

Monthly Progress Report

Of the Office of Inspector General



October 2016

Office of the Inspector General

Oakland Police Department

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INTRODUCTION

In response to recent and multiple instances of unlawful, unethical and serious officer misconduct, the Office of Inspector General was tasked with the examination of the Oakland Police Department's hiring, training, and performance assessment practices. Rather than share preliminary observations and recommendations in this month's Report as previously planned, we will publish the entire review and report as a separate review next month. Since beginning the review, we've collaboratively drafted recommendations to and with affected units within the Department and numerous changes have been proactively embraced. By delaying a preliminary release of findings we will be able to include and share the Department responses, changes, and progress well before the first police academy is proposed to commence in 2017.

Although the bulk of OIG staff time has been dedicated to the ongoing hiring and training review, this month's report evaluates the Department's reporting and evaluation process for performance appraisals. As is the case with many of the topics and procedures we evaluate, the governing policy is available to our community via the [Department's website](#).

Respectfully submitted,



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Lieutenant of Police
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Audit of the Oakland Police Department's Performance Appraisal System

Auditor: Rebecca Johnson, Office of Inspector General

Objective:

Evaluate the reports detailing the condition of the Oakland Police Department's performance appraisal system.

Policies Referenced:

Departmental General Order B-6, *Performance Appraisal*, effective May 26, 2006

Overview/Background:

Departmental General Order B-6, Performance Appraisal, requires the production of three reports to detail the condition of Oakland Police Department's performance appraisal system. There is a report generated that includes information regarding probationary employees who receive an overall performance appraisal rating that is less than satisfactory. There is also a report generated that includes a list of overdue performance appraisals for probationary and permanent employees. Lastly, there is report generated detailing the results of a quarterly review of the OPD's performance appraisal system. On August 12, 2016, the Office of Inspector General initiated an audit to evaluate these reports.

Methodology:

To conduct the audit, the auditor reviewed the OPD's *Departmental General Order B-6, Performance Appraisal*, effective May 26, 2006, to determine its policy and procedures related to reports detailing the condition of the Oakland Police Department's performance appraisal system. Subsequently, to ensure the OPD's practice coincides with its policy and procedures, the auditor reviewed a sample of the reports in 2015 and/or 2016 detailing the condition of its performance appraisal system.

Finding #1

Requirement

Departmental General Order B-6, *Performance Appraisal*, Section IX, Subsection D, states that the Personnel Section Commander or designee shall inform the [head of the Oakland Police Department] in writing and through the chain-of-command whenever a probationary employee receives an overall performance appraisal of "Improvement Needed" or "Unacceptable."

The Audit Team interviewed Personnel Section staff to determine whether, in practice, the head of the Oakland Police Department is informed in writing and through the chain-of-command whenever a probationary employee receives an overall performance appraisal of "Improvement Needed" or "Unacceptable." In addition, the auditor sought to determine

whether there were any employees, permanent and/or probationary, within the last year, who received performance appraisal ratings of “Improvement Needed” or “Unacceptable” and subsequently the head of the Oakland Police Department was informed in writing via the respective employees’ chain-of-command.

Finding

The audit indicated that the Department is not adhering to its policy and the policy omits the Personnel Section Commander or designee having the responsibility of informing the head of the Oakland Police Department in writing of permanent employees who receive an overall performance appraisal rating that is less than satisfactory (*Improvement Needed* or *Unacceptable*). During an interview with the Personnel Section staff, it was determined the Personnel Section Commander or designee does not inform the head of the Oakland Police Department in writing and via the chain of command whenever a probationary employee receives an overall performance appraisal of *Improvement Needed* or *Unacceptable*. The Audit team was informed that “normally, the sergeant handles the reporting of a probationary employee who receives an overall performance appraisal of *Improvement Needed* or *Unacceptable*. He/she will send a report via the chain-of-command.”

In addition, the auditor requested from the Personnel Section a list of employees, permanent and/or probationary, within the last year, who received an overall performance rating that was less than satisfactory. The audit indicated that there were a total of ten employees who received the said rating and the Department’s policy does not require that the Personnel Section Commander or designee inform the [head of the Oakland Police Department] in writing and through the chain-of-command of said ratings.

Recommendation

The Department should revise its policy to ensure the head of the Oakland Police Department is informed in writing and via the chain of command of all employees, permanent and probationary, who receive an overall performance appraisal rating of *Improvement Needed* or *Unacceptable* and adhere to it.

Finding #2

Requirement

Departmental General Order B-6, *Performance Appraisal*, Section IX, Subsection D, states that the Personnel Section Commander or designee shall forward a list of all overdue performance appraisals for probationary and permanent employees to the [head of the Oakland Police Department] on the 15th of each month.

The Audit Team interviewed the Personnel Section staff to determine whether, in practice, a list is created and forwarded to the head of the Oakland Police Department on the 15th of each month. In addition, the auditor requested from the Personnel Section Commander copies of

the lists forwarded to the head of the Oakland Police Department from January 2016 to August 2016.

Finding

The audit indicated that a list of all overdue performance appraisals for probationary and permanent employees is being forwarded to the command staff rather than specifically to the [head of the Oakland Police Department] around the 25th of each month. Upon interviewing the Personnel Section staff, the Audit Team was advised that during the absence of a Chief of Police, the Department forwards a list of all overdue performance appraisals for probationary and permanent employees to the Department's command staff, via email, and the Acting Chief of Police is included amongst the command staff. The auditor noted that in 2014, the Department changed the due dates of appraisals from the 10th of the following month to the 25th of the following month, but this change has yet to be included in its policy.

Upon review of copies of the lists forwarded to the command staff from January 2016 to August 2016, the auditor noted that the lists are being forwarded around the 28th or 29th of each month and the necessary information to determine which appraisals are overdue is included in the report. The report includes each employee's serial number, name, due date, type of appraisal (probationary or annual), rank, job assignment, and supervisor. However, because the list is sorted in alphabetical order by employee name, it is not easy for the user of these reports to determine the most delinquent appraisal and which appraisals fall under his/her jurisdiction.

It should be noted that the policy is written in a manner that holds the Chief of Police, or the designated Department Head, accountable for ensuring performance appraisals are completed in a timely manner. Therefore, it is important that the Department continues to send the delinquent performance appraisal list specifically to the Department Head in the absence of a designated Chief of Police.

Recommendations

To ensure there is adequate accountability for ensuring employee performance appraisals are completed in a timely manner, the Department should specifically send the list to the Assistant Chief of Police and copy the command staff. Also, the format of the list of delinquent performance appraisals should be revised in a manner to allow all responsible parties to easily assess which appraisals are under their jurisdiction and the date of the most delinquent appraisal. Lastly, the Department should revise its policy to include its practice of allowing the 25th of the following month as the actual due date and therefore forwarding a list of all overdue performance appraisals for probationary and permanent employees to the Chief of Police or head of the Oakland Police Department on the 30th of each month.

Finding #3

Requirement

Departmental General Order B-6, *Performance Appraisal*, Section IX, Subsection D, states that the Personnel Section Commander or designee shall conduct a quarterly review of the performance appraisal system to determine whether performance appraisal forms (a) have been completed and submitted in a timely manner; (b) have been properly reviewed and signed; (c) indicated any trends of deficient appraisals; and (d) have been forwarded through the chain-of-command to the appropriate Deputy Chief. The Personnel Division Commander or designee shall [also] prepare and submit a report detailing the quarterly review to the [Bureau of Services] Deputy Chief.

The Audit Team interviewed the Personnel Section staff to determine whether quarterly reviews of the Oakland Police Department's performance appraisal system are conducted. In addition, the auditor requested from the Personnel Section Commander copies of the quarterly review reports prepared and submitted to the Bureau of Services Deputy Chief, covering July 2015 through June 2016.

Finding

The audit indicated that quarterly reviews are being conducted. However, the quarterly reviews do not include any metrics related to the overall performance of the Department's employees and the reports do not reference any metrics relating to the list of delinquent employee performance appraisals it sends to the command staff each month. During the interview with the Personnel Section staff, the Audit Team was advised that quarterly reviews are being conducted by a Police Records Specialist and her supervisor, an Administrative Analyst II. In addition, the auditor reviewed a total of four quarterly review reports and found that the review was conducted according to policy. In each review, the Personnel Section staff reviewed a total of 30 performance appraisals and the results of their findings are indicated in the table below:

Category	3rd Quarter (JUL to SEP 2015)	4th Quarter (OCT to DEC 2015)	1st Quarter (JAN to MAR 2016)	2nd Quarter (APR to JUN 2016)
Completed and submitted in a timely manner?	Yes, 100%	Yes, 100%	Yes, 97%	Yes, 100%
Properly signed and reviewed?	Yes, 100%	Yes, 100%	Yes, 100%	Yes, 100%
Indicate any trends of deficient appraisal?	None at this time.	None at this time	None at this time	None at this time
Forwarded via the chain of command to appropriate Deputy Chief?	Yes, 100%	Yes, 100%	Yes, 100%	Yes, 100%

The results as stipulated in the table above imply that the Department's performance appraisals are submitted in a timely manner, properly signed and reviewed via the chain of command, and there are no trends of deficient appraisals. However, the auditor noted that the quarterly reviews conducted by the Personnel Section staff do not reference any metrics relating to the list of delinquent employee performance appraisals it sends to the command staff each month.

Finding #4

Sampling of 90 Performance Appraisals

Using the same criteria the Personnel Section's designees use to evaluate the Oakland Police Department's performance appraisal system, the auditor examined a significant sampling of 90 performance appraisals to determine whether the results mirror the results in the aforementioned quarterly review reports. Specifically, the auditor reviewed a stratified sample of employee performance appraisals that include the job classifications of captain, lieutenant, sergeant, police officer, and various professional staff. The auditor determined whether the performance appraisal forms (a) had been completed and submitted in a timely manner; (b) had been properly reviewed and signed; (c) indicated any trends of deficient appraisals; and (d) had been forwarded through the chain-of-command to the appropriate Deputy Chief. A review of the 90 performance appraisals indicated the following:

- Of the 90 employees in the sample, 79 (88%) of them had current, complete appraisals in their personnel file. There were eight (9%) employees who did not have current appraisals (9%) in their personnel files. There were three (3%) employees whose appraisals were found not to comply with policy due to administrative errors. In one instance, an employee's appraisal dates were incorrect. The employee should have been appraised for the period July 1, 2015 to June 30, 2016 but was instead appraised for the period March 1, 2015 to February 29, 2016. In another instance, an employee should have been appraised for the period October 1, 2014 to September 30, 2015 but instead was appraised for the period September 1, 2014 to August 31, 2015. It is paramount that each respective employee's performance appraisal beginning and end dates are accurate to ensure the supervisor documents any relative performance issue(s) or commendation(s) that occurred during the appraisal period. Lastly, in one instance an appraisal was submitted to the Personnel Section, but there was no visible date stamp or signatures via his chain of command to indicate when the Personnel Section received the appraisal.
- Of the 79 current, complete appraisals submitted to the Personnel Section, the audit indicated that 50 (63%) of them were submitted in a timely manner and 29 (37%) of them were not submitted in a timely manner.
- All of the 79 appraisals were properly signed and reviewed and forwarded via the appropriate chain of command.

Based on the above findings, the audit indicated that there is a trend that performance appraisals are not being submitted to the Personnel Section in a timely manner.

Although not part of the Personnel Section's quarterly review methodology, the audit indicated that supervisors are not including consultations, as directed by policy, when an employee has a substantial collateral duty. Departmental General Order B-6, *Performance Appraisal*, Section VII, Subsection B(g), states "Personnel responsible for preparing appraisals shall...Consult with the unit coordinators and technical experts when...a[n] employee has significant collateral responsibilities (e.g., Canine handler, Technician, Patrol Rifle Officer, Tactical Operation Team member)." Upon review of the 79 current, complete performance appraisals, there were 11 instances in which a supervisor noted that an employee had a substantial collateral duty. However, there were only four (36%) instances in which the required consultation was included and seven (64%) instances in which the required consultation was excluded.

Human capital in an organization can be defined as the collective sum of its employees' skills, knowledge, and abilities. This capital is used to assist the organization in meeting its performance goals. Therefore, it is imperative for an organization to know how well its employees are performing. The audit indicated that the quarterly review does not include any metrics related to the overall performance of the Department's employees. Explicitly, the quarterly review reports do not include a summation of the distribution of ratings the Department's employees receive, which allows the Department to assess, over time, whether its employees' overall job performance is increasing, decreasing, or remaining the same. The auditor did note that the distribution of the ratings of the 79 current, complete appraisals is as follows: 19 (24%) ratings of "Exceeds Expectations" and 60 (76%) ratings of "Fully Effective."

Recommendation

The Department should provide remedial training on performance appraisals to ensure its supervisors are able to properly complete them. In addition, the Department should ensure its quarterly review reports include metrics relating to the overall performance of its employees and metrics relating to the list of delinquent employee performance appraisals it sends to the command staff each month.

Summary of Recommendations

1. The Department should revise its policy to ensure the head of the Oakland Police Department is informed in writing and via the chain of command of all employees, permanent and probationary, who receive an overall performance appraisal rating of *Improvement Needed* or *Unacceptable* and adhere to it.
2. To ensure there is adequate accountability for ensuring employee performance appraisals are completed in a timely manner, the Department should specifically send the list to the Assistant Chief of Police and copy the command staff.
3. The format of the list of delinquent performance appraisals should be revised in a manner to allow all responsible parties to easily assess which appraisals are under their jurisdiction and the date of the most delinquent appraisal.

4. The Department should revise its policy to include its practice of allowing the 25th of the following month as the actual due date and therefore forwarding a list of all overdue performance appraisals for probationary and permanent employees to the head of the Oakland Police Department on the 30th of each month.
5. The Department should provide remedial training on performance appraisals to ensure its supervisors are able to properly complete them.
6. The Department should ensure its quarterly review reports detailing the condition of its performance appraisal system include metrics relating to the overall performance of its employees and metrics relating to the list of delinquent employee performance appraisals it sends to the command staff each month.

NEXT MONTH'S PLANNED REVIEWS

The reviews scheduled for November 2016 are:

1. Use of Force investigations
2. PDRD Activation