

Monthly Progress Report

Of the Office of Inspector General



February, 2016

Office of the Inspector General

Oakland Police Department

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INTRODUCTION

This month's Office of Inspector General (OIG) Monthly Progress Report examines three distinct and separate subjects that are tied by significant characteristics: each is a process critical to progressive and accountable policing, and each requires routine assessment to ensure that the intent of policy or process results in measurable progress.

The Oakland Police Department's Personnel Assessment System is used to effectively manage performance, performance outcomes, and risk. The system's ability to identify thresholds of risk is entirely dependent on the accuracy and timeliness of data entry. To ensure the viability of risk management within the system, we evaluated the frequency and cause of known data errors in this report.

Similarly, the Department's process for evaluating the most serious use of force incidents - whether the use of force is deemed in-compliance with law and policy or not - has historically and consistently required questioning as to whether any component of policy, strategy, tactics, or training may be improved. Each determination results in a documented deliverable to pursue such improvement. This month's OIG report evaluates the tracking and completion of such deliverables.

This report's third review focuses on the Department's use of Stop Data to evaluate the outcomes of discretionary citizen contacts and searches. Past OIG reviews and audits have caused or furthered improvement to the Stop Data collection system or to the training of officers and supervisors who cause the entry of data into the system. With so many intricacies of search and seizure law, along with inevitable variables related to public safety practices, maintaining the consistency of data has been challenging. This review acknowledges the recent completion of improved training and emerging consistency, but cautions the Department and other stakeholders from comparing current search recovery results to other agencies or periods of time without carefully evaluating mutable definitions and circumstantial results.

In addition to the completion of this month's report, we eagerly accepted opportunities to work more closely with Professor Jennifer Eberhardt and her team at Stanford University on the problem of bias-based policing. I am personally proud that the collective effort of the Department and our OIG team is seen as valuable to an important, national discussion. Future OIG Monthly Progress Reports will reflect this work further.



Christopher C. Bolton
Lieutenant of Police
Office of Inspector General

AUDITS, REVIEWS, and/or INSPECTIONS

Review of the Personnel Assessment System

Auditors: Rose Sutton, Office of Inspector General

Objective(s):

1. Assess the extent to which errors occur in PAS data.
2. Determine the duration it takes to fix data errors
3. Identify the source cause(s) for such data errors.

Policy Referenced: [Department General Order \(DGO\) D-17, Personnel Assessment System](#)

Significant Finding(s):

The majority of data errors affecting the Personnel Assessment System (PAS) occur during personnel database (PDB) data entry. Data errors ultimately undermine the effectiveness of the PAS, which relies on the data accuracy of PDB from which it pulls information. And while the rate of errors has dropped sharply, there is no internal control mechanism in place to ensure that errors will remain low.¹ According to the Personnel Section, the resources needed to adequately process data free of mistakes remains insufficient. It is therefore critical that resources be put towards ensuring a quality control process is implemented in order to avoid the unnecessary risk of encumbering more data errors.

Recommendation(s):

1. The Department should work with the Personnel Section in identifying the necessary resources needed in order to create and apply internal controls to better ensure PDB data entry is accurate.

Overview

Per the requirements of DGO D-17, the Oakland Police Department (Department) manages a computerized database called the Personnel Assessment System (PAS) which centralizes employee performance information that is collected from various sources. PAS helps keep track of an employee's performance by summarizing important performance dimensions, such as the amount of sick leave used or the number of complaints directed against a particular employee (compared to their peers). It also allows supervisors and commanders to review their subordinate's performance and previous assignment history. Performance dimension data are pulled from different data sources around the Department and entered by different Units.

¹ According to the US Government Accountability Office, 'internal control' is defined as a management control, in the broadest sense that includes the plan, policies, methods and procedures adopted by management to meet its missions, goals and objectives. Internal control includes the processes for planning, organizing, directing and controlling program operations. It includes the systems for measuring, reporting, and monitoring program performance. Internal control serves as a defense in safeguarding assets and in preventing and detecting errors.

According to the policy that governs the implementation and management of PAS, it ultimately promotes more uniform accountability:

By establishing performance standards and providing the requirement for supervisors, commanders, and managers to review their subordinate's performance as it relates to these standards, the Department is better able to maintain supervisory and managerial accountability, ensure consistent high quality performance standards both vertically and laterally in the organization and ensure policy compliance throughout the Department.

When review of a PAS dimension indicates that an employee has surpassed their peers in engaging in some type of at-risk behavior (for example, if the rate of vehicle collisions caused by Officer X surpasses that of her peer group), the PAS Administrative Unit - the unit that oversees the monitoring of performance thresholds - conducts an intensive review of the employee's performance and assignment history and prepares a PAS Activity Review and Report for management review.

Because PAS relies heavily on measuring each employee's performance dimensions against their peer group (for example, employees assigned to units with similar job functions or same patrol shift), any errors in assignment history affect the determination of the longest assignment during the 18 month period under the PAS Administrative Unit's review. Longest assignments determine which peer group an employee is compared to, which underlies the functionality of the Personnel Assessment System. Therefore, it is important that 'assignment history' is entered promptly and correctly.

Methodology

The OIG aimed to identify which performance dimension resulted in the most data errors. To accomplish this, the OIG auditor inputted and analyzed all *documented* errors recorded by the PAS Administration Unit. The OIG auditor interviewed PAS Administrative Unit and Personnel Section staff in determining the cause(s) of data errors. The OIG auditor also observed the data entry process performed by Personnel Section staff.

Finding #1

Of the one hundred and fifty-five *known* data errors that occurred in 2015, eighty (or 51%) stemmed from the 'assignment history' performance dimension.²

² According to the PAS Administrative Unit, not all errors are caught; these 155 errors merely represent the *known* mistakes.

Table 1 List of PAS data errors by occurrence and percentage in 2015

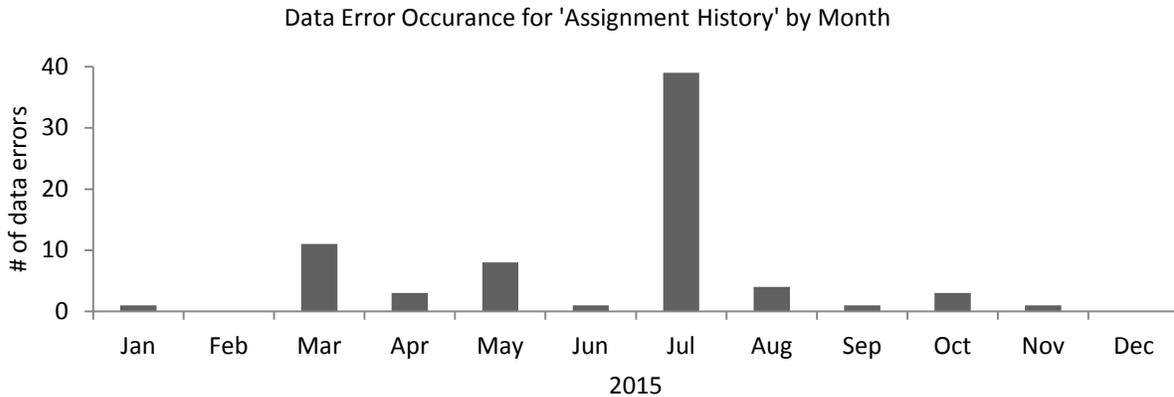
Performance dimension	# of occurrences	% of data errors
Assignment history	80	51%
Arrests	34	21%
Rank/class history	15	10%
Other – Serial number	6	4%
Other – General	4	3%
Name correction	3	2%
Vehicle collisions	2	1%
Training history	2	1%
Use of force	2	1%
Civil suits (tort claims)	2	1%
O.C. Checkouts	1	<1%
Supervisory access	1	<1%
Vehicle pursuits	1	<1%
Complaints	1	<1%
Sick leave hours (regular)	1	<1%
Total	155	100%

Further review of data discrepancies related to ‘assignment history’ revealed overlapping dates and chronological gaps in an employee’s ‘assignment history’. These errors consequently require time to correct by the Personnel Section. In 2015, it took the Personnel Section about 6 weeks (or 43 workdays) on average to correct an erroneous ‘assignment history’ entry.³ According to the Personnel Section, these errors result from input error due to limited staff, continuous work interruptions and an arduous workload leaving little time to ensure the accuracy of the information entered. Consequently, these input errors and lack of internal controls weaken the effectiveness of maintaining uniform accountability across the Department.

Finding #2

Half of all errors in ‘assignment history’ were made in July; however the rate of errors dropped sharply and remained low for the rest of the year. According to the Personnel Section, this spike resulted from a transfer of data entry duties. In July 2015, data entry duties were transferred from an Administrative Analyst II to two Police Record Specialists, which caused data entry errors to be unusually high. Excluding July’s data entry errors, the average rate of *documented* errors was three per month.

³ City of Oakland recognized holidays and weekends were excluded from the average duration.



Finding #3

According to the PAS Administrative Unit, in addition to the formally documented data errors (as reflected in the chart above), there are roughly five times as many minor data inaccuracies related to an employee’s supervisor not being appropriately assigned by the Personnel Section when information is being entered into PDB. This causes supervisors the inability to see their subordinates in PAS.⁴ In one instance, a supervisor was unable to review a transferred subordinate’s assignment history for approximately a month. According to the PAS Administrative Unit, this is a frequent occurrence.⁵

Additionally, the PAS Administrative Unit recorded 51 instances in which an employee’s serial number was incorrectly entered by the Personnel Section in 2015. While these minor inaccuracies require little time to resolve, they are of equal importance as the documented errors because they cause an administrative burden for both the Personnel Section and the PAS Administrative Unit.

Finding #4

The amount of administrative staff required to adequately enter ‘assignment history’ data is insufficient, causing input errors and delayed corrections, as reported by the Personnel Section. The Personnel Section is responsible for the routine processing of all personnel-related matters and maintains the personnel files for about 1,240 sworn and nonsworn employees. Each employee has a unique assignment history that can easily encompass any number of assignments, transfers (for reassignments and loans), appointments (for promotions and acting in a higher rank), and separations (for resignation, service and disability retirements) over the course of their tenure at the Department.

Every change in assignment is recorded in the PDB, which feeds information into the PAS database. On a bi-weekly basis, an Administrative Analyst II completes the process of compiling and reporting the numerous changes in assignment across the Department on a Personnel Order. In 2015, there were about 15,902 changes in personnel assignments Department-wide

⁴ This happens when the person entering the information forgets to click the appropriate box on the PDB screen.

⁵ The OIG auditor was unable to further quantify minor data inaccuracies because of lack of documented instances.

(the bulk of which were transfers); each with their own start and end date that were entered into PDB.⁶

In fiscal year 2013-14, the Personnel Section's Administrative Analyst I position was eliminated, further straining staffing resources, while at the same time the Department was budgeted to increase by an additional 191 full time employees.⁷ The Department is currently recruiting a Police Personnel Operations Specialist to serve in the Personnel Section. However, the incumbent will likely not directly aid in data entry duties as their role is more managerial in scope.⁸ In 2015, a request for .5 FTE was made by the Personnel Section for additional assistance. This request was denied. According to the Personnel Section, considering the current level of staffing, large workload and limited internal control over PDB data entry, there is little assurance that the rate of errors will remain low.

Conclusion

The Personnel Assessment System is an effective performance monitoring tool, but its value is diminished when the data is not entered correctly. It is critical that the appropriate resources be allotted to ensure greater data accuracy.

Review of Force Review Board and Executive Force Review Board Deliverables

Auditor: Charlotte Hines, Office of Inspector General

Objective(s):

1. To determine if recommendations made by the Force Review Board (FRB) or Executive Force Review Board (EFRB) for non-disciplinary corrective measures for specific personnel are reviewed and implemented
2. To determine if recommendations made by the Force Review Board or Executive Force Review Board for Department-wide corrective measures are reviewed and implemented
3. To verify that the BFO Administrative Unit is completing all assigned responsibilities as stipulated in policy.

Policy Referenced: [Department General Order \(DGO\) K-4.1, Force Review and Executive Force Review Boards](#)

⁶ Due to PDB's configuration, some appointments, promotions and amendments are preceded by 'separations'. For example, when a Police Officer Trainee graduates from an academy and transitions into the Field Training Program, it's recorded in PDB first as a separation, then a promotion.

⁷ Fiscal Year 2013-15 Adopted Policy Budget. *City of Oakland, California* p. E-2

⁸ Job announcement for Police Personnel Operations Specialist. *City of Oakland, California* p. 1. Retrieved January 15, 2016. And as mentioned by the Personnel Section during consultations.

Significant Finding(s):

All recommendations listed in the “DELIVERABLES” section of the FRB and EFRB reports were completed and documented. However, the FRB, EFRB, Use of Force (UOF) and Internal Affairs Division (IAD) investigation reports contain training issues and recommendations that are not recorded in the “DELIVERABLES” section of the various reports which complicates proper follow-up and tracking.

Recommendations:

1. All training issues, recommendations, policy revisions and follow-up identified by the FRB and EFRB and by the UOF and IAD investigators should be deemed a “DELIVERABLE.”
2. The Review Board report writer and Force Board Chairperson should ensure that all recommendations are included in the “DELIVERABLES” section of the Force Review and Executive Force Review Boards reports, which will ensure that proper follow-up and tracking can be performed.
3. All identified 2015 deliverables (i.e. training issues and recommendations) not previously included on the Force Board Coordinator’s tracking spreadsheet should be added to said spreadsheet to ensure proper tracking, follow-up and completion.
4. The Chief of Police should be added to the electronic notification of FRB and EFRB deliverables follow-up updates.

Overview

The Office of Inspector General (OIG) conducted a review of the follow up and completion of recommendations made by the FRB and EFRB about the force used and performance by Department members. The OIG also reviewed the follow-up practices to determine compliance with applicable Department policies, procedures and training.

The Department has set forth in its policy and procedures for force boards to review [Level 1 and Level 2 Use of Force \(UOF\) incidents and investigations](#), In-Custody Deaths (ICD) incidents and investigations and Vehicle Pursuit related Death (VPRD) incidents and investigations. The Department convenes two categorical review boards to accomplish this task, 1) Force Review Board (for all Level 2 uses of force or lower levels that are directed to a board) and 2) Executive Force Review Board (for all Level 1 uses of force, ICD incidents, and VPRD incidents). The boards are convened to analyze and assess performance of OPD members in UOF incidents investigated administratively and/or criminally by the Department or outside law enforcement agency at the direction of the Chief of Police (COP).

The review process is intended to help the Department achieve its goal of using the least amount of force possible consistent with safety of all persons, to identify any and all necessity, deficiency or exceptional performance as they relate to the actual use of force and overall incident; tactics, strategies and options pursued during the incident; department policies and

procedures; department training; supervision, management, and leadership; on-scene and follow-up investigation; and equipment.

Force review boards are a critical accountability and training tool for the Department. If board recommendations are not completed or tracked, the value of the process is significantly diminished.

Methodology

All FRB reports, EFRB reports, corresponding UOF and IAD investigation reports were reviewed for calendar year 2015. All reports reviewed were closed in 2015. Force Review Board reports (FRB and EFRB) contain a section titled "DELIVERABLES" which include recommended actions. All recommended actions from each case were recorded on a spreadsheet. In addition, any recommendations and training issues identified in other sections of the FRB and EFRB reports or in the UOF or IAD reports were recorded.

There were a total of ten boards convened in 2015, six FRB's and four EFRB's resulting in a total of thirty-three recommendations reported in the "DELIVERABLES" sections. Twenty of the recommendations were for Department-wide corrective measures (e.g. policy revision, equipment evaluation, new Training Bulletin) and thirteen were for individual members/employees. An additional thirty-four recommendations were listed in other sections of the various reports (i.e. training issues, recommendations), of which seventeen were recommendations for Department-wide corrective measures and seventeen were for individual members/employees. The auditor reviewed each recommendation to verify completion as required and in a timely manner.

The verification of specific recommendations for non-disciplinary corrective measures for specific personnel was accomplished by reviewing the IPAS record of those persons identified/involved. Supervisory Note File (SNF) entries for each subject officer were reviewed to confirm that the appropriate action was taken based on the recommendation. For recommendations that were applicable to Department-wide corrective measures, or did not require an IPAS entry into the Supervisory Note File of an individual, the supporting documentation (emails to the Force Board Coordinator) confirming the completion of the recommendation was reviewed.

The OIG also met with Deputy Chief Danielle Outlaw, the FRB and EFRB Chairperson, to better understand the sections of the reports and the intent of the recommendations.

Finding #1

There were a total of thirteen recommendations for non-disciplinary corrective measures for specific personnel in the "DELIVERABLES" sections of the FRB and EFRB reports. All thirteen were completed and properly documented as required. In other sections of the FRB and EFRB reports and in UOF and IAD investigation reports there were seventeen training issues or recommendations identified. Only nine were completed and properly documented as required.

Specific Personnel Non-disciplinary Corrective Measures

	FRB/EFRB DELIVERABLES	Training issues/ Recommendations
Completed and Documented	13	9
Not Documented	0	8
Total	13	17

Finding #2

There were twenty recommendations for Department-wide corrective measures in the “DELIVERABLES” sections of the FRB and EFRB reports. All were completed and properly documented as required. In other sections of the FRB and EFRB reports and in UOF and IAD investigation reports there were seventeen training issues or recommendations identified. The OIG was unable to verify that the seventeen recommendations were completed or in progress. However, based on feedback from Commanders, many of the recommendations have been or are being implemented.

Department-wide Corrective Measures

	FRB/EFRB DELIVERABLES	Training issues/ Recommendations
Completed and Documented	20	0
Not Documented	0	17
Total	20	17

Note: After completion of this review, an Information Bulletin (effective 28Jan16) on Force Review Board findings, reminders and training points for the fourth quarter of 2015 was published. In the Information Bulletin, seven of the seventeen training issues or recommendations identified in other sections of the FRB and EFRB reports and in UOF and IAD investigation reports were addressed.

Finding #3

The report writer for the FRBs and EFRBs does not include all board recommendations in the “DELIVERABLES” section of the FRB and EFRB reports. Recommendations made by the UOF or IAD investigators prior to the boards also may not be included in the “DELIVERABLES” section. The Force Board Coordinator only tracks and confirms completion of recommendations that are actually listed in the “DELIVERABLES” section of the FRB and EFRB reports. Because the recommendations are assigned to various staff across the Department, not having a central tracking process leaves the Department vulnerable to missing items.

Finding #4

The Force Board Coordinator electronically provides weekly updates of the status of the FRB and EFRB deliverable to the Executive Command. However, the Chief of Police is not included on the email notification.

Conclusion

Overall, the stated requirements are being met; however ensuring that all identified training issues and recommendations are included in the proper section of the Force Review Board and Executive Force Review Board reports will allow for more effective tracking and implementation.

Stop Data Search Recovery Rate Analysis

Lead Reviewer: Lieutenant Chris Bolton

Objective(s):

1. Review and assess recovery rates and recovery results as documented in a sample of recent Stop Data Collection Forms and as discussed in the Department's most recent Risk Management Meeting held in January 2016.

Policy Referenced: [Department General Order \(DGO\) M-19 Prohibitions Regarding Racial Profiling and Other Bias-Based Policing](#) (2004); *Stop Data Collection Training, 25 Dec 15*; [Special Order 9042](#); [Special Order 9061](#); *Report Writing Manual R-1 (2013)*

Significant Finding(s):

Recovery Rates (incidents of contraband, evidence, or firearm recovery as the result of a discretionary search) have increased; however, due to numerous variables within search and seizure scenarios coupled with inconsistent application of definitions and data entry, recovery rates appear to be over represented within current data. The Department's most recent effort to provide training and address these potential variables appears sufficient to cause more consistent data entry and analysis. Although the OIG review determined that 46% of all documented recoveries within the sample would be discounted under new training definitions and data entry requirements, 28% of documented recoveries fell within scenarios which were likely to have been documented inconsistently in the past but were now found to be well documented and consistently handled.

Overview

Stop Data review and assessment is necessary in order to more fully understand public safety actions and outcomes during the most potentially contentious interactions between law enforcement officers and the persons they serve: police encounters where a person is contacted and discretionarily searched. Search recovery statistics offer a dimension of measurement in that they determine the rate at which an officer's search yields a documented result in terms of discovered contraband, narcotics, evidence, firearm, or other weapon. An improved Department search recovery rate may translate into increased efficiency in public

safety efforts, as well as increased community trust and legitimacy. Higher rates of recovery tend to provide underlying necessity and rationale for searches.

Past OIG reviews highlighted the need for training and more even application of search recovery definitions. Training was developed and implementation of Department wide training began on December 25, 2015. Training was ongoing and continuous throughout the period in which reviewed Stop Data incidents were recorded.

Methodology

Discretionary citizen contacts and searches having occurred on or between December 26, 2015 and January 12, 2016, and which occurred in one of OPD's five police areas, were queried. Searches associated with a documented recovery of either narcotics or evidence of a crime were isolated for review. Of the sixty-seven incidents identified, two were excluded due to the unavailability of the corresponding narrative for review. For the remaining 65 incidents, the reviewer read each search recovery narrative and applied new training and stop data form completion requirements:

- Officers should only mark narcotics, contraband, or other evidence as "recovered" on Stop Data Reports when the items are turned in as evidence or turned in for destruction.
- Officers should only associate a recovery with an individual Field Investigation/Stop Data Report if the accompanying narrative clearly articulates probable cause that the person possessed the recovery prior to or during the search (i.e., recoveries during multiple person/vehicle occupant stops and searches should not be applied to multiple persons unless circumstances clearly link recoveries to more than one person).

Finding #1

The original recovery rate for the identified sample was 53%. Thirty of the sixty-five documented recoveries did not withstand the application of new training and stop data entry guidelines, and a true revised recovery rate for the sample was calculated to be 38%. Although all officers associated with recoveries made during the identified time period had not yet received the new training when the recoveries were documented, the OIG reviewer noticed a trend of improvement toward more consistent data entry within the sample. Eighteen validated incidents of recovery fell within search and seizure scenarios which represented the majority of past uneven search recovery application, but were well documented and articulated for the purposes of this review.

The revised recovery rate of 38% for this sample is a marked improvement over the 27% search recovery rate noted in the Department's February 2014 Stop Data Analysis Report. The continuous improvement (although hindered by evolving understanding and discussion of search recovery context and definitions) is representative of improved search decisions and policing by field officers of the Oakland Police Department.

NEXT MONTH'S PLANNED REVIEWS

The reviews scheduled for March 2016 are:

1. Promotional Training Mandates
2. Citizen Complaint Acceptance and Required Notifications