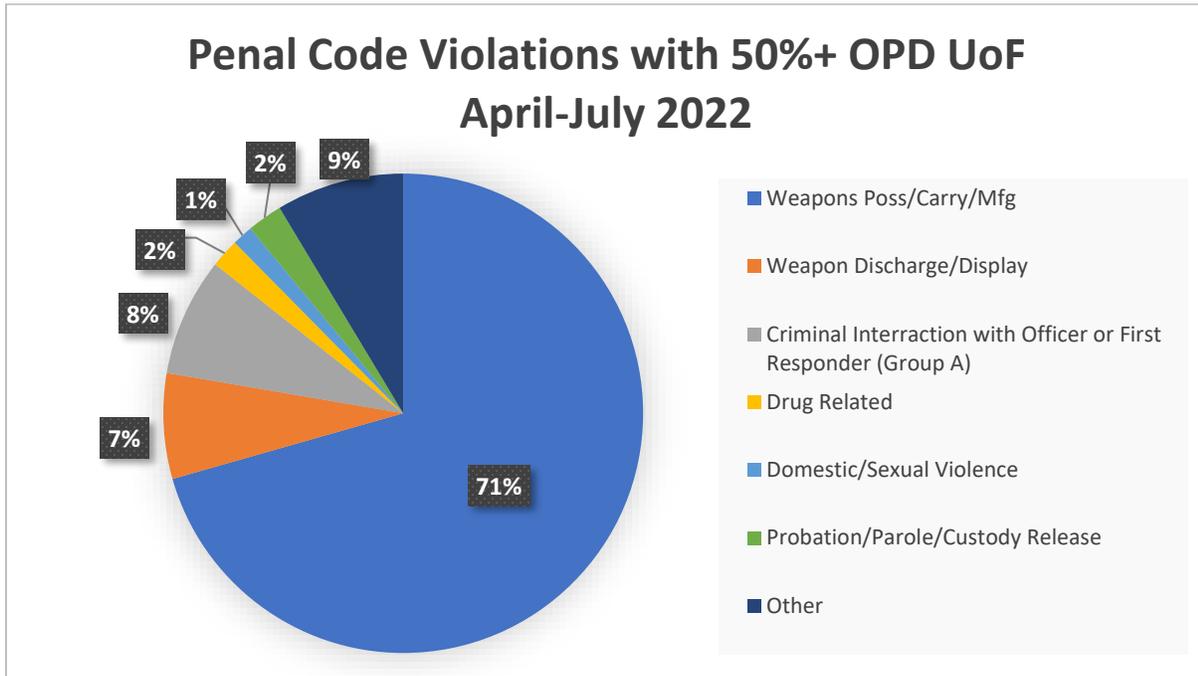
Statute	Description	Group
PC148 (A)(1)	OBSTRUCT/RESIST/ETC PUBLIC/PEACE OFFICER/EMERGENCY MED TECH	A
PC148 (D)	ATTEMP TO REMOVE/ETC FIREARM FROM, PEACE OFFICER/ETC	A
PC148.9(A)	FALSE IDENTIFICATION TO SPECIFIC PEACE OFFICER	A
PC241 (C)	ASSAULT ON PEACE OFF/FF/ETC	A
PC243 (B)	BATTERY ON PEACE OFFICER/EMERGENCY PERSONNEL/ETC	A
PC243 (C)	BATTERY ON PEACE OFFICER/EMERGENCY PERSONNEL/ETC W/INJURY	A
PC243 (C)(1)	BATTERY AGAINST EMERGENCY PERSON/ETC	A
PC243 (C)(2)	BATTERY AGAINST PO	A
PC69	OBSTRUCT/RESIST EXECUTIVE OFFICER-FEL	A
VC2800.2	DISREGARD SAFETY: EVADE PO	A

2. Group B – Arrests for penal code violations with an increased chance of force being used.
  - a. For the second group, the audit team selected all arrests that included a charge for which 50% or more of the arrests for that charge resulted in a use of force.<sup>10</sup> There were a number of penal code charges in this category for which 100% of the arrests involved a use of force, all of which had a population of four or less. Since the inspection looked at incidents for which there was no reported force, these charges were excluded. This resulted in a list of 48 penal code violations, largely dominated by weapons-related charges but also including a range of other violations including charges related to certain drug crimes, domestic and sexual violence, high risk warrant service, and others. For the full list of penal code violations ranked by percentage of arrests with a use of force between January and August 2022, see Appendix A. For a breakdown of the composition of the arrests for penal code violations where 50% or more of the arrests resulted in a use of force, see Figure 1 below.

<sup>10</sup> From the ranked list of that data generated from January 1 – September 15, 2022.

**Figure 1: Composition of arrests by type for penal code violations with 50%+ reported use of force April-July 2022 comprising both Groups A and B.**

\*Note: crimes related to suspect interactions with police officers and other first responders included in Group A all exceeded the 50% use of force threshold and are included as one “violation type” in the table.



**Group A**

After eliminating arrests for which there was an associated use of force report in Vision, there were eight arrests for PC 69, 148, and 243, and 11 arrests for VC 2800.2 during the inspection period of April 1, 2022, through July 31, 2022. After reviewing crime and supplemental reports for all 19 incidents, three additional arrests were eliminated from the sample because the initial arrests were performed by officers from another jurisdiction. Of the 16 arrests that remained in the inspection sample, seven included a Type 32 use of force from the first half of the inspection period that were reported under SO 9202 and not entered in Vision, and one of those seven was found to have also included a takedown and use of a taser that were properly reported as uses of force under a separate related incident number.

**Group B**

After eliminating arrests for which there was an associated use of force report in Vision, there were 85 arrests for charges selected from the Group B list of penal code violations during the inspection period of April 1, 2022, to July 31, 2022. From these, the audit team randomly selected 20 arrests for further review. Two of these included a Type 32 use of force from the first half of the inspection period, and another was found to have included a Type 22 (pointing of a firearm) use of force that was reported under a separate incident number.

Between Groups A and B, a total of 36 incidents were included in this inspection.

## Methodology

For all incidents from Group A involving arrests for violations of Penal Codes 69, 148, 243(b) or (c) and VC 2800.2, the audit team reviewed all police reports and BWC footage, from first police contact to the end of police engagement with the subject whether released or processed at jail, to determine if:

- There was any force used that was not properly reported.
- Type 32 uses of force were properly documented in police reports.
- All officers involved in the incident activated their BWCs according to policy.
- Supervising sergeants reviewed BWC footage of incidents involving arrests for violations of Penal Codes 69, 148 and 243(b) or (c) within two days of the incident.

For all incidents involving arrests from Group B, the audit team reviewed all police reports and BWC footage from involved officers, from first police contact to the end of police engagement with the subject whether released or processed at jail, to determine if:

- There was any force used that was not properly reported.
- Type 32 uses of force were properly documented in police reports.
- All officers involved in the incident activated their BWCs according to policy.

## Findings

### Finding #1

**The audit team conducted a detailed review of 36 separate arrests from two arrest categories where there was an increased chance force would be used. The inspection found 11 incidents in which force was used, including nine incidents in which 17 officers employed the lowest level of force (Level 4, Type 32), and two incidents in which three officers used other types of force. Every use of force reviewed by the audit team was documented. However, the inspection revealed one officer who failed to document a Type 32 use of force per policy, though that officer's use of force was documented by the other officer involved. In the other 25 incidents, the audit team did not observe any force.**

The Office of Internal Accountability conducts periodic reviews of use of force reporting to determine if the Department is recording every use of force against a member of the public and officers are correctly following Department policy when reporting that force. For this inspection, the OIA conducted an in-depth review of 36 arrests from the period of April 1, 2022, through July 31, 2022, randomly selected from two arrest categories which the Auditor believed would be the most likely to involve a use of force. As each sample was selected from incidents with no reported force, there were no associated use of force reports in the Department's Vision system listed. However, for the first two months of the reviewed period (pre-SO 9208), some incidents involved Level 4, Type 32 uses of force, which were not being entered into Vision during that time. Additionally, upon further review two incidents were found to have other use of force types documented properly, but under different associated report and incident numbers.

The first sample (Group A) consisted of 16 arrests for attempting to deter or prevent the officer from performing a lawful duty (PC 69), resisting or obstructing officers from performing lawful duties (PC 148), assault or battery on officers and/or other first responders (PC 243(b) or (c)), or felony reckless evasion (VC 2800.2).

The second sample (Group B) consisted of 20 arrests for charges that the audit team determined were more likely to involve force. These largely consisted of weapons related charges, but also included other serious crimes including kidnapping and carjacking (see the Scope and Population section for the full list of included charges). For every arrest in both samples, the audit team read all relevant police reports, and reviewed BWC video of the incident from the moment police first contacted the subject of the arrest to the time those persons left OPD control either for booking in county jail or because they were released with a citation. The audit team paid special attention to any interaction in which officers may have exerted even minimal amounts of physical force to overcome an arrested person's resistance – categorized as a Level 4, Type 32 use of force – and failed to document that use of force in the appropriate written reports.

In the first sample (Group A) of 16 arrests for charges involving crimes arising from that arrestee's interaction with the police, seven arrests included at least one Type 32 use of force by 15 different officers, and all but one of those uses of force were found to have been documented in written crime and supplemental reports by the officers who used the force. In the single instance that the audit team determined there was an unreported use of force, two officers restrained and handcuffed a resistant individual prior to putting him in a patrol vehicle, but only one of those officers wrote a crime or supplemental report noting that use of force.

One other incident in this group was found to have included a more significant use of force (both a tasing and takedown of a fleeing subject) by two officers that was reported under a separate, related report and incident number. In that incident the audit team determined that the force was fully and correctly reported.

The second sample (Group B) included three incidents that involved force. In two arrests, two officers documented using a Type 32 use of force while detaining individuals during the first two months of the audit period when these were not reported in Vision. As with Group A, the audit team also discovered one arrest in which a use of force was properly documented but appeared under a separate associated incident and report number than that selected randomly for the audit. In that incident, one officer reported pointing a firearm (a Type 22 use of force) while negotiating the surrender of a barricaded suspect. In the remaining 17 incidents, no force was used.

Unlike the previous audit in this series, in which there was a separate finding related to officer reporting of force in both written reports and notations attached to the associated BWC video as required by SO 9202, the current audit did not examine compliance with the requirement to document force in video

metadata.<sup>11</sup> The Department transitioned its BWC video storage from VieVu to Evidence.com in June of 2022 and migrated the older videos to the new platform. During that migration, some of the documentation and metadata related to the videos changed and notes documenting archival Type 32 force in the video retention system may not appear in the new system as they did prior to the transition. Therefore, while it was possible to assess whether the force was reported in written reports, the audit team was unable to consistently determine whether officers noted the force in the associated video documentation as required by SO 9202.

## **Finding #2**

**In the 36 arrests involving 126 officers and 342 separate BWC activations reviewed by the audit team for this inspection, the inspection found no instances in which an officer failed to activate their BWCs at an incident in which activation was required and only one video from one officer was found to have a delayed activation. The officer's supervising sergeant had already discovered the late activation and conducted corrective training, documenting it in a supervisory note in that officer's file. Furthermore, 68 of the videos reviewed by the audit team were of an officer arriving on scene. In 61 (90%) of those activations, the officer activated their BWC prior to exiting their patrol vehicle, in line with current OPD training. One activation was the late activation noted above. In the remaining six incidents, the officers activated their cameras shortly after exiting the vehicle but before engaging with any member of the public.**

The Oakland Police Department issues all sworn members a BWC and requires officers activate those BWCs prior to contacting members of the public under several circumstances, including but not limited to:

1. Citizen contacts to confirm or dispel a suspicion that the citizen may be involved, as a suspect, in criminal activity.
2. Detentions and Arrests.
3. Assessment or evaluation for a psychiatric detention (5150 W&I).<sup>12</sup>

Additionally, BWCs are used to document important facts related to an incident for both internal review and potential prosecution of crimes. Officers use their assigned BWCs to record statements made by witnesses or subjects of arrest; to capture and preserve a video record of evidence, occasionally including video captured by other cameras when a recording of that video is otherwise unavailable; and to document searches of property and persons. Because many incidents are complex and may require officers to document several citizen interactions or separately document some other aspect of the scene such as a witness statement or other evidence, a single officer may be required to activate and deactivate their camera several times during a single incident. Therefore, it makes sense to look not just at whether an officer has activated their camera during an incident, but whether each activation is timely and in policy.

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<sup>11</sup> As noted previously, all the observed type 32 uses of force came from the first 2 months of the inspection period, before the expiration of that order, and subsequent incidents with a type 32 use of force would have been excluded from the sample because the force is now reported in Vision.

<sup>12</sup> Department General Order I-15.1, *Portable Video Management System*, Effective Date July 16, 2015. Section II. A. Pg. 2-3

If placed in standby mode per Department policy, the BWCs used by OPD include a 30 second video buffer which captures video without any sound for the 30 seconds prior to an officer's manual activation. To fully comply with DGO I-15.1 however, an officer must manually activate their camera *before* contacting an individual in a circumstance requiring activation. Therefore, most BWC video segments begin with 30 seconds of buffered video with no sound. If an officer contacted a member of the public for any of the reasons outlined in DGO I-15.1 in the 30 seconds of video buffer before sound begins, that is considered a late activation under the Department's BWC activation policy.

In the 342 BWC videos reviewed by the audit team, only one was determined to constitute a late activation in violation of policy. However, upon reviewing that officer's supervisory note file (SNF) in Vision, the inspection revealed that officer's supervising sergeant had already found the late activation and conducted additional training which was documented in the officer's SNF after the incident in question.

In addition to noting whether an activation was late under OPD policy, the audit team also noted whether officers arriving at a scene activated their BWCs *prior* to exiting their assigned patrol vehicle per current best-practice training guidance issued by the Department. Of the 342 BWC videos reviewed by the audit team, 68 were determined to be of an officer arriving at an arrest incident (officers often activate and deactivate BWC video several times during an incident, such that most of the video activations that were reviewed occurred after an officer was already on scene). Of those 68 video activations, 61 (90%) were found to have occurred before that officer exited their patrol vehicle, in line with current OPD training. One activation was the late activation noted above. In the remaining six videos, the activation was found to have occurred after the officer exited their patrol vehicle but well before engaging a member of the public, demonstrating large improvements in both compliance with policy and camera activation habits from the prior inspection in 2021.

#### **Additional Observation #1**

**While the audit team found high levels of compliance with the Department's activation policies, officers did not always label the BWC video records of incidents in which they were involved with the appropriate report number in the video storage platform in violation of the documentation and chain of custody requirements of Department General Order I-15.1. However, new features of the BWCs, and the Evidence.com platform where the videos are stored, has greatly lessened the impact of a failure to label videos.**

In the previous audit in 2021, one of the largest impediments to the audit process was the large number of BWC videos in VieVu that were not tagged with the report number (RD#) or incident number associated with the incident. Officers are responsible for labeling their own stored video and without proper labels in the video records, or a written record of an officer's presence at an incident or arrest scene, subsequent review of that incident and the Department's ability to learn from it and improve – especially in a systemic way – was inconsistent.

For the current inspection, the audit team did not explicitly focus on this issue or collect detailed data about how many videos were not tagged as required by policy. However, for many of the incidents reviewed, the audit team found additional videos that did not appear in the initial arrest number or

incident record number search results because they were not fully labeled. As an example, in one incident, five videos appeared on the initial video search, however the audit team found ten additional videos of the incident from other officers on the scene.

During the inspection period of April 1, 2022, through July 31, 2022, OPD also transitioned all officers to a new set of BWCs with expanded capabilities. These new cameras now have the capability to activate automatically when certain triggers occur (including when an officer unholsters a weapon). The Evidence.com platform on which the video is stored adds timestamps to the video file for those same triggers if the camera is already activated. The Evidence.com platform also allows a reviewer to view multiple cameras that are in proximity to each other at the same time. Therefore, even when the initial video search does not immediately find all relevant videos, it is now possible to find all active cameras at that incident by using the multiple camera feature. These features improved the review process, especially to look at multiple camera views around critical portions of each incident and lessened the impact of the lack of video labeling.

Nevertheless, for the individual officer, the labeling of BWC video files is also a requirement under Section V of the Department's BWC policy (DGO I-15.1<sup>13</sup>), which states in part:

V. Video File Documentation and Chain of Custody

"To ensure accountability for the proper identification, tracking and chain of custody for all original PDRD video files stored on the Department server and external copies of the PDRD video files, all personnel shall follow the protocols below.

A. PDRD File Information Documentation

1. Members shall enter in VERIPATROL the RD# associated with each video file. If no RD# is created for the video, the full CAD incident number shall be entered. Members shall add this data to the file by using the "Add Details" button in the VERIPATROL software program:
  - a. Category column – Select the appropriate category from the drop-down menu; and
  - b. Case # column – Enter the report number if one exists, or if none exists, the full 15 digit incident number (i.e., LOP141002001196); or
  - c. If a PDRD video file was created and does not have an associated RD or incident number, the member shall enter "NONE" in the comment column.

This task should be completed by logging into VERIPATROL Mobile in the patrol vehicle where viewing and annotation can be completed daily throughout the member's shift."

Despite new technology to ameliorate the issues associated with missing record numbers, the lack of appropriate labeling not only reflects general noncompliance with the Department's BWC policy (DGO I-

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<sup>13</sup> DGO I-15.1, *Portable Video Management System*, published July 16, 2015, is the Departmental policy on the use of Portable Digital Recording Devices (PDRD) – more commonly referred to as body-worn cameras (BWC).

15.1), but also requires the reviewer to utilize alternative search methods to find all relevant videos, such as the new Evidence.com multi-camera feature. In this context, it is notable that in the one incident in which the audit team discovered that an officer had failed to submit a supplemental report describing their Type 32 use of force per the requirements of SO 9202 (see Finding #1), the inspection also revealed that a sergeant had previously reviewed the BWC video of the officer who documented their use of force, but not that of the officer's partner who did not document the force – possibly because that video was not labeled and did not appear when searching for video using the arrest or incident numbers. The audit team found the additional unlabeled video of the arrest in which the second officer's participation in the use of force was clear – and thereby discovered the second officer's failure to file a supplemental report documenting the force – only after engaging the multi-camera feature to search for additional active cameras while viewing the initial video.

### **Finding #3**

**In the sample of five arrests reviewed which included charges for violations of PC 69, PC 148, and PC 243(b) or (c), the audit team found evidence to conclude that a supervising sergeant reviewed BWC video of the arrest in all cases. However, the inspection found one incident for which a sergeant did not review BWC video of the arrests within two days, as required per Special Order 9191.**

In November 2018, the OPD issued SO 9191 requiring additional audits of video associated with arrests for charges of Penal Codes 69, 148, and 243(b) or (c). The stated purpose of the SO was to “do as much as possible to avoid missing *any* reportable force”<sup>14</sup> and both SO 9191 and the Information Bulletin issued regarding its requirements specify the steps that supervising sergeants must take in conducting their review of the video of all such incidents.

According to SO 9191 (Nov 27, 2018):

“All Sergeants are required to audit the PDRD video of arrests/incidents involving Penal Code 69, 148, and 243(b) or (c) arrests. Sergeants are required to view video footage from beginning of the incident to the arrest. The Sergeant shall annotate their view of the PDRD footage in the “Comment” area of the VIEVU-VERIPATROL software system...Like all UOF incidents, Sergeants shall be required to view the PDRD footage within 2 business days of the incident.”

To assess whether supervising sergeants were complying with SO 9191, the audit team reviewed the audit logs of BWC video in Evidence.com for all Penal Code 69, 148, and 243(b) or (c) arrests included in this inspection. Of note, there were two arrests included in this inspection for which the relevant charge was found to be the result of a warrant related to a previous encounter with law enforcement and no such charges resulted from the interactions during the arrest under review. Therefore, those arrests did not require a SO 9191 mandated review and were not considered for the present analysis.

In this review, the audit team considered:

- 1) Whether video of each incident had been reviewed by a sergeant.
- 2) Whether the sergeant noted the reason for the review in the Comments section of the video in the VieVu record.

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<sup>14</sup> Information Bulletin about SO 9191 issued on May 22, 2020,

3) How long after the initial arrest this review had occurred.

In its review of the five remaining arrests in this category, the audit team determined that sergeants reviewed the relevant BWC footage the same day of the arrest in four incidents. The other arrest did not receive timely sergeant SO 9191 review within two days per policy. Rather, the audit log revealed that a sergeant reviewed the relevant video six days after the arrest (but in the same week).

All the incidents that were reviewed for this finding were from the first half of the inspection period and were recorded using the old BWC system and initially stored in the VieVu video storage platform. They were then transferred to the Evidence.com platform during the system migration in June 2022. While sergeant reviews appeared in the audit logs of the appropriate videos, it was unclear whether sergeants' notes describing the reason for the review transferred in all cases, and therefore the audit team was unable to make a clear assessment of compliance with that portion of the SO.

## Recommendation

**The OPD should train supervising sergeants conducting policy-mandated video reviews to use the multi-camera feature of the Evidence.com video storage system to discover whether additional videos of the incident exist. The multi-camera feature is also a helpful tool in determining if force was used by allowing supervising sergeants to observe officer interactions from multiple angles.**

SO 9191 requires supervising sergeants to conduct video reviews of all arrests for charges of PC 69, 148, and 243(b) or (c) for the explicit purpose of discovering and reporting on force, and DGO K-4 and SO 9208 require review of some video associated with officer uses of force. As some officers do not label BWC videos with the incident or report number, a simple search for incident-related video may not list every relevant video required to conduct a thorough review. The audit team used the multi-camera feature of the Department's new video storage system, Evidence.com, to discover whether additional videos of each incident reviewed existed, and to synchronize these videos to watch critical portions of the incident from multiple angles when possible. These additional steps require a small additional investment of reviewer time but were key to discovering the one instance in which the inspection found an officer who had not reported their use of force per policy.

The audit team recommends that the Department provide additional training on the multi-camera feature of Evidence.com for both video discovery and multi-angle review of critical portions of any incident reviewed to supervising sergeants who are required to conduct such reviews per Department policy.

## Conclusion

This use of force reporting inspection is the fifth in a series of reviews of OPD to determine whether force is being reported and properly documented. As this series of audits has progressed, the Department has experienced changes to policy, training and technology that has expanded both the range of force that is reported, and the mechanisms to review that force. For example, Type 32 force to overcome resistance did not exist for the first 3 audits in the series, and the reporting of that force was made under the provisions of SO 9202 in the fourth audit issued in December of 2021. However, during

the inspection period of this audit that SO expired and as of June 4, 2022, those uses of force are now reported in Vision as with all other force.

Likewise, insofar as these inspections have examined officer compliance with BWC policies, the technology and training has also changed, with new camera systems, a new platform for retrieving and reviewing BWC video, and new training around when and how to activate cameras.

Combined with improvements in training around force reporting and BWC use, these innovations have fueled great improvements in both the Department's collection of information about force and use of BWC video to capture and analyze incidents. Indeed, the current inspection found only one instance of an officer who failed to report a minor (Type 32) use of force, and only one officer with a late BWC activation, which – as noted in Finding #2 – was found to have been previously discovered by that officer's supervising sergeant who immediately issued corrective action.

Furthermore, as Type 32 uses of force are folded into the regular force reporting policy under DGO K-4, incidents in which officers use force to control resistant suspects – which have formed the core of much of the review performed by the audit team in the past two inspections – will now be included in Vision force reports. The audit team believes that future audits in this series should take a new approach to the arrests examined in determining whether force is being adequately reported.

For the current inspection, the audit team used a new method to determine the second panel of incidents to review. They performed an initial statistical analysis of criminal charges and officer uses of force to determine which types of arrest events were more likely to have police use of force involved. They believe this analysis is a more rigorous statistical approach to OPD arrest and force data than past methods. This method serves not only as a useful tool in determining whether force was being reported according to policy but can also provide insights into when and why force was deployed and may inform future Department training around these issues.

At the conclusion of the inspection, the audit team referred the incident in which an officer failed to report their Type 32 use of force, as well as the sergeant with a delayed review of a PC 69, 148, 243(b) or (c) arrest to the chain of command for further review and potential corrective action.

## Appendix A

### Code Violations Ranked by Number of Arrests with an OPD Officer Use of Force January - August 2022

Charge	Statute Description	# of Arrests for Statute Code	# of Arrests with a use of force	% of Arrests with Force Used	Audit Group
HN300	Sink/Etc/Set Adrift Vessel Less Than 10 Tons	1	1	100%	B
HS11375 (B)(2)	Possess Controlled Substance Without Prescription	1	1	100%	B
PC12022 (A)(1)	Sentence Enhancements	2	2	100%	B
PC12022.53 (D)	Spec Alleg-Personal & Intentional Dis	1	1	100%	B
PC148 (D)	Attempt to Remove/Etc Firearm From, Peace Officer/Etc	2	2	100%	A
PC166 (C) (4)	Violate Protective Order:Domestic Violence:W/Prior	1	1	100%	B
PC21510 (B)	Carry Switchblade Knife On Person	1	1	100%	B
PC243 (A)	Battery On Person	1	1	100%	B
PC243 (C)	Battery On Peace Officer/Emergency Personnel/Etc W/Injury	4	4	100%	A
PC243 (C)(2)	Battery Against Po	2	2	100%	A
PC246.3	Willful Discharge Firearm In Negligent Manner	1	1	100%	B
PC266 I (A)	Pandering	1	1	100%	B
PC272	Contribute to The Delinquency Of A Minor	1	1	100%	B
PC273 (A)	Agency/Etc Offer to Pay/Etc Parent For Adoption	1	1	100%	B
PC273 A(1)	Willful Cruelty to Child With Possible Injury/Death (Amended)	2	2	100%	B
PC273.5 (F)(1)	Corp Injury Spouse/Etc W/Pr	1	1	100%	B
PC288 A(C)	Oral Cop:14/Etc O/Frc/Etc	1	1	100%	B
PC288 A(C)(1)	Oral Copulation W/Person Under 14 Yrs/Etc	1	1	100%	B
PC29800 (B)	Convicted Person Poss/Own/Etc Firearm	1	1	100%	B
PC311.11(A)	Possess/Etc Obscene Matter:Minor In Sexual Acts	1	1	100%	B
PC311.3(A)	Depict Sexual Conduct:Child Under 14 Years W/Pr (Amended)	1	1	100%	B
PC32625 (B)	Convert Firearm/Sells/Offer For Sales/Manufactures Machinegun	2	2	100%	B
PC417.3	Exhibit/Draw Firearm In Presence Of Motor Vehicle Occupant	1	1	100%	B
PC4550.1	Rescue/Attempt Rescue Prisoner	1	1	100%	B
PC4573	Bring Control Substance/Etc Into Prison/Jail/Etc	1	1	100%	B
PC487 (D)(2)	Grand Theft:Firearm	1	1	100%	B
PC496 C	Copy/Etc Realty Title Information	1	1	100%	B
PC626.9(D)	Discharge Firearm In School Zone	1	1	100%	B
PC653 M(B)	Annoying Repeated Phone Calls:Residence	1	1	100%	B

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PC69	Obstruct/Resist Executive Officer-Fel	2	2	100%	A
PC979	Bench Warrant/Failure to Appear On Misdemeanor Charge	1	1	100%	B
VC10851 (B)	Take On-Call Emergency/Etc Vehicle	1	1	100%	B
VC14601 (A)	Driv:Susp/Etc Lic:Reckles	1	1	100%	B
VC23110 (B)	Throw Sub at Veh:Int:Gbi	1	1	100%	A
VC2800.4	Evading A Peace Officer:Wrong Way Driver	1	1	100%	B
WI10980 (C)(2)	Fraud to Obtain Aid	1	1	100%	B
PC148 (A)(1)	Obstruct/Resist/Etc Public/Peace Officer/Emergency Med Tech	36	29	81%	A
PC12022.5(A)	Use Firearm In The Commission Of A Felony or Attempted Felony	5	4	80%	B
PC20170 (A)	Display/Expose In Public Place Imitation Firearm W/Prior	5	4	80%	B
PC29820 (B)	Convic Person Possess/Etc Firearm While Under 30	13	10	77%	B
PC25400 (C)(2)	Carry Concealed Stolen Weapon	16	12	75%	B
PC243 (B)	Battery On Peace Officer/Emergency Personnel/Etc	26	18	69%	A
VC2800.2 (A)	Evade Po:Disregard Safety	19	13	68%	B
PC1203.3	Probation Revoked/Etc	6	4	67%	B
PC212.5 (A)	Robbery/Inhabited Dwelling - Knife or Cutting Instrument	3	2	67%	B
PC26100 (A)	Veh Driver/Owner Permit Other Carry/Etc Firearm Into Vehicle	6	4	67%	B
PC530.5 (A)	Get Credit/Etc Other's Id	3	2	67%	B
PC30605 (A)	Illegally Possess Any Assault Weapon	34	22	65%	B
PC32625 (A)	Possession Of A Machine Gun	14	9	64%	B
PC25400 (C)(5)	Carry Concealed Weapon With Specific Conviction	13	8	62%	B
PC207 (A)	Kidnapping	10	6	60%	B
PC247 (B)	Shoot at Unoccupied Dwelling/Vehicle/Etc	5	3	60%	B
PC32900	Mfg/Sale/Possess Multiburst Trigger Activator	15	9	60%	B
PC626.9(B)	Have Firearm at Public/Etc School	10	6	60%	B
PC25850 (C)(1)	Carry Loaded Firearm W/Prior Felony Conviction	62	35	56%	B
PC25850 (C)(2)	Carry Stolen Loaded Firearm	25	14	56%	B
PC12022.1	Released From Custody On Bail or On His or Her Own Recognizance Prior to The Judgment Becoming Final	11	6	55%	B
PC25400 (C)(1)	Carry Concealed Weapon In Veh W/Prior Conviction	33	18	55%	B
PC29815 (A)	Convicted Person Poss/Own/Etc Firearm: Probation Restriction	11	6	55%	B
PC25400 (C)(4)	Carry Concealed Weapon- Unlawful Possess	68	37	54%	B
PC25850 (C)(4)	Carry Loaded Firearm:Unlawful/Prohibited Possession	73	39	53%	B
PC246.3 (A)	Anyone Who Willfully Discharges A Firearm In A Grossly Negligent Manner	32	17	53%	B
PC25400 (A)(2)	Carry Concealed Weapon On Person	112	58	52%	B

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PC25400 (A)(3)	Carry Concealed Weapon In Vehicle : Occupant	29	15	52%	B
HS11357 (B)	Possess Marijuana 28.5 Grams or Less or W/Prior	6	3	50%	B
HS11360 (A)	Sell/Furnish/Etc Marijuana/Hashish	8	4	50%	B
HS11550	Use/Under Influence Of Controlled Substance (Amended)	2	1	50%	B
PC148 (A)	Obstructs/Resists Public Officer/Etc	2	1	50%	A
PC244	Assault With Caustic Chemical/Etc	4	2	50%	B
PC245 (B)	Assault Person With A Semiautomatic Firearm	4	2	50%	B
PC245 (C)	Adw Not F/Arm:Po/Fire:Gbi	10	5	50%	B
PC24510	Mfg/Sale/Posses/Etc Firearm Not Immediately Recognizable	2	1	50%	B
PC25400 (C)(6)	Carry A Loaded Concealed Weapon On Person	74	37	50%	B
PC25400 (F)	Violation Of Paragraph Six Of Subdivision C	6	3	50%	B
PC25800 (A)	Carry Loaded Firearm With Intent to Commit A Felony	22	11	50%	B
PC273.65(A)	Vol Protective Order:Mnr	2	1	50%	B
PC289 (A)(1)(A)	Sexual Penetration W/Force/Fear/Etc	2	1	50%	B
PC29180 (C)	Own Firearm Without Serial Number	8	4	50%	B
PC30600 (A)	Unauthorized Mfg/Sale/Etc Assault Weapon or .50 Bmg Rifle	2	1	50%	B
PC33215	Mfg/Import/Etc Short Barreled Rifle	2	1	50%	B
PC3455	Postrelease Community Supervision	4	2	50%	B
PC417 (A)(2)(B)	Exhibit F/Arm Thrng Manr	8	4	50%	B
PC417.6(A)	Exhibit Deadly Weapon:Serious Bodily Injury Intent	2	1	50%	B
PC597 (A)	Cruelty to Animals	2	1	50%	B
PC646.9(A)	Stalking-Fel	2	1	50%	B
PC664 /212.5 (A)	Att Robbery/Inhabited Dwelling - Firearm	2	1	50%	B
VC14601.2(A)	Driv:Susp/Etc Lic:Dui:Vio	2	1	50%	B
VC2800 (A)	Fail Obey Po:Lawful Order	2	1	50%	B
VC2800.1 (A)	Evading Peace Officer	6	3	50%	B
WI8103 (F)(1)	Weapons Restrictions Violation:Specific Circumstance	2	1	50%	B
PC215(A)	Carjacking With Firearm	67	33	49%	
PC29900 (A)(1)	Poss/Etc Firearm W/Pr Violent Offense Conviction	25	12	48%	
VC2800.2	Evade P.O.:Causing Injury/Death (Renumbered-See 2800.3)	21	10	48%	
PC23900	Alter/Remove/Etc Identification Marks On Firearm	17	8	47%	
PC25850 (A)	Carry Loaded Firearm In Public Under Spec Circumstances	192	90	47%	
PC25400 (C)(6)(B)	Ccw Owner Not Registered With Department Of Justice	69	32	46%	
PC25850 (C)(5)	Carry Loaded Firearm While /Prohibited: Spec Prior	24	11	46%	
PC29800 (A)(1)	Felon/Addict/Possess/Own/Etc Firearm	167	75	45%	
PC32	Accessory	9	4	44%	

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PC25850 (C)(6)	Carry Loaded Handgun: Not Reg Owner	185	82	44%	
PC25400 (A)(1)	Carry Concealed Weapon In Vehicle	158	68	43%	
PC30305 (A)(1)	Prohibited Possess Ammunition or Reloaded Ammunition	164	67	41%	
PC29610	Fel-Minor Poss Concealed Firearm	10	4	40%	
PC29650	Minor Illegally Possess Live Ammunition	5	2	40%	
VC20002 (A)	Hit and Run:Prop Damage	5	2	40%	
HS11370.1(A)	Poss Controlled Substance While Armed W/Loaded Firearm	36	14	39%	
PC647 (F)	Disorderly Conduct:Toluene	26	10	38%	
PC22810(A)	Use/Possess Teargas by Convicted Felon	8	3	38%	
PC594 (A)(3)	Maliciously Destroy Other's Property	8	3	38%	
PC211	Robbery-Firearm	119	42	35%	
PC32310 (A)	Mfg/Sale/Possess/Etc Large Capacity Magazine	34	12	35%	
HS11350 (A)	Possess Narcotic Controlled Substance	49	17	35%	
VC20002	Hit and Run	29	10	34%	
PC148.5(A)	False Report Of Crime to Specific Peace Officers	3	1	33%	
PC203	Mayhem	3	1	33%	
PC220	Assault to Commit Lewd or Lascivious Act On Child(Blocked)	3	1	33%	
PC246	Shoot at Inhabited Dwelling/Vehicle/Etc	12	4	33%	
PC24610	Mfg/Sale/Possess/Etc Undetectable Firearm	3	1	33%	
PC266 H (A)	Pimping	3	1	33%	
PC29825 (A)	Prohibited by Court Order: Purchase/Etc Firearm	3	1	33%	
PC314.1	Indecent Exposure	6	2	33%	
PC417 (A)(2)(A)	Exhbt Concl'd F/Arm In Pub	15	5	33%	
PC451 (B)	Arson:Inhabited Structure/Property	3	1	33%	
PC487 (D)(1)	Grand Theft:Auto	3	1	33%	
VC20001 (A)	Hit and Run:Death/Injury	6	2	33%	
VC23109	Speed Contest/Exh/Blck Rd	3	1	33%	
PC459	Burglary-Forcible Entry	79	26	33%	
PC3056	Violation Parole:Felony	31	10	32%	
VC23103	Reckless Driving (Amended)	27	8	30%	
PC1203.2 (A)	Prob Viol: Rearrest/Revoke	24	7	29%	
HS11351.5	Possess/Purchase Cocaine Base For Sale	7	2	29%	
PC135	Destroy/Conceal Evidence	7	2	29%	
PC23920	Possess/Buy/Etc Firearm W/O Identification Mark	7	2	29%	
PC273 D(A)	Inflict Injury Upon Child	7	2	29%	
PC496 (D)	Att 496 Pc:Stolen Prop	14	4	29%	
PC245 (A)(2)	Assault With Firearm On Person - Pistol Whip	26	7	27%	
PC1203.2	Violation Of Probation-Misd	97	25	26%	
HS11351	Possess/Purchase For Sale Narcotic/Controlled Substance	32	8	25%	

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HS11378	Possess Controlled Substance For Sale	12	3	25%	
PC288 (A)	Lewd or Lascivious Acts W/Child Under 14 Years	4	1	25%	
PC417.4	Brandishing Firearm Replica	8	2	25%	
PC422.6(A)	Violate Civil Rights by Force or Threat Of Force	4	1	25%	
PC602	Trespassing	33	8	24%	
HS11364 (A)	It Is Unlawful to Possess An Opium Pipe or Any Device, Contrivance, Instrument, or Paraphernalia Used For Unlawfully Injecting or Smoking.	58	14	24%	
PC187 (A)	Murder:First Degree:Shoot From Vehicle	17	4	24%	
PC243 (D)	Battery W/Serious Bodily Injury	35	8	23%	
PC496 (A)	Receive/Etc Known Stolen Property	75	17	23%	
HS11377 (A)	Possess Controlled Substance	53	12	23%	
PC466	Possess/Etc Burglary Tools	85	19	22%	
PC261 (A)(2)	Rape by Force/Fear/Etc	9	2	22%	
PC236	False Imprisonment	23	5	22%	
VC10851 (A)	Vehicle Theft - Trucks and Buses	240	50	21%	
PC273.6(A)	Violate Court Order to Prevent Domestic Violence	53	11	21%	
HS11364	Possess Controlled Substance Paraphernalia	10	2	20%	
PC1551	Fugitive From Justice:Warrant Arrest	5	1	20%	
PC273 A	Willful Cruelty to Child	25	5	20%	
HS11359 (B)	Possess Marijuana For Sale	21	4	19%	
PC496 D(A)	Poss Stolen Veh/Ves/Etc	290	54	19%	
PC273 D	Inflict Injury Upon Child (Amended)	11	2	18%	
PC594 (B)(1)	Vandalism \$10000 or More	44	8	18%	
PC422 (A)	Any Person Who Willfully Threatens to Commit A Crime Which Will Result In Death or Great Bodily Injury to Another Person	179	31	17%	
VC12500 (A)	Unlicensed Driver	29	5	17%	
PC594 (A)(1)	Vandalism:Deface Property	41	7	17%	
PC148.9(A)	False Identification to Specific Peace Officer	12	2	17%	
PC22810 (G)(1)	Misd-III Use Of Tear Gas/Tear Gas Weapon	6	1	17%	
PC243.4(A)	Sexual Battery	6	1	17%	
PC245 (A)(4)	Adw With Force: Possible Gbi	12	2	17%	
PC451	Mal Set/Etc Fire Prop/Etc - Single Family Dwellings	6	1	17%	
PC591.5	Damage/Destroy Any Wireless Communication Device	12	2	17%	
VC4463 (A)(1)	Forge/Alter Vehicle Registration/Etc	12	2	17%	
O/W-FEL	Outside Warrant - Felony	232	38	16%	
B/W-FEL	Felony Bench Warrant - Local	381	59	15%	
PC166 (A)(4)	Contempt Of Court:Disobey Court Order/Etc	78	12	15%	
VC10852	Tamper With Vehicle	40	6	15%	
PC484	Theft	14	2	14%	
PC245 (A)(1)	Force/Adw-Knife:Gbi	153	20	13%	

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PC594 (A)	Vandalism	64	8	13%	
VC23152 (A)	DUI Alcohol/Drugs	91	11	12%	
PC487	Grand Theft	19	2	11%	
PC417 (A)(1)	Exhibit Deadly Weapon Other Than Firearm	67	7	10%	
PC273 A(A)	Willful Cruelty to Child:Possible Injury/Death	39	4	10%	
PC273.5(A)	Inflict Corporal Injury On Spouse/Cohabitant	34	3	9%	
PC273.5	Inflict Crpl Inj Sp/Cohab	228	20	9%	
PC459.5	Shoplifting-Commercial Establishment With Intent Where Value Does Not Exceed \$950	37	3	8%	
PC243 (E)	Battery:Spouse/Etc	13	1	8%	
PC273 A(B)	Willful Cruelty to Child	13	1	8%	
PC166 (C)(1)	Contempt Of Court:Violate Protective Order/Etc	14	1	7%	
PC368(B)(1)	Harm/Death:Elder/Dep Adlt	14	1	7%	
B/W-MISD	Misdemeanor Bench Warrant - Local	320	20	6%	
PC243 (E)(1)	Battery:Spouse/Ex Spouse/Date/Etc	324	20	6%	
PC242	Battery:Spouse/Ex Spouse/Date/Etc	295	16	5%	
VC23152 (B)	DUI Alcohol/0.08 Percent	19	1	5%	
VC23103(A)	Reckless Driving:Highway	21	1	5%	
O/W-MISD	Outside Warrant - Misdemeanor	316	15	5%	
PC594 (A)(2)	Vandalism:Damage Property	23	1	4%	
PC647 (B)	Disorderly Conduct:Prostitution	46	1	2%	
PC653.22(A)	Loiter:Intent:Prostitution	63	1	2%	
BP23300	Sell Liquor Without License	1	0	0%	
BP25620	Possess Open Container Of Alcohol In Public	1	0	0%	
HS11352 (A)	Transport/Sell Narcotic/Controlled Substance	5	0	0%	
HS11357 (A)	Possess Marijuana/Hashish	1	0	0%	
HS11359	Possess Marijuana/Hashish For Sale	2	0	0%	
HS11362.3(A)(4)	Possess An Open Container/Package Of Marijuana While Driving, Operating or Riding In A Motor Vehicle, Vessel, Aircraft or Other Vehicle Used For Transportation	1	0	0%	
HS11365 (A)	Visit Where Controlled Substance Used	1	0	0%	
HS11370.6(A)	Possess Money/Etc From Sale/Etc Of Controlled Substance	1	0	0%	
HS11370.9(B)	Conceal/Etc Profit/Etc:Controlled Substance	1	0	0%	
HS11375 (B)	Possess For Sale/Sell Controlled Substance	2	0	0%	
HS11532 (A)	Loiter In Public Place For Illegal Drug Activity	1	0	0%	
OM5.91.090	Violation Of Tobacco Retail License	1	0	0%	
PC12031 (A)(1)	Carry Loaded Firearm:In Public Place	1	0	0%	
PC12403.7	Illegal Possess Tear Gas/Etc	1	0	0%	
PC141 (A)	Alt Evid Wit Chrg W/Crime	3	0	0%	
PC148.3 (A)	False Report Of Emergency	2	0	0%	
PC148.4(A)(2)	Send/Etc False Fire Alarm by Any Method	1	0	0%	

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PC166 (A)(1)	Contempt Of Court:Disorderly/Etc Behavior	7	0	0%	
PC166 (A)(5)	Contempt Of Court:Resist Court Order/Etc	1	0	0%	
PC182 (A)(1)	Conspiracy:Commit Crime	1	0	0%	
PC18710 (A)	Possess Destructive Device	1	0	0%	
PC192 (C)(1)	Vehicle Manslaughter W/Gross Negligence	2	0	0%	
PC20150 (A)	Alter/Change/Etc Imitation Firearm to Look Like A Firearm	2	0	0%	
PC20605 (A)	Misd-Illegally Possess Any Assault Weapon	1	0	0%	
PC21810	Mfg/Sale/Possess/Etc Metal Knuckles	2	0	0%	
PC22210	Misd-Mfg/Sale/Possess/Etc Lead Cane/Billy/Ect	1	0	0%	
PC22610 (A)	Felon Possess/Buy/Use Stun Gun	1	0	0%	
PC22910 (A)	Remove/Alter/Etc Serial Number/Id Mark On Tear Gas Weapon	1	0	0%	
PC236.1 (C)	Human Trafficking Of Vic Under 18Yrs Of Age	4	0	0%	
PC240	Assault	10	0	0%	
PC243.2(A)	Battery On Person On Property Of School/Park/Etc	1	0	0%	
PC243.3	Battery On Transportation Personnel/Passenger	1	0	0%	
PC243.4(D)	Sexual Batt:Sex Arousal	2	0	0%	
PC244.5(B)	Assault With Stun Gun/Taser	1	0	0%	
PC25100 (A)	Criminal Storage Of Firearm: First Degree	1	0	0%	
PC25100 (B)	Criminal Storage Of Firearm: Second Degree	1	0	0%	
PC25300 (A)	Masked Criminal Possess Firearm In Public	1	0	0%	
PC25400 (C)(6)(A)	Misd-Carry Loaded Concealed Weapon On Person	1	0	0%	
PC25850 (C)(3)	Criminal Street Gang Member Carry Loaded Firearm	1	0	0%	
PC261 (A)(1)	Rape:Victim Incapable Of Giving Consent	1	0	0%	
PC261 (A)(4)	Rape:Victim Unconscious Of The Nature Of The Act	1	0	0%	
PC261 (A)(4)(A)	Unconscious or Asleep	1	0	0%	
PC261.5(C)	Unlawful Sexual Intercourse W/Minor:More Than 3 Yrs Younger	1	0	0%	
PC264.1	Rape/Etc In Concert W/Force/Violence	2	0	0%	
PC266 H (B)	Pimping For Prostitute Over 16	1	0	0%	
PC266 I (B)	Pandering:Other Prerson Over16	4	0	0%	
PC266 I(A)(1)	Procure Person For Prostitution	1	0	0%	
PC270	Failure to Provide	1	0	0%	
PC273 G	Immoral Acts Before Child	1	0	0%	
PC273.5 (A)	Misd-Inflict Corporal Injury On Spouse/Cohabitant/Datng Relatnshp	1	0	0%	
PC273.6(D)	Vio Crt Ord Dom Vio W/Pr	1	0	0%	
PC286 (A)	Sodomy	2	0	0%	
PC286 (C)	Sodomy W/Person Under 14 Years or W/Force	1	0	0%	
PC287 (C)(2)(A)	Oral Cop: by Use Of Force/Injury	1	0	0%	
PC288 (C)(1)	L&L Acts W/Child:Age Spec	4	0	0%	

PC288 A(2)(A)	Oral Copulation When The Act Is Accomplished Against The Victim'S Will by Means Of Force, Violence, Duress, Menace, or Fear Of Immediate and Unlawful Bodily Injury On The Victim or Another Person	1	0	0%	
PC288 A(C)(2)	Oral Copulation With Person Under 14/Etc or by Force/Etc	1	0	0%	
PC289 (J)	Sexual Penetration W/Foreign Object:Victim Under 14	1	0	0%	
PC290.012 (A)	Fel-Sex Offender Fail Update Annual Reg	1	0	0%	
PC290.018 (B)	Fail Register With Felony Sex Offender Prior Conviction	1	0	0%	
PC29180 (b)	Doj Firearm Manufacture/Assembling Requirements	2	0	0%	
PC29805 (A)	Convicted Person Poss/Own/Etc Firearm: Spec Priors	2	0	0%	
PC3000.08	Length Of Term Of Imprisonment and Paroles	3	0	0%	
PC30310 (A)	Prohibit Ammunition On Schhol Grounds Except Le Officers	1	0	0%	
PC311.11 (A)	Possess/Etc Obscene Matter Of Minor In Sexual Act	1	0	0%	
PC31360 (A)	Violent Felon Possess/Own/Purchase Body Armor	1	0	0%	
PC330 A	Possess/Control Slot Machine/Etc	1	0	0%	
PC368 (A)	Cruelty to Elder/Dependant Adult:Gbi/Death Likely	1	0	0%	
PC368(A)(1)	Crul:Eld/Dep Adl:Bgi/Dth	1	0	0%	
PC399.5(A)	Dog Trained:Fight/Etc:Inj	1	0	0%	
PC415 (1)	Fight/Challenge In Public Place	8	0	0%	
PC415 (2)	Disturb by Loud/Unreasonable Noise	2	0	0%	
PC417 (A)(2)	Exhibit Firearm	5	0	0%	
PC417 (C)	Exhibit Firearm In Presence Of Peace Officer	1	0	0%	
PC417.27(C)	Aim Lsr Pntr:Int to Har	1	0	0%	
PC422	Threat Crime:Int:Terrorize	6	0	0%	
PC451 (D)	Arson: Property	1	0	0%	
PC455	Aid In Arson	1	0	0%	
PC460 (A)	Burglary:First Degree	1	0	0%	
PC466.6(A)	Make Motor Vehicle/Etc Key W/O Work Order	1	0	0%	
PC470	Forgery (Amended)	1	0	0%	
PC470 A	Alt/Forge/Etc Driv Lic/Id	1	0	0%	
PC470 B	Possess Driver's License/Identification to Commit Forgery	1	0	0%	
PC470(D)	False Checks/Rec/Cert/Etc	1	0	0%	
PC475 (A)	Possess/Etc Bad/Etc Check/Etc	1	0	0%	
PC476	Make/Pass Fictitious Check	1	0	0%	
PC484 (A)	Theft	14	0	0%	
PC484 E(A)	Sell, Transfer, or Convey, An Access Card, With Intent to Defraud	1	0	0%	
PC487 (A)	Grand Theft:Money/Labor/Property Over \$400	4	0	0%	

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PC487 (C)	Grand Theft From Person	1	0	0%	
PC497	Bring Stolen Property Into State	1	0	0%	
PC503	Embezzlement [Over \$400]	1	0	0%	
PC530.5(E)	With Intent to Defraud Acquire Id Of Pers Deployed Out Of State (Amended To:Commit Mail Theft)	1	0	0%	
PC594 (B)(2)(A)	Vandalism-\$400	2	0	0%	
PC594 (B)(3)	Vandalism [\$400 to \$5,000]	1	0	0%	
PC594 (B)(4)	Vandalism [Under \$400]	3	0	0%	
PC594.3(A)	Vandalize Place Of Worship	1	0	0%	
PC602 (L)	Trespass:Occupy Property W/O Consent	21	0	0%	
PC602 (L)(1)	Trespass:Posted Land:Refuse to Leave	5	0	0%	
PC602.1(B)	Trespass:Obstruct/Etc Business Of Public Agency	1	0	0%	
PC626.10 (A)(1)	Possess Weapon/Etc at School	1	0	0%	
PC626.9(H)	Possess/Etc Loaded Firearm:University/Etc	1	0	0%	
PC626.9(I)	Possess/Etc Firearm:University/Etc	1	0	0%	
PC647 (A)	Disorderly Conduct:Sollicit Lewd Act	2	0	0%	
PC647 (I)	Disorderly Conduct:Peek Into Inhabited Building	1	0	0%	
PC647.6	Annoy/Molest Children W/Prior Conviction (Amended)	1	0	0%	
PC653.23 (A)(1)	Supv/Etc Prostitution	6	0	0%	
PC664 /187(A)	Attempted Murder-Firearm	1	0	0%	
PC664 /211	Attempted Robbery-Strong-Arm	3	0	0%	
PC666.5 (A)	Vehicle/Etc Theft:Specific Priors	5	0	0%	
VC10501 (A)	False Report Of Vehicle Theft With Intent to Deceive	1	0	0%	
VC10750	Alter/Change Vehicle Identification Number	1	0	0%	
VC10750 (A)	Alter/Change Vehicle Identification Number	3	0	0%	
VC10853	Malicious Mischief to Vehicle	2	0	0%	
VC10855	Embezzle Leased/Rented Vehicle	4	0	0%	
VC14601.1 (A)	Drive:Lic Suspended/Etc	6	0	0%	
VC16028 (A)	Fail Provide Evidence Financial Responsibility (Repealed)	7	0	0%	
VC20001 (B)(1)	Hit and Run:Injury	1	0	0%	
VC21453 (A)	Fail Stop Limit Line/Cross Walk at Red Signal/Stop Sign	5	0	0%	
VC21461(A)	Driver Fail Obey Sign/Etc.	1	0	0%	
VC21651 (B)	Drive Wrong Way:Div Hwy	1	0	0%	
VC21712 (A)	Permitting Person to Ride Where Unlawful.	1	0	0%	
VC21712 (B)	Unlawful Riding On Portion Of Vehicle Not Intended For Passengers.	1	0	0%	
VC22100.5	U-Turn at Traffic Signal,Only From Left Lane.	1	0	0%	
VC22107	Unsafe Turn &/Or No Signal	1	0	0%	
VC22108	Fail Signal B/4 Turn Veh	1	0	0%	
VC22450 (A)	Stop Sign, Failure to Stop at Limit Lin, Crosswalk, or Entrance to Intersection.	4	0	0%	

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VC23109(B)	Aide/Abet Speed Contest	1	0	0%	
VC23109(C)	Aide/Abet Speed Exhibitn	2	0	0%	
VC23123 (A)	Driving While Using Wireless Phone	1	0	0%	
VC23152 (C)	Addict Drive Vehicle	1	0	0%	
VC23152 (D)	Dui:Alc/.04 Comercial Veh	1	0	0%	
VC23152 (F)	DUI Alcohol/Drug	4	0	0%	
VC23222 (B)	Poss Marijuana W/Driving	3	0	0%	
VC23223	Open Container Alc:Veh	1	0	0%	
VC23224	Alcohol In Vehicle:21	1	0	0%	
VC23225(A)(1)	Owner/Driver:Open Alc:Veh	1	0	0%	
VC2800.3	Evade Po:Cause Sbi/Death	1	0	0%	
VC31	Give False Info to Po	2	0	0%	
VC4000 (A)	No Reg:Veh/Trailer/Etc	3	0	0%	
VC40302 (A)	Fail Provide Cdl/Id:Arrest	1	0	0%	
VC40302 (B)	Fail Writen Promis:Arrest	1	0	0%	
VC4454 (A)	No Registration In Veh	1	0	0%	
VC4462.5	Sho On Veh/Giv Po Fls Reg	1	0	0%	
VC4463.5 (A)	Mfg/Etc Fak/Etc Lic Plate	1	0	0%	
VC5200	Wrong Display Lic Plates	1	0	0%	
WI300(A)	No Parent or Guardian	1	0	0%	
WI601	Placement Runaway	3	0	0%	
WI601 (A)	Minor Beyond Parental Control	1	0	0%	

## The Oakland Police Department Office of Internal Accountability's Inspection of Sergeants' Mandatory Review of Body Worn Camera Recordings

*By Lead Auditor Rebecca Johnson*

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### Objective

Evaluate whether sergeants who worked in the Oakland Police Department's Bureau of Field Operations and supervised a squad conducted monthly body worn camera reviews required by policy during the inspection period of April 1, 2022, to July 31, 2022.

### Key Findings

- Twelve (12) sergeants who worked in BFO during the inspection period were randomly selected. The number of subordinates in their squads ranged from five to nine each month. In the aggregate, the sergeants should have conducted 340 monthly BWC reviews, and the inspection indicated that 302 (89%) monthly BWC reviews were conducted.

- Only 97 (32%) of the 302 recordings reviewed by the sergeants were annotated in Axon as monthly random reviews.
- Of the 302 recordings reviewed by the sergeants, 280 (93%) of them had a minimum length of 10 minutes or more in duration.

### Key Recommendation

The Department should ensure all sergeants who work in BFO and supervise a squad conduct the required BWC reviews and properly annotate the reviewed recordings.

### Reference

Departmental General Order I-15.1, Portable Digital Management System, effective July 16, 2015

## Overview and Background

OPD previously adopted body worn camera (BWC) technology to capture audio and video evidence, thereby enhancing the Department's ability to conduct criminal investigations, administrative investigations, and review police procedures and tactics. All police officers in an assignment with primarily field-based responsibilities, as determined by the Chief of Police, are assigned a BWC for the duration of the assignment.<sup>15</sup> Some of the events in which police officers are required to activate their BWCs include citizen contacts to confirm or dispel a suspicion that the citizen may be involved as a suspect in criminal activity; detentions and arrests; assessment or evaluation for a psychiatric detention; during a vehicle pursuit; serving a search or arrest warrant; conducting searches of a person and/or property; and transporting any detained or arrested citizen (excluding prisoner wagon transports).<sup>16</sup> When police officers activate their BWCs as required by policy, they are required to keep them activated until their involvement in the citizen contact, arrest, or detention has concluded, with some exceptions explicitly stated in policy.<sup>17</sup>

One way that OPD monitors its police officers' performance in the field is by requiring all sergeants who supervise a squad and work in OPD's Bureau of Field Operations (BFO) conduct a random review of at least one body worn camera recording per month for each subordinate. The selected recordings must be viewed in their entirety and have a minimum length of 10 minutes. The purpose of the review is to assess officer performance and training needs, policy compliance, and consistency between written reports and video files.<sup>18</sup>

OPD uses Axon software to upload, track, and maintain its officers' body worn camera recording activities. All authorized personnel viewing any video file are required to document the reason for access in the "Comments" field of each video file viewed. The entry must be made either prior to viewing the video or immediately after viewing the video.<sup>19</sup>

On August 19, 2022, the Office of Internal Accountability (OIA) initiated an inspection to evaluate whether OPD's sergeants, who were assigned a squad and worked in the Bureau of Field Operations, conducted the required random reviews of their subordinates' BWCs during the four-month inspection period, April through July 2022. This is the first OIA inspection of sergeants' mandatory BWC reviews and the purpose was to ensure sergeants were reviewing one recording for each subordinate per month for the purpose of the requirement. It should be noted that OPD transitioned to a new BWC system in February 2022, switching from VieVu to Axon. The Department completed distribution of the new Axon BWCs to all of its officers in May 2022, so the time period of the inspection was in the early stages of implementing the new Axon BWC system.

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<sup>15</sup> DGO I-15.1, pg. 1.

<sup>16</sup> DGO I-15.1, pgs. 2-3.

<sup>17</sup> DGO I-15.1, pg. 3-4.

<sup>18</sup> DGO I-15.1, pgs. 9-10.

<sup>19</sup> DGO I-15.1, pg. 12.

## Scope/Population

The inspection focused on sergeants who supervised a squad and worked in the Bureau of Field Operations, during the inspection period, and were responsible for conducting random reviews of at least one body worn camera recording for each of their subordinates on a monthly basis. The inspection period was April 1, 2022, to July 31, 2022.

### Population of 35 Sergeants

To provide police services to the city of Oakland, the city is broken down into six geographic areas. Each area is under the command of a captain.<sup>20</sup> The Auditor requested and received, from OPD's Human Resources Section, a roster that included the names of all active sergeants assigned to any and all of the six areas. The population consisted of 35 sergeants. The Auditor sorted the roster by area (Area 1 through Area 6):

- 6 sergeants assigned to Area 1.
- 6 sergeants assigned to Area 2.
- 5 sergeants assigned to Area 3.
- 6 sergeants assigned to Area 4.
- 6 sergeants assigned to Area 5.
- 6 sergeants assigned to Area 6.

### **Sampling of 12 Sergeants**

Using a [Research Randomizer](#), the Auditor randomly selected 12 sergeants, two from each area, for the sample. Using OPD's Vision software (the system OPD uses to track its employees' assignments, rank, uses of force, discipline, etc.), the Auditor researched each sergeant's rank and assignment history to ensure the selected sergeants were assigned to one of the areas in BFO during the inspection period. The Auditor deselected sergeants if they were promoted after the inspection period or were on leave during the inspection period and replaced them with the next randomly selected sergeant on the list in the same area.

## Methodology

To conduct the inspection, the Auditor took the steps below.

### **Policy Review**

The Auditor reviewed *Departmental General Order I-15.1, Portable Video Management System*, effective July 16, 2015, to determine whether supervisor reviews of police officers' BWC recordings complied with policy.

### **Interviews**

The Auditor emailed each sergeant in the sample, informing them of the inspection, their results, and an opportunity for them to submit any missing documentation, if necessary.

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<sup>20</sup> *Oakland Police Department Manual of Rules*, 30 Sep 2010, pg. 6.

**Data Sources**

- From OPD’s Human Resources Department, requested and received a roster of all sergeants and police officers.
- From OPD’s Bureau of Field Operations, requested and received weekly Patrol Assignments, beginning the week of March 26, 2022, and ending the week of August 6, 2022.
- Accessed OPD’s Axon software used to upload, track, and maintain its officers’ body worn camera recording activities.

The *User Audit Trail Report* (UATR) in Axon shows the sergeant’s body worn camera activities for the month—the recordings they themselves uploaded and the recordings they accessed, buffered, streamed, and annotated. The Auditor used this report to check for the sergeants’ monthly body worn camera reviews for each of their subordinates. Although the report includes 14 data field columns with entries, below are the six data field columns and entries the Auditor focused on to conduct the inspection:

<b>Axon Data Field Columns and Entries Used to Conduct Inspection</b>	
Date/Time	The date and time each entry was made or activity was executed.
Action	One of four actions appears: “Evidence Record Accessed,” “Evidence Record Buffered,” “Evidence Record Streamed,” or “Evidence Annotation Added”
Evidence Title	The date and time and BWC serial number (e.g., Axon Body 3 Video 2022-05-16 1409 X60A1234) of the subordinate whose recording was accessed, buffered, streamed, and annotated.
Additional Information	The annotation the sergeant made in the “Notes” <sup>21</sup> section to indicate the streamed recording was to be considered the monthly review for one of their subordinates. For example, “Reviewed for Monthly BWC Audit,” “Reviewed by [Sergeant’s name]. No issues,” “[Sergeant’s name] review for BWC audit,” etc.
Evidence Serial #	A unique number Axon assigns each uploaded recording, based on the date and time the BWC recording was uploaded to the system.
Owner	The name of the subordinate whose BWC recording the sergeant accessed, buffered, streamed, and annotated.

To evaluate if sergeants who worked in BFO, from April 1, 2022, to July 31, 2022, and supervised a squad performed their random review of at least one body worn camera recording for each of their

<sup>21</sup> At the time DGO I-15.1 became effective, July 16, 2015, OPD used software called VieVU to upload, track, and maintain its officers’ body worn camera recording activities and annotations that sergeants made to indicate the streamed recording was to be considered the monthly review for one of their subordinates was annotated in the “Comments” section. In 2022, OPD acquired the Axon software and annotations are now made in the “Notes” section.

subordinates on a monthly basis, the Auditor accessed Axon, and for each randomly selected sergeant, generated a UATR for each month in the inspection period (i.e., April 1, 2022, to April 30, 2022; May 1, 2022, to May 31, 2022; June 1, 2022, to June 30, 2022; and July 1, 2022, to July 31, 2022). The Auditor sought the recordings the sergeant streamed and annotated as the random review for each of their subordinates.

Subsequently, the Auditor emailed each sergeant in the sample, informing them of the inspection and the number of documented streamed and annotated reviews found for their squad each month, attaching the UATRs as evidence of the findings. If the sergeant determined that they were not credited for conducting random reviews for one or more of their subordinates for a particular month and they submitted the Evidence Title(s) (e.g., Axon Body 3 Video 2022-05-16 1409 X60A1234) of the uncounted streamed recording(s), the Auditor searched for the recordings on the sergeant's UATR for the month(s) in question. If there was evidence that the recordings were streamed, the Auditor credited the sergeant with the review.

Lastly, the Auditor compared the list of subordinates whose recordings each sergeant streamed and, in some cases annotated, to the list of names of the subordinates assigned to the sergeant's squad according to the BFO Patrol Assignment records the week they conducted the reviews. If the comparison indicated that there were subordinates assigned to the sergeant's squad listed on the BFO Patrol Assignment records the week the sergeant conducted the reviews, but there was no documented evidence on the UATR that the sergeant streamed and annotated a recording for them, the Auditor emailed the sergeant about the subordinates in question. If the sergeant submitted the Evidence Title of uncounted streamed recordings used to conduct random reviews for the subordinates in question for a particular month, the Auditor searched for the recording on the sergeant's UATR for the month(s) in question. If there was evidence that the recordings were streamed, the Auditor credited the sergeant with the review. If the sergeant responded by informing the Auditor that a subordinate documented as being in their squad for a particular week did not actually work for them, rendering the information on the BFO Patrol Assignment incorrect, the Auditor removed the name of the subordinate in question from the sergeant's squad.

In Axon, the Evidence Serial Number can be used to retrieve a specific recording and gather information about the duration of the footage. To evaluate whether the selected recordings had a minimum length of 10 minutes or more in duration, for each selected recording, the Auditor retrieved the footage by entering the Evidence Serial Number, and upon the return of the recording, logged the length of the footage noted in the "Duration" column.

In cases in which the subordinates' recordings reviewed by the sergeants were shorter than the prescribed 10 minutes in duration, the Auditor researched whether there were other qualifying options available in Axon by retrieving a report of the subordinate's uploaded footage for the month in question.

## FINDINGS

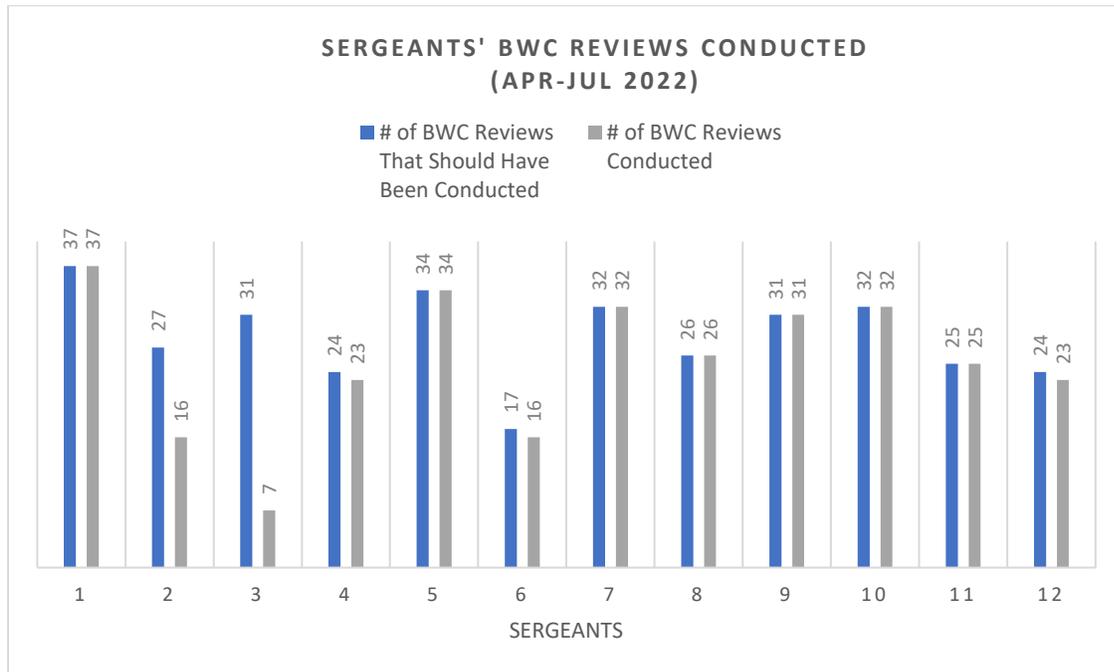
### Finding #1

The number of subordinates in the squads for 12 randomly selected sergeants who worked in BFO during the inspection period of April 1, 2022, to July 31, 2022, ranged from five to nine each month.<sup>22</sup> In the aggregate, the sergeants should have conducted 340 monthly BWC reviews, and the inspection indicated that 302 (89%) monthly BWC reviews were conducted.

OPD requires that all sergeants who supervise a squad and work in field operations conduct a random review of at least one body worn camera recording for each of their subordinates on a monthly basis. The purpose of the review is to assess officer performance and training needs; policy compliance; and consistency between written reports and video files.<sup>23</sup>

For this inspection, OIA randomly selected 12 sergeants who supervised a squad and worked in the Bureau of Field Operations during the inspection period of April 1, 2022, to July 31, 2022. Based on BFO Patrol Assignment records, the number of subordinates in the squads for the 12 sampled sergeants ranged from five to nine subordinates each month. In the aggregate, the sergeants should have conducted 340 monthly BWC reviews, and the inspection indicated that 302 (89%) monthly BWC reviews were conducted. Table 1 shows the number of BWC reviews each of the 12 sergeants conducted during the four-month inspection period.

**Table 1**



<sup>22</sup> The squads with 9 subordinates did not exceed OPD's required span of control (See Appendix A for more details).

<sup>23</sup> DGO I-15.1, pgs. 9-10.

Table 1 shows that seven Sergeants (#1, #5, #7, #8, #9, #10, and #11) conducted 100% of the BWC reviews that should have been conducted; Sergeants #4 and #12 conducted 96%; Sergeant #6 conducted 94%; Sergeant #2 conducted 59%; and Sergeant #3 conducted 23% of required reviews. For the sergeants' individual stats broken down per month, see Appendix A.

### **Finding #2**

#### **Only 97 (32%) of the 302 recordings reviewed by the sergeants were annotated in Axon as monthly random reviews.**

OPD requires all authorized personnel viewing any video file to document the reason for access in the "Comments" field of each video file viewed. The entry must be made either prior to viewing the video or immediately after viewing the video.<sup>24</sup>

At the time DGO I-15.1 became effective, July 16, 2015, OPD used a software application called VieVU to upload, track, and maintain its officers' body worn camera recordings. Annotations made by sergeants indicating the reason for video review were made in the "Comments" section of the VieVu record. In 2022, OPD acquired a new software application called Axon and annotations are now made in the "Notes" section.

To conduct this inspection, the Auditor could not rely solely on documentation in OPD's Axon software system because 205 (68%) of the 302 recordings the sergeants used to conduct the reviews were not annotated as such in Axon. The lack of annotation caused the Auditor to email each sergeant in the sample and inform them of the inspection and the number of documented streamed and annotated reviews found for their squad each month. The Auditor attached to the email the sergeants' User Audit Trail Reports (UATRs). All Evidence Titles (e.g., Axon Body 3 Video 2022-05-16 1409 X60A1234) of reviewed subordinates' recordings submitted by sergeants were compared to the UATRs and if there was evidence on the UATRs that the recordings were streamed, the Auditor credited the sergeant as having conducted the review.

When the recordings used to conduct the monthly BWC reviews are not annotated in Axon, it is impossible to determine whether sergeants conducted the required monthly reviews without contacting them. The lack of annotation also impedes oversight of this requirement by commanders. During the course of this inspection, on October 7, 2022, OPD issued an email to its sergeants and command staff, entitled *BWC Supervisor Review Reminder*. The purpose of the email was to refresh and remind supervisors of the requirements for documenting BWC audits in [Axon]. The OIA will conduct a follow-up inspection to confirm improvement in annotations and assess any oversight issues.

### **Finding #3**

#### **Of the 302 recordings reviewed by supervisors to conduct the monthly BWC reviews, 280 (93%) of them had a minimum length of 10 minutes or more in duration.**

OPD requires that the selected body worn camera recordings used to conduct the random reviews be viewed in their entirety and have a minimum length of 10 minutes.<sup>25</sup> There were 302 recordings

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<sup>24</sup> DGO I-15.1, pg. 12.

<sup>25</sup> DGO I-15.1, pg. 9.

reviewed by supervisors, as referenced in Finding #1. Of the 302 recordings, 280 (93%) of them had a minimum length of 10 minutes or more in duration. There were six sergeants (#1, #2, #5, #7, #8, and #12) who reviewed, in the aggregate, 22 (7%) recordings that were less than 10 minutes in duration. The chosen recordings ranged in duration from 2 minutes and 31 seconds to 9 minutes and 56 seconds. One sergeant reviewed 9 videos that were less than 10 minutes in duration even though there were other options that were 10 minutes or more.

For the subordinates whose reviewed recordings were less than 10 minutes in duration, the Auditor researched in Axon whether the sergeants had recordings that were 10 minutes or more in duration available for them to review on the dates during the months they conducted the reviews. There were three instances in which the sergeants had no other option but to review footage under 10 minutes in duration because their subordinates' recordings were all under 10 minutes in duration for the month(s) the reviews occurred. The recordings that were selected ranged in duration from 2 minutes and 31 seconds to 4 minutes and 22 seconds. The Auditor noted that the reviewed recordings belonged to subordinates who were assigned to work as a desk officer or a police evidence technician. OPD's policy, DGO I-15.1, is silent on procedures for conducting BWC reviews when the only recordings available for the month are under 10 minutes in duration. In the other 19 instances, there appeared to be opportunities for the sergeants to review recordings that were 10 minutes or more in duration. The recordings that were selected ranged in duration from 8 minutes and 55 seconds to 9 minutes and 56 seconds.

## Recommendation

The Department should ensure all sergeants who work in the Bureau of Field Operations and supervise a squad conduct the required BWC reviews and properly annotate the reviewed recordings.

## APPENDIX A

OPD has a required supervisory ratio for field sergeants. Under normal conditions, the Watch Commander or appropriate Unit Commander is required to ensure a ratio of one primary sergeant to not more than eight field officers in the Patrol Squads. However, there are some personnel in the squads who are not counted towards the field supervisory ratio. Canine teams (the canine handler and the canine), mobile evaluation teams, civilian personnel, sworn field evidence technicians, desk officers and members in field training status and assigned to a certified Field Training Officer within a team do not count towards the designated limit for determining the span of control.<sup>26</sup>

During the inspection, the Auditor noted that there were instances in which three sergeants (#1, #5, and #7) conducted body worn camera reviews for more than eight subordinates in one or more months, but based on OPD’s policy, the review of the additional subordinates BWC recordings does not equate to any span of control issues. In one instance, the sergeant completed a task for another sergeant who was off duty at the time the BWC reviews were due. In another instance, the sergeant reviewed BWC recordings for two subordinates who do not count towards the 1 to 8 span of control ratio: a canine handler and a sworn police evidence technician. In the last instance, the sergeant reviewed BWC recordings for a subordinate who does not count towards the 1 to 8 span of control ratio: a sworn police evidence technician.

Table 3 shows the individual stats for each sergeant in the sample. The instances in which the BWC recordings for more than eight subordinates were reviewed are highlighted and the reasons for the additional subordinates are noted.

**Table 3: Sergeants’ Individual Stats Per Month**

Sergeant 1 (Area 1)				Sergeant 7 (Area 4)			
Mo.	# of Subordinates Whose BWCs Should Have Been Reviewed	# of Subordinates' BWC Reviews Conducted	Annotated	Mo.	# of Subordinates Whose BWCs Should Have Been Reviewed	# of Subordinates' BWC Reviews Conducted	Annotated
APR	7	7	7	APR	7	7	0
MAY	8	8	0	MAY	9	9	0
JUN	14	14	0	JUN	8	8	0
JUL	8	8	0	JUL	8	8	0
Total	37	37	7	Total	32	32	0
%		100%	19%	%		100%	0%

Note: In June, Sergeant 1 conducted the BWC reviews for Sergeant 6’s squad of six subordinates, which is not a span of control issue. Sergeant 6 was off duty during the time the reviews were due.

Note: In May, two of the nine subordinates did not count towards the 1 to 8 span of control ratio: a canine handler and a sworn police evidence technician.

<sup>26</sup> Departmental General Order A-19, Supervisory Span of Control, 9 Jul 2018, pg. 1.

**Sergeant 2 (Area 1)**

Mo.	# of Subordinates Whose BWCs Should Have Been Reviewed	# of Subordinates' BWC Reviews Conducted	Annotated
APR	7	6	6
MAY	7	5	5
JUN	6	3	3
JUL	7	2	2
Total	27	16	16
%		59%	100%

**Sergeant 8 (Area 4)**

Mo.	# of Subordinates Whose BWCs Should Have Been Reviewed	# of Subordinates' BWC Reviews Conducted	Annotated
APR	6	6	0
MAY	6	6	0
JUN	7	7	0
JUL	7	7	0
Total	26	26	0
%		100%	0%

**Sergeant 3 (Area 2)**

Mo.	# of Subordinates Whose BWCs Should Have Been Reviewed	# of Subordinates' BWC Reviews Conducted	Annotated
APR	8	0	N/A
MAY	8	0	N/A
JUN	8	0	N/A
JUL	7	7	1
Total	31	7	1
%		23%	14%

**Sergeant 9 (Area 5)**

Mo.	# of Subordinates Whose BWCs Should Have Been Reviewed	# of Subordinates' BWC Reviews Conducted	Annotated
APR	7	7	0
MAY	8	8	0
JUN	8	8	0
JUL	8	8	0
Total	31	31	0
%		100%	0%

**Sergeant 4 (Area 2)**

Mo.	# of Subordinates Whose BWCs Should Have Been Reviewed	# of Subordinates' BWC Reviews Conducted	Annotated
APR	5	5	4
MAY	6	5	0
JUN	7	7	7
JUL	6	6	5
Total	24	23	16
%		96%	70%

**Sergeant 10 (Area 5)**

Mo.	# of Subordinates Whose BWCs Should Have Been Reviewed	# of Subordinates' BWC Reviews Conducted	Annotated
APR	8	8	6
MAY	8	8	5
JUN	8	8	4
JUL	8	8	3
Total	32	32	18
%		100%	56%

**Sergeant 5 (Area 3)**

	# of Subordinates Whose BWCs Should Have Been Reviewed	# of Subordinates' BWC Reviews Conducted	Annotated
Mo.	Been Reviewed	Conducted	Annotated
APR	9	9	7
MAY	9	9	7
JUN	8	8	6
JUL	8	8	6
Total	34	34	26
%		100%	76%

**Sergeant 11 (Area 6)**

	# of Subordinates Whose BWCs Should Have Been Reviewed	# of Subordinates' BWC Reviews Conducted	Annotated
Mo.	Been Reviewed	Conducted	Annotated
APR	6	6	0
MAY	6	6	0
JUN	6	6	0
JUL	7	7	0
Total	25	25	0
%		100%	0%

Note: In April and May, one of the nine subordinates did not count towards the 1 to 8 span of control ratio: a sworn police evidence technician.

**Sergeant 6 (Area 3)**

	# of Subordinates Whose BWCs Should Have Been Reviewed	# of Subordinates' BWC Reviews Conducted	Annotated
Mo.	Been Reviewed	Conducted	Annotated
APR	5	5	4
MAY	6	5	5
JUN	N/A (off duty)	N/A (off duty)	N/A
JUL	6	6	4
Total	17	16	13
%		94%	81%

**Sergeant 12 (Area 6)**

	# of Subordinates Whose BWCs Should Have Been Reviewed	# of Subordinates' BWC Reviews Conducted	Annotated
Mo.	Been Reviewed	Conducted	Annotated
APR	6	6	0
MAY	7	7	0
JUN	6	6	0
JUL	5	4	0
Total	24	23	0
%		96%	0%