

OAKLAND POLICE DEPARTMENT

Office of Inspector General



AUDIT OF TASK 44 PERSONNEL PRACTICES

May 09, 2011

CITY OF OAKLAND

Memorandum

To: Chief Anthony Batts

From: Office of Inspector General

Date: May 09, 2011

Subject: Task 44 - Personnel Practices Audit

On December 1, 2011, the Audit and Inspections Unit of the Office of Inspector General initiated an audit of four subtasks of Task 44, Personnel Practices, Tasks 44.3, 44.4, 44.7.1, and 44.7.2. In addition to the compliance assessment of Task 44, a quality review of performance appraisals was conducted. The purpose of the audit was to determine Departmental compliance with requirements set forth in Departmental General Order B-6 and requirements of the Negotiated Settlement Agreement and to assess whether documentation in appraisals adequately supported the employees' overall performance ratings.

To conduct the audit, the lead auditor met with the Personnel Division staff, reviewed a sample of employee/member performance appraisals, reviewed Personnel Orders to identify member/employee transfers, and checked iPAS to confirm assignment histories.



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EXECUTIVE SUMMARY

In December 2010, the Office of Inspector General (OIG) initiated an audit of Task 44, Personnel Practices. Although Task 44 consists of nine requirements, this audit includes an assessment of only four tasks: 44.3, 44.4, 44.7.1, and 44.7.2. Tasks 44.3 and 44.4 were assessed to determine if the Department has maintained compliance for one year. Tasks 44.7.1 and 44.7.2, both of which the Department had not achieved compliance, were assessed to determine if compliance has been met.

A sample of performance appraisals of members/employees with substantial collateral duties, transferred personnel, and Area Captains were reviewed for this audit. This audit indicated that the Department is in compliance with three tasks and the remaining task was not applicable to the appraisals reviewed.

Task 44.3 - Substantial Collateral Duty

The audit indicated the Department has maintained compliance with Task 44.3. Of the 50 performance appraisals reviewed, 46 (92%) included documentation that a consultation of the employees/members' collateral duty unit coordinator occurred. The compliance requirement for this task is 85%.

Task 44.4 - Transferred Personnel

The audit indicated the Department has maintained compliance with Task 44.4. There were 24 employees/members whose performance appraisals met the audit criteria for review. Of the 24 performance appraisals reviewed, 21 (88%) included documentation that a consultation between the current and previous supervisor(s) occurred. The compliance requirement for this task is 85%.

Tasks 44.7.1 and 44.7.2 - Area Captains

The audit indicated the Department is in compliance with Task 44.7.1. There were four Area Captains' performance appraisals assessed during the audit period, all of which included language that supported the Area Captains' subordinates worked to enhance community policing as required by Task 44.7.1.

Based on an interview with the Bureau of Field Operations Deputy Chief, the audit team determined Task 44.7.2, requiring Area Captains to be held accountable for whether their subordinates are working to enhance the quality of community contacts, was not applicable to the performance appraisals reviewed.

In addition to the NSA related Tasks, the performance appraisals of employees who received an overall rating of exceeds expectations were also reviewed to assess if justifications for the ratings were documented in the appraisals. The audit indicated that while some performance appraisals included clear documented evidence of such ratings, others were less descriptive and unclear as to the appraiser's assessments of the employee's performance.

PURPOSE

On December 1, 2010, the Audit and Inspections Unit (Audit Unit) of the OIG initiated its audit of four components of Task 44, Performance Appraisals.

- Task 44.3 requires appraisals of members with substantial collateral duties include consultation with a separate narrative from the other supervisor or manager.
- Task 44.4 requires appraisals of members supervised by two or more individuals due to a transfer are completed in accordance with Departmental General Order B-6.
- Task 44.7.1 requires performance appraisals of Area Captains document that their subordinates work to enhance community policing.
- Task 44.7.2 requires Area Captains to be held accountable for whether their subordinates are working to enhance the quality of community contacts.

The purpose of this audit was to determine if the Department has maintained compliance with Tasks 44.3 and 44.4 for one year, and to determine if the Department had achieved compliance with Tasks 44.7.1 and 44.7.2, neither have been assessed since 2009. If it was determined that compliance with any of the tasks had not occurred, solutions for any deficiencies discovered would be proposed.

The audit also assessed the performance appraisals of employees who received overall ratings of exceeds expectations to determine if evidence of exemplary performance was clearly documented.

BACKGROUND

There have been two audits of Task 44 conducted since 2009. The Independent Monitoring Team (IMT) and the OIG have conducted one audit each.

Office of Inspector General Audit – February 2009

The OIG conducted its last audit of Task 44 in February 2009. The audit found the Department was not in compliance with Tasks 44.3, 44.4, 44.7.1 and 44.7.2. The audit found that less than half of the performance appraisals reviewed included documentation that the employees/members' performance appraiser consulted with his/her collateral duty supervisor, as required by Task 44.2. The audit also determined that a little more than half of the performance appraisals of those employees/members who were transferred during his/her appraisal period included documentation that their appraisers consulted with his/her previous supervisor(s), as required by 44.3.

The audit determined the Department was not in compliance with the two subtasks specific to Police Service Area (PSA) Lieutenants’¹ performance appraisals, Tasks 44.7.1 and 44.7.2. Less than half of the PSA Lieutenants’ performance appraisals contained information in which the lieutenants were evaluated on having their subordinates build community contacts and enhancing community policing.

Independent Monitoring Team Audit – January 2010

The previous IMT conducted its last audit of Task 44 in January 2010. The audit determined the Department was in compliance with all of Task 44, with the exception of Tasks 44.7.1 and 44.7.2. Since the performance appraisals of the Area Captains had not been completed during the audit period, the IMT was unable to assess the content of the appraisals, therefore compliance was not determined.

The IMT did determine that the Department met compliance with Tasks 44.3 and 44.4, which had both been found out of compliance in the IMT’s 2006 and the OIG’s 2009 audits. In its 2010 audit, the IMT stated it no longer required the performance appraisal to include a separate narrative from the individual who supervised the collateral duties, as initially stated in Task 44.3. In lieu of the initial requirement, the IMT would deem those performance appraisals that included documentation that the consultation had occurred as in compliance with Task 44.3. The IMT found that although the Department was in compliance with Task 44.3, the documentation of consultations varied in quality with some supervisors merely documenting that they consulted with their subordinates’ additional supervisor and not conveying the details of those interactions.

The IMT found the Department in compliance with Task 44.4, performance appraisals of transferred employees are completed in accordance with Departmental General Order B-6. In its January 2010 audit however, the IMT reported the Department met compliance although the quality of documentation varied from brief to very detailed. This was a significant improvement from its previous audit, in May 2006, in which the IMT reported it was unable to assess compliance with Task 44.4 due to insufficient documentation.

COMPLIANCE OVERVIEW

Task 44.3 *Appraisals of members with substantial collateral duties include consultation with a separate narrative from other supervisor or manager*

In Compliance

Compliance Requirement: 85%

Audit Finding: 92%

¹Effective January 2008, the Department changed its organizational structure to “Area Command,” eliminating the Police Service Area Lieutenant position. The performance appraisal requirements of Tasks 44.7.1 and 44.7.2 were subsequently changed from Police Service Area Lieutenants to Area Captains.

Task 44.4 *Appraisals of members supervised by two or more individuals due to a transfer are completed in accordance with Departmental General Order B-6.*

In Compliance

Compliance Requirement: 85%

Audit Finding: 88%

Task 44.7.1 *Appraisals of Area Captains document that their subordinates work to enhance community policing.*

In Compliance

Compliance Requirement: Y/N

Audit Finding: Y

Task 44.7.2 *Area Captains are held accountable for whether their subordinates are working to enhance the quality of community contacts.*

Not Applicable

Compliance Requirement: Y/N

Audit Finding: N/A

SCOPE AND POPULATION

Audit Scope

The scope of the audit was an assessment of 2010 performance appraisals of members/employees to determine if they met the requirements of the applicable audited tasks.

Audit Population and Sample

There were various populations used to audit the various subtasks:

Task 44.3

The audit population was created by obtaining the names of members/employees who worked the substantial collateral duties listed below in 2009-2010:

- Field Training Officers
- Instructors
- Tactical Operations Team
- FBI Fugitive Task Force

There were a total of 102 employees/members who had substantial collateral duties. To achieve a 95 percent confidence level with a +/-4 percent error rate, a one-tailed test was conducted resulting in a sample size of 50 performance appraisals for review.

Task 44.4

The audit team reviewed all Personnel Orders from April 1, 2010 through September 30, 2010, in order to identify those employees/members who were transferred during the audit period. The audit population was created by selecting the members/employees whose last names begin with the letters L through W, hence those whose performance appraisals that were due in the months of June through November. There were a total of 24 employees/members who were transferred. Since the population was relatively small, the entire population was audited.

Tasks 44.7.1 and 44.7.2

The audit team reviewed the 2010 performance appraisals of the captains who were assigned as Area Captains between January 2010 and November 2010. There were four Area Captains during the audit period. The performance appraisals for the entire population were audited.

Exceeds Expectations Performance Appraisals

The audit team reviewed the performance appraisals of employees who received an overall rating of exceeds expectations. A list comprised of those employees whose performance appraisals were due in January and February 2011 was obtained from the Personnel Division. There were a total of 84 employees, of which 37 received an exceeds expectations rating. The names of those employees were extracted from the list and a sample of 20 performance appraisals was taken from the population.

Reference Material

The documents below were used in the assessment of the performance appraisals.

- Department General Order B-6
- Department Information Bulletin, Performance Appraisal Tips (February 2009)
- Internal Personnel Assessment System
- Performance Appraisal Form (TF-3233)
- Personnel Orders
- Negotiated Settlement Agreement (Revised December 2008)

AUDIT STEPS AND FINDINGS

Task 44.3

Appraisals of members with substantial collateral duties include consultation with a separate narrative from other supervisor or manager

Audit Steps

There was a sample of 50 members/employees identified as having collateral duties in 2009-2010 and their respective performance appraisals were reviewed. The audit team reviewed Section I, Part 11 of the performance appraisals to determine if the appraiser documented that a consultation with the unit coordinator of the collateral duty occurred. If notation of the consultation was included in the performance appraisal, the appraisal was found to be in compliance with Task 44.3.

Although not a requirement of Task 44.3, the auditor compared the appraisal period end date of each performance appraisal to the employee/member signature date. If the signature date was prior to the appraisal period end date (the appraisal was administered before the end of the performance appraisal period), the auditor made notation of the date inconsistencies. The comparison served as an assessment of the potential risk for performance appraisals not accurately capturing critical areas of review such as the Use of Force incidents, complaints, and attendance.

Findings

The Department is in compliance with this task. Of the 50 performance appraisals reviewed, 46 (92%) included documentation that a consultation with the employees/members' collateral duty unit coordinator occurred. There were three performance appraisals that did not include documentation of the required consultation. At the time of the audit, according to Personnel Division's records, one performance appraisal was delinquent and therefore could not be assessed.

Of the 50 performance appraisals, 20 (40%) were signed prior to the appraisal period end date. The number of days between the signature dates and appraisal end dates was not more than five days. If uses of force, complaints, or sick leave, for example, occurred before the end of the appraisal period, but after the appraisal was completed, these incidents may never show up in a performance appraisal.

Task 44.4

Appraisals of members supervised by two or more individuals due to a transfer are completed in accordance with Departmental General Order B-6.

Audit Steps

Using Personnel Orders dated April 1, 2010 through September 30, 2010, there were 24 members/employees whose last names begin with the letters L-W and who were transferred and thus supervised by more than one supervisor during his/her performance appraisal period. The audit team reviewed Section I, Part 12 of the performance appraisals to determine if the appraiser included documentation of consultations with the previous supervisor(s). If notation of the consultation was included in the performance appraisal, the appraisal was found to be in compliance with Task 44.4.

Findings

The Department is in compliance with this task. The audit determined that there were 24 employees/members who were transferred and that 21 (88%) of the respective performance appraisals included documentation of a consultation from the previous supervisor(s).

The audit found three (12%) performance appraisals out of compliance. One member/employee was transferred during his appraisal period and his supervisor did not include documentation of the required consultation. Two performance appraisals were authored by the members/employees' previous supervisors rather than their immediate supervisor, both not within Departmental policy².

Tasks 44.7.1 and 44.7.2

Appraisals of Area Captains document that their subordinates work to enhance community policing.

Area Captains are held accountable for whether their subordinates are working to enhance the quality of community contacts.

Audit Steps

The audit team reviewed the performance appraisals of the captains who served as Area Captains between January 2010 and November 2010 to determine if the performance appraisals documented that each Area Captain was held accountable for whether their subordinates were working to enhance community policing and for whether their subordinates worked to enhance the quality of community contacts.

If the Area Captain was evaluated on his subordinates working to enhance community policing through community partnerships, the performance appraisal was deemed in compliance with Task 44.7.1.

If the subordinates of an Area Captain did not work to enhance the quality of community contacts and the Area Captain was held accountable, the performance appraisal was determined to be in compliance with Task 44.7.2.

² Departmental General Order B-6 requires the person serving as the regularly assigned supervisor of the member/employee on the last day of the appraisal period have primary responsibility for preparing and administering the performance appraisal.

Findings

The Department is in compliance with Task 44.7.1. There were four Area Captains during the audit period³. Each performance appraisal reviewed contained language that supported the Area Captains' subordinates worked to enhance community policing. The audit team therefore found the Department to be in compliance with Task 44.7.1.

Based on an interview with the Bureau of Field Operations Deputy Chief, the audit team determined Task 44.7.2 was not applicable to the performance appraisals reviewed. The Deputy Chief did not recall any accounts of Area Captains' subordinates not working to enhance the quality of community contacts, therefore, no Area Captains needed to be held accountable for that performance.

To ensure future performance ratings document the requirements of Tasks 44.7.1 and 44.7.2, the OIG has made a recommendation to the Bureau of Field Operations Deputy Chief that a performance objective specific to subordinates' community policing be added to Area Captains' performance appraisal exemplar. The objective standard will include subordinates work to enhance community policing and community contacts, and subordinates attend a community meeting each quarter. This addition will remind the appraiser of the tasks requirement, making certain these contents are clearly documented.

Exceeds Expectations Performance Appraisals**Audit Steps**

The sample of 20 performance appraisals with overall ratings of exceeds expectations were reviewed to assess if the ratings met the measures as stated in the performance appraisal rating key. The exceeds expectations measures are as follows.

The performance of an employee at this level consistently exceeds all of the job standards and performance expectations. The employee is performing at a level well beyond what is normally expected of the majority of employees with similar duties.

For this review, the audit team reviewed Sections I, II, and III of the performance appraisals to compare the listed standards with the appraisers' narratives and ratings. The sections and subsections are listed below.

Section I – Organizational Values and Work Habits

- Attendance
- Use of Time
- Teamwork and Collaboration
- Customer Service

³ The audit found that one of the performance appraisals was received by the Personnel Division nearly 10 months after the appraisal's due date.

- Accountability
- Adaptability and Problem Solving
- Performance Management (if applicable)

Section II- Performance Objectives and Standards⁴

- Performance Objective #1
- Performance Objective #2
- Performance Objective #3 (if applicable)
- Performance Objective #4 (if applicable)
- Performance Objective #5 (if applicable)
- Performance Objective #6 (if applicable)

Section III – Overall Appraisal

There are no subsections related to this section. The appraiser is required to describe the employee's overall performance.

When an employee received an exceeds expectations rating in any of the reviewed subsections (i.e. Sections I and II), the standards were compared to the appraiser's narrative to determine if the rating was adequately supported by assessing whether the narrative clearly illustrated the employee performed at a level which exceeded the set standards.

The audit team also reviewed the narrative provided in Section III, to assess whether the narrative described the employee's overall performance. When assessing Section III, the audit team also took into account the employee's performance as documented in Sections I and II of the appraisal. While the purpose of the appraisal review was to assess documented justification of exceeds expectations ratings, an assessment of the accuracy of the ratings was not made. The audit did not assess whether the employees were deserving of the exceptional rating, but rather whether clear documentation supporting the rating was provided.

Findings

Of the 20 performance appraisals reviewed, 15 did not include narratives that supported the ratings given in the subsections of Sections I, II and/or III. The following is a summary of the review observations.

- Many of the narratives restated the standards and did not provide any description or examples of exemplary performances.
- Some appraisers made reference to their employees' performance specific to one standard and did not refer to any other standard included in the evaluated

⁴ The number and specificity of performance objectives vary based on employee classification and assignment. Appraisers are required to use the performance objectives and standards provided by the Personnel Division or those objectives that have been agreed upon in the employee's previous performance appraisal.

subsection. These comments were brief and provided limited description of performances.

- There were employees who received more than one fully effective rating in Sections I and/or II, and yet received an overall rating of exceeds expectations. This is in contradiction to the measurement of an exceeds expectations rating where the employee consistently exceeds *all* job standards and performance expectations.
- There were some cases in which the appraiser provided examples of the employee's performance, but those examples did not illustrate how the employee performed at a level beyond what is normally expected.
- There were some instances where Section III, the overall rating, narratives were very brief, providing little, if any, description of the employee's overall performance, and therefore did not clearly articulate the justification for the exceeds expectation rating.

Although the audit team noted several performance appraisals with limited supporting evidence of exceeds expectations ratings, there were some in which the appraisers' documentation more clearly justified such ratings. These narratives were more descriptive and included examples of performances that exceeded the set job standards and performance expectations. Some of these appraisers provided both qualitative and quantitative examples of employees' performances; hence ensuring justification for the rating was better articulated.

RECOMMENDATIONS

1. Encourage supervisors and managers to refer to the *Information Bulletin, Performance Appraisal Tips*, prior to authoring an appraisal.
2. Supervisors and managers should be reminded to consult with their employee/member's previous supervisor(s) when he/she has been supervised by more than one individual during the appraisal period. This consultation should be documented in the employee/member's performance appraisal. In addition, to reviewing the employee/members' completed Performance Appraisal Questionnaire (TF-3318), appraisers should also check iPAS to review their employees/members' assignment histories to identify previous assignments.
3. Supervisors and managers should be reminded to consult with their employee/member's collateral duty unit supervisor/manager and provide documentation in the performance appraisal that the consultation occurred.
4. Supervisors and managers should ensure, to the extent possible, appraisal periods are accurately reflected on performance appraisals. Performance appraisals should

- be administered on or after the end date of the documented appraisal period. The due date of a performance appraisal is 10 days after the end date of the appraisal period, per Department General Order B-6, giving appraisers' time to administer the appraisal.
5. The Department should consider revising Departmental General Order B-6 to allow for an employee/members' previous supervisor to have primary responsibility for conducting, preparing, and administering the appraisal, if the employee/member was supervised by his/her current supervisor for less than 30 days at the end of the appraisal period.
 6. Although there were a minimal number of delinquent performance appraisals identified, supervisors and managers should continue to ensure appraisals are completed and submitted in a timely manner.
 7. It is important that performance appraisals are fair and give an accurate account of employees' performance. Appraisers should be certain to document reasons justifying any rating given an employee. The narratives should provide clear illustrations of achievements through examples of performances. This can be achieved by providing qualitative and quantitative examples (e.g. the number of arrests made compared to peers, number of investigations completed, and quality of investigations conducted in comparison to peers).