Monthly Progress Report

Of the Office of Inspector General

March 2017
Office of the Inspector General
Oakland Police Department
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INTRODUCTION

This month's report addresses community meetings and firearm inventory and issuance controls. Although we evaluated two distinctly separate issues, they each share a common and crucial importance: organizational effectiveness and efficiency directly impacts how well we serve our community, and how well we are trusted by the community we serve.

As evidence of the value these exercises in self-evaluation and accountability hold, we are pleased to have seen improvements take shape before our reports were even finalized. The Bureau of Field Operations 2 for example, using the OIG methodology in this report, completed a review of their 2017 community meetings and reported a 100% compliance rate due to better management and tracking.

Respectfully submitted,
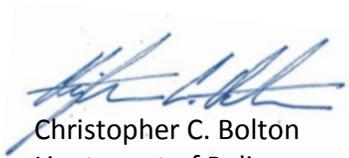
Christopher C. Bolton
Lieutenant of Police
Office of Inspector General

AUDITS, REVIEWS, and INSPECTIONS

Audit of the Oakland Police Department's Attendance at Community Meetings

Lead Auditor: Rebecca Johnson

Objectives
1. Determine whether the Oakland Police Department hosts at least one community meeting per quarter in each Patrol Service Area (Area).
2. For observational purposes only, in each Area, attend one community meeting hosted by the Department.
3. Determine the Department's system of monitoring and reporting its officers' community meeting attendance.
4. Determine whether each Patrol Division sergeant and police officer assigned to a regular beat or geographic area of the city attends a minimum of one community meeting per quarter in the area he/she is regularly assigned.
5. Assess the quality of the meetings attended by the Patrol Division officers.

Policies Referenced
- *Bureau of Field Operations Policy and Procedure Manual Policy 03-03, Community Meetings*, dated December 30, 2005
- *Departmental General Order B-7, Public Appearances*, effective December 30, 2005
- Training Bulletin III-A.5, *Community-Oriented Policing*, effective August 20, 2008
- *Bureau of Field Operations Policy and Procedures Manual Policy 11-01*, *Problem Solving Officer Deployment and Responsibilities*, dated May 27, 2011

BACKGROUND

Community meeting attendance is documented by attending personnel on Public Appearance Reports. These reports are designed to be reviewed and approved by supervisors and commanders before being forwarded to administrative staff within the Bureau of Field Operations (BFO Admin). BFO Admin enters corresponding attendance documentation into a spreadsheet and posts a report to a server at the end of each quarter. The intent of these practices - if not the practices themselves - are mandated by *Bureau of Field Operations Policy and Procedure Manual Policy 03-03and Departmental General Order B-7* among other requirements.

Community meeting attendance was last assessed in 2013 by an independent auditing firm contracted by the Office of Inspector General. The audit determined that many officers were documented as having attended community meetings which were not always held in the same geographic area of the officers' assignment. Recommendations were made to improve tracking and documentation. The Department has not made formal changes to policy or required forms since the completion of the 2013 review. To our knowledge, the quality and content of community meetings has never been formally assessed until now.

On January 5, 2017, the Audit Unit of the Office of Inspector General (OIG) initiated an audit of the Oakland Police Department's community meetings. The Department's established guidelines regarding community meetings are expressed in its *Bureau of Field Operations Policy*

and Procedure Manual Policy 03-03, Community Meetings, dated December 30, 2005. The purpose of the audit was to determine the community meeting attendance rate for Patrol Division sergeants and police officers and to assess the meeting quality or content. Additionally, the intent of the audit was to identify policy and/or practice deficiencies and to propose solutions that will aid in the Department's ability to comply with its policy.

AUDIT SCOPE
This audit focused on four areas regarding community meetings: (1) the Department's frequency of hosting community meetings; (2) its system of monitoring and reporting officer attendance at community meetings; (3) the requirement that each Patrol Division sergeant and police officer assigned to a regular beat or geographic area of the city attend a minimum of one community meeting in his/her regularly assigned area every quarter; and (4) the quality of community meetings attended by the officers.

METHODOLOGY
Policy 03-03, Community Meetings, dated December 30, 2005, in the *Bureau of Field Operations Policy and Procedure Manual*, delineates the Oakland Police Department's policy and procedures for hosting, attending, and documenting community meetings. The auditor took the following steps to conduct the audit:

Hosting Community Meetings
To determine whether the Oakland Police Department hosts at least one community meeting per quarter in each Area, the auditor requested and received a list of the community meetings the Department plans to host in 2017. In addition, for observational purposes only, in each Area, the auditor attended one community meeting hosted by the Department.

Monitoring and Reporting of Community Meeting Attendance
To determine the Department's system of monitoring and report its officers' community meeting attendance, the OIG staff members interviewed the Bureau of Field Operations (BFO) Administration Unit personnel about the processes.

Community Meeting Attendance
To determine whether each Patrol Division sergeant and police officer assigned to a regular beat or geographic area of the city attended a minimum of one community meeting in the third quarter of 2016 in the area he/she is regularly assigned, the auditor took two steps:

First, the auditor reviewed an August 2016 personnel roster she received from the Department's Personnel Section to determine which sergeants and police officers were assigned to a regular beat or geographic area of the city in the Patrol Division. There were 45 sergeants and 353 police officers assigned to a regular beat or geographic area of the city.

Secondly, the auditor requested and received from the Department's BFO Administration Unit the quarterly report that was produced for the third quarter of 2016. The quarterly report includes the last name, first initial, and serial number of each officer who attended a community meeting. The auditor sought to find the names of the 45 sergeants and 353 police officers

documented on the quarterly report as having made a public appearance (i.e., community meeting, speaking engagement, etc.).

Quality of Meetings Attended by Patrol Division Officers

To assess the quality of meetings attended by the Patrol Division officers, the auditor requested and received the corresponding Public Appearance Reports (PARs) that were used to create the report from the Department's BFO Administration Unit. Each PAR includes the requesting person's name, address, organization name and type (i.e. NCPC, Home Alert, Merchant, or Other) of meeting; the type of appearance (i.e. Community Meeting, Speaker Request, Special Project, or NCPC Priorities); the topic of discussion; the name(s) and serial number(s) of each officer who attended the meeting; the area he/she is assigned; and the times he/she was present at the meeting. The auditor reviewed each PAR to determine the type of meetings that were attended and the topics of discussion.

Population and Random Sample

The populations for this audit consist of the 2017 list of community meetings and the assignment roster listing sergeants and police officers assigned to a regular beat or geographic area of the city.

FINDING #1

The Department exceeds the requirement of hosting a minimum of one meeting per Area each quarter by hosting approximately 132 community meetings per quarter, with an average of nine meetings in each area monthly.

Policy 03-03, Subsection II.A, of the *Bureau of Field Operations Policy and Procedure Manual* states, in part:

> "The Neighborhood Services Division commander shall ensure a community meeting is hosted by Department personnel in each police service area (PSA) each quarter of a calendar year. Examples of Department hosted meetings are Neighborhood Crime Prevention Council (NCPC) meetings, Town Hall Meetings, or Community Leadership Summit. In addition, the commander shall ensure the preparation and distribution of, or electronic access to, a calendar of scheduled community meetings…in each PSA to all watch lieutenants and captains."

The Oakland Police Department has five police areas covering 35 beats citywide. The audit indicated that the Department prepares, distributes and publicizes a NCPC meeting calendar on its City of Oakland Police Department's [webpage](). The calendar lists the NCPC neighborhood or group name, the meeting address, the police beat in which the meeting is located, meeting frequency, and the scheduled time of meetings.

Table 1 below provides a breakdown of the documented number of meetings hosted on a monthly basis in each Area:

Table 1: 2017 Scheduled Community Meetings by Police Area

Police Service Area	# of Meetings Hosted Per Month
Area 1 (Beats 1-7)	10
Area 2 (Beats 8 to 13)	9
Area 3 (Beats 14-22)	8
Area 4 (Beats 23-28)	7
Area 5 (Beats 29-35)	10
Total	**44**

NCPC OBSERVATIONS

The auditor attended seven NCPC meetings hosted by the Department for observations purposes only:

Date	Area	Time	NCPC Name	Location
02/08/17	Area 3	7:00PM	17X /17Y	1025 East 28th Street
02/09/17	Area 2	7:30PM	Greater Rockridge	5366 College Avenue
02/14/17	Area 2	7:00PM	Shattuck	5700 Martin Luther King, Jr. Way
02/15/17	Area 1	4:00PM	Chinatown	1022 Webster Street
02/16/17	Area 5	7:00PM	32X	1410 100th Avenue
02/22/17	Area 5	6:30PM	Eastmont	7711 MacArthur Boulevard
02/23/17	Area 4	6:30PM	Rainbow	2651 73rd Avenue

The auditor noted that the way the meetings are run aligns with the City of Oakland's community policing program.[1] The purpose of the meetings is to reduce crime, enhance public safety, and to improve quality of life. They are peer level partnerships between the community, the Police Department, and other city agencies. They strive to addresses long term, chronic problems using proactive, collaborative problem-solving methods.

The auditor also observed that the community members rely upon the assigned Community Resource Officer's (CRO) presence at their meetings. The community chairperson expects and receives a report on the recent crime in the area from him/her. When there are multiple pressing issues, the chairperson directs community members to prioritize the list of problems they want him/her to solve.

The auditor did note areas in which the Department can improve:

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[1] California. Oakland City Council. *Resolution No. 79235Amending Resolution No. 72727 C.M.S., Which Implemented the City of Oakland's Community Policing Policy, To Provide A Structured Approach To Community Involvement Capitol Grounds Authorization.* May 17, 2005.

- On three occasions, the only officer present at the meetings was a CRO. On two occasions a community member stated, "Where is our beat officer? I never see him." Better management of community meeting attendance may allow or cause more patrol officers to attend community meetings with CROs.

- At one of the NCPC meeting sites, it appeared that the meeting was canceled, but there was no cancellation notice posted. One community member also came to the meeting site, and both the auditor and community member left at 7:12 p.m.

- At one of the NCPC meetings, the assigned CRO was on leave and therefore unable to attend. There was no other sworn officer present to act in his/her stead to represent the Department and assist the community in solving its public safety issues.

- The auditor had trouble finding one of the NCPC meeting sites because the address was incorrect on the published NCPC meeting calendar.

FINDING #2

The BFO Admin Unit is completing a quarterly attendance report rather than the monthly report required by policy. Furthermore, the report is posted and available to only a limited number of persons and in a manner that leaves no time to cause additional meeting attendance within the quarter.

Subsections III and IV of *Policy 03-03* of the *Bureau of Field Operations Policy and Procedure Manual* state, in part:

> BFO personnel attending a community meeting or public appearance shall complete and forward a Public Appearance Report (PAR) (TF-3225) as follows:
>
> - Personnel receiving an appearance request shall complete Part I (Request Information) of the PAR and forward to the appropriate commander.
> - Immediately upon completing the public appearance, the Neighborhood Services Coordinator (for NCPC meetings) or in his/her absence, the primary OPD speaker/attendee shall complete and forward the PAR to the BFO Administration Unit through the chain of command of the person completing the PAR.
> - When there is more than one attendee, multiple PARs may be completed and forwarded. However, multiple attendees may be listed in Part III of the PAR.
>
> The PARs shall be maintained by the BFO Administration Unit Commander…The BFO Administration Unit shall be responsible for the following:
>
> - Assigning control numbers to completed PARs;
> - Monitoring the community meeting attendance and the completion of PARs;
> - The commander of the BFO Administration Unit shall provide a monthly summary report of public appearances attended by Departmental personnel…; and
> - Retaining of the PARs for two (2) years."

According to the Department's policy, the BFO Administration Unit commander is responsible for monitoring the community meeting attendance and for the production of a monthly summary report of public appearances attended by Departmental personnel. However, the audit indicated

that the Department's practice does not coincide with its policy. First, as of January 2017, the Department no longer has a commander. Secondly, during an entrance conference with the BFO Administration Unit's sergeant and police records specialist, the OIG was advised that the unit does not monitor the Department's community meeting attendance and completion of PARs and does not produce a monthly report regarding meeting attendance. Instead, the BFO Admin Unit produces a quarterly report that includes the names of officers who attended community meetings and public appearances based on their receipt of completed PARs. The quarterly report notes community attendance information and is stored on a server; however, not all patrol commanders have access to the report. The report is completed and posted to the server at the end of each quarter.

FINDING #3
After assessing available documentation, only very low rates for community meeting attendance were observed for field officers and supervisors.

Subsections II of *Policy 03-03* of the *Bureau of Field Operations Policy and Procedure Manual* states, in part:

> "Sworn Patrol Division personnel assigned to a regular beat or geographic area of the city, including supervisors, Crime Reduction Team Officers, [Community Resource] Officers, and Foot Patrol Officers shall attend at least one community meeting in their regularly assigned area each quarter…

The auditor requested and received the quarterly report that was produced for meetings attended in the third quarter (July through September) of 2016. Using a personnel roster, the auditor determined that there were 45 sergeants and 353 police officers assigned to a regular beat or geographic area of the city in the Patrol Division. An audit was conducted using the BFO Administration Unit's third quarter report and the names of the Patrol Division officers, and the audit indicated that the report documented the names of 20 (44%) of the 45 sergeants and 181 (51%) of the 353 police officers as having attended at least one community meeting in the third quarter.

Because the overall documented attendance numbers were low, the auditor notified each area captain and received the below feedback:
-   Attendance was generally thought to be higher than what the audit reflected; commanders believed that many more officers were attending meetings but that corresponding PAR forms were not utilized, forwarded, or received by BFO Admin.
-   Many community events held within police areas and attended by area officers were not formally recognized as community meetings (e.g., ice cream socials, meal services, local festival event participation).
-   Some area captains recreated and/or sent copies of PARs to the auditor in an attempt to substantiate that more personnel within their respective jurisdictions attended community meetings. However, the auditor was unable to accept the additional PARs because they would have been received outside of the Department's monitoring and reporting system, which is, according to the Department's policy, via the BFO Administration Unit.

FINDING #4

To determine the quality of the community meetings attended by the Department personnel, the auditor requested and received the corresponding PARs used to compose the BFO Administration Unit's third quarter report. The review of the PARs indicated that the majority of the documented community meetings attended by BFO personnel are better described as private meetings with citizens rather than community meetings. This conflicts with the Department's policy:

Section I of *Departmental General Order, B-7, Public Appearances,* defines a public appearance, a community meeting, an appearance request, and a special project as follows:

> A public appearance is any on-duty attendance at a community meeting or event where departmental personnel are representing the Department. Community meetings, speaking engagements, and special projects are examples of public appearances. Public appearances **do not include private meetings with City officials or citizens** or attendance at regularly scheduled meetings where routine Departmental or City business is conducted.

> A community meeting is a gathering of public or private people living and/or working in a particular community or neighborhood. Community meetings can be hosted by the Department or community. Examples of community meetings are Neighborhood Crime Prevention Council (NCPC) meetings; Town Hall meetings; Community Leadership Summit; merchant meetings; Home Alert meetings; Neighborhood Watch meetings; and meetings held by other community organizations.

> An appearance request is a written, electronic (email) or verbal request from any individual or group asking for a member or employee to speak on a specific police-related subject or attend a community meeting. Appearance requests include media appearances, informal talks, and guided tours of police facilities.

> A special project is any display related to police activities or demonstrations before the public. Examples are canine demonstrations, safety fairs, crime prevention displays, child fingerprinting, etc.

There were 85 PARs reviewed, and the audit indicated that 31(37%) of them documented that OPD personnel attended NCPC meetings; 11 (13%) of them documented that OPD personnel attended the annual community-building campaign activity "National Night Out;" and 43 (50%) of them documented that OPD personnel attended impromptu and mostly private meetings with citizens. The table below provides an accounting of the various types of private meetings BFO personnel attended:

# of Occurrences	Type of Meeting
19	Met with the owner/employee(s) of a convenience, grocery or liquor store
13	Met with the owner/employee(s) of a coffee shop or restaurant
3	Met with the owner/employee(s) of a gas station
3	Met with a building manager
3	Met with private citizens
1	Met with the owner/employee of a dry cleaners
1	Met with a member of a condominium association

Meetings with individual business owners or citizens are not community meetings as defined by the Department. Although private meetings may be needed and do serve an important purpose, the strategies and measures provided to the individuals are tailored to the needs of the individual businesses or properties rather than the community perspective.

The auditor did note that there are some officers who may never be able to attend a community meeting without the Department paying its officers overtime to attend or hosting community meetings at odd hours of the night or morning. Community meetings are held in morning or early evening hours. Some Patrol Division sergeants and police officers work either 9:00 PM to 6:00 AM or 10:00PM to 7:00AM, resulting in their working hours never overlapping available meeting times.

It is important that the Department remembers its reason for having BFO personnel attend community meetings. According to *Training Bulletin III-A.5, Community-Oriented Policing*, BFO personnel attendance at community meetings is part of the Department's community-oriented policing program, and "officer attendance at community meetings is key to building relationships with the community and identifying *community concerns*. Community meetings can provide officers with information that assist with targeting their problem-solving efforts (pg. 3)." More importantly, working with the community to solve issues builds trust between the community and the Department.

RECOMMENDATIONS
Based on the findings, the Department should consider the following recommendations:

1. Require BFO Admin to adhere to policy by modifying current practices. Maintain tracking of PARs and send a monthly report to all commanders to make them aware of the status of their respective area's community meeting attendance. A monthly report allows commanders an opportunity to cause required attendance within the quarter.

2. Update policy and General Orders to reflect current organizational structure and responsibilities (BFO Admin no longer has an assigned commander and geographic areas of the city are no longer called Police Service Areas).

3. Patrol commanders should better manage participation and assignment of community meeting attendance. Patrol officer attendance at formal NCPC meetings not only adds to compliance, but adds to the benefit of the attending community members as well.

4. Better manage meetings: assign an alternate officer when a CRO is unavailable; post and communicate meeting cancellations when necessary; ensure posted meeting information reflects the correct meeting address and schedule.

5. Assess community meeting attendance requirements for officers working late or overnight hours: provide overtime for community meeting attendance, organize and open to the public meetings during off-business hours, or revise the requirement itself.

Auditor(s): Rose Sutton, MPP, CGAP, Office of Inspector General

Objectives:
Review any changes made towards the management of Department firearms since OIG's last review in 2010. Additionally, test a sample of firearms for tracking accuracy and assess the physical safeguarding of shotguns made available for checkout during patrol shifts.

Referenced Policies:
- Department General Order C-4, Safety Equipment
- Department General Order N-2.1, Purchase and Inventory of Department Firearms
- Policy 306: Firearms (revised draft policy, not yet implemented)
- Criminal Investigation Division Policy and Procedure 15-01
- Department Manual of Rules 342.19, Damaged or Lost Property/Equipment and Improper Securing of Weapons

Significant Findings:
As a result of this audit, one pistol was found unaccounted for and subsequently reported as missing to the California Department of Justice through its Automated Firearms System; deficiencies were identified in the review of checked-out shotguns by professional staff, and topics related to the governance of Department authorized firearms should be retained from the current policy or included for the first time in the new updated Department firearms policy currently being devised. For example, greater guidance for the purchasing, inventory/tracking, issuance and return of loaned firearms (i.e., shotguns and pistols issued in lieu of a use of force incident) should be addressed. Additionally, the Range appears to maintain moderately accurate yet not entirely up to date records.

Recommendations:
1. Prior to finalizing its updated policy, the Department should retain or include all relevant language related to the proper management and oversight of firearms, including creating clear policy detailing the process for the issuance and return of temporarily checked out firearms. The Department should also consider codifying the present practice of more frequent pistol checks.
2. Consider the adoption of stronger controls specifically related to the issuance of firearms by units outside of the Training Section.

Background:
In 2010, OIG reviewed the management of Department firearms and found insufficient tracking documentation, lack of written policy and thirteen (or 1%) of Department pistols unable to be located. Since then, the Department has established better tracking of its firearms and created written policies to manage the use of Department authorized firearms. The Department has

instituted additional changes to provide greater assurance that firearms (pistols and shotguns) are properly inventoried and tracked. Changes include:

- A new electronic tracking mechanism for records maintenance
- More frequent checks by the Firearms Range Program (Range)[2] of authorized pistols
- Revising current policy for the issuance and the safe and legal carrying of firearms, including maintenance and training

Additionally, since the 2010 audit, the Department self-identified the need for better measures to safeguard shotguns made available for use during work shifts. Subsequently, corrective action was taken by the Department prior to OIG's most current review. OIG supports the Department's self-correction measures (detailed further in this report).

Methodology:
In assessing the most relevant areas of risk, OIG interviewed the Department's Range and In-Service Training staff regarding the purchasing, tracking, disposal, issuance of ammunition and the physical security of Department issued firearms.[3] These conversations informed OIG's decision to:

- Perform a physical check for possession of Department assigned duty pistols. This required reconciling 51 pistol serial numbers (collected from a sample of officers during two separate randomly selected patrol line-ups) against the records maintained by the Range.
- Check the count of pistols issued to a functional unit within the Department for completeness.
- Inspect the physical safeguarding of shotguns at the Eastmont Substation and the Police Administration Building (PAB).
- Review the shotgun sign-out form for completeness and timeliness of return.
- Evaluate the revised draft policy governing the use of firearms to ensure the Department has addressed all prominent areas of operational risk.

Finding # 1
The Department has done well to institute policies to govern the use of firearms. Prior to finalizing its most updated policy however, the Department should be mindful of retaining or including language related to the proper management and oversight of firearms including creating clear policy detailing the process for the issuance and return of temporarily loaned firearms. The Department should also consider codifying the Range's present practice of more frequent pistol checks.

Since OIG's 2010 audit, the Department established two written policies encompassing a broad range of subjects related to the use of firearms. Among other things, the policies helped regulate

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[2] The Firearms Range Program is under the command of the In-Service Training Division and is chiefly responsible for ensuring officers receive annual instruction, schedule training and qualification to ensure adequate maintenance and proficiency in the use of police firearms among all sworn personnel.
[3] OIG excluded review of rifles, which are subject to an extensive Patrol Rifle Program, and ideally, warrants its own separate review.

the purchasing, tracking, inspection, and return of Department authorized firearms. Now, the Department is currently in the process of updating these policies. It is important that present and relevant procedures remain fully addressed in the revised draft, otherwise without specific written guidance, operational risks may unnecessarily increase.

More Frequent Pistol Checks
The Range has instituted a more frequent inventory check of Department authorized pistols than what is required by present policy. Per current policy, an annual end of the year check is required, the results of which are forwarded to the Chief of Police.[4] In actuality, the Range (in addition to the annual check) tracks the status of pistols during annual and supplemental firearm qualifications which all sworn personnel are required to complete at least twice annually. Information collected through inspections is then entered into an electronic tracking system for records maintenance. By performing these audits throughout the year (at least three times), the Range can generate more timely monitoring and responsive action when issues are detected.

Additionally, according to the Range staff, they perform whole inventory checks on a quarterly basis. Quarterly inventory checks include a broader review of all firearms listed in all varying categories, like pistols available for issuance, destroyed firearms, lost or out of service, etc. And as a redundancy control, the Range also issues an 'equipment control' card when assigning pistols. The cards are meant to track the assignment of Department issued equipment and when possible include details related to the date of original purchase, remaining useful life and other descriptive information related to the specific piece of equipment. According to current policy, the Training Section keeps these equipment control cards until sworn personnel separate from the Department.

According to the Department, it still needs to cross-reference check the revised draft policy so that all existing and relevant content is considered for inclusion. OIG recommends that prior to finalizing the revised firearms policy, the Department should consider greater guidance for the purchasing, inventorying/tracking, issuance and return for loaned firearms. Additionally, the Department should codify the Range's present practice of more frequent pistol tracking checks during firearms qualification examinations and supplement practice events.
Specific topics that should transfer to the finalized policy include the responsibilities related to the issuance and return of shotguns loaned on a per shift basis. Outlining shotgun policies is particularly important considering the Department's self-identified need to properly safeguard these firearms. Presently, there are no instructions in either the currently used or revised policy detailing specific loan procedures and responsibilities. Predominant topics of importance are shown in Figure 1 below:

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[4] The annual audit includes information on the make, model, type, firearm serial number, assigned sworn personnel, and current status (i.e., In possession and operation, in possession and non-operational, returned, exchanged, lost/unaccounted for and other). Tracking information also includes the division reporting, the person conducting the inventory review and date of physical review.

Figure 1, Status of topics within currently drafted policy

Topical Area Related to Firearms[5]	Revised Draft Policy
Temp. issued shotgun and return procedure	Should be Addressed
Temp. issued pistol issuance and return (in lieu of an UOF incident)	Should be Addressed
Lost or stolen firearms reporting requirements	Should be Addressed
Purchasing Department-owned firearms	Should be Addressed
Inventory tracking of Department issued firearms	Should be Addressed
Range Master responsibilities	Partly Addressed
Receiving, logging and tracking of all firearms	Partly Addressed
Authorized firearm specification and issuance	Addressed
Secondary or privately owned firearm	Addressed
Authorized Firearms modification	Addressed
Off-duty firearms	Addressed

Finding # 2

The Department maintains adequate physical controls over the issuance of temporarily issued shotguns at Eastmont and PAB, yet improvements over the supervision of the checkout form are warranted.

As mentioned previously, lack of written policy over the governance of temporarily issued shotguns can create the appearance of all too causal oversight and increased operational risk. Indeed, the Department came to realize control deficiencies over the issuance of shotguns when physical safeguards were overridden (access was not fully restricted to supervisory sworn staff as intended) and documentation was inefficient to ensure the timely tracking and return of shotguns. The Department has since increased physical security and documentation measures. Specifically, the Department has relocated its PAB shotgun armory to a restricted location with the issuance now managed by professional staff assigned to the Property and Evidence Unit. The Property and Evidence Unit reviews the sign-out log on a daily basis to verify timely return. However, it appears supervision over the review by professional staff can be strengthened.[6]

Review of the PAB shotgun sign-out log revealed that, despite the timely return of shotguns by officers, there were 44 separate instances since August 29, 2016 in which professional staff failed to fully document their review of the sign-out record in the space intended for their initials indicating review. This failure to document an inventory review of all loaned shotguns diminishes the effectiveness of the control itself. Moreover, despite written instructions on the sign-out form stating, "FRONT END REVIEW – *Forward to BFO Administration at the end of each month for auditing purposes*," it appears no such forwarding by professional staff is occurring. This only further diminishes effective oversight over the issuance of shotguns. As mentioned previously, there are no instructions in either the currently used or revised policy detailing specific loan procedures or responsibilities by all involved OPD personnel. OIG reasserts its recommendation that written policy be created detailing the governance for the issuance and return of loaned firearms, including:

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[5] This is not an exhaustive list of all topical areas covered by the new draft policy, but rather those most relevant to OIG's review.

[6] For clarity, the supervision of professional staff assigned to the Property and Evidence Unit does not fall under the command of In-Service Training, but rather the Bureau of Field Operations.

- Establishing roles and responsibilities that set clear expectations
- Specific directives for the periodic review
- Response protocol for when a shotgun is not returned by the expected time

Finding # 3
The Range presented fully accurate information for a sample of 51 randomly selected pistols that were tested for records correctness. Yet, greater care should be taken to document the return of pistols when sworn personnel separate from the Department. Also, the process for issuing pistols assigned to a functional unit within the Department lacks sufficient control to ensure all firearms are locatable as one pistol is currently unaccounted for.

Moderately Accurate Records and Documentation of Returned Duty Pistols
The overall state of records maintained by the Range for pistol tracking appears adequate. When OIG reviewed the record sheet kept by the Range to track the issuance of pistols, no duplicate records were found among the 1,077 separate duty pistols labelled as available, issued, loaned, out of service, stolen or logged into property/evidence.[7] Additionally, of the 51 randomly selected officers whose pistol serial numbers were collected and reconciled against the record sheet, all correctly matched information kept by the Range. However, OIG can only provide reasonable (not absolute) assurance that the records are in sufficient and valid condition.
In OIG's further review of the record sheet, a handful of errors related to inaccurate officer serial numbers were identified, which appear to be simple data entry mistakes. Although few in number, the Range should remain mindful of double checking their entries so as not to create erroneous information. More importantly, when OIG reviewed the first one hundred sworn personnel listed with the longest tenure, four individuals (or 4%) were incorrectly labeled has having an 'issued' firearm when in actuality these individuals had separated from the Department. Upon separation, all Department issued firearms should always be returned and subsequently documented on the Mandatory Equipment Turn-In form. OIG verified these four duty pistols were indeed returned to the Range, but the record simply has yet to be updated. The Range should be mindful of updating its record at its earliest opportunity.

Missing Pistol
During the course of OIG's review, it was determined that the Homicide Unit could only account for five of the six pistols issued by the Range. These pistols are not assigned to specific personnel within the Homicide Unit, but rather the functional unit itself. In the event of a critical incident (i.e., an officer involved shooting) the discharged duty pistol is sequestered during the course of the Departmental investigation, and according to Criminal Investigation Division Policy and Procedure 15-01, Homicide is to "issue a new firearm(s), which is to be securely housed by the Homicide Section Commander, to the involved officer(s)," and that the Homicide Unit is to "contact the Training Section Commander or designee with the name of the involved officer(s) issued a firearm(s) and the serial number(s) of the issued firearm(s)."

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[7] In June 2015, one Department issued pistol was reported stolen as the result of an auto burglary in Pinole, CA. The Range consequently logged the theft into their firearms database and the officer to whom the gun was issued received corrective action and was issued a replacement pistol. The Pinole Police Department generated a crime report.

According to the Department, it was believed likely that the unaccounted for pistol was loaned to an officer after a critical incident. The Range investigated the location of the pistol by re-checking with all possibly involved officers and documenting a general inquiry of all sworn personnel; however, the pistol remains missing.

According to Department Manual of Rules 342.19, Damaged or lost property/equipment and improper securing of weapons, "members and employees shall immediately report to their immediate supervisor or commanding officer any loss of or damage to Departmental property or equipment assigned to or used by them." Obeying the spirit of this policy, the Training Section ultimately reported the pistol as missing to the California Department of Justice through the Automated Firearms System.[8] Recognizing the significance of weak controls over the transfer of custody, Department personnel subsequently met and devised improvements to the workflow of firearms tracking and communicating pistol issuance when related to a use of force incident in which the duty pistol was discharged. As a response to this OIG audit, Department personnel proactively proposed workflow details to be included in the updated policy. OIG recommends that the Department evaluate how best to improve current practice and to embody improvements within policy.

NEXT MONTH'S PLANNED REVIEWS

The reviews scheduled for the April 2017 Report are:

1. Inspection of Confidential Informant Files
2. Review of Internal Affairs Investigations and Processes

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[8] The Automated Firearms System (AFS) is managed by the California Department of Justice's Bureau of Criminal Identification and Information. AFS's function is to track the serial numbers of every firearm owned by government, observed by law enforcement, seized, destroyed, held in evidence, reported stolen, recovered, voluntarily registered, or handled by a firearms dealer.