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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: David Downing
Acting Assistant Chief of
Police

SUBJECT: Police Recruitment and Hiring Policy
Informational Report

DATE: June 20, 2016

City Administrator Approval

Date:

6/30/16

RECOMMENDATION

Staff Recommends That The City Council Accept This Informational Report Regarding the Oakland Police Department's (OPD) Ongoing Recruitment and Hiring Policies.

EXECUTIVE SUMMARY

This report summarizes numerous recent reports presented to the Public Safety Committee (PSC) related to OPD recruitment and hiring policies and practices, and is responsive to a Rules Request brought to the Rules Committee on June 16, 2016: "Adopt Recommended Police Recruitment and Hiring Policy Proposals." These reports also detail OPD efforts to recruit a diverse and local workforce that reflects the Oakland Community. This report provides information about the recent work of the Ad-Hoc Working Group on OPD Recruitment (Ad Hoc Committee). The Ad Hoc Committee will present information to the Public Safety Committee on July 12, 2016 in a separate report.

BACKGROUND / LEGISLATIVE HISTORY

The OPD Personnel Section recruits qualified candidates capable of providing quality police service to all Oakland residents and visitors. OPD has presented information to the PSC in several recent reports that outline the recruitment, background investigation, and hiring processes undertaken by the Personnel Section in collaboration with the Department of Human Resources Management Department (DHRM). These reports include:

- Oakland Police Department African American Recruitment Efforts, dated February 5, 2015 – presented to the PSC on March 10, 2015.
- Oakland Police Department African American Recruitment Efforts – Supplemental Report, dated March 16, 2015 – presented to the PSC on March 24, 2015.
- Oakland Police Department African American Recruitment Efforts – 2nd Supplemental Report dated April 7, 2015 – presented to the PSC on April 28, 2015.

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- OPD Efforts To Recruit Applicants With Experience In Oakland, dated May 1, 2015 – presented to the PSC on May 26, 2015
- Oakland Police Department African American Recruitment Efforts – 3rd Supplemental Report, dated June 30, 2015 - presented to the PSC on July 28, 2015.
- OPD African American Recruitment Efforts – 4th Supplemental Report, dated September 18, 2015 - presented to the PSC on October 13, 2015
- OPD African American Recruitment Efforts – 5th Supplemental Report, dated November 6, 2015 - presented to the PSC on December 1, 2015.
- Oakland Police Department African American Recruitment Efforts – Supplemental Report (from DHRM), dated January 28, 2016 – presented to the PSC on February 9, 2016

Additionally, Resolution No. 85540 C.M.S., passed by the City Council on April 23, 2015, established an “Ad-Hoc Working Group on Police Recruitment;” This Ad-Hoc Committee, staffed by the City Administrator’s Office (CAO), OPD, DHRM, and members of the public, has been meeting over the last year to discuss issues related to how OPD recruits Police Officer Trainees (POT) with diverse backgrounds reflective of the Oakland community. The Ad-Hoc Committee is scheduled to present its findings to the Public Safety Committee on July 12, 2016.

ANALYSIS AND POLICY ALTERNATIVES

The aforementioned reports address many of the policies that OPD and DHRM follow in recruitment and hiring processes. The report dated February 5, 2015, detailed demographic information on OPD sworn staffing as well as the demographics of applicants in each stage of the recruitment process. This report also detailed how OPD advertises hiring recruitments and uses its Cadet Program and the Merritt College Administration of Justice Program to recruit POTs locally. The report dated March 16, 2015 explained how OPD improved its noticing of hiring recruitments and is expanding programs to attract local young people interested in exploring law enforcement careers. The City now funds 21 part time cadet positions for youth who work in OPD and learn about policing careers. The March 16, 2015 report also highlighted the OK Mentoring Program where OPD partners with Acts Full Gospel Church in East Oakland to facilitate positive discussions between young African Americans males and OPD.

POST Certification

The April 7, 2015 and June 30, 2015 reports provide detailed information on the California Commission on Peace Officer Standards and Training (POST) hiring requirements. California law requires that police agencies, such as OPD, be POST-certified to provide law enforcement training including that required for the basic police academy. OPD has maintained several basic police academies in recent years to maintain and increase its sworn staffing levels.

The April 7, 2015 report explains that OPD lost its POST-certification in 2008 due to a long period of not training new recruits and became recertified in 2013 through a challenging and cumbersome recertification process. OPD needs to comply with POST guidelines in its recruitment process in order to provide POST-certified training and grow the level of sworn staffing. POST-participating agencies agree to comply with the standards established by the

POST Commission. More than 600 agencies in California participate in the POST Program and are eligible to receive the Commission's services and benefits, such as:

- Job-related assessment tools;
- Research into improved officer selection standards;
- Management counseling services;
- The development of new training courses;
- Reimbursement for training;
- Quality leadership training programs; and
- Certificates to recognize peace officer achievement and proficiency.

The April 7, 2015 report also provides detailed information about the physical agility test (PAT), written test, POST-certified Oral Interview, the background investigation process, personal history statement (PHS), polygraph exam, character review and the psychological questionnaire.

The reports dated September 18, 2015, November 6, 2015, and January 28, 2016 detail ongoing efforts between OPD and DHRM to evaluate possible alternatives to the POST-certified written test. The January 28, 2016 report, authored by DHRM, outlines DHRM's analysis of an alternative written test (Frontline Test). The report explains that DHRM interviewed other police agencies, such as the San Francisco Police Department (SFPD), who have chosen to use the Frontline Test. The report explains that SFPD believes the test serves its purpose of ensuring literacy standards, but the test requires a fee by the agency and the test taker, and that OPD must further evaluate the budget impacts of assuming these costs (the current OPD POST-certified written test is free for OPD to administer).

The January 28, 2016 report also discusses the possibility of changing the formation of the interview panels that conduct the applicant oral interviews. Currently the panels consist of one sworn officer, one civilian employee, and one community member; DHRM was asked to look at a process where each candidate would be interviewed by two separate panels where a sworn officer only sits on one of the two panels. The report states that such a process would deviate from established testing standards. DHRM staff could not find an example where such a process has been formally validated. The report also notes that separating the interview panels into two separate panels for each recruit would lead to significant staffing demand increases. The January 28, 2016 report recommends that DHRM continue to improve assessor training and increase outreach to the Oakland Community to find qualified individuals who represent the Oakland Community and serve on the oral board interview panels.

Cultural Literacy and Local Hire

The report dated May 1, 2015 explains that OPD expects all sworn officers to "have the cultural literacy to connect with Oakland's diverse residents. OPD sworn officers themselves come from many different cultural and geographic backgrounds, and regardless of background, OPD expects all officers to relate to residents and build relationships that promote trust and collaboration - building and maintaining community trust is a critical part of OPD's mission as well as a necessary component of keeping the public safe."

The May 1, 2015 report also explains that OPD cannot explicitly require that police officer recruits live in the City of Oakland. California Constitution, Article 11 on Local Government, Section 10b states: "A city or county, including any chartered city or chartered county, or public district, may not require that its employees be residents of such city, county, or district; except that such employees may be required to reside within a reasonable and specific distance of their place of employment or other designated location." The report also explained that California Government Code, Section 50083 states: "No local agency or district shall require that its employees be residents of such local agency or district." The report goes on to explain that OPD does have the legal authority and capability to expedite the background process for well qualified applicants who the City Administrator's Office (CAO) and OPD leadership believe will have the life experience to connect with diverse Oakland residents.

The same May 1, 2015 report explains that OPD does not have access to data on academy applicants' residency, name, gender or age while applicants are being administered the PAT, Written Test and Oral Exam. However, OPD does have the authority to request personal information including residency, employment and volunteer history, education and many other aspects on the Personal History Statement (PHS) which applicants provide to OPD at the time of their oral interviews. The Oakland Police Department's Recruiting and Backgrounds Unit asks applicants to explain their connections to Oakland and other communities on their PHS. OPD also asks about applicants' exposure to cities of different population size as well as cities with significant crime challenges. Applicants have the opportunity to provide a thoughtful written response that showcases their different community connections. OPD uses this information to expedite the background investigation process for the most qualified candidates such as those who disclose Oakland residency or connections to Oakland or other diverse communities.

Recruitment Disqualifications

The April 7, 2015 report explains that OPD does not require that OPD officer applicants have unblemished backgrounds. Command and recruiting staff understand that people make mistakes, especially early in life. However, as a law enforcement agency trusted to maintain public safety and the respect of all residents and visitors, OPD must recruit applicants who behave honestly and hold themselves to high ethical standards, especially given any past infractions. Ultimately, police officers are trusted to protect the public and use force (including deadly force) when necessary. OPD, like all police agencies, has a public mandate to ensure each applicant invited to a training academy can be trusted to serve the public with a high level of honesty and integrity as well as passion for public service. The PAT, Written Exam, Oral Interview, Background Review, PHS Review, Background Investigation, and Character Review sections, explained in detail in the previous reports noted above, are consistent with POST benchmarks in ensuring OPD applicants meet these aptitude and personality thresholds.

The OPD Personnel Section looks at each applicant's entire background in determining whether they are prepared to uphold high ethical standards and serve as sworn OPD officers. The following summaries explain how the Personnel Section reviews particular issues that may be a cause for disqualification from entering a basic training academy:

- Past marijuana use – OPD does not eliminate candidates due to past marijuana usage. OPD does require that applicants have not recently used marijuana or other illegal substances, as all recruits must demonstrate that they are prepared to follow local and

national laws.

- Debt – OPD does not eliminate candidates due to having debt. OPD reviews all debt to try to assess a candidate's financial integrity. The information is not used to eliminate candidates from the process. OPD only uses the data to evaluate how candidates deal with extreme debt situations.
- Association to people with criminal records - OPD does not eliminate candidates due to connections to individuals with criminal records. If the candidate themselves have a criminal record, OPD assesses each record on an individual basis. If the candidate is related to, either by family or close associates, someone with a criminal record, they are not screened out of the process because of such connections.
- Out-of-school suspensions, dismissal from school, or poor academic performance within reasonable contexts – OPD does not eliminate candidates due to out-of-school suspensions, dismissal from school or poor academic performance within reasonable contexts. There are many factors that could cause a student to perform poorly in school. The City does not request nor obtain applicant school disciplinary records, therefore when DHRM screens applications for minimum qualifications and processes candidates through the testing, records of being expelled and/or suspended are not considered. However, OPD and DHRM do evaluate if the candidate meets the minimum qualifications and has the POST-required high school diploma or GED in order to be eligible for the process.

Feedback to Applicants Not Invited to Academies

The April 7, 2015 report explained that when an applicant fails a certain portion of the testing process, information is given in their non-select letters on how to better prepare for the part of the testing process that they failed. If an applicant fails the PAT for example, they are informed that OPD holds practice PAT courses on the first Saturday of every month to help them practice and prepare for the next test. Staff also provides information about physical fitness classes given at Merritt and Laney Community Colleges geared toward Police and Fire PATs. Applicants who fail the written test are provided information about online tutoring at <http://www.passingthepost.com>, which provides dates and locations of future community location workshops and / or webinars. Applicants who fail the oral interview are given a schedule of future oral interview workshops via <http://www.opdjobs.com>.

POT applicants who are disqualified due to the background investigation process also receive a non-select letter; these letters do not provide specific reasons for why they were not chosen to advance in the process, but they do explain that the applicant is welcome to contact the OPD Sergeant in the Recruiting and Background Unit. The letter gives the name, telephone number and email of the Sergeant. The Recruiting and Background Unit Sergeant shares with applicant who contact the office, which POST dimension(s)¹ led to the disqualification. The Sergeant also provides general recommendations for how to improve their candidacy regarding any particular POST dimension. The African American Recruitment Efforts – 2nd Supplemental Report dated April 7, 2015 provides more detail on POST Dimensions.

¹ The POST dimensions are as follows: 1) Social Competence, 2) Teamwork, 3) Adaptability/Flexibility, 4) Conscientiousness/Dependability, 5) Impulse Control, 6) Integrity/Ethics, 7) Emotional Regulation/Stress Tolerance, 8) Decision Making/Judgment, 9) Assertiveness/Persuasiveness, and 10) Avoiding Substance Abuse and Other Risk-Taking Behavior

Ad Hoc Working Group on OPD Recruitment

The Ad Hoc Working Group, as noted above, has been meeting over the last year to develop strategies for OPD officer recruitment and hiring. This group's efforts will lead to a strategy report to be presented to the Public Safety Committee on July 12, 2016. The Ad Hoc Working Group Report has recommendations related to the following:

- Recruitment marketing (including online/internet strategies);
- Outreach to people with Oakland connections;
- Community policing;
- Improvements to DHRM's personnel software systems for better data analysis;
- Consider an alternative to OPD's current POST-certified written test;
- Review the background process and how background investigators are chosen;
- Greater partnerships with local educational institutions;
- Add greater cultural competency to the training curriculum;
- Work with the new Department of Race and Equity to analyze hiring outcomes for subgroups (i.e. people of color, lesbian, gay, bisexual, transgender, queer (LGBTQ) individuals); and
- Review the process of how field training officers are selected.

Hiring and Early Warning System Audit

During the week of June 13, 2016, the CAO contacted the Court-Appointed Compliance Director and requested assistance with an audit on OPD's hiring background process. The audit is being conducted by the OPD Office of Inspector General (OIG) and City Auditor's Office. The purpose of the audit, which the City initiated as one of several responses to recent personnel issues, is to examine OPD's recruitment process and early warning system.

Conclusion

OPD looks forward to reviewing the Ad Hoc Committee's recommendations as well as the results of the audit being conducted by the OIG, City Auditor's Office, and the Compliance Director. OPD looks forward to the opportunity to collaborate with DHRM, the Department of Race and Equity, and the broader Oakland Community to continue to improve the recruitment and hiring processes in terms of the report's final recommendations. In so doing, OPD will strive to maintain the highest ethical standards in selecting the future police officers, supervisors, and commanders to serve the Oakland community.

PUBLIC OUTREACH / INTEREST

This report contains information of public interest as it directly relates to OPD efforts to recruit and hire a highly qualified and diverse workforce that reflects the Oakland Community and improves police-community relationships.

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COORDINATION

The Office of the City Attorney and DHRM were consulted in the preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities identified in this report.

Environmental: There are no environmental opportunities identified in this report.

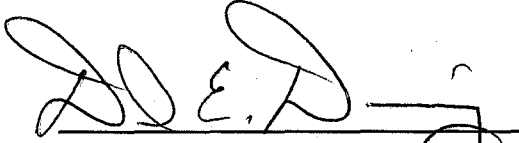
Social Equity: This report provides valuable information to the Oakland community regarding efforts to ensure the inclusion of under-represented groups in OPD.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Accept This Informational Report Regarding the Oakland Police Department's (OPD) Ongoing Recruitment and Hiring Policies.

For questions regarding this report, please contact Bruce Stoffmacher, Legislation Manager, Office of the Chief of Police, Research and Planning, at (510) 238-6976.

Respectfully submitted,



David Downing
Acting Assistant Chief of Police
Oakland Police Department

Reviewed by:
Drennon Lindsey, Captain
OPD, Personnel Resources & Training Division

Kiona Suttle, Acting Manager
OPD, Personnel Section

Timothy Birch, Police Services Manager I
OPD, OCOP, Research and Planning

Prepared by:
Bruce Stoffmacher, Legislation Manager
OPD, OCOP, Research and Planning