

# OAKLAND POLICE DEPARTMENT

## Office of Inspector General



### AUDIT OF TASK 44 PERSONNEL PRACTICES

July 18, 2014

## CITY OF OAKLAND

### Memorandum

**To:** Chief Sean Whent

**From:** Lieutenant Anthony Souza, Inspector General

**Date:** July 18, 2014

**Subject:** **Personnel Practices Audit**

On February 11, 2014, the Audit and Inspections Unit of the Office of Inspector General initiated an audit of Task 44, *Personnel Practices*. The purpose of the audit was to determine whether the Oakland Police Department's (OPD) personnel practices and procedures regarding performance appraisals are in accordance with the established guidelines in the Negotiated Settlement Agreement (NSA) and OPD's Departmental General Order (DGO) B-6, *Performance Appraisal*. 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 the NSA directives.

To conduct this audit, the audit team coordinated their efforts with the Department's Personnel Section staff members. The audit team met with Personnel Section's Support Services Supervisor to advise her of the audit in order to gain access to members/employees' performance appraisals and other documents (i.e., roster of OPD personnel, work histories, etc.). The Audit Team also interviewed the supervisor regarding the Department's practices relating to performance appraisals. Moreover, the audit team conferred with other supervisors/commanders, when necessary, to aid in clarifying information documented in the performance appraisals and any audit questions regarding the Department's practices.

There were five primary objectives for this audit. *First*, determine whether each member/employee receives an individual written performance appraisal from his/her immediate supervisor, accurately reflecting the quality of the member/employee's performance. *Second*, determine whether all supervisors and commanders document in members/employees' performance appraisals required information (i.e., sustained and not sustained complaints, uses of force sick/injury leave, etc.). *Third*, determine whether the performance appraisals of members/employees who had substantial collateral duties included the results of a consultation with the collateral duty coordinator. *Fourth*, determine whether the performance appraisal of each member/employee who was supervised by two or more individuals during the appraisal period included a documented performance synopsis from each respective supervisor. The *last* objective was to determine whether OPD conducts regular audits of its performance appraisal system.

In closing, the audit team reviewed a random sample of members/employees' performance appraisals that were due in either 2013 or 2014.

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## EXECUTIVE SUMMARY

On February 11, 2014, the Audit and Inspections Unit of the Office of Inspector General initiated an audit of Task 44, *Personnel Practices*. The purpose of the audit was to determine whether the Oakland Police Department's (OPD) personnel practices and procedures regarding performance appraisals are in accordance with the established guidelines in the Negotiated Settlement Agreement (NSA) and OPD's Departmental General Order (DGO) B-6, *Performance Appraisal*. 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 the NSA directives.

There were five primary objectives for this audit. *First*, determine whether each member/employee receives an individual written performance appraisal from his/her immediate supervisor, accurately reflecting the quality of the member/employee's performance. *Second*, determine whether all supervisors and commanders document in members/employees' performance appraisals required information (i.e., sustained and not sustained complaints, uses of force sick/injury leave, etc.). *Third*, determine whether the performance appraisals of members/employees who had substantial collateral duties included the results of a consultation with the collateral duty coordinator. *Fourth*, determine whether the performance appraisal of each member/employee who was supervised by two or more individuals during the appraisal period included a documented performance synopsis from each respective supervisor. The *last* objective was to determine whether OPD conducts regular audits of its performance appraisal system.

The audit indicated that the Department, in its execution of its performance appraisal system, is doing well in some areas and needs improvement in others. The audit indicates that the Department is providing its members/employees with performance appraisals. Supervisors and commanders are including the required information (i.e. sustained and/or not sustained complaints, arrests, sick leave, etc.) in the appraisals. However, the audit also indicates that the Department is not in compliance with ensuring that the performance appraisals of members/employees who have substantial collateral duties include the required documented consultation from the collateral duty coordinator. In addition, the audit indicated that the Department is not in compliance with ensuring that the appraisals of members/employees who had more than one supervisor during the appraisal period include a documented consultation from each respective supervisor. Moreover, the audit indicated that the Department is not conducting regular audits of its performance appraisal system.

The audit of the Department's performance appraisal system indicated that there are other areas of concern. The audit indicated that the Department is not in compliance in ensuring that each member/employee's respective chain-of-command up to and including the deputy chief or assistant chief reviews his/her appraisal. The audit also indicated that the Department does not have a policy that articulates how supervisors should document in the performance appraisal a member/employee's performance issue(s) not related to an MOR sustained or not sustained violation, causing supervisors, in practice, to struggle in their attempts to address performance issues in the appraisals. Moreover, the audit indicated that there is no indication that supervisors utilize the *Communicating Goals and Expectations* section of the performance appraisal to establish actual goals that each respective member/employee is expected to achieve.

In conclusion, in order for the Department to continue to comply with the directives of Task 44, Personnel Practices, it is recommended that the Department provide its supervisors and commanders with comprehensive training to resolve the issues identified in this audit. It is also recommended that when creating this comprehensive performance appraisal training the Department partners with the City of Oakland's Employee Relations Department and the City Attorney's Office Human Resources/Personnel Specialist to find answers to appropriately executing its performance appraisal system in a manner that ensures the risk to the Department is diminished. Lastly, it is recommended that the Department extend its performance appraisal due dates to ensure its supervisors have sufficient time to document the required Internal Personnel Assessment System information (i.e. complaints, arrests, vehicle incidents, etc.) that covers the entire appraisal period and submit the appraisal to Personnel within the allotted time period.

## PURPOSE

On February 11, 2014, the Audit and Inspections Unit of the Office of Inspector General initiated an audit of Task 44, *Personnel Practices*. The purpose of the audit was to determine whether the Oakland Police Department's (OPD) personnel practices and procedures regarding performance appraisals are in accordance with the established guidelines in the Negotiated Settlement Agreement (NSA) and OPD's Departmental General Order (DGO) B-6, *Performance Appraisal*. 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 the NSA directives.

## BACKGROUND

Audits of Task 44, *Personnel Practices*, conducted in 2007, 2009, and 2010<sup>1</sup>, have invariably indicated that OPD has adequately complied with the requirements of Tasks 44.1.1, 44.1.2, 44.2, and 44.5. *Task 44.1.1* requires the Department to provide its members/employees with an annual written performance evaluation from their respective immediate supervisors. *Task 44.1.2* requires that the performance evaluations include consideration and documentation of *sustained* and *not sustained* complaints against members/employees. In addition, this subtask requires that the members' performance appraisals include consideration and documentation of uses of force; sick/injured leaves; arrests for narcotics-related possessory offenses not made as a result of searches conducted pursuant to arrests for other offenses; arrests involving charges of Penal Code §§69, 148 and/or 243(b)(c); and vehicle accidents. *Task 44.2* requires that the performance appraisals of members/employees' include signatures from their respective supervisors/managers in the direct chain of command, up to the Deputy Chief/Assistant Chief of the respective Bureau, when appropriate. Lastly, *Task 44.5* requires that when a member/employee is promoted, his/her new supervisor completes the performance appraisal.

Subsequently, due to OPD's ability to sufficiently meet the requirements of the subtasks above, the former Independent Monitoring Team (IMT), upon the conclusion of their last audit of Task 44 in January 2010, entitled Personnel Practices Task 44 (S.A.X.A.), determined that this task would no longer be actively monitored. The IMT found the Department to be in compliance with all but two subtasks: (1) Subtask 44.7.1, which states, "Performance Appraisals of Area Captains document that their subordinates work to enhance community policing," and (2) Subtask, 44.7.2, which states, "Area Captains are held accountable for whether their subordinates are working to enhance the quality of community contacts." In addition, in the *Fourteenth Status Report of the Independent Monitor*, the IMT wrote, "...OPD is not in compliance with this requirement because no appraisals for Area Captains were completed. OPD is in compliance with the remainder of this task...This task will not be actively monitored under the MOU." Currently, this task continues not to be actively monitored by the current Independent Monitor.

### Most Recent Audit

The most recent audit was conducted three years ago by the Office of Inspector General (OIG) in May 2011. The audit included an assessment of only four tasks, 44.3, 44.4.,

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<sup>1</sup> OIG conducted the 2007 and 2009 audits, and the former IMT conducted the 2010 audit.



44.7.1 and 44.7.2. Hence, the audit found the Department to be in compliance with ensuring that each member/employee who had substantial collateral duties supervised by someone other than his/her regular and direct supervisor, his/her immediate supervisor consults with the other supervisor, manager, or person in charge of the collateral duty regarding the subject member/employee's performance and documents the results of the consultation in the performance appraisal (Task 44.3). The audit also found the Department to be in compliance with ensuring that each member/employee or his/her direct supervisor, who is transferred during the appraisal period, causing the member/employee to be supervised by two (2) or more individuals, the member/employee's performance information is exchanged during a consultation between the prior supervisor(s) and the appraising supervisor and documented by the appraising supervisor or manager in the subject member/employee's performance appraisal (Task 44.4). Additionally, the audit found the Department to be in compliance with ensuring that area captain's subordinates work to enhance community policing (Task 44.7.1). Furthermore, the audit noted that Task 44.7.2 was not applicable since there were no area captains that needed to be held accountable for their subordinates not working to enhance the quality of community contact. The OIG's findings resulted in the following recommendations:

Recommendation No. 1

*"Encourage supervisors and managers to refer to the Information Bulletin, Performance Appraisal Tips, prior to authoring an appraisal."*

Status

The *Information Bulletin, Performance Appraisal Tips*, expired February 24, 2011.

Recommendation No. 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."*

Status

This audit indicates that the Department documents the results of the consultation with the employee/member's previous supervisor(s) 43 percent of the time.

Recommendation No. 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."*

Status

This audit indicates that the Department consults with the collateral duty unit supervisor/manager 60 percent of the time.

Recommendation No. 4

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*“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.”*

Status

This audit indicates there are still some instances in which the appraisal is administered prior to the end of the appraisal period.

Recommendation No. 5

*“The Department should consider revising Departmental General Order B-6 to allow for an employee/member’s 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.”*

Status

Departmental General Order B-6 has not been revised.

Recommendation No. 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.”*

Status

This audit indicates that only 46% of the evaluations were submitted to the Personnel Section on or before the deadline dates stipulated in DGO B-6

Recommendation No. 7

*“It is important that performance appraisals are fair and give an accurate account of employees’ performance. Appraisers should be certain to document reasons for 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).*

Status

The Department’s policy or practice has not been modified.

## NEGOTIATED SETTLEMENT AGREEMENT REQUIREMENTS

### Task 44.1.1

Personnel receive annual Performance Appraisals from appropriate supervisor/manager

### Task 44.1.2

Performance Appraisals are completed in conformance with Settlement Agreement Requirements:

Supervisors and commanders shall document, in performance appraisals, that they are aware of the nature and progress of complaints and investigations against members/employees, and shall consider all sustained and not sustained complaint findings completed within the time limits imposed by Government Code Section 3304, in their performance appraisals of subordinates

### **(Members Only)**

uses of force; “sick” and “injured” leaves; arrests for narcotics-related possessory offenses not made as a result of searches conducted pursuant to arrests for other offenses; arrests involving charges of Penal Code §§69, 148 and/or 243(b) (c); and vehicle accidents

### Task 44.2

Performance Appraisals signed by appropriate supervisors/managers in direct chain and Appraisals include written addendum by disagreeing reviewers

### Task 44.3

Appraisals of members with substantial collateral duties document the results of the consultation with the other supervisor or manager

### Task 44.4

Appraisals of members supervised by two or more individuals due to a transfer document the results of the consultation of the other supervisor(s) or manager(s)

### Task 44.5

Appraisals of promoted members/employees completed by new supervisor

### Task 44.6

Supervisors and commanders/managers who knew or should have known of patterns of misconduct but failed to identify them are held accountable

**(Not assessed** since the 2007 Independent Monitoring Team agreed that this provision incorporates the requirements of Tasks 21.7 and 4.7 and both tasks are to be assessed in conjunction with the assessment of Tasks 41.7 and 41.20.)

### Task 44.7.1

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

**(Unable to assess** due to organizational/structural changes in 2013)

Task 44.7.2

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

**(Unable to assess** due to organizational/structural changes in 2013)

Task 44.8

OPD is conducting regular audits of the performance appraisal system

## OIG COMPLIANCE OVERVIEW

The following pages detail the compliance findings, scope, methodology and recommendations for this audit.

**Policy:** The Department has a comprehensive policy, which is outlined in DGO B-6 (initially published August 10, 2000 and revised August 27, 2004 and May 26, 2006).

**In Compliance**

**Training:** The Department has trained the relevant personnel on the policy.

**In Compliance**

**Practice:** Members/employees receive individual written performance appraisals from their immediate supervisors that accurately reflect the quality of each member/employee's performance (Task 44.1.1).

**In Compliance**

Compliance Requirement: 85%

Audit finding: 86%

Supervisors and commanders shall document, in performance appraisals, that they are aware of the nature and progress of complaints and investigations against members/employees, and shall consider all sustained and not sustained complaint findings completed within the time limits imposed by Government Code Section 3304, in their performance appraisals of subordinates (Task 44.1.2).

**In Compliance**

Compliance Requirement: 85%

Audit finding: 96%

[Members'] performance appraisals include documentation and consideration of the following: uses of force; "sick" and "injured" leaves; arrests for narcotics-related possessory offenses not made as a result of searches conducted pursuant to arrests for other offenses; arrests involving charges of Penal Code §§69, 148 and/or 243(b)(c); and vehicle accidents (Task 44.1.2).

**In Compliance**

Compliance Requirement: 85%

Audit finding: 97%

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Every supervisor/manager in direct chain of command, up to and including the Deputy Chief of that Bureau, reviews, signs and dates every performance appraisal of every member/employee within his or her command. If the reviewer disagrees, he/she writes an addendum to the evaluation expressing his/her concerns (Task 44.2).

**Not In Compliance**

Compliance Requirement: 85%

Audit finding: 75%

When a member/employee, during the course of the period being appraised, had substantial collateral duties supervised by someone other than his or her regular and direct supervisor, the other supervisor or manager contributes to the performance appraisal by consulting with the direct immediate supervisor and by, at a minimum, writing a separate narrative evaluation that is signed, dated and included as a regular part of the performance appraisal (Task 44.3).

**Not In Compliance**

Compliance Requirement: 85%

Audit finding: 60%

When a member/employee has been supervised by two (2) or more individuals during the course of the appraisal period, because of transfer of the member/employee or the supervisor, the performance appraisal is completed in accordance with the provisions of DGO B-6, "Performance Appraisal" (Task 44.4).

**Not In Compliance**

Compliance Requirement: 85%

Audit finding: 43%

In the case of a promotion, the promotee's new supervisor is responsible for the evaluation (Task 44.5).

**Compliance Deferred**

Compliance Requirement: 85%

Audit finding: 0%

(Please note that there was only one promotee in the sample)

When appropriate, supervisors and commanders are held accountable for having identified and acted upon patterns, among personnel in the unit, involving the following: use of force, sick leave, line-of-duty injuries, narcotics-related possessory offenses, and on-duty vehicle accidents (Task 44.6).

Compliance Requirement: Y/N  
Audit Finding: **Not Assessed**.

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

Compliance Requirement: Y/N  
Audit Finding: **Not Assessed**

Area Captains are held accountable for whether their subordinate supervisors are working to enhance the quality of community officers (Task 44.7.2).

Compliance Requirement: Y/N  
Audit Finding: **Not Assessed**

OPD is conducting regular audits of the performance appraisal system (Task 44.8).

**Not In Compliance**  
Compliance Requirement: Y/N  
Audit Finding: N

## SCOPE AND POPULATION

### Audit Scope

The audit focused on OPD's policies, procedures, and practices for preparing, administering, and submitting probationary and permanent members/employees' performance appraisals to the Personnel Section.

### Audit Population and Stratification

The Personnel Database (PDB) system was used to retrieve a list of the entire Department-wide population of members/employees who are subject to performance appraisal reviews. Upon reviewing the list, certain member/employee job classifications were eliminated from the audit:

Job Classification	Reason Eliminated from Audit
Agency Director, Police Services	Evaluation is the responsibility of the City Administrator's office
Animal Care Attendant, PT <sup>2</sup>	Not a permanent/probationary employee
Crossing Guards, PT	Not a permanent/probationary employee
Police Cadets, PT	Not a permanent/probationary employee
Police Officer Trainees	Not a permanent/probationary employee
Temporary Contract Services Employees	Not a permanent/probationary employee

In addition to the aforementioned job classifications being eliminated from the audit, there were three specific captains eliminated from the audit due to their working interim positions during an impromptu organizational change in 2013.

The audit population for Tasks 44.1 to 44.5 consisted of a Department-wide list of members/employees who were subject to performance appraisal reviews. The job classifications included captain, lieutenant, sergeant, police officer, and non-sworn employees. Consequently, the audit population consisted of a total of 901 members/employees, including nine captains, 27 lieutenants, 124 sergeants, 450 police officers, and 291 non-sworn employees.

To audit Task 44.8, the support services supervisor in OPD's Personnel Section was interviewed to determine whether OPD is conducting regular audits of the performance appraisal system.

### Identification of the Random Sample

The audit population for Tasks 44.1 to 44.5 was stratified. Using a one-tailed test, a random sample of 87 members/employees' performance appraisals was chosen to achieve a 95 percent confidence level (with a +/-4 percent error rate) that OPD is completing its members/employees' performance appraisals in a timely manner and in accordance with the NSA requirements and DGO B-6. The sample consisted of the following number of randomly selected members/employees:

<sup>2</sup> "PT" stands for non-permanent "part-time." However, the audit population does include "permanent part-time (PPT)" employees since they do receive probationary and annual evaluations according to DGO B-6.



Job Classification	Number in Population	Number Audited to Achieve 95% Confidence Level
Captain	9	1
Lieutenant	27	3
Sergeant	124	12
Police Officer	450	43
Non-Sworn	291	28

## METHODOLOGY/ANALYSIS

The Department's General Order B-6 and the Negotiated Settlement Agreement were used to determine OPD's policies and procedures for preparing, administering, and submitting its members/employees' performance appraisals to the Personnel Section. The auditor reviewed these policies to determine the Department's documented procedures. Subsequently, the auditor reviewed prepared performance appraisals to determine the Department's actual practice. The auditor compared the documented procedures to the actual practice to determine compliance. Each objective below in the *Practices, Findings, and Recommendations* section includes a comprehensive methodology for determining compliance.

### **Reference Material**

The documents and systems below were used to evaluate the correct procedures for OPD's personnel practices regarding performance appraisals:

1. Departmental General Order B-6, Performance Appraisal
2. Internal Personnel Assessment System (iPAS)
3. Negotiated Settlement Agreement
4. Oakland Police Department Office of Inspector General. (2011, May). Audit of Task 44, Personnel Practices.
5. Performance Appraisal Form (TF-3233)
6. Personnel Database (PDB)
7. Research Randomizer ([www.researchrandomizer.org](http://www.researchrandomizer.org))

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## PRACTICES, FINDINGS, AND RECOMMENDATIONS

### Task 44.1.1

#### Objective 1 (Task 44.1.1)

##### *Operational Definition*

Each member/employee receives an individual written performance appraisal from his/her immediate supervisor, accurately reflecting the quality of the member/employee's performance.

##### *Standard*

The person serving as the regularly assigned supervisor of the member or employee on the last day of the appraisal period shall have primary responsibility for conducting, preparing, and administering the appraisal for that member/employee. In the event the appraiser is unable to conduct and prepare the performance appraisal, (e.g., due to a long-term injury/sickness or loan), the immediate superior of the absent supervisor shall be responsible for and shall ensure that performance appraisals are conducted, prepared, and administered, in a timely manner (DGO B-6, IV.B.1.a)

##### *Measures*

Auditor reviewed the requested member/employee's appraisal received from OPD's Personnel Section. If the auditor received the requested performance appraisal, and the appraisal was complete as required via NSA and DGO B-6, the appraisal will be considered in compliance.

To determine whether the supervisor who completed the performance appraisal was the member/employee's immediate supervisor, the auditor reviewed the front page of the Performance Appraisal Form. If there was a check mark, on the front page, next to the box labeled "Immediate Supervisor," the auditor considered the "Person Preparing Appraisal" to be the member/employee's direct supervisor. Hence the performance appraisal was considered in compliance.

Additionally, if there was a check mark, on the front page, next to the box labeled "Other: Indicate," the auditor scrutinized the performance appraisal for an explanation detailing why the person was tasked with preparing the evaluation and not the member/employee's direct supervisor. However, the performance appraisal was not considered out of compliance for not indicating why the member/employee's direct supervisor did not complete the performance appraisal.

If the performance appraisal was present, auditor reviewed the appraisal to determine whether the evaluation was submitted prior to the deadlines stipulated in DGO B-6 by checking the date OPD Personnel received it. Auditor considered the appraisal in compliance if Personnel's time-stamped date of receipt by the 10<sup>th</sup> day following the close of the appraisal period listed below:

Performance Appraisal Deadline Date	Members/Employees' First Letter of Their Last Names
31JAN	A, B
28FEB	C, D, and E
31MAR	F, G
30APR	H, I
31MAY	J, K
30JUN	L, M
31JUL	N, O
31AUG	P, Q
30SEP	R, S
31OCT	T, U, and V
30NOV	W, X, Y, and Z

If the Personnel Section's time-stamped date of receipt is not present, or illegible, the auditor was unable to determine whether the appraisal was submitted to Personnel by the due date.

### Findings

The Department is in compliance with 44.1.1. There were 87 members/employees' performance appraisals requested from Personnel. Of the 87<sup>3</sup>, 85 were applicable to the audit. The audit indicated that there were 73 (86%) completed performance appraisals. In addition, the audit indicated that there were 12 (14%) appraisals that were not in compliance for various reasons. There were **six** members/employees' appraisals requested from Personnel but not received. There were **two** appraisals in which the respective supervisors did not submit to Personnel appraisals that accurately reflect the quality of the respective members' performance. In one appraisal, the supervisor did not provide any comments in the *Attendance, Use of Time, Communications, Customer Service* and *Professionalism and Ethics Standards* sections. In the other appraisal, the supervisor documented under each objective a mere statement: "Not observed by me. You were assigned to light duty...and you are currently assigned to CID on a transitional assignment." There were **two** appraisals, one belonging to a member and one belonging to an employee, in which Personnel documents that "Full Evaluation in Extended Leave Folder." The folder is one in which Personnel keeps performance appraisals of members/employees whose appraisals were due while the respective members/employees are on leave. However, the audit indicated that both the member and employee returned to work and there is no documentation to indicate that the respective member and employee received their performance appraisals. In reviewing iPAS, it was determined that the member returned to work for one month and there is no evidence that she received the awaiting appraisal during that time. Also, a review of iPAS, indicates that the one employee has returned to work and there is no documented evidence that she has received her appraisal. Lastly, there were **two** appraisals received from Personnel in which there is no documented evidence that the member and employee received their respective appraisals. The member's appraisal does not include a signature for the member and there is no signature or name of the person who administered the appraisal. The employee's appraisal does not include an employee signature. In both instances, the

<sup>3</sup> Two performance appraisals were eliminated from the audit: an arbiter ruled to have one member's appraisal removed from the Personnel file and one employee resigned.

auditor was unable to determine whether the member and employee received their respective appraisals.

Of the 73 compliant performance appraisals reviewed, 68 (93%) of them were completed by the member/employee's immediate supervisor. The audit indicated that five (7%) appraisals were completed by someone other than the member/employee's immediate supervisor. These performance appraisals did not include documentation explaining the reason the member/employee's immediate supervisor did not complete the evaluation.

Additionally, OPD's DGO B-6 states that completed performance appraisals are to be forwarded to the Personnel Section by the 10<sup>th</sup> day following the close of the appraisal period<sup>4</sup>. The audit indicated that 34 (46%) of the evaluations were submitted to the Personnel Section on or before the deadline dates stipulated in DGO B-6. There were 29 (40%) performance appraisals submitted less than 30 days late, and 24 of these were less than one week overdue. There were three (4%) performance appraisals submitted to Personnel more than 30 days after the due date, and the most overdue appraisal was submitted to Personnel 34 days late. Lastly, there were seven (10%) instances in which performance appraisals were submitted to Personnel, but the auditor was unable to determine the date in which the Personnel Section received them because of the absence of a date/time stamp on them.

#### Objective 2 (Task 44.1.2)

##### *Operational Definition*

All supervisors and commanders shall document in the members/employees' performance appraisals that they are aware of the nature and progress of complaints and investigations against members/employees and shall consider all sustained and not sustained complaint findings completed within the time limits imposed by Government code Section 3304, in their performance appraisal of subordinates.

##### *Standard*

Appraisers shall document that they are aware of the nature of the progress of complaints and investigations involving members/employees. Performance factors and/or patterns identified in such complaints and investigations shall be considered during the appraisal period in which they occur (DGO B-6, VII.B.2).

##### *Measures*

The auditor reviewed the Mandatory Review Comments section regarding Manual of Rules (MOR) violations on the Performance Appraisal Form to determine whether the supervisor provided sufficient details (i.e., the number and type of sustained and not sustained complaint(s) against the member/employee and corrective action taken, if applicable) in the "Mandatory Comments" section. If the supervisor provided sufficient details in the "Mandatory Comments" sections, the appraisal was considered in compliance.

Moreover, the auditor reviewed OPD's Internal Personnel Assessment System (iPAS) to determine whether the member/employee had any "sustained" and/or "not sustained" complaint findings during the appraisal period. The auditor then compared the complaint

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<sup>4</sup> DGO B-6, Section 1, subsection F.

findings in iPAS to the supervisor's comments regarding complaints in the member/employee's performance appraisal.

### Findings

The Department is in compliance with task 44.1.2. There were 73 appraisals reviewed, and the audit indicated that 70 (96%) of them provided sufficient details regarding sustained and not sustained complaints against the respective member/employee during the appraisal period. In addition the audit indicated that there were **three** (4%) performance appraisals not in compliance with this task. There was *one member's* performance appraisal in which there was not any documentation in the MOR *Mandatory Comments* section; the section was blank. Additionally, in the *Professionalism and Ethics* section of the same appraisal, the supervisor states, "...your iPAS shows you have no sustained or not sustained complaints..." However, upon the auditor's review of the Department's iPAS system, it shows that the respective member has one case in which the finding for two MOR violations was sustained and one case in which the finding for an MOR allegation was not sustained. There was *another member's* performance appraisal in which the supervisor did document that there was one sustained case; however, he/she did not document the recommended corrective action and the results of said action. Lastly, a supervisor documents in *a member's* performance appraisal "You have no iPAS entry for this category;" however, iPAS shows that the respective member has two cases with findings of not sustained that were closed within the appraisal period.

### Objective 3 (Task 44.1.2—for Members only)

#### *Operational Definition*

Each use of force incident; sick/injured leave; arrest for narcotics-related possessory offenses not made as a result of searches conducted pursuant to arrests for other offenses; arrest involving charges of Penal Code §§69, 148 and/or 243(b)(c); and vehicle accident must be documented and considered in every member's performance appraisal.

#### *Standard*

Supervisors and commanders shall be held accountable for monitoring, identifying, documenting, and acting upon patterns and instances of misconduct among subordinate personnel when they knew or reasonably should have known of the misconduct, to include, but not limited to the following areas (DGO B-6, VII.B.4.a-f):

- Use of force;
- Sick and injured leaves;
- Arrests for narcotic-related offenses, not made as a result of searches conducted pursuant to an arrest for other offenses, especially those arrests made for very small amounts of drugs;
- Arrests involving charges of Penal Code Sections 69, 148, and 243(b)(c);
- On-duty vehicle collisions; and
- Sustained complaints and discipline history.

#### *Measures*

The auditor reviewed the member's performance evaluation to determine whether the supervisor documented and considered the five categories listed below in Section I, Organizational Values and Work Habits, in the "Mandatory Review Comments" section of the Performance Appraisal Form:

**Use of Force**

Auditor reviewed the “Mandatory Comments” section regarding uses of force on the Performance Appraisal Form to determine whether the supervisor commented on the number and type of use of force incident(s) the member had during the appraisal period. If the supervisor stated the number and type of use of force incidents, the appraisal was considered in compliance.

If the member has at least one use of force incident, the auditor reviewed the mandatory comments section to determine whether the supervisor provided details about the incident(s). If the supervisor provided details about the incident(s), the appraisal was considered in compliance.

**Sick/Injured Leaves**

Auditor reviewed the “Attendance Standards” section of the Performance Appraisal Form to determine whether the supervisor provided details about the number of sick/injury leave days/hours taken by the member. If the supervisor specified the number of sick leave days taken by the member and/or the number of injury leave days taken by the member in the “Mandatory Comments” section, the appraisal was considered in compliance.

**Arrests for Narcotics-Related Possessory Offenses Not Made as a Result of Searches Conducted Pursuant to Arrest for Other Offenses**

Auditor reviewed the “Mandatory Comments” section regarding arrests for narcotics-related possessory offenses not made as a result of searches conducted pursuant to arrest for other offenses on the Performance Appraisal Form to determine whether the supervisor commented on the number of incidents of said arrests the member had during the appraisal period. If the supervisor stated the number of said incidents, the appraisal will be considered in compliance.

If the member has at least one incident of an arrest for narcotics-related possessory offenses not made as a result of searches conducted pursuant to arrest for other offenses, the auditor reviewed the mandatory comments section to determine whether the supervisor provided details about the incident(s). If the supervisor provided details about the incident(s), the appraisal was considered in compliance.

**Arrests Involving Charges of Penal Code Sections 69, 148 and/or 243(b) (c)**

Auditor reviewed the Performance Appraisal Form to determine whether the “Mandatory Comments” section regarding arrests involving charges of Penal Code Sections 69, 143 and/or 243(b) (c) to determine whether the supervisor commented on the number of incidents of said arrests the member had during the appraisal period. If the supervisor stated the number of incidents, the appraisal was considered in compliance.

If the member has at least one incident of an arrest involving charges of Penal Code Sections 69, 148 and/or 243(b) (c), auditor reviewed the mandatory comments section to determine whether the supervisor provided details about the incident(s). If the supervisor provided details about the incident(s), the appraisal was considered in compliance.

**Vehicle Accidents**

Auditor reviewed the “Mandatory Comments” section regarding vehicle collisions on the Performance Appraisal Form to determine whether the supervisor commented on the number of vehicle accidents the member had during the appraisal period. If the supervisor stated the number of vehicle accidents, the appraisal was considered in compliance.

If the member had any vehicle accidents, auditor reviewed the mandatory comments section to determine whether the supervisor provided details about the accident(s). If the supervisor provided details about the accident(s), the appraisal was considered in compliance.

Auditor reviewed the Department’s iPAS system to determine whether the member had any use of force incidents, sick/injured leaves, arrests involving charges of Penal Code §§69, 148 and/or 243(b) (c), and vehicle accidents during the evaluation period. The auditor compared the findings in iPAS to the supervisor’s comments in the member’s performance appraisal.

To determine overall compliance, the auditor averaged the compliance ratings in each category.

### Findings

The Department is in compliance with Task 44.1.2 (for members only section). There were 51 members’ performance appraisals reviewed for this task. There were 50 (98%) performance appraisals that included comments regarding the number and type of use of force incidents and details, when applicable, for the members. There were 46 (90%) members’ performance appraisals that included comments regarding their sick/injured leaves. There were 50 (98%) performance appraisals that included comments regarding arrests for narcotics-related possessory offenses not made as a result of searches conducted pursuant to arrests for other offenses. There were 51 (100%) performance appraisals that included comments regarding arrests involving charges of Penal Code §§69, 148 and/or 243(b)(c). Lastly, there were 51 (100%) performance appraisals that included comments regarding vehicle collisions. The overall rating across the five categories was 97percent as expressed in the chart below.

Category	Compliance %
Uses of Force	98
Sick/Injured Leaves	90
Arrests for narcotics-related possessory offenses not made as a result of searches conducted pursuant to arrests for other offenses	98
Arrests involving charges of Penal Code §§69, 148 and/or 243(b)(c)	100
Vehicle collisions	100
<b>Average across the five categories</b>	<b>97</b>

There audit indicated that there were **six instances** in which appraisals were deemed out of compliance in one or more of the five aforementioned categories. There was *one instance* in which a supervisor documented “You did not have any uses of force;” however, iPAS shows the member had one Level 4 during the appraisal period. There was *one instance* in which a supervisor forgot to include in the member’s appraisal the

category regarding arrests for narcotic-related possessory offenses not made as a result of searches conducted pursuant to arrests for other offenses. There were *four instances* in which the sick/leave data was incorrect. One supervisor documented that the member “used 0 hours of sick leave;” however, iPAS shows 40 hours sick leave taken. Another supervisor documented that the member “have not used any sick time;” however, iPAS shows one day of sick leave taken. Yet another supervisor documents that the member “did not call in sick...did not miss any days due to injury;” yet iPAS shows 12 hours sick leave taken. Lastly, a supervisor documented the number of hours/days of illness/injury as 10 hours/2 days, and in the mandatory comments sections only writes “You start your shift on time each day.” There was not a documented interpretation of whether the hours taken were for sick leave or injury leave.

It is also noted that there was *one instance* in which the auditor was unable to determine compliance. The supervisor documents that the member has “no sick occurrences during the rating period;” however iPAS shows there were adjustments made to the member’s sick leave and the auditor was unable to determine whether these adjustments were made prior to the member’s supervisor’s completion of the performance appraisal.

### Objective 3 (Task 44.2)

#### *Operational Definition*

All members/employees will have their performance appraisals reviewed, signed, and dated by their respective supervisors/managers in the direct chain of command, up to and including the Deputy Chief of the Bureau. Each reviewer who disagrees with the evaluation will write an addendum to the performance appraisal expressing his/her concerns.

#### *Standard*

All reviewers of the Performance Appraisal Form shall sign, date, and forward the Performance Appraisal Form (including supporting documents) through the chain-of-command to the Bureau Deputy Chief, Director or Chief of Police (DGO B-6, VII.E.1). Additionally, a disagreement with any portion of the appraisal shall be documented on a memorandum and attached to the Performance Appraisal Form before forwarding through the chain-of-command (DGO B-6, VII.E.5).

#### *Measures*

Auditor reviewed Section VIII, *Administering the Appraisal*, of the member/employee’s performance evaluation to determine whether all the supervisors/managers, in the direct chain of command of the member/employee, up to and including the Deputy Chief, Assistant Chief, or Chief of that Bureau, have signed the evaluation. If all the supervisors/managers, in the direct chain of command of the member/employee, up to and including the Deputy Chief, Assistant Chief, or Chief of that Bureau, signed the evaluation, the appraisal was considered in compliance.

Auditor reviewed the same section to determine whether all the supervisors/managers, in the direct chain of command of the member/employee, up to and including the Deputy Chief, Assistant Chief, or Chief of that Bureau, dated the evaluation.



Auditor determined whether a reviewer disagrees with the evaluation if there was an attached addendum to the member/employee's performance evaluation or if a reviewer wrote a notation on the evaluation that states he/she disagrees with the appraisal. If the reviewer disagreed with the appraisal and he/she attached an addendum, the appraisal was considered in compliance.

### **Findings**

The Department is not in compliance with 44.2. There were 73 performance appraisals reviewed, and 55 (75%) of them included the appropriate dates and signatures of each supervisor in the direct chain of command, up to and including the Deputy Chief, Assistant Chief, or Chief of that Bureau, when appropriate. The audit indicated that there were **14 (20%) instances** in which the Department was not in compliance with this task. There were *13 instances* in which the chain-of-command ended at the rank of captain instead of the rank of deputy chief or assistant chief. It is noted that during the audit this issue was brought to the attention of OPD's Assistant Chief, and the situation of not having all members/employees' appraisal reviewed by the appropriate Deputy Chief, Assistant Chief, or Chief of the respective bureau has been rectified. There was *one instance* in which a member was promoted to sergeant and the new supervisor failed to complete the appraisal. In addition, the member's new chain-of-command up to the Deputy Chief failed to review the appraisal.

Lastly, there were **four (5%) instances** in which the auditor was unable to determine whether the member/employee signing on behalf of the Deputy Chief was acting in a higher rank due to an illegible signature and/or no documentation of the "acting rank" present.

### Objective 4 (Task 44.3)

#### *Operational Definition*

Each member/employee who had substantial collateral duties supervised by someone other than his/her regular and direct supervisor, his/her immediate supervisor shall consult with the other supervisor, manager, or person in charge of the collateral duty regarding the subject member/employee's performance and document the results of the consultation in the performance appraisal.

#### *Standard*

Consult with the unit coordinators and technical experts when a member or employee has significant collateral responsibilities (e.g., Canine handler, Technician, Patrol Rifle Officer, Tactical Operation Team member) and document the results of the consultation in the performance appraisal [Special Order No. 8791].

#### *Measures*

Auditor received a list of names of the members/employee who worked as field training officers, task force officers, instructors, and tactical team members. Auditor reviewed the randomly selected members/employees' performance appraisals to determine whether any of the respective member/employee's name was on the lists of names regarding collateral duties. If a respective member/employee's name was on one of the collateral duty lists, the auditor reviewed the respective performance appraisal to determine whether the member/employee's direct supervisor documented the results of his/her

consultation with the respective unit coordinator or technical expert. If the results of the consultation were documented, the appraisal was considered in compliance.

The following duties were considered “substantial collateral duties” for the purposes of this audit:

- Instructors;
- Members/employees of the tactical operations team/tactical operations support team;
- Members who work on a task force; and
- Field Training Officers.

### **Findings**

The Department is not in compliance with 44.3. There were 15 members who were identified as having “substantial collateral duties, and there were nine (60%) performance appraisals in which supervisors documented the results of the consultation with the appropriate coordinator. However, the audit indicated that there were five (33%) instances in which the supervisor wrote “None” or “N/A” in the collateral duty section and the respective member was listed as follows:

2 Tactical Team Members, Negotiations Element  
 1 Alameda County Narcotics Task Force Member  
 1 Tactical Team Member, Sniper Element  
 1 Tactical Team member, Entry Element

It is noted that during the audit, the lieutenant responsible for ensuring that the Department’s task force members’ performance appraisals include a documented consultation from the external coordinator was interviewed to determine whether the consultations were being included in the respective appraisals. The lieutenant was not aware of the policy but immediately sent an email to his sergeants informing them of the policy. Therefore, this issue was rectified.

Lastly, there was one (1) instance in which the auditor was unable to determine whether the supervisor actually spoke to the coordinator. The supervisor did not use quotation marks around the statement or words such as “stated,” “said,” “wrote,” etc.

### Objective 5 (Task 44.4)

#### *Operational Definition*

Each member/employee or his/her direct supervisor, who is transferred during the appraisal period, causing the member/employee to be supervised by two (2) or more individuals, the member/employee’s performance information shall be exchanged during a consultation and documented by the appraising supervisor or manager.

#### *Standard*

In the event another supervisor, commander, or manager supervised a member/employee during his/her rating period, that supervisor, commander, or manager preparing the performance appraisal shall consult with the previous supervisor, commander, or

manager. The consultation shall be documented in the performance appraisal. (Special Order No. 8791)

### *Measures*

Auditor determined whether each member/employee or his/her respective supervisor was transferred during the performance appraisal period by reviewing the signature page of the member/employee's performance appraisal from the prior year. The auditor also reviewed iPAS, when necessary, to determine whether the member/employee was reassigned during the appraisal period. If the member/employee or his/her respective supervisor was transferred, causing the member/employee to be supervised by two (2) or more individuals, the auditor determined whether member/employee's direct supervisor documented the results of the consultation(s) in the performance appraisal.

### **Findings**

The Department is not in compliance with Task 44.4. Of the 73 performance appraisals reviewed, there were 61 instances in which a member/employee or his/her respective supervisor was transferred during the member/employee's appraisal period. Of the 61 appraisals, 26 (43%) of them included a documented consultation from the other supervisor(s) the respective member/employee had during the appraisal period. The audit indicated that there were **seven** (13%) instances in which the members/employees' appraisals did not include consultations with the respective supervisors and were found not in compliance with this task. There were *four instances* in which a supervisor notes that the respective member/employee had other supervisor(s) during the appraisal period but failed to provide a reason for not consulting with the other supervisors. The auditor was unable to determine whether the other supervisors were on leave, company business, etc. There were *two instances* in which the supervisors cited wording from the prior appraisals and used them as the consultations. In addition, there was *another instance* in which a member was promoted to sergeant and his new supervisor did not complete the appraisal. The previous supervisor completed the appraisal but failed to consult with the promoted member's new supervisor and document the results of the consultation in the appraisal.

There were **28 instances** in which the auditor was unable to determine whether the supervisor consulted with all supervisors for the respective member/employee. There were *18 instances* in which a supervisor documented a consultation with one or more supervisors and yet the respective member/employee's prior year's appraisal shows a different supervisor not mentioned as having provided a documented consultation. In addition, the number of months the respective member/employee is under the jurisdiction of a supervisor is not provided. There were *seven instances* in which the supervisor documents he/she was the only supervisor the entire year; however, the previous year's appraisal documents a different supervisor. There was *one instance* in which the supervisor documented a consultation for one member in another member's appraisal. There was *one instance* in which the auditor was unable to determine whether the member had only one additional supervisor since the prior year's appraisal was missing from the member's file and iPAS shows that the member had three assignments during the appraisal period. Lastly, there was *one instance* in which the auditor was unable to determine whether the employee had the same supervisor since the 3 month probationary appraisal was not on file and the Department's iPAS shows the employee had two different assignments during the appraisal period.

Objective 6 (Task 44.5)*Operational Definition*

All members/employees who are promoted will have their performance appraisals completed by their new supervisors.

*Standard*

In the case of promotion, the promotee's new supervisor shall be responsible for conducting, preparing, and administering his/her performance appraisal (DGO B-6, IV.B.1.h).

*Measures*

Auditor reviewed each member/employee's rank/position classification on his/her prior year's appraisal and/or reviewed the member/employee's rank history in the Department's iPAS system.

If the member/employee was promoted during the appraisal period, the auditor reviewed the member/employee's performance appraisal to determine whether the supervisor who completed the required performance appraisal is the member/employee's new supervisor. If there is a check mark, on the front page, next to the box labeled "Immediate Supervisor," the auditor considered the "Person Preparing Appraisal" to be the member/employee's new supervisor. Hence the performance appraisal was considered in compliance.

Additionally, if there is a check mark, on the front page, next to the box labeled "Other: (Indicate)," the auditor scrutinized the performance appraisal for an explanation detailing why the person was tasked with preparing the evaluation instead of the member/employee's new supervisor.

**Findings**

The Department's compliance rating for Task 44.4 is deferred. It should be noted that there was only one member who was promoted from police officer to sergeant. The audit indicated that the member's new supervisor did not prepare the appraisal. The member's prior supervisor completed the appraisal and the member's prior chain of command reviewed it. However, since the sample was composed of a single example there was no compliance rating for this task.

Objective 7 (Task 44.6)

**Not Assessed under Task 44.**

Objective 8 (Task 44.7.1)

**Unable to Assess** due to organizational/structure changes (i.e., watch commander to area captains, and interim chief of police) in 2013.

Objective 9 (Task 44.7.2)

**Unable to Assess Unable to Assess** due to organizational/structure changes (i.e., watch commander to area captains, and interim chief of police) in 2013.

#### Objective 10 (Task 44.8)

##### *Operational Definition*

OPD conducts regular audits of the performance appraisal system.

##### *Standard*

The Personnel Section Commander or designee shall... Conduct a quarterly review of the Performance Appraisal System to determine whether PAFs (a) Have been completed and submitted in a timely manner; (b) Have been properly reviewed and signed; (c) Indicate any trends of deficient appraisals; and (d) Have been forwarded through the chain-of-command to the appropriate Deputy chief/Director... Prepare and submit a report detailing the quarterly review to the Bureau of Administration Director. (DGO B-6.IX.D.3-4)

##### *Measures*

Auditor determined whether the Personnel Section Commander or designee is conducting quarterly reviews of the Performance Appraisal System via an interview with Personnel Section's Support Services Supervisor and by requesting copies of the quarterly reviews for 2013. If the Personnel Section Commander or designee conducted quarterly reviews in 2013, the Department was considered in compliance with this task.

#### **Findings**

The Department is not in compliance with Task 44.8. The audit indicated that the Department's Personnel Section Commander or designee did not conduct quarterly reviews of the Performance Appraisal System in 2013.

#### **Other Areas of Concern**

The audit indicated that the Department's execution of its Performance Appraisal System needs improvement. Below are areas in which the Department should improve:

##### **Documenting Acting in a Higher Rank**

The Department does not have a policy which requires a member/employee who is acting in a higher rank to ensure he/she documents his/her acting in a higher rank. Therefore, the auditor was unable to determine whether a member/employee was acting on behalf of him/herself or acting in a higher rank as the preparer of the appraisal, as the one who administered the appraisal, or as a level of review of the appraisal. It is important that a member/employee identifies his rank on performance appraisals to elicit transparency, adequate supervision, and accountability in the chain-of-command.

##### **Illegible Names**

The auditor was unable to decipher some of the names of the members/employees who signed as the preparer of an appraisal, as the one who administered the appraisal, or as a level of review of the appraisal. Again, it is important that a member/employee identifies

writes/types his/her name on a performance appraisal to elicit transparency, adequate supervision, and accountability in the chain-of-command.

#### **iPAS Information Documented Prior to Close of Appraisal Period**

In reviewing 73 members/employees performance appraisals, the audit indicated that there were 44 (60%) instances in which a respective member/employee's iPAS information was gathered and documented in his/her appraisal prior to the end of his/her appraisal period. It is important that supervisors capture all members/employees' incidents (i.e., complaints, sick/injury leave, arrests, etc.) that occur during the appraisal period, ensuring any serious performance issues are documented and addressed during the appraisal period and thereby minimizing risks to the Department.

#### **Addressing Performance Issues**

The Department does not have a policy that articulates how supervisors should document in the performance appraisal a member/employee's performance issue(s) not related to an MOR sustained or not sustained violation. In practice, the auditor noted that supervisors struggle in their attempts to address performance issues in the appraisals. For example, a supervisor wrote in the *Communications Standards* section a member's past complaint history (i.e., exonerated, ICR, unfounded and pending complaints) and some cases were more than a year old. The supervisor states, "The following is a list of complaints within the last two rating periods..." Although the Department's policy requires the supervisor to only document sustained and not sustained cases the member received during the appraisal period, the supervisor's wording suggests he/she struggled to address the member's performance in relation to the number of complaints the member received. Additionally, supervisors seem to struggle to document that officers are on intervention or monitoring based on unfounded and exonerated complaints.

In closing, it is important that supervisors not only identify performance issues but address and appropriately document them in a manner that is transparent and in a manner that demonstrates the presence of adequate supervision and accountability.

#### **Communicating Goals and Expectations**

During the audit, the auditor reviewed the *Communicating Goals and Expectations* section of the member/employee's previous year's performance appraisal to determine whether the member/employee's immediate supervisor rated the member/employee's performance as *Exceeds Expectations*, *Fully Effective*, or *Unacceptable* in the current year's appraisal based upon his/her ability to meet or exceed the prior year's goals and expectations pertaining to the "Organizational Values and Work Habits" and "Performance Objectives and Standards." The auditor reviewed 73 appraisals, and there was no indication that supervisors utilize the *Communicating Goals and Expectations* section to establish actual goals that the respective member/employee is expected to achieve.

#### **Exceeds Expectations**

During the audit, the auditor reviewed the wording in performance appraisals in which members/employees received an overall rating of *Exceeds Expectations* to determine whether the supervisor justified the rating. The audit indicated that of the 73 appraisals reviewed, there were 29 (40%) members/employees' appraisals that included overall ratings of *Exceeds Expectations*. The breakdown is as follows:

Category	Applicable Appraisals	Exceeds Expectations	Percentage in Category	% of the 29
Lieutenant	3	2	67%	7%
Sergeant	10	6	60%	21%
Officers	38	14	37%	48%
Employees	22	7	32%	24%

Since the Department does not rate its members/employees based on meeting the goals and expectations established in the *Communicating Goals and Expectations* section of the member/employee's previous year's performance appraisal, the audit indicates that whether a member/employee exceeds expectations is very subjective, in that the rating is based upon whether the supervisor thinks the member/employee exceeded his/her expectations. Therefore, it is not transparent what the supervisor's expectations are and when the respective supervisor becomes aware of the expectations.

Lastly, the auditor noted that in reviewing the wording used in the members/employees' performance appraisals with an overall rating of Exceeds Expectations, in all instances the auditor was unable to determine how the member/employee exceeded the expectations of the documented objectives. However, it is noted that of the 29 appraisals with an overall rating of Exceeds Expectations, there were eight (28%) that the auditor considered well written in comparison to the other 21 appraisals.

### **Recommendation(s)**

In conclusion, in order for the Department to continue to comply with the directives of Task 44, Personnel Practices, we offer the following recommendations:

1. The Department should provide its supervisors and commanders with comprehensive training to resolve the issues identified in this audit.
2. When creating this comprehensive performance appraisal training, the Department should partner with the City of Oakland's Employee Relations Department and the City Attorney's Office Human Resources/Personnel Specialist to find answers to appropriately executing its performance appraisal system in a manner that ensures the risk to the Department and the City of Oakland is diminished.
3. The Department should extend the performance appraisal due dates to ensure its supervisors have enough time to document iPAS information (i.e. complaints, arrests, vehicle incidents, etc.) that covers the entire appraisal period and submit the appraisal to Personnel within the allotted time period.