CITY OF OAKLAND

MEMORANDUM

TO: Research and Planning
ATTN: Timothy Birch
FROM: Office of Inspector General
DATE: 29 Jan 16
SUBJECT: 2015 Annual Management Report for the Office of Inspector General

Role of Office of Inspector General
The Office of Inspector General (OIG) serves the Chief of Police as an internal process of risk management and evaluation of police performance, outcomes and related policy. Through the use of feedback and recommendations from audits, reviews and inspections, the OIG consequently promotes quality policing, police management, and accountability in order to effect or maintain positive change within the organization.

Organization of the Office of Inspector General
The OIG is composed of an Audit Unit and Compliance Unit. The Audit Unit assesses police performance against Department policies, evaluates procedure and results, and makes recommendations to improve efficiency and reduce risk through use of audits, reviews, and inspections. The Compliance Unit conducts and attends regular reviews of operational data with executive management and serves as a liaison with the court-appointed Monitor and the Plaintiffs' Counsel in support of the Negotiated Settlement Agreement (NSA).

Negotiated Settlement Agreement
Since January 22, 2003, the City of Oakland and the Oakland Police Department (OPD) have been implementing the reforms outlined in the NSA with the goal of transforming the Department into a model agency with superior police practices. Over the past 13 years, the Department has reformed its policies and procedures and continues to improve practices in the areas of supervision, accountability, police intervention programs, use of force, and misconduct investigations.

The Monitor, Chief Robert Warshaw, Police Performance Solutions, LLC, assesses compliance with the NSA Tasks and reports on his findings. For implementation, delegation, and tracking purposes, NSA reform provisions were separated into 52 separate tasks. A subsequent Memorandum of Understanding (MOU) focused on 22 tasks that were not yet in full compliance and/or were considered to be the most critical tasks at the completion of the NSA in January 2010. As of December 2015, there were only three tasks not yet in substantial compliance; Task 5 (*Complaint Procedures for IAD*), Task 34 (*Stop Data - Vehicle Stops, Field Investigation and Detentions*), and Task 45 (*Consistency of Discipline*). Implementation progress as of December 2015 for the 22 Tasks included in the MOU is summarized in Table 1 below.

Table 1. State of Compliance (as of December 2015)

Task		Phase 1: Policy and Training	Phase 2: Implementation			
		In Compliance	In Compliance	Partial Compliance	Not in Compliance	Deferred
Task 2:	Timeliness Standards and Compliance with IAD Investigations	▓	▓			
Task 3:	IAD Integrity Tests	▓	▓			
Task 4:	Complaint Control System for IAD and Informal Complaint Resolution Process (4.7 and 4.10 only)	▓	▓			
Task 5:	Complaint Procedures for IAD	▓		▓		
Task 6:	Refusal to Accept or Refer Citizen Complaints	▓	▓			
Task 7:	Methods for Receiving Citizen Complaints (7.3 only)	▓	▓			
Task 16:	Supporting IAD Process – Supervisor/Managerial Accountability	▓	▓			
Task 18:	Approval of Field – Arrest by Supervisor (18.2.2 only)	▓	▓			
Task 20:	Span of Control for Supervisors	▓	▓			
Task 24:	Use of Force Reporting Policy	▓	▓			
Task 25:	Use of Force Investigations and Report Responsibility	▓	▓			
Task 26:	Force Review Board (FRB)	▓	▓			
Task 30:	Executive Force Review Board (EFRB)	▓	▓			
Task 33:	Reporting Misconduct	▓	▓			
Task 34:	Vehicle Stops, Field Investigation and Detentions	▓		▓		
Task 35:	Use of Force Reports – Witness Identification	▓	▓			
Task 37:	Internal Investigations – Retaliation Against Witnesses	▓	▓			
Task 40:	Personnel Assessment System (PAS) – Purpose	▓	▓			
Task 41:	Use of Personnel Assessment System (PAS)	▓	▓			
Task 42:	Field Training Program	▓	▓			
Task 43:	Academy and In-Service Training (43.1.1 only)	▓	▓			
Task 45:	Consistency of Discipline Policy (45.1 and 45.4 only)	▓		▓		
Total Tasks		**22**	**19**	**3**	**0**	**0**

<u>Staffing of the Office of Inspector General</u>

Classification	Authorized	Filled
Lieutenant of Police	1	1
Police Program and Performance Audit Manager	1	1
Police Performance Auditor (Internal Auditor III)	3	3
Sergeant of Police	2	1
Police Officer	1	1
Police Records Specialist	1	1

<u>Significant Accomplishments</u>

Conferences and Presentations
On February 18-19, 2015, the Oakland Police Department and the International Law Enforcement Auditors Association co-hosted a conference on "Risk Management in Law Enforcement Agencies" in downtown Oakland. The Office of Inspector General helped with the planning and facilitation of the conference. Topics covered included performance management, risk assessment, internal controls, and auditing. Kristin Burgess-Medeiros, OIG's Audit Manager, made a presentation on Managing Audit Skills. Over 70 law enforcement and audit professionals from around the country and Canada attended the event.

On April 28th, 2015, Lieutenant Chris Bolton presented in Washington, D.C. at the Smart Policing Summit. The presentation centered on law enforcement transparency and legitimacy gained through more effective information and communication with the communities public safety agencies serve.

On September 4, 2015, Kristin Burgess-Medeiros made a presentation at the Western and Pacific Northwest Intergovernmental Audit Forums Joint Meeting on "Auditing and Accountability: Oakland Police Department's Experience." The presentation covered the history of the NSA, the OIG's role, and how to conduct reviews/audits with limited resources.

Audits/Reviews/Inspections
As of September 2015, the OIG began issuing a monthly progress report covering audits and reviews typically conducted the month prior. This change in reporting resulted from an NSA Court Order (May 21, 2015) directing the Department to "institutionalize an internal system of monitoring by the Office of Inspector General…along with internal mechanisms for corrective action." Accordingly, the Office of Inspector General increased its internal auditing staff, and adjusted its system of review and reporting to be more contemporaneous and address a wider range of topics.

The previous system of auditing and reporting was more time consuming, and focused more specifically on technical compliance with NSA requirements. After assessing and prioritizing the needs of the Department in managing risk in conjunction with the provisions of the NSA and Departmental policy, the previous system of auditing and reporting was revised to provide a more comprehensive and wide-ranging review of Department operations and performance within shorter periods of review. Concise and meaningful OIG reports have been published on a monthly basis since September 2015.

A new Police Performance Auditor job classification was approved and two additional positions were added and filled as of November 2015. The new positions have increased the capacity of the Audit Unit and are critical in meeting the demands of a monthly reporting schedule.

Between February and August 2015, the OIG published two audits of NSA related tasks and two audits of non-NSA related policy and procedures. Four monthly progress reports were completed between September and December 2015, containing reviews of 13 areas. The topics covered in the OIG's 2015 audit/reviews/inspections are listed below:

1. Arrest Authorization and Report Review
2. Stop Data
    a. Vehicle/Walking Stop, Field Investigations, and Detentions
    b. Stop Data Quality Assurance
    c. Search and Recovery Rates
3. Internal Misconduct Investigations
    a. Timeliness
    b. Field Complaint Acceptance Process
    c. Preliminary Inquiry Process
    d. Quality Assessment
    e. Investigator Bias
    f. Integrity Tests
    g. Personnel Arrested, Sued or Served with an Administrative Process
4. Use of Force Investigations
5. Department Annual Management Reports
6. Promotional Consideration
7. Supervisor Review of Personal Digital Recording Device (PDRD) Video
8. Citizen Informant Files
9. Search Warrants

Audit reports and Monthly Progress Reports are available on the Department's website at:

http://www2.oaklandnet.com/Government/o/OPD/o/BureauofInvestigation/DOWD004998

Risk Management Meetings
The OIG manages the Department's Risk Management Meeting process. The purpose of a Risk Management Meeting is to critically examine performance, results, and data to gauge operational success and risk. Operational data includes, but is not limited to, the review of numerous sources, incidents, trends, or patterns:
- Collected information regarding the nature, character, outcome, and demographics of discretionary police enforcement practices (Stop Data)
- Complaints of misconduct
- Vehicle pursuits
- Compliance with training and qualification mandates
- Use of force incidents
- Sick leave
- Evaluation of Area, squad, or officer data as reported by the Department's personnel assessment or early warning systems

During 2015, OIG planned, prepared and analyzed data, provided consultation to Commanders, and tracked deliverables for 12 Risk Management meetings. Use of force incidents decreased by 18% and complaints of misconduct decreased by 5% in 2015. These positive trends are not possible without the day-to-day work and influence of all Department personnel.

Challenges Encountered
Prior to November 2015, the OIG was staffed with a single auditor. In order to meet the auditing requirements of the NSA and Departmental policy, a contract with an independent auditing firm was extended for an additional year on May 8, 2015. Elite Performance Assessment Consultants, LLC (EPAC) provided as-needed law enforcement audit services during 2015 in order to assist the OIG. EPAC completed two audits during the year for an amount of $32,000 in order to assist the OIG in meeting their auditing obligations.

Expected Outcomes for 2016
Under OIG's new monthly reporting process, the OIG will complete reviews of at least 24 areas that present risk to the Department and/or are need of improvement. With the increase in audits/reviews/inspections, OIG will be contributing to improved policies and procedures, increased efficiency, and reduced risk, all of which lead to a more accountable police department.

To improve auditing practices and records management, the OIG will explore a new work flow management system (SharePoint) during 2016. The system would increase efficiency within the Division, provide better accountability with audit recommendations, and ensure all documents are preserved and accessible.

As the Department transitions to the policy management system, Lexipol, the OIG will review all NSA related policies to ensure compliance with NSA mandates are maintained.

The Department has been working with Stanford University and Professor Jennifer Eberhardt since 2014 on stop data analysis and racial profiling. During 2016, Professor Eberhardt and her colleague will be providing technical assistance on stop data and risk management issues. The OIG will be a lead collaborator in these efforts by conducting analyses, implementing risk management recommendations, and providing guidance to Commanders. By April 2016, Stanford's SPARQ (Social Psychological Answers to Real-world Questions) will release an introspective look into the Department's Stop Data records. The OIG expects to incorporate this important work into ongoing practice and processes in order to increase public trust and police legitimacy.

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