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2018 MAY 31 PM 5:17

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: Oakland Police Department Hiring
Changes

DATE: May 16, 2018

City Administrator Approval

Date:

5/31/18

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report Regarding Whether The Police Recruiting And Hiring Changes Proposed In Prior Recommendations Have Been Implemented.

EXECUTIVE SUMMARY

This report has been created in response to a request from Council Member Kaplan concerning Oakland Police Department (OPD) hiring practices based on previous recommendations contained in Oakland Legistar File No. 15-1214.2 (**Attachment A**). These recommendations included the following:

1. Prohibit the use of past marijuana use as grounds for rejection;
2. Prohibit the use of having student loans as grounds for rejection;
3. Restrict the use of debt as grounds for rejection to those situations where lack of income would be solved by obtaining a job as a police officer;
4. To seek a goal of not less than 50 percent of new hires will be among those who do have some connection or history with Oakland or live or have lived in Oakland;
5. Evaluate the use of and impact of rejecting applicants with an "association" to people with criminal records, and determine how this is being used and decide whether it genuinely measures the potential of the applicants, and whether it is disproportionately excluding Oakland residents and/or People of Color;
6. Weigh out-of-school suspensions, dismissal from school or poor academic performance within reasonable contexts;
7. Request a review of recent applicants who were rejected at the background check stage to determine if any of them, especially Oakland residents, were rejected for reasons that might warrant reconsideration;
8. Expand outreach and explore additional strategies to mitigate the under representation of women, LGBT People, and People of Color in the Department;
9. Explore and report back to Council on additional strategies to improve recruitment screening for attitude issues, including attitudes about appropriate conduct toward women and understanding of respecting the community.

Item: _____
Public Safety Committee
June 12, 2018

OPD provided a report responsive to the above request at the July 12, 2016 Public Safety Committee meeting, followed by supplemental reports at the September 13, 2016 and October 25, 2016 Public Safety Committee meetings. Previous agenda reports are provided here as **Attachment A, Attachment B, Attachment C, and Attachment D.**

BACKGROUND / LEGISLATIVE HISTORY

At the April 26, 2018 Rules and Legislation Committee Meeting, Council Member Kaplan submitted a request for an informational report from OPD regarding whether the police recruiting and hiring recommendations listed above have been implemented.

ANALYSIS AND POLICY ALTERNATIVES

This report provides responses to each of Council Member Kaplan's June 16, 2016 recommendations.

1. Past Marijuana Use as Grounds for Rejection

As provided in the July 12, 2016 report to the Public Safety Committee (**Attachment A, Police Recruitment And Hiring Policy Informational Report**, p. 4):

OPD does not eliminate candidates due to past marijuana usage. OPD does require that applicants have not recently used marijuana . . . as all recruits must demonstrate that they are prepared to follow local and national laws.

2. Having Student Loans as Grounds for Rejection

OPD does not eliminate candidates due to student loan 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.

3. Use of Debt as Grounds for Rejection to those Situations Where Lack of Income Would Be Solved By Obtaining a Job as a Police Officer

As provided in the July 12, 2016 report to the Public Safety Committee (**Attachment A**, p. 5):

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.

4. Not Less Than 50 Percent of New Hires Will Be Among Those Who Do Have Some Connection or History with Oakland or Live or Have Lived In Oakland

As provided in the May 26, 2015 report to the Public Safety Committee (**Attachment B, Informational Report Regarding Oakland Police Department Efforts To Attract And Recruit Applicants With Work Of Life Experience In Oakland Or Similar Cities**, p. 1):

[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.

OPD cannot explicitly require that police officer recruits live in the City of Oakland (**Attachment B**, p. 2).

The 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 pointed out that OPD does have the legal authority and capability to expedite the background process for well-qualified applicants whom the City Administrator's Office (CAO) and OPD leadership believe will have the life experience to connect with diverse Oakland residents.

OPD cannot immediately access applicants' personal information (**Attachment B**, p. 3).

OPD does not have access to data on academy applicants' residency, name, gender or age while applicants are being administered the physical agility test (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).

OPD receives the PHSs at the time of applicants' oral interviews (**Attachment B**, p. 4).

[Applicants are asked] to explain their connections to Oakland and other communities on their Personal History Statement (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 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.

5. *Evaluate the Use Of and Impact of Rejecting Applicants with an "Association" to People with Criminal Records, and Determine How this is Being Used and Decide Whether it Genuinely Measures the Potential of the Applicants, and whether it is Disproportionately Excluding Oakland Residents and / or People of Color*

As provided in the July 12, 2016 report to the Public Safety Committee (**Attachment A**, p. 5):

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, to someone with a criminal record, they are not screened out of the process because of such connections.

6. *Weigh Out-of-School Suspensions, Dismissal from School or Poor Academic Performance within Reasonable Contexts*

As provided in the July 12, 2016 report to the Public Safety Committee (**Attachment A**, p. 5):

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 [Department of Human Resource Management] 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.

7. *Request a Review of Recent Applicants who were rejected at the Background Check Stage to Determine if Any of Them, Especially Oakland Residents, Were Rejected for Reasons that Might Warrant Reconsideration*

As provided in the July 12, 2016 report to the Public Safety Committee (**Attachment A**, p. 4):

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 Physical Ability Test, Written Exam, Oral Interview, Background Review, Personal History Statement Review, Background Investigation, and Character Review sections, explained in detail in the previous reports noted above, are consistent with POST [California Commission on Peace Officer Standards and Training] benchmarks in ensuring OPD applicants meet these aptitude and personality thresholds.

POT [Police Officer Trainee] 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[s] 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 in regards to any particular POST dimension.

The December 2016 City of Oakland audit *Officer Integrity Trends and Other Critical Observations Regarding Hiring and Training Practices*² provides, as Recommendation 7:

[The OPD Office of Inspector General] strongly recommends that, if during the course of the background investigation it becomes apparent that a pattern of past misbehavior or a specific combination of concerning facts and circumstances emerges, the Department should direct the background investigators to, using their best professional and impartial judgment, clearly document in the narrative summary:

- The possible consequences to the Department if past undesirable behavior were to reoccur
- The likelihood of reoccurrence of the undesirable behavior
- The relevance of the past behavior in effectively performing the duties required
- The length of time between the particular undesirable behavior and the time of application for employment
- The legal rights of the applicant

8. *Expand Outreach and Explore Additional Strategies to Mitigate the Underrepresentation of Women, LGBT People, and People of Color in the Department*

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

² <http://www2.oaklandnet.com/oakca1/groups/police/documents/webcontent/oak062376.pdf>

As provided in the September 13, 2016 report to the Public Safety Committee (**Attachment C, Police Recruitment and Hiring Policy Supplemental Report**, p. 3):

OPD is committed to hiring a diverse workforce that reflects the community it serves. The June 20, 2016 report outlines the prior reports which detail OPD's recruitment outreach efforts. OPD continues to use a variety of communication and advertising efforts to reach different groups of people who may be interested in exploring a police career. OPD continues to evaluate the current testing process in collaboration with HRM. OPD and HRM continue to seek diverse interview panelists to sit on the oral interview panels (see June 20, 2016 [report] for more detail on interview panels).

OPD does not ask POT candidates about their sexual orientation or investigate the gender identity which candidates register on their application – to do so would violate OPD hiring policies, even for the purpose of data analysis. Additionally, the California Fair Employment and Housing Act (FEHA) (Government Code 12940) makes it unlawful for OPD to refuse to hire or employ a person because of their gender, gender identity, gender expression, or sexual orientation. Therefore, OPD has no method to know to what extent LGBTQ individuals are employed by OPD. Regardless, OPD welcomes people from the LGBTQ community to apply for the position of POT and the OPD Personnel Section is committed to providing the same level of review and consideration that it provides for all candidates. Furthermore, OPD also plans to collaborate in the near future with the recently created Department of Race and Equity; OPD wants to ensure that recruitment strategies which encourage members of the LGBTQ to apply for OPD police academies are utilized.

OPD has been collaborating closely with HRM and the African American Recruitment Ad Hoc Working Group. That collaboration resulted in recommendations that OPD believes may assist with achieving greater diversity. Some of these recommendations require additional resources to be fully and effectively implemented. OPD will focus first on those recommendations that do not require immediate, additional resources.

In the spring of 2017, OPD engaged a research team of four graduate students in the University of California, Berkeley Goldman School of Public Policy (Goldman Team) to conduct research on recruitment and retention of women and people of color in OPD. The focus of this research was exclusively sworn personnel and the intent was to answer the following questions:

1. How can OPD reach a larger number of diverse applicants?
2. How can OPD ensure that applicants complete the application and testing processes successfully?
3. Are the testing methods employed by OPD (and required by California regulation) most appropriate to the position of POT and Police Officer? (That is, do the testing methods adequately address the knowledge, skills, and abilities of the positions?)
4. How can OPD increase the success of POTs in the basic academy process and reduce attrition?

5. How can OPD increase the success of new academy graduates (Police Officers) in the field training program and reduce attrition?

The Goldman Team conducted research over a four-month period from January through May of 2017. Their research culminated in a 67-page report that included a number of recruitment best practices such as:

- Improve transparency and communication through the website
- Develop recruiting workshops for second-career POT applicants
- Formalize and advertise the pre-hire program to POT candidates
- Offer per diem shift options for patrol officers
- Institute an employee referral program
- Streamline application process
- Conduct hiring process review
- Make visible and intentional efforts to recruit underrepresented populations

A number of the above recommendations have been implemented by OPD over the past year. With the advent of a new citywide web platform, OPD has substantially revised the recruitment and hiring web pages. This has resulted in an increase in transparency and communication through a stronger focus on critical information. The pre-hire program has been greatly expanded in order to hire POT applicants before an academy begins. This dramatically improves the opportunity for OPD to hire qualified applicants before they accept job offers from other police agencies who have more flexible hiring options. Expanding testing options to include the South Bay Regional Public Safety Training Consortium (South Bay) has substantially streamlined the application process. OPD is currently working with DHRM to further streamline the process.

The Goldman Team also provided the following best practices concerning field training:

- Implement formal mentorship
- Align expectations between academy and field training
- Reduce stereotype threat and increase belonging
- Reform the field training program: selection and retention of field training officers

Over the last several months, OPD has engaged in a thorough review of the field training program that has included proposed revisions to the field training policy. Further review and additional recommendations for improvement are expected in 2018.

9. *Explore and Report Back to Council on Additional Strategies to Improve Recruitment Screening for Attitude Issues, Including Attitudes about Appropriate Conduct toward Women and an Understanding of Respecting the Community*

As provided to the Public Safety Committee in the *Second Supplemental Report on OPD African American Recruitment Efforts* on May 12, 2015 (**Attachment D**, p. 6 – 10):

Analysis of Background Investigation

Government Code §1031³ requires a pre-employment background investigation for peace officers. The POST Background Investigation Manual⁴ explains that the pre-employment background investigation assures compliance with minimum standards and helps to filter candidates who, based on their past history or other relevant information, are unsuitable for the position of police officer. The Background Review investigator must investigate for all ten of the POST Background Dimensions listed below:

Table No. 1 POST Background Review Dimensions

DOMAIN: MORAL CHARACTER	
Dimensions	Details
1. Integrity:	Integrity • Honesty • Impartiality • Trustworthiness • Protection of Confidential Information • Moral/Ethical Behavior
2. Impulse Control/ Attention to Safety	Safe Driving Practices • Attention to Safety • Impulse/Anger Control
3. Substance Abuse and Other Risk-Taking Behavior	
DOMAIN: HANDLING STRESS AND ADVERSITY	
Dimensions	Details
4. Stress Tolerance	Positive Attitude and Even Temper • Stress Tolerance and Recovery • Accepting Responsibility for Mistakes
5. Confronting and Overcoming Problems, Obstacles, and Adversity	
DOMAIN: WORK HABITS	
Dimensions	Details
6. Conscientiousness	Dependability/Reliability • Personal Accountability and Responsibility • Safeguarding and Maintaining Property, Equipment, and Belongings • Orderliness, Thoroughness, and Attention to Detail • Initiative and Drive • General Conscientiousness
DOMAIN: INTERACTIONS WITH OTHERS	
Dimensions	Details
7. Interpersonal Skills	Social Sensitivity • Social Interest and Concern • Tolerance • Social Self-Confidence/Persuasiveness • Teamwork
DOMAIN: INTELLECTUALLY BASED ABILITIES	

³ Every peace officer candidate shall be the subject of a thorough background investigation to verify good moral character and the absence of past behavior indicative of unsuitability to perform the duties of a peace officer [Government Code §1031(d)].

⁴ <http://lib.post.ca.gov/Publications/bi.pdf>

8. Decision-Making and Judgment	Situation/Problem Analysis • Adherence to Policies and Regulations • Response Appropriateness • Response Assessment
9. Learning Ability	
10. Communication Skills	Oral Communication • Written Communication

In the Experience and Employment Section, the POST Background Manual explains that a background investigator looks at work performance and conduct to determine how seriously the applicant has applied values of integrity in the past. The investigator looks for examples of disciplinary actions, attendance problems, performance reviews, misuse of sick time, misuse of confidential information and any history of abuse of drugs or alcohol consumption. The 'legal' section of the background review looks at areas such as past arrests, domestic abuse, being the subject court orders, fraud, misdemeanors (past seven years), felonies (lifetime), and past or current illegal drug use.

The Background Review process involves interviews with acquaintances of applicants to ascertain the nature of applicants' character. The financial history and motor vehicle usage history similarly are designed to assess applicant's honesty and integrity. Instances of past drug use, financial mistakes, and some level of work-related challenges do not automatically lead to disqualification by OPD. However, instances of serious domestic abuse, patterns of repeated impropriety of work, patterns of dishonesty in personal relationships, patterns of repeated financial mismanagement are serious red flags that often lead to a DQ [disqualifying; currently referred to as a "non-select"] mark. A felony leads to an automatic disqualification per California law. Additionally, California Penal Code PC §29805 disqualifies those who have committed specific misdemeanors from possessing a firearm for 10 years, which precludes applicants from being employed as a peace officer.

Analysis of the Personal History Statement and Polygraph Exam

Police academy applicants bring their completed personal history statements (PHS) when they attend their oral tests. Requiring a PHS is a POST requirement and OPD's PHS process mirrors POST guidelines. The PHS questionnaire consists of questions the applicants must answer, designed to assess the same personal character qualities the Background Review inspects. Aspects include:

- Basic personal information
- Friends and relatives
- Education
- Employment history
- Residence history
- Military history
- Financial history
- Legal compliance (including any crimes or illegal drug use), and

- Motor vehicle infractions

The PHS requires applicants to provide very detailed profiles of their lives and to be honest in disclosing any histories that may be of concern to OPD. Applicants submit their PHS before the oral test. If the applicant is invited to continue, OPD personnel administer a polygraph exam. The polygraph exam is not designed to determine whether applicants are telling the truth on individual detailed questions, but rather to assess whether an applicant is responding on average with a pattern of honesty as the polygraph examiner reviews the applicant's PHS. The goal of the polygraph exam is to assess if the applicant appears to have been honest and truthful with all disclosed in the PHS.

The polygraph examination is not required by POST, but virtually every police agency in California uses the polygraph exam to assist in the background investigation. Polygraphs are simply a tool that help the investigator concentrate in areas of the background that may need further investigating.

If an applicant takes the polygraph examination and during the test he or she has significant reactions to questions regarding domestic violence, the polygraph examiner will relay this information to the background investigator who will further question the applicant about domestic violence. The investigator will also ensure that all former spouses and/or significant others have been contacted to verify that the applicant is being truthful. The fact that the applicant had reactions to domestic violence in the polygraph does not in itself disqualify the applicant from the process.

Analysis of the Character Review and Psychological Questionnaire

POST also requires a character review. Candidates invited to this final application stage must complete a two-hour psychological questionnaire designed to delve more deeply into applicants' general emotional and mental balance, to assess suitability to manage the many challenges faced by officers in Oakland. The general format of the questionnaire has been evaluated by research studies that prove its effectiveness in filtering out applicants with higher propensities to be overly stressed by challenging police work. Facing a higher likelihood of committing suicide or acting violently once in a position as an officer, for example, are situations any police agency has a need to avoid.

At the Character Review, each profile is reviewed without knowledge of race, gender or age. The [Chief of Police, Assistant Chief, Deputy Chiefs, Deputy Director, Captain of the Training Division, Sergeant and Civilian Supervisor of the OPD Recruiting and Background Unit, Representative of DHRM, Deputy City Attorney, and background investigators] are all part of the Character Review panel. The panel is provided with a detailed overview of the psychological evaluation, background investigation, and polygraph. All of this information is thoroughly evaluated to determine which candidates should be invited to move forward in the hiring process.

All applicants who fail the psychological exam are informed of their right to appeal the findings. However, the applicants are required to pay for their own certified psychological exam. If the psychologist agrees that the applicant is well suited for police work, then the Department will pay for a third and final psychological exam utilizing a different psychologist. The findings of the third psychologist are final and cannot be challenged.

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.

COORDINATION

The Office of the City Attorney and DHRM were consulted in the preparation of the original reports.

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 OPD hiring practices established to increase the diversity of its workforce.

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 Timothy Birch, Police Services Manager I, Office of the Chief of Police, Training Division, Research and Planning, at (510) 238-6443.

Respectfully submitted,

Anne Kirkpatrick
Chief of Police
Oakland Police Department

Reviewed by:
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Attachments (4):

- A: *Police Recruitment And Hiring Policy Informational Report*
- B: *Informational Report Regarding Oakland Police Department Efforts To Attract And Recruit Applicants With Work Of Life Experience In Oakland Or Similar Cities*
- C: *Police Recruitment and Hiring Policy Supplemental Report*
- D: *Second Supplemental Report on OPD African American Recruitment Efforts*



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2016 JUN 30 PM 6:31

ATTACHMENT A

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

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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.

Item: _____
Public Safety Committee
July 12, 2016

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.

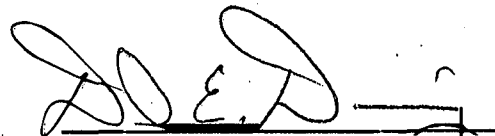
Social Equity: This report provides valuable information to the Oakland community regarding efforts to ensure the inclusion of under-represented groups in OPD.

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

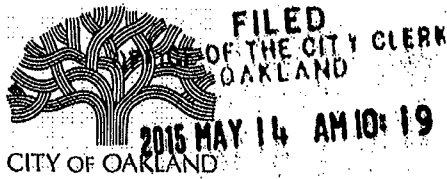
Reviewed by:
Drennon Lindsey, Captain
OPD, Personnel Resources & Training Division

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

Item: _____
Public Safety Committee
July 12, 2016



FILED
OF THE CITY CLERK
OAKLAND

2015 MAY 14 AM 10:19

ATTACHMENT B

AGENDA REPORT

TO: JOHN A. FLORES
INTERIM CITYADMINISTRATOR

FROM: Sean Whent

SUBJECT: Informational Report Regarding
Oakland Police Department (OPD)
Efforts to Attract and Recruit Applicants
with Work or Life Experience in
Oakland or Similar Cities

DATE: May 1, 2015

City Administrator
Approval

Date

5/13/15

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the Public Safety Committee:

Receive this informational report regarding Oakland Police Department (OPD) efforts to attract and recruit more applicants from Oakland or connections to Oakland or similarly diverse cities interested in becoming OPD police officers.

OUTCOME

The Oakland Police Department's Policy of expediting the background investigations of police officer candidates with Oakland life or work experience (or such experience with similar cities) helps to ensure that such candidates are prioritized in the recruitment and hiring process to become OPD officers.

EXECUTIVE SUMMARY

As Oakland is one of the most diverse cities anywhere in the world, it is imperative that OPD sworn officers 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 necessary component of keeping the public safe. OPD recognizes

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May 26, 2015

John A. Flores, Interim City Administrator

Subject: Oakland Police Department Efforts to Recruit Applicants with Oakland Connections

Date: May 1, 2015

Page 2

that people who have prior life experiences with Oakland or places like Oakland will be more likely to have developed the cultural literacy that OPD expects. Therefore, OPD now to prioritizes background investigations for applicants with experience living or working in diverse places like Oakland and/or with complex crime challenges – in addition to prioritizing background investigations for applicants with very strong overall profiles. OPD will continue to look for the best strategies to ensure that sworn officers connect with, and mirror the public they serve.

BACKGROUND AND LEGISLATION

The Oakland Police Department (OPD) expects each police officer to uphold the mission of OPD and maintain high standards of professionalism, ethics, honesty and integrity. As three recent reports presented to the Public Safety Committee on African American Recruitment (dated February 5, 2015, March 16, 2015 and April 7, 2015) explain, the recruitment and training process is designed to find applicants whose personal histories illustrate that they share and practice these values. By recruiting officers with connections to Oakland or communities similar to Oakland, OPD can better ensure that applicants will have an awareness and appreciation of people from diverse backgrounds.

The 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.” Also, the California Government Code, Section 50083 states: “No local agency or district shall require that its employees be residents of such local agency or district.” These laws restrict the City of Oakland’s authority to hire applicants for the position of police officer, or any other position, because of where they choose to reside.

However, 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 CAO and OPD believe that applicants who currently live in Oakland, have lived in Oakland, or who can demonstrate life experience from similar communities will be well-positioned to serve as OPD officers where they regularly interact with the public and help OPD as an organization foster strong relationships with communities across the City.

ANALYSIS

Oakland is one of the most diverse cities in the United States, with people from many ethnic and racial backgrounds. The economics blog “Priceonomics” ranks Oakland as the most diverse city

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Date: May 1, 2015

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in the United States¹ according to their December 2014 analysis. Oakland's demographics according to the 2010 U.S. Census are as follows:

Table 1: 2010 U.S. Census Oakland Race Data

Race	Oakland	CA
White alone	34.5%	57.6%
Black or African American alone	28.0%	6.2%
American Indian and Alaska Native alone	0.8%	1.0%
Asian alone	16.8%	13.0%
Native Hawaiian and Other Pacific Islander alone	0.6%	0.4%
Two or More Races	5.6%	4.9%
Hispanic or Latino	25.4%	37.6%
White alone	25.9%	40.1%

OPD is proud to serve the diverse communities of Oakland and benefits immeasurably from having workforce that reflects this rich diversity and has an appreciation of this diversity. Officers who live in Oakland or other city with diverse demographics as well as crime challenges, are likely to have a strong appreciation for these factors which affect how officers must practice policing in Oakland. Such an appreciation builds strong cultural literacy that helps officers relate to residents and build relationships that promote trust and collaboration.

The Second Supplemental Report on African American recruitment (dated April 7, 2015) explains officers hired by OPD must protect the public and be trusted to manage in all manner of situations, including when the use of force is necessary. Therefore, OPD, like all U.S. 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. That report also explains that the Commission on Peace Officer Standards and Training (POST) was established by the State Legislature in 1959 to create minimum selection and training standards for California law enforcement personnel. California law requires that police agencies including OPD be POST-certified to provide training such as that required for the basic police academy. The Physical Ability Test (PAT), Oral Exam, Written Test, Background Investigation, Personal History Statement Review and Character Review sections are designed along POST benchmarks to ensure OPD applicants meet these aptitude and personality thresholds.

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

¹<http://priceconomics.com/the-most-and-least-diverse-cities-in-america/>

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May 26, 2015

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 Personal History Statement (PHS). Beyond the yes/no question on residency, OPD 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. Through expedited backgrounds, OPD identifies more candidates to invite to each academy with these relevant backgrounds.

Recruiting for a Diverse Workforce

Beyond the prioritization system for background investigations, OPD is committed to utilizing varied recruiting efforts to ensure that many qualified applicants from diverse backgrounds apply to be Oakland police officers. As outlined in the March 16, 2015 supplemental report on African American Recruitment, OPD is now employing the following approaches:

- Recruiting at Historically Black College and University Alumni Associations and Other Organizations
- Better noticing to the public of test dates
- More media outreach
- Outreach of OPD officers to community events
- Creating an internship program(s)
- OPD's Cadet Program
- OPD Mentoring for at-risk youth
- Participation in the Merritt College Law and Justice Program
- Outreach and Partnership with African American Churches
- Partnering with the Black Officers Association
- Reaching out to African American Publications
- Outreach and Partnership with African American Churches

OPD is similarly making efforts to reach out to, and to recruit new academy applicants from community organizations that serve all underrepresented groups in Oakland.

PUBLIC OUTREACH/INTEREST

This report contains information of public interest as it directly relates to public safety within the City of Oakland.

Item: _____
Public Safety Committee
May 26, 2015

John A. Flores, Interim City Administrator

Subject: Oakland Police Department Efforts to Recruit Applicants with Oakland Connections

Date: May 1, 2015

COORDINATION

The Office of the City Attorney as well as the Department of Human Resources and Management were consulted in preparation of this report.

SUSTAINABLE OPPORTUNITIES

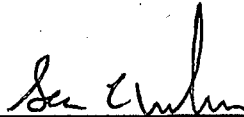
Economic: There are no economic opportunities identified in this report.

Environmental: No environmental opportunities have been identified.

Social Equity: This report provides valuable information to the Oakland community regarding efforts to ensure that OPD officers are well prepared to build relationships with diverse residents from all parts of Oakland.

For questions regarding this report, please contact Bruce Stoffmacher, Management Assistant, OPD Research and Planning, at (510) 238-6976.

Respectfully submitted,



Sean Whent
Chief of Police
Oakland Police Department

Reviewed by:
Tim Birch, Police Services Manager
OPD, Office of the Chief of Police, Research & Planning

Prepared by:
Cecilia Belue, Personnel Manager
OPD Personnel Section, Bureau of Services

Bruce Stoffmacher, Management Assistant
OPD, Office of the Chief of Police, Research & Planning

Item: _____
Public Safety Committee
May 26, 2015



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 SEP -1 AM 10:29

ATTACHMENT C

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: David Downing
Assistant Chief of Police

SUBJECT: Police Recruitment and Hiring Policy
Supplemental Report

DATE: August 10, 2016

City Administrator Approval

Date:

8/31/16

RECOMMENDATION

Staff Recommends That The City Council Accept This Supplemental Report Regarding Police Recruitment and Hiring Policies.

REASON FOR THE SUPPLEMENTAL REPORT

On, July 12, 2016, the Public Safety Committee requested additional information related to the report titled "Adopt Recommended Revisions to Police Recruitment and Hiring Policies," dated June 20, 2016. This report addresses the following aspects of the June 20, 2016 report, as summarized below:

- Explore whether the minimum age for Police Officer Trainee (POT) applicants should be raised.
- Review whether any other factors are disproportionately excluding Oakland residents, people of color, women or lesbian; gay; bisexual; or transgender (LGBT) people.
- Explore whether the minimum education for POT applicants should be raised.
- Deployment of veterans: In recent years, how many times have personnel been deployed in the military and for how long.

ANALYSIS AND POLICY ALTERNATIVES

The Oakland Police Department (OPD) Personnel Section's mission is to actively recruit, hire and develop qualified candidates to fill POT and other OPD vacancies. In recent years, OPD has presented several reports detailing the recruiting and hiring process. A number of reports were presented in 2015 with an emphasis on African American recruitment.

In April 2015, the Oakland City Council adopted Resolution No. 85540 C.M.S., which created a temporary Ad Hoc Working Group on Police Recruitment. OPD has worked in collaboration with the Ad Hoc Working Group and Human Resources Management (HRM) in an effort to address the issue of recruitment among minorities and Oakland residents. On July 12, 2016 the Ad Hoc

Item: _____
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September 13, 2016

Working Group presented recommendations to the Public Safety Committee and is scheduled to present a full report in September, 2016.

Consideration of the Minimum Age for POT Applicants

Penal Code Section 13510(a) gives the California Commission on Peace Officer Standards and Training (POST) the authority to establish minimum selection standards for peace officers. Peace officers must, at a minimum, meet the selection standards outlined in the Government Code, and pass the POST selection requirements contained in Commission Regulations 1950-1955 prior to being hired by OPD (the June 20, 2016 summarizes which prior reports detail OPD's background investigation process). Per Penal Code Section 13510(d), local agencies may set standards that exceed these minimums.

The POST minimum hiring standard age for peace officers is 18 years of age. OPD has opted to require a higher minimum age of 21 years of age upon graduation from the academy (or 20.5 at start of the application process). HRM has confirmed that OPD has maintained this current age requirement since 2004. OPD's research confirms that most agencies require applicants to be 21 years of age by academy graduation date (see ***Attachment A: Comparison of Age and Education Requirements of Various Law Enforcement Agencies***). OPD's minimum age qualifications are comparable to police agencies in California and nationally. POST confirmed recently to OPD via a telephone discussion that there is a general consensus among law enforcement agencies that age 21 allows a candidate to gain life experience after graduating high school. The candidate has time to mature emotionally and professionally. OPD's POST-certified hiring process, similar to many other police hiring processes, examines a candidate's life experience, including work habits, handling of stress and adversity, and social relationships; candidates who have achieved the age of 21 have simply had more time to develop a history of responsibility and integrity than 18 year-olds.

On, July 5, 2013, NBCChicago.com published an article titled "Chicago Police Lower Age Minimum for Entry Exam." The Chicago Police Department (CPD) allowed 18-year-olds to take the entrance exam as part of an effort to increase the number of eligible applicants hoping to join the force. The application age was dropped from 25 to 18, and the new minimum age to become an officer was changed from 25 to 21 years of age; CPD had previously raised the minimum age from 21 to 25 in 2010 to attract more mature officers. However, a CPD spokesperson explained in 2013 that, "By offering the exam at 18 and letting them enter at 21, it allows us to reach people as they are making major decisions about their career path. It allows us to increase the pool of eligible applicants." Michael Shields, head of the Chicago Fraternal Order of Police stated "We believe that the department loses many motivated, qualified candidates who graduate from college at age 21 or 22 and do not want to wait three or four years to start their career."

The Law Enforcement Executive Forum is a peer-reviewed journal published by the Illinois Law Enforcement Training and Standards Board Executive Institute (ILETSBEI) on the campus of Western Illinois University. It features articles relevant to today's law enforcement environment. In 2104, the Law Enforcement Executive Forum released a document titled, "Strategies for

Police Recruitment: A Review of Trends, Contemporary Issues, and Existing Approaches"¹ which states:

"Many core problems that police departments face in recruiting have worsened in the past decade, even as changing economic conditions have led to temporary fluctuations in the numbers of recruits. Changing generational tastes for police work; increased prevalence of disqualifications (such as drug use or physical unfitness), and greater competition from other organizations (such as the military) have helped restrict the pool of qualified applicants.

OPD's goal is to eliminate barriers for otherwise qualified applicants and reduce the possibilities of excluding underrepresented groups. Staff therefore believes that raising the age limit may prohibit otherwise qualified applicants from participating in the hiring process. Although age is a good indicator of maturity, some applicants may have sufficient life experience at a younger age and should be considered for employment.

Most applicants selected to begin the academy are actually above the age of 25. The average age of recruits in the 175th Oakland Police Academy that began on July 11, 2016 was 29 years of age. Twenty-two percent of the recruits were under the age of 25. That 22 percent represents a group of candidates who exhibited sufficient life experience, including successful participation in the OPD Police Cadet program.

A Review of Whether Any Other Factors are Disproportionately Excluding Oakland residents, people of color, women or Lesbian; Gay; Bi-Sexual; or Transgender (LGBT) people

OPD is committed to hiring a diverse workforce that reflects the community it serves. The June 20, 2016 report outlines the prior reports which detail OPD's recruitment outreach efforts. OPD continues to use a variety of communication and advertising efforts to reach different groups of people who may be interested in exploring a police career. OPD continues to evaluate the current testing process in collaboration with (HRM). OPD and HRM continue to seek diverse interview panelists to sit on the oral interview panels (see June 20, 2016 for more detail on interview panels):

OPD does not ask POT candidates about their sexual orientation or investigate the gender identity which candidates register on their application – to do so would violate OPD hiring policies, even for the purpose of data analysis. Additionally, the California Fair Employment and Housing Act (FEHA) (Government Code 12940) makes it unlawful for OPD to refuse to hire or employ a person because of their gender, gender identity, gender expression, or sexual orientation. Therefore, OPD has no method to know to what extent LGBT individuals are employed by OPD. Regardless, OPD welcomes people from the LGBT community to apply for the position of POT and the OPD Personnel Section is committed to providing the same level of review and consideration that it provides for all candidates. Furthermore, OPD also plans to collaborate in the near future with the recently created Department of Race and Equity; OPD wants to ensure that recruitment strategies which encourage members of the LGBT to apply for OPD police academies are utilized.

¹ Link to article: <http://docplayer.net/12514485-Strategies-for-police-recruitment-a-review-of-trends-contemporary-issues-and-existing-approaches.html>. The Ad Hoc Working Group on Police Recruitment reviewed this article during meetings in 2016.

OPD has been collaborating closely with HRM and the Ad Hoc Working Group. That collaboration resulted in recommendations that OPD believes may assist with achieving greater diversity. These recommendations include, but are not limited to, the following:

- Budget for marketing and branding to expand advertising recruiting and awareness efforts;
- Create metrics to measure success of different marketing tactics and track the outcome of each marketing effort;
- Develop a marketing sub-strategy that focuses on Oakland youth;
- Utilize youth, business, and community groups and organizations as networks to advertise these positions;
- Connect with JobCorps on Treasure Island as an outreach opportunity;
- Reach out to high school students in Reserve Officers Training Corps (ROTC);
- Analyze which colleges Oakland students typically attend and build connections with these schools;
- Track Oakland residents in the process, and people with connections to Oakland
- Perform a detailed examination of each stage of the background process

Some of these recommendations require additional resources to be fully and effectively implemented, as the Ad Hoc Working Group will likely note in its report. OPD will focus first on those recommendations that do not require immediate, additional resources.

A Consideration of the Minimum Education Level of POT Applicants

POST requires that, at a minimum, POT applicants have graduated from an accredited high school, have passed the General Education Development (GED) test, or have attained a two-year, four-year, or advanced degree from an accredited or approved institution. OPD follows this POST standard, and does not require different education standards.

In 2002, *Policing: An International Journal of Police Strategies & Management* cited a study titled "Raising the Age and Education Requirements for Police Officers: Will Too Many Women and Minority Candidates be Excluded?" The study finds that during a 5-year period (1992-1996), close to two-thirds of those hired in the Indianapolis Police Department (IPD) did not have a college degree. The study also found that more women and people of color were represented in the two-thirds of the department without a college degree, than of the department as a whole. Based on the findings from this article, there could be a trend away from achieving diversity goals expressed by the City Council, by requiring that every POT attain a college degree.

Table 1 below illustrates that a large number of OPD Basic Academy Participants do not possess an Associate Degree or above. The data also illustrates that those that do not possess an Associate Degree or above can and do successfully complete the academy; 17 of the 20 participants (85%) in the 173rd basic police academy graduated, and 21 of the 27 participants (78%) of the 174th basic police academy graduated. This data leads staff to conclude that raising the minimum education requirements may significantly and unnecessarily restrict OPD's officer trainee applicant pool.

Table 1 – Education Levels of Recent OPD Basic Academy Participants

Academy #	Education Level	Number Starting Academy	Percentage of Academy Participants	Number Graduating Academy	Percentage of Education Level Group that Graduated
173 rd : (53 Started/ 33 Graduated)	Associates or Above	33	62%	16	48%
	High School, GED, or Some College	20	38%	17	85%
174 th : (60 Started/ 44 Graduated)	Associates or Above	33	55%	23	70%
	High School, GED or Some College	27	45%	21	78%
175 th (49 Started/ TBD Graduated)	Associates or Above	20	40%	TBD	TBD
	High School, GED or Some College	30	60%	TBD	TBD

How Many Times Have Personnel Been Deployed in the Military, and for How Long?

OPD does not track the number of sworn or professional staff with previous experience serving in the United States Armed Forces. There are 33 current sworn staff members who have used military leave in the past for military deployments. Five sworn personnel have been deployed (and used military leave) between November 2012 and July 2016. These recent military leaves have ranged from three months to approximately 13 months. There may be additional current sworn or professional staff that have served in the armed forces, but have not utilized military leave.

PUBLIC OUTREACH / INTEREST

This report contains information of public interest as it relates to OPD efforts to recruit a diverse group of applicants and increase the number of applicants from within the Oakland community. Increased diversity will better represent the Oakland community and improve police and community relations.

COORDINATION

HRM collaborated with OPD in the preparation of this report.

Item: _____
Public Safety Committee
September 13, 2016

SUSTAINABLE OPPORTUNITIES

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

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

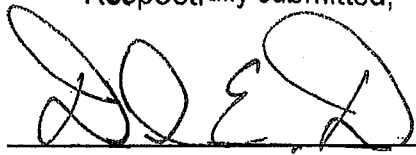
Social Equity: This report outlines OPD efforts to ensure that underrepresented community groups are not disproportionately excluded from the OPD recruiting and hiring process.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Accept This Supplemental Informational Report Regarding Police Recruitment and Hiring Policies.

For questions regarding this report, please contact Drennon Lindsey, Captain of Police, Office of the Chief of Police, Research and Planning, at (510) 238-7182.

Respectfully submitted,



David Downing
Assistant Chief of Police
Oakland Police Department

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

Kiona Suttle, Manager
OPD, Personnel Section

Bruce Stoffmacher, Legislation Manager
OPD, OCOP, Research and Planning

Prepared by:
Antoné Hicks, Police Personnel Operations
Specialist, OPD, Personnel Section

Attachments (1):

A: Comparison of Age and Education Requirements of Various Law Enforcement Agencies

Item: _____
Public Safety Committee
September 13, 2016



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ATTACHMENT D

AGENDA REPORT

TO: JOHN A. FLORES
INTERIM CITYADMINISTRATOR

FROM: Sean Whent

SUBJECT: Oakland Police Department African
American Recruitment Efforts – 2nd
Supplemental Report

DATE: April 7, 2015

City Administrator
Approval

Date

4/16/15

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the Public Safety Committee:

Accept this second supplemental informational report regarding Oakland Police Department (OPD) African American recruitment efforts from 2010 to present with a focus on providing further analysis of the recruitment, testing, and character review and background analysis process.

REASON FOR THE SUPPLEMENTAL

The purpose of this supplemental report is to transmit to the Public Safety Committee a more in-depth analysis and additional information about particular components of the recruitment process discussed at the March 24, 2015, Public Safety Committee.

The Public Safety Committee of March 24, 2015, reviewed these reports and requested a greater analysis of the recruitment statistics in the first report, as well as a more in-depth analysis and information about particular components of the recruitment process:

- Analysis of OPD's physical, written and oral tests, along with explanations for deviations from the Commission on Police Officer Standards and Testing (POST) Requirements.
- Analysis of Personal History Statement and Polygraph Usage
- Analysis of Whole Person Analysis (WPA) mentioned in a RAND Corporation Study (of the Los Angeles Police Department recruitment process), and listed in the original February 5, 2015 African American Recruitment Report.
- Analysis of Background Investigation and Character Review.

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- Common Reasons for Receiving a “Don’t Qualify” or “DQ” test result, which precludes applicants from continuing with the application process.
- Greater detail and more thorough analysis of OPD sworn staffing statistics as listed in the February 5, 2015, African American Recruitment Report.
- OPD feedback to applicants not invited to academies.
- Status on OPD and HRM “Recruitment Best Practices Working Group.”

The African American Recruitment report dated February 5, 2015, explained that OPD expects each police officer to uphold the mission of OPD and maintain high standards of professionalism, ethics, honesty, and integrity. The recruitment and training process is designed to find applicants whose personal histories illustrate that they too share and practice these values. The Oakland Police Department does not require that 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. The Oakland Police Department, like all U.S. 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 Physical Ability Test, Written Exam, Oral Interview, Background Review, Personal History Statement Review, Background Investigation, and Character Review sections, explained below, are designed along POST benchmarks to ensure OPD applicants meet these aptitude and personality thresholds.

POST Requirements

The Commission on Peace Officer Standards and Training (POST) was established by the Legislature in 1959 to create minimum selection and training standards for California law enforcement personnel. The mission of POST is to continually enhance the professionalism of California law enforcement in serving its communities. The POST Program, governed by the POST Commission, is voluntary and incentive-based. However, California law requires that police agencies, such as OPD, be POST-certified to provide training such as that required for the basic police academy. The Oakland Police Department lost its POST-certification in 2008 due to a long period of not training new recruits and became recertified in 2013 through a POST recertification process. The Oakland Police Department 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;

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- The development of new training courses;
- Reimbursement for training;
- Quality leadership training programs; and
- Certificates to recognize peace officer achievement and proficiency.

The training reimbursement is a critical service provided by California POST. The Oakland Police Department received an annual \$112,000 for the last three fiscal years. This reimbursement provided 94 percent cost recovery for all POST-certified training completed by OPD personnel. Another critical component of the POST services and benefits is the certification of peace officer achievement and proficiency. The current OPOA MOU provides an additional 1.5 percent in salary for an officer who has an Intermediate POST Certificate. An officer with an Advanced POST Certificate receives an additional 4.5 percent in salary.

Analysis of the Physical Ability Test

The OPD Physical Ability Test (PAT), the first step in the application process, is not a POST requirement. However, trainees admitted to OPD or other POST-certified academies undertake many physical tests during the academies, and the position of police officer requires a level and type of physical ability that is related to the PAT. The PAT consists of a timed series of six (6) events. The first five events must be completed within two minutes and 35 seconds:

- Cone Maze
- Fence Climb
- Ditch Jump
- Stair Climb/Window Entry
- Dummy Drag

The last event requires a handcuff simulation to be completed while maintaining a proper posture. For the 168th-170th Academies, over 90 percent of all candidates as well as the subgroup of African American candidates passed the PAT. The Oakland Police Department offers a practice PAT course every first Saturday to ensure applicants are given proper techniques on passing the test.

Analysis of the POST-Certified Written Exam

The POST Commission Regulation 1951 (*Attachment A*) mandates “that peace officers be able to read and write at the levels necessary to perform the job of a peace officer as determined by the use of the POST Entry-Level Law Enforcement Test Battery (PELLETB) or another professionally developed and validated test of reading and writing ability. Because performance on the PELLETB is highly correlated with performance in the academy, many agencies and academies use the PELLETB as an indicator of readiness for a career in law enforcement.” The PELLETB is generally considered to be equivalent to a high school level of reading and writing proficiency.

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The POST Commission's 1994 (revised 1998) report POST Reading & Writing Test Validation Research¹ documents research evaluating the validity of POST's Reading & Writing Tests as predictors of job performance – from performance in the basic academy, to field training, probation, and as a tenured officer. The research, which pulled data from the police departments of Los Angeles, Oakland, Sacramento, San Francisco, and San Diego, found that test results predict future job performance regardless of race.

The PELLETB consists of five parts:

1. Clarity (15-items): The examinee is presented a pair of sentences and instructed to pick the one that is more clearly written.

Example: a. Bullet fragments were gathered by officers in envelopes.
 b. Bullet fragments were gathered in envelopes by officers.

2. Spelling (15 items): This test measures the ability to correctly spell common words. The examinee is presented a sentence with a word deleted, followed by a list of several alternative spellings of the deleted word.

Example: It was not _____ who committed the crime.
 a. apparent b. apperant c. aparent d. aperant

3. Vocabulary (15 items): This test is designed to measure the ability to understand and appropriately use common words. The examinee is presented a sentence with an underlined word and a following list of word choices.

Example: The witness corroborated the suspect's story.
 a. verified b. contradicted c. added to d. questioned

4. Reasoning Ability: This test requires the applicant to determine how different pieces of information relate to one another.

Example: Ordering Information: Suspect A was in the house longer than Suspect B. Suspect C was in the house for less time than Suspect B.

Who was in the house the longest?
a. Suspect A b. Suspect B c. Suspect C d. Not enough information.

5. Reading Comprehension (20 to 30 items): This test is designed to measure the ability to derive meaning from written English.

¹ <http://lib.post.ca.gov/Publications/60527628.pdf>

Example: Entrapment is defined as officers or agents of the government provoking a person to commit a crime that he did not originally contemplate in order to prosecute him. The goal of law enforcement is not to encourage nor to create an offense, but to prevent people from committing crimes and/or arrest people when they do commit offenses.

Based on the preceding passage, which of the following statements describes an instance of entrapment?

- a) Property that has been marked by police so that they can trace it at a later time.
 - b) A victim, learning that a person intends to rob him, does nothing to stop the crime, but instead allows the robber to carry through with the crime so that police will catch him in the act.
 - c) A door to a warehouse containing valuable merchandise is purposely left open by police.
 - d) An undercover officer approaches a known drug dealer and tries, unsuccessfully, to purchase drugs.
6. CLOZE Test: The test is completed by supplying missing words in sentences (not multiple choice). This test is designed to measure reading ability in a manner that reflects the cognitive processes involved in reading. The dashes explain how many letters make up the word that has been deleted.
- Example:* The juvenile justice system encounters many types of people. Here is one example. Mary was 15 when 1) ___ was first arrested. Mary was a popular girl. 2) ___ the time of her first arrest, 3) ___ was doing well in school.

Given the diverse needs of California law enforcement agencies, POST does not require all agencies to use the same passing score. Agencies such as OPD are allowed to determine a passing score that best fits hiring needs and standards. A score of 68 is the highest possible score; since research shows that the likelihood of successful academy completion increases for every point above 42 an applicant scores; POST recommends that agencies select a passing score of 42 or above. The Oakland Police Department requires a score of 45 to pass the POST written test. Other agencies including Alameda County Sheriff's Office and Sunnyvale Police Department also require a score of 45. Some neighboring agencies have a higher passing score including Contra Costa County Sheriff's Office (48), Hayward (50) and San Jose Police Department (50).

The POST Commission explains that the PELLETB measures skills that are associated with successful performance as a California peace officer, and thus a very useful tool in determining who a law enforcement agency should consider for invitation to a police academy. See *Attachment B* for a more thorough breakdown of the statistics provided as *Attachment A* in the February 5, 2015 report. Because the PELLETB assesses general aptitude in reading, writing, and cognitive ability, POST warns that there are no simple ways to quickly prepare to pass the exam. For this reason, as outlined in the March 16, 2015 reports, OPD offers a variety of support

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services including tutoring and written exam preparation support as part of the Merritt College Criminal Justice Program. The Oakland Police Department also continues to offer POST written test workshops at the Police Administration Building, City Hall, and churches such, as Acts Full Gospel Church, Bebe Memorial Church, Allen Temple, and Shiloh Baptist Church. Additionally, OPD and other law enforcement agencies created the website <http://www.passingthepost.com> to provide test preparation workshop information.

Analysis of the POST-Certified Oral Interview

POST Commission Regulation 1952 (*Attachment A*) stipulates that every peace officer applicant be interviewed prior to employment to verify suitability for service. The oral interview takes place prior to OPD making a conditional offer of employment. The test consists of two parts – personality and scenario-type questions. Personality questions, such as “Why do you want to be a police officer” or “What do you know about the City of Oakland?” are examples of the types of questions asked to gauge whether an applicant is mentally prepared for police work in the City of Oakland. Scenario-type questions help gauge whether an applicant understands police work and can articulate awareness of different situations that require discretion as well as different uses of force. Applicants should have an understanding of the force continuum. As the National Institute of Justice explains,² “Most law enforcement agencies have policies that guide their use of force. These policies describe an escalating series of actions an officer may take to resolve a situation. This continuum generally has many levels, and officers are instructed to respond with a level of force appropriate to the situation at hand, acknowledging that the officer may move from one part of the continuum to another in a matter of seconds.”

The interview panel consists of three people:

- A sworn member of the Oakland Police Department
- A member of the Oakland Human Resources Management Department
- A member of the Oakland Community (as a volunteer)

The Oakland Police Department requires that a community member sit on the panel. The Oakland Police Department also ensures that the three panel members reflect different racial backgrounds, which helps to ensure a diversity of opinion in listening to applicants respond to the oral interview.

Analysis of Background Investigation

Government Code §1031³ requires a pre-employment background investigation for peace officers. The POST Background Investigation Manual⁴ explains that the pre-employment

² <http://www.nij.gov/topics/law-enforcement/officer-safety/use-of-force/pages/continuum.aspx>

³ Every peace officer candidate shall be the subject of a thorough background investigation to verify good moral character and the absence of past behavior indicative of unsuitability to perform the duties of a peace officer [Government Code §1031(d)].

⁴ <http://lib.post.ca.gov/Publications/bi.pdf>

background investigation assures compliance with minimum standards and helps to filter candidates who, based on their history or other relevant information, are unsuitable for the position of police officer. The Background Review investigator must investigate for all ten of the POST Background Dimensions listed below:

Table No. 1: POST Background Review Dimensions

DOMAIN: MORAL CHARACTER	
<i>Dimensions</i>	<i>Details</i>
1. Integrity:	Integrity • Honesty • Impartiality • Trustworthiness • Protection of Confidential Information • Moral/Ethical Behavior
2. Impulse Control/Attention to Safety	Safe Driving Practices • Attention to Safety • Impulse/Anger Control
3. Substance Abuse and Other Risk-Taking Behavior	
DOMAIN: HANDLING STRESS AND ADVERSITY	
<i>Dimensions</i>	<i>Details</i>
4. Stress Tolerance	Positive Attitude and Even Temper • Stress Tolerance and Recovery • Accepting Responsibility for Mistakes
5. Confronting and Overcoming Problems, Obstacles, and Adversity	
DOMAIN: WORK HABITS	
<i>Dimensions</i>	<i>Details</i>
6. Conscientiousness	Dependability/Reliability • Personal Accountability and Responsibility • Safeguarding and Maintaining Property, Equipment, and Belongings • Orderliness, Thoroughness, and Attention to Detail • Initiative and Drive • General Conscientiousness
DOMAIN: INTERACTIONS WITH OTHERS	
<i>Dimensions</i>	<i>Details</i>
7. Interpersonal Skills	Social Sensitivity • Social Interest and Concern • Tolerance • Social Self-Confidence/Persuasiveness • Teamwork
DOMAIN: INTELLECTUALLYBASED ABILITIES	
8. Decision-Making and Judgment	Situation/Problem Analysis • Adherence to Policies and Regulations • Response Appropriateness • Response Assessment
9. Learning Ability	
10. Communication Skills	Oral Communication • Written Communication

In the Experience and Employment Section, the POST Background Investigation Manual explains that a background investigator looks at work performance and conduct to determine how seriously the applicant has applied values of integrity in the past. The investigator looks for examples of disciplinary actions, attendance problems, performance reviews, misuse of sick time, misuse of confidential information and any history of abuse of drugs or alcohol consumption. The 'legal' section of the background review looks at areas such as past arrests, domestic abuse, being the subject court orders, fraud, misdemeanors (past seven years), felonies (lifetime), and past or current illegal drug use.

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The Background Investigation process involves interviews with acquaintances of applicants to ascertain the nature of applicants' character. The financial history and motor vehicle usage history similarly are designed to assess applicant's honesty and integrity. Instances of past drug use, financial mistakes, and some level of work-related challenges do not automatically lead to disqualification (DQ) by OPD hiring process. However, instances of serious domestic abuse, patterns of repeated impropriety of work, patterns of dishonesty in personal relationships, patterns of repeated financial mismanagement are serious red flags that often lead to a DQ mark. A felony leads to an automatic disqualification per California law. Additionally, California Penal Code PC §29805 disqualifies those who have committed specific misdemeanors from possessing a firearm for 10 years, which precludes applicants from being employed as a peace officer. See *Attachment C* for a list of such misdemeanors.

Whole Person Analysis

The February 5, 2015 African American Recruitment Report explained that one of recommendations of the RAND Corporation Study "To Protect and Serve" (of the Los Angeles Police Department recruitment process) was to use a "Whole-Person Analysis (WPA) to evaluate applicants. In WPA analysis, circumstances, such as the candidate's age, attitude, and explanation for conduct, are taken into consideration, and the investigators and personnel analysts must take into account these multiple factors." The Oakland Police Department spoke with Nelson Lim, lead author of the RAND Corporation study. Mr. Lim clarified that with WPA, recruitment and background staff consider the entire context of each applicant's profile. For example, if an applicant was fired from a job several years ago, but then had a very positive work history since the termination, then recruitment staff would consider the job termination from years past within the context of the applicant's entire personal history with consideration of all positive or negative attributes. The other recommendation related to WPA in the report was that the police department ensures that the WPA model was consistently employed by ensuring that all background investigators and recruitment personnel understand the protocol.

Staff from OPD also spoke with a manager of the City of Los Angeles Personnel Department involved in police recruiting. This manager explained that the Los Angeles Police Department (LAPD) has developed a background investigation guide (*see Attachment D*) for determining whether particular issues in an applicant's background should qualify for an automatic DQ, or rather when such issues should be considered within the context of the applicant's entire profile. Additionally, the City of Los Angeles personnel manager explained that LAPD must weigh the risk to the department in modifying standards in applicants' background. The entire department can be held accountable for the actions of officers and anytime any officer is accused or found guilty of conduct unbecoming an officer or actual crimes, the department's Background Review of the officer will be examined under considerable scrutiny.

Analysis of the Personal History Statement and Polygraph Exam

Police academy applicants bring their completed personal history statements (PHS) when they attend their oral interviews. Requiring a PHS is a POST requirement and OPD's PHS process mirrors POST guidelines. The PHS questionnaire consists of questions the applicants must

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answer, designed to assess the same personal character qualities the Background Review inspects. Aspects include:

- Basic personal information
- Friends and relatives
- Education
- Employment history
- Residence history
- Military history
- Financial history
- Legal compliance (including any crimes or illegal drug use), and
- Motor vehicle infractions.

The PHS requires applicants to provide very detailed profiles of their lives and to be honest in disclosing any information that may be of concern to OPD. Applicants submit their PHS before the oral interview. If the applicant is invited to continue after the oral interview, OPD then requires each applicant to take a polygraph exam. The polygraph exam is not designed to determine whether applicants are telling the truth on individual detailed questions, but rather to assess whether an applicant is responding on average with a pattern of honesty, as the polygraph examiner reviews the applicant's PHS. The goal of the polygraph exam is to assess whether the applicant appears to have been honest and truthful with information disclosed in their PHS.

The polygraph examination is not required by POST, but virtually every police agency in California uses the polygraph exam to assist in the background investigation. Polygraphs are simply a tool that help the investigator concentrate in areas of the background that may need further investigating.

If an applicant takes the polygraph examination and during the test he or she has significant reactions to questions regarding domestic violence, the polygraph examiner will relay this information to the background investigator who will further question the applicant about domestic violence. The investigator will also ensure that all former spouses and/or significant others have been contacted to verify that the applicant is being truthful. The fact that the applicant had reactions to domestic violence in the polygraph does not in itself disqualify the applicant from the process.

Analysis of the Character Review and Psychological Questionnaire

POST also requires a character review. Candidates invited to this final application stage must complete a two-hour psychological questionnaire designed to delve more deeply into applicants' general emotional and mental balance and to assess suitability to manage the many challenges faced by officers in Oakland. The general format of the questionnaire has been evaluated by research studies that prove its effectiveness in filtering out applicants with higher propensities to be overly stressed by challenging police work. Facing a higher likelihood of committing suicide

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or acting violently once in a position as an officer, for example, are situations any police agency has a need to avoid.

At the Character Review, each profile is reviewed without knowledge of race, gender or age. The Bureau of Services Deputy Chief, Captain of Personnel and Training, and the Personnel Manager are all part of the Character Review panel. The panel is provided with a detailed overview of the psychological evaluation, background investigation, and polygraph. All of this information is thoroughly evaluated to determine which candidates should be invited to move forward in the hiring process.

All applicants who fail the psychological exam are informed of their right to appeal the findings. However, the applicants are required to pay for their own certified psychological exam. If the psychologist agrees that the applicant is well suited for police work, then the Department will pay for a third and final psychological exam utilizing a different psychologist. The findings of the third psychological exam are final and can not be challenged.

Why Do Some Test Invitees Decide Not to Take a Test?

As illustrated in **Attachment B**, some applicants invited to each stage of the three initial tests (physical, written, oral) do not show up on the test date. OPD and HRM personnel believe, based on significant anecdotal information, that in many cases applicants do not attend test dates because they have taken tests for other law enforcement agencies and POST requirements dictate that applicants must wait 30 calendar days before taking another exam for a different law enforcement agency. To compete with other law enforcement agencies, OPD recruiting staff conducts outreach through multiple media platforms to attract more applicants to OPD exams.

Common Types of Applicant Disqualification

Table No.2 below provides a summary of the most common reasons why OPD recruitment personnel must disqualify applicants from continuing with the process to become OPD police officer trainees.

Table No. 2: Oakland Police Department Sworn Officer Application Process; Department Oversight and Examples for Receiving a Disqualification

Application Phase	Primary Department Responsible	Common Types of Disqualification
Part I – Initial Testing		
Completion of Physical Ability Test (PAT) ↓	Human Resources Management (HRM)	Over 90% of applicants on all recent test dates passed the PAT; common disqualifications relate to endurance – lack of ability to complete endurance test within defined time period.
Satisfactory performance on Written Examination (score of 45) ↓	HRM	Inability to show a mastery of a high school level of reading and writing aptitude on the test, as evidenced by a score of 45 out of maximum of 68. Test categories include: clarity, vocabulary, spelling, reasoning and reading comprehension.
Satisfactory performance in Oral Interview (Candidates are required to turn in a completed Personal History Statement (PHS) at the time of the Oral Interview) ↓	HRM	Inability to articulate logical reasons for wanting to become a sworn officer, very little understanding of police work, no awareness of cultural diversity and diverse communities, very unprofessional manner
Part II – Background, Character & Medical		
Clear the PHS screening for POST dimensions ↓	Oakland Police Department (OPD)	Patterns of poor work history, patters of financial mismanagement, significant or recent illegal drug use, evidence of very disrespectful or violent behavior, poor driving record
Receive Conditional Job Offer ↓	OPD	N/A
Pass Polygraph Examination ↓	OPD	Exam provides evidence that examinee appears to be providing information considerably inconsistent with PHS or Background Review, or examinee provides new information considerably inconsistent with their PHS or Background Review.
Pass Psychological Examination ↓	OPD	California Government Code 1031(f) requires all California peace officers to be free from any "Emotional, or mental condition which might adversely affect the exercise of the powers of a peace officer."
Investigation Pass Medical Examination ↓	OPD	Not able to pass the hearing or vision standards
Satisfactorily Complete Background ↓	OPD	Untruthful/ dishonest during hiring process, theft from employer, timecard fraud, embezzlement, forgery, perjury, illegal purchase of firearms, gang affiliations, drug sales to minors, child abuse, domestic violence, assault w/ a deadly weapon, violation of court orders, recent drug use, statutory rape, assault on supervisors/ co-workers, significant customer complaints.
Pass Character Review Hiring Panel ↓	OPD	Same as DQs for Background Investigation (immediately above)
Begin Police Officer Academy	OPD	N/A

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Feedback to Applicants Not Invited to Academies

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 that part they failed. If an applicant fails the PAT for example, they are informed that OPD holds practice PAT courses on every first Saturday of the 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 & Fire PATs. Applicants who fail the written test, as mentioned above, 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 third stage, oral interview, are given a schedule of future oral interview workshops via <http://www.opdjobs.com>.

Further Analysis of Demographic Statistics in OPD Academies and Sworn Staffing

Attachment B to this report provides more updated information on application statistics, detailed for each major racial group, for OPD's most recent basic academies (166th - 171st). Additionally, Table 3 below provides a racial analysis across all ranks of OPD's current sworn personnel.

Table No. 3: Diversity in the Oakland Police Department by Rank

Chief, Assistant Chief & Deputy Chiefs:			
Total =5			
Race	No.	Percentage	
African American	2	40.0%	
Asian	0	0.0%	
Hispanic / Latino	1	20.0%	
White / Caucasian	2	40.0%	
Captain: Total = 10			
Race	No.	Percentage	
African American	6	60.0%	
Asian	0	0.0%	
Hispanic / Latino	2	20.0%	
White / Caucasian	2	20.0%	
Lieutenant: Total = 26			
Race	No.	Percentage	
African American / Black	10	38.4%	
Asian	3	11.5%	
Hispanic / Latino	3	11.5%	
Other / Undeclared	1	3.8%	
White / Caucasian	9	34.6%	
Sergeant - Total = 119			
Race	No.	Percentage	
African American/Black	25	21.0%	
Asian	16	13.4%	
Filipino	1	0.8%	
Hispanic/Latino	17	14.2%	
Other/Undeclared	4	3.3%	
White/Caucasian	56	47.0%	
Officer: Total = 530			
Race	No.	Percentage	
African American/Black	87	16.4%	
Asian	63	11.8%	
Filipino	11	2.0%	
Hispanic/Latino	132	24.9%	
Native American	2	0.3%	
Other/Undeclared	16	3.0%	
White/Caucasian	219	41.3%	

Status on OPD and HRM "Recruitment Best Practices Working Group"

The initial meeting of the working group on Recruitment Best Practices for OPD took place on March 5 of this year. Margaret Dixon, Chair of Merritt College's Administration of Justice Program, hosted the meeting. The meeting included representatives of the Oakland Police Department and the Oakland Human Resources Management Department. A number of strategies were proposed and were provided to the Public Safety Committee as part of the first supplemental report on African American recruiting. The Best Practices Working Group is waiting further direction from the Public Safety Committee in terms of which strategies should be pursued. Once these strategies are identified by the Public Safety Committee, the Working Group will seek necessary resources to begin implementation. These strategies are provided again (below) to facilitate this identification:

Table 4: OPD Officer Recruitment Strategies

Strategy	Staff	Implementation Challenge; Possible Fiscal Impact
Outreach to HBCU Alumni Association and Other Organizations	OPD Recruiting Staff; OPD Officers and Cadets	Moderate; May require additional staff.
Better Noticing of Test Dates	OPD and DHRM Civilians	Not Difficult; No fiscal impact
Media Outreach	OPD Public Information, Recruiting Staff and City Online Engagement Staff	Moderate; Additional staff may be required to sustain efforts.
Implementation of Internship Programs	OPD Recruiting and Backgrounds Staff; OPD Youth and Family Services Division (YFSD) Staff	Moderate; Additional staff may be required to sustain efforts and some additional funding will be required to compensate interns.
Explorer Program Expansion	OPD Recruiting and Background Staff; OPD YFSD	Not Difficult; The Police Activities League may require additional funds to expand program.
Cadet Program Expansion	OPD Recruiting and Background Staff; OPD Training Section Staff	Not Difficult; Additional funding will be required to expand program participation.
OK Mentoring Program Expansion	OPD YFSD	Not Difficult; Program may need greater grant funding to expand.
Participation in Law Enforcement at Local Administration of Justice	OPD Recruiting Staff; OPD Officers, Cadets, and College Interns	Not Difficult – program in operation; No fiscal impact.

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Programs		
Outreach and Partnering with African American Churches	OPD Recruiting Staff; OPD Officers, Cadets, and Interns	Moderate; Additional staff may be required to sustain efforts.
Partnering with the Black Officers Association	OPD Members of the Black Officers Association	Moderate; Additional staff may be required to sustain efforts.
Reaching out to African American Publications	OPD Recruiting Staff; OPD Public Information Staff	Moderate; Additional staff may be required to sustain efforts.

Each of the above strategies represents an increase in workload for OPD and/or HRM. In order to effectively enact most of the strategies, funding will be required for identified personnel. In addition to the above resources required to enact the strategies, additional funding will also be needed for HRM to respond to the increased number of applicants.

PUBLIC OUTREACH/INTEREST

This report contains information of public interest as it directly relates to public safety within the City of Oakland.

COORDINATION

The City Attorney's Office as well as the Department of Human Resources and Management were consulted in preparation of this report.

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SUSTAINABLE OPPORTUNITIES

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


Environmental: No environmental opportunities have been identified.

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

For questions regarding this report, please contact Bruce Stoffmacher, Management Assistant, OPD Research and Planning, at (510) 238-6976.

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Respectfully submitted,



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Attachments

- A- POST Commission Regulations
- B- Police Officer Trainee Hiring Data
- C- Prohibited Misdemeanor Offenses
- D- LAPD Whole Person Analysis

<https://www.post.ca.gov/peace-officer-selection-requirements-regulations.aspx#c1951>

Commission on Police Officer Standards and Testing (POST)

Section C - Personnel Selection and Standards

Peace Officer Selection Requirements Regulations

(formerly 9050 - 9055)

- [1950. Peace Officer Selection Requirements](#)
- [1951. Peace Officer Reading and Writing Ability Assessment](#)
- [1952. Peace Officer Oral Interview](#)
- [1953. Peace Officer Background Investigation](#)
- [1954. Peace Officer Medical Evaluation](#)
- [1955. Peace Officer Psychological Evaluation](#)

1950. Peace Officer Selection Requirements

(a) Peace Officer Selection Requirements

The purpose of these regulations is to implement the minimum peace officer selection standards set forth in [California Government Code section 1031](#) and as authorized by [California Penal Code section 13510](#). Peace officer training requirements are addressed separately in [Commission Regulations 1005](#) and [1007](#). All POST documents and forms mentioned in these regulations are available on the [POST Website](#).

(1) Every POST-participating department and/or agency (hereinafter referred to as "department") shall ensure that every "peace officer candidate," as defined in subsection 1950(b), satisfies all minimum selection requirements specified in the following regulations unless waived by the Commission on a case by case basis. Statutory requirements in these regulations cannot be waived by the Commission.

- Reading and Writing Ability Assessment ([Regulation 1951](#))
- Oral Interview ([Regulation 1952](#))
- Background Investigation ([Regulation 1953](#))
- Medical Evaluation ([Regulation 1954](#))
- Psychological Evaluation ([Regulation 1955](#))

(2) All requirements specified in these regulations shall be satisfied **prior to the date of employment**. For purposes of these regulations, "date of employment" is defined as date of

ATTACHMENT D

appointment as a peace officer or, at the department's discretion, the date the candidate is hired as a trainee and enrolled in a POST-certified basic course.

(b) Peace Officer Candidate Definition

For purposes of these regulations, a "peace officer candidate" is any individual, regardless of rank or Penal Code classification, who applies for a peace officer position with a POST-participating department, regardless of the individual's prior law enforcement experience either at that department or at a different department within the same city, county, state, or district.

(c) Exceptions

For purposes of these regulations, peace officers described in this section are not considered "candidates" and are therefore exempted from Regulations 1951-1955.

(1) The department has sole responsibility for determining what, if any, assessments are necessary for a peace officer who:

(A) Changes peace officer classifications, such as from reserve officer to regular officer, within the same POST-participating department if documentation is available for inspection verifying that all current minimum selection requirements were previously met, and the peace officer has worked continuously for the department since the time of initial appointment.

(B) Is employed by a department that, through reorganization, is merged with another department within the same city, county, state, or district, if documentation is available for inspection verifying that the officer was hired in accordance with the POST requirements in effect at the time of hire.

(2) For a peace officer who has been mandatorily reinstated, the department shall:

(A) Report the reinstatement to POST through the submittal of a Notice of Appointment/Termination, POST 2-114, indicating a correction to record, together with a copy of the official reinstatement documentation [Commission Regulation 1003(b)(2)];

(B) Resubmit the officer's fingerprints to the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) to verify legal eligibility for a peace officer position (California Government Code sections 1029 and 1030) and to determine eligibility to possess a firearm [Penal Code section 29805 and U.S. Code Title 18 section 922(d)(9)]. Fingerprints do not need to be resubmitted if the officer was never removed from the department's peace officer files of the DOJ or FBI;

(C) Obtain evidence of U.S. citizenship if the officer was not a United States citizen at the date of initial appointment and three or more years has elapsed since that date of appointment (California Government Code section 1031.5);

(D) Perform a records check of the California Department of Motor Vehicles (California Vehicle Code section 12500).

(3) Publicly elected peace officers are exempted from Regulations 1951-1955.

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(d) Adoption of Additional Requirements and/or Higher Standards

The requirements described herein serve as minimum selection requirements. Per Government Code section 1031(g) and Penal Code section 13510(d), the adoption of more rigorous requirements, higher standards, additional assessments and/or more in-depth evaluations than those stated in these regulations is at the discretion of the employing department.

1951. Peace Officer Reading and Writing Ability Assessment

(a) Every peace officer candidate shall be able to read and write at the levels necessary to perform the job of a peace officer. Satisfactory completion of this requirement may occur at any time prior to date of employment. Reading and writing ability shall be demonstrated by one of the following:

(1) Achievement of a score deemed acceptable by the hiring department on the POST Entry-Level Law Enforcement Test Battery or other professionally developed and validated test of reading and writing ability. The test can be administered by either the department or another entity.

(2) Proof of successful completion of the Regular Basic Course or the Specialized Investigators' Basic Course.

(3) Proof of possession of a Basic Course Waiver.

(b) A department that uses the POST Entry-Level Law Enforcement Test Battery must have a current Test Use and Security Agreement, herein incorporated by reference, on file with POST.

1952. Peace Officer Oral Interview

(a) Every peace officer candidate shall participate in an oral interview to determine suitability to perform the duties of a peace officer. The interview shall take place prior to making a conditional offer of employment.

(b) The interview shall be conducted by the department head, one or more representatives of the department, the appointing authority or designee, and/or an oral panel consisting of at least one department employee.

(c) The POST Interviewing Peace Officer Candidates: Hiring Interview Guidelines provides assistance in conducting the oral interview. The use of the manual is discretionary; except that oral interviews shall address, at a minimum, the six POST Interview Factors herein incorporated by reference described in the manual: Experience, Problem Solving Ability, Communication Skills, Interest/Motivation, Interpersonal Skills, and Community Involvement/Awareness.

1953. Peace Officer Background Investigation

(a) Government Code Mandate

Every peace officer candidate shall be the subject of a thorough background investigation to verify good moral character and the absence of past behavior indicative of unsuitability to perform the duties of a peace officer [Government Code section 1031(d)].

(b) Background Investigation Evaluation Criteria

The POST Background Investigation Manual: Guidelines for the Investigator provides assistance in conducting background investigations. The use of the manual is discretionary; except the POST Background Investigation Dimensions herein incorporated by reference described in the manual - Integrity, Impulse Control/Attention to Safety, Substance Abuse and Other Risk-Taking Behavior, Stress Tolerance, Confronting and Overcoming Problems, Obstacles, and Adversity, Conscientiousness, Interpersonal Skills, Decision-Making and Judgment, Learning Ability, and Communication Skills - shall be considered in the conduct of every peace officer background investigation.

(c) Personal History Statements

Every peace officer candidate shall complete, sign, and date a personal history statement at the onset of the background investigation. A personal history statement can be either the Personal History Statement - Peace Officer, POST 2-251 or an alternative personal history statement. An alternative personal history statement shall include inquiries related to the following areas of investigation: personal identifying information, relatives and references contact information, education history, residence history, experience and employment history, military history, financial history, legal history, driving history, and other topics related to moral character.

(d) Collection of Background Information: Pre and Post Conditional Offer of Employment

(1) Nonmedical or nonpsychological background information may be collected after a conditional offer of employment (COE) is issued if it could not have reasonably been collected prior to the COE (Government Code section 1031.2). This may include:

- (A) Official documents that cannot be obtained and evaluated in a timely manner during the pre-offer period, and
- (B) Information derived from contacts and interviews with references.

(2) At the post-offer stage, background investigators, examining physicians, examining psychologists, and others involved in the hiring decision shall work cooperatively to ensure that each has the information necessary to conduct their respective investigations and/or assessments of the candidate.

(e) Areas of Investigation

(1) Citizenship Verification

- (A) Every peace officer candidate, except those applying to the California Highway Patrol, shall be either a United States citizen or a permanent resident alien who is eligible for and has applied for citizenship on or within three years before the date of appointment as a peace officer (Government Code sections 1031(a) and 1031.5).
- (B) Every peace officer candidate for the California Highway Patrol shall be a United States citizen at time of appointment as a peace officer (Vehicle Code section 2267).
- (C) Proof of U.S. citizenship shall consist of an official government-issued birth certificate, naturalization documentation, or other citizenship documentation deemed

ATTACHMENT D

acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.

(2) Age Verification

(A) Every peace officer candidate shall be minimally 18 years of age on or before the date of appointment as a peace officer.

(B) Proof of age shall be satisfied by any document accepted for proof of citizenship.

(3) Criminal Record Checks - Local, State, and National

Every peace officer candidate shall be the subject of a criminal record search at the local, state, and national levels to determine legal eligibility for peace officer employment [Government Code sections 1029(a)(1), 1030, and 1031(c)], eligibility to carry a firearm [Penal Code section 29805; U.S. Code Title 18, section 922(d)(9)], and to assess moral character [Government Code section 1031(d)].

(A) **Local searches** shall include inquiries with local law enforcement departments where the candidate has lived, worked, attended school, or frequently visited.

Proof of local searches shall be documented by a letter or other written documentation from each department contacted. If a contacted department does not provide written documentation, the request for information shall be noted.

(B) A **state search** shall include forwarding the candidate's fingerprints to the California Department of Justice (DOJ) to establish the candidate's legal eligibility for employment (Government Code section 1029) and eligibility to possess a firearm [Penal Code section 29805; U.S. Code Title 18 section 922(d)(9)].

Proof of a state search shall be documentation issued by the DOJ consisting of an official clearance return and an authorization to possess and carry firearms. The authorization shall be relevant to the peace officer position and shall have been generated no more than one year prior to the date of employment.

(C) A **national search** shall include forwarding the candidate's fingerprints to the Federal Bureau of Investigation (FBI).

Proof of a national search shall consist of an official clearance from the FBI. The clearance shall be relevant to the peace officer position and shall have been generated no more than one year prior to the date of employment.

(4) Driving Record Check

(A) Every peace officer candidate's driving history, if any, shall be checked to assess behaviors consistent with the safe and appropriate operation of a motor vehicle and adherence to the law.

(B) Proof of the driving history check shall consist of a written driving record history from the Department of Motor Vehicles or other official driving record. The record shall be dated no more than one year prior to the date of employment.

(5) Education Verification

(A) Every peace officer candidate shall meet one of the following minimum education requirements pursuant to Government Code section 1031(e):

1. Be a high school graduate of one of the following:
 - a. A U.S. public school, or
 - b. An accredited U.S. Department of Defense high school, or
 - c. An accredited or approved public or nonpublic high school.
2. Pass the General Education Development (GED) test indicating high school graduation level.
3. Pass the California High School Proficiency Examination, or
4. Have attained a two-year, four-year, or advanced degree from an accredited college or university.

Any accreditation or approval shall be from a state or local government educational agency using local or state government approved accreditation, licensing, registration, or other approval standards, a regional accrediting association, an accrediting association recognized by the Secretary of the United States Department of Education, an accrediting association holding full membership in the National Council for Private School Accreditation (NCPISA), an organization holding full membership in the Commission on International and Trans-Regional Accreditation (CITA), an organization holding full membership in the Council for American Private Education (CAPE), or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations (NFSSAA).

(B) Proof shall consist of an official transcript or other means of verifying satisfactory completion of educational requirements deemed acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.

(6) Employment History Checks

(A) Every peace officer candidate shall be the subject of employment history checks through contacts with all past and current employers over a period of at least ten years, as listed on the candidate's personal history statement.

(B) Proof of the employment history check shall be documented by a written account of the information provided and source of that information for each place of employment contacted. All information requests shall be documented.

(7) Relatives/Personal References Checks

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(A) Every peace officer candidate shall be the subject of reference checks through contacts and interviews with relatives, including former spouses, and personal references listed on the candidate's personal history statement. Additional references, provided by the initial contacts, shall also be contacted and interviewed to determine whether the candidate has exhibited behavior incompatible with the position sought. Sufficient information shall be collected and reviewed to determine candidate suitability.

(B) Proof of reference checks shall be documented by written information showing that relatives and personal references identified by the candidate were interviewed. Documentation shall include the identity of each individual contacted, the contact's relationship to the candidate, and an account of the information provided by the contact. All requests for information shall be documented.

(8) Dissolution of Marriage Check

(A) Every peace officer candidate who indicates one or more marriage dissolutions on the personal history statement shall have his/her court issued dissolution documents and legal separation decrees reviewed as an indication of personal integrity, financial responsibility, and other relevant aspects of candidate suitability.

(B) Proof of the dissolution/separation of marriage check shall be documented by a copy of all final court-issued dissolution documents and legal separation decrees.

(9) Neighborhood Checks

(A) Every peace officer candidate shall be the subject of contacts and interviews with current and, where practicable, previous neighbors to determine whether the candidate has exhibited behavior incompatible with the position sought.

(B) Proof of neighborhood checks shall be documented by written information showing the identity of each neighbor contacted, the neighbor's relationship to the candidate, and an account of the information provided by the individual. All requests for information shall be documented.

(10) Military History Check

(A) When applicable, a candidate shall be required to present proof of Selective Service registration or military service records.

(B) Proof of a military history check shall consist of written verification of Selective Service registration, except for women or any man born prior to January 1, 1960. For any candidate who indicates military history on the personal history statement, proof shall consist of an official copy of their DD-214 long form or equivalent documentation of foreign military service, if available.

(11) Credit Records Check

(A) Every peace officer candidate shall be the subject of a credit record search with a bona fide credit reporting agency (i.e., Experian, Trans Union, Equifax) to determine the candidate's credit standing with lenders, as an indication of the candidate's dependability and integrity.

(B) Proof of a credit record check shall be documented by an official credit report returned by one of the bona fide credit reporting agencies. The report shall have been created no more than one year prior to the date of employment.

(f) Background Investigation Updates

(1) Eligibility

(A) If a peace officer candidate was initially investigated in accordance with all current requirements and the results are available for review, a background investigation update, as opposed to a complete new background investigation, may be conducted for either of the following circumstances:

1. The peace officer candidate is being reappointed to the same POST-participating department, or
2. The peace officer candidate is transferring, without a separation, to a different department; however, the new department is within the same city, county, state, or district that maintains a centralized personnel and background investigation support division.

(2) Update Requirements

(A) A new personal history statement [Regulation 1953(c)] with updated information covering the period from the last personal history statement to the current date shall be completed by the peace officer candidate.

(B) The department shall conduct investigations of all new information reported by the candidate on the new personal history statement.

1. For candidates reappointed to the same department per Regulation 1953(f)(1)(A)1. , the new background investigation shall cover the period since the candidate separated from the department.
2. For candidates transferring, without a separation, to a different department within the same city, county, state, or district per Regulation 1953(f)(1)(A)2., the new background investigation shall cover the period since the date the previous background investigation was completed.

(C) Any area of investigation for which there is updated information shall be addressed in the updated background investigation. This shall minimally include a new: 1) Local Criminal Record Check, 2) State and National Criminal Check, unless there is written attestation that the candidate was never removed from the department's peace officer files of the DOJ or FBI, 3) Driving Record Check, and 4) Credit Record Check.

(D) Updated background investigation documentation shall be maintained with the initial background investigation documents.

(E) If the original background investigation was conducted within one year from the date of reappointment, it is not necessary to update criminal record checks, driving record check, or credit check.

(g) Documentation and Reporting

(1) Background Narrative Report

The background investigator shall summarize the background investigation results in a narrative report that includes sufficient information for the reviewing authority to extend, as appropriate, a conditional offer of employment. The report, along with all supporting documentation obtained during the course of the background investigation, shall be included in the candidate's background investigation file. The supporting documents shall be originals or true, current, and accurate copies as attested to by the background investigator. The background investigation file shall be made available during POST compliance inspections.

(2) Retention

The background narrative report and supporting documentation shall be retained in the individual's background investigation file for as long as the individual remains in the department's employ. Additional record retention requirements are described in Government Code section 12946.

(3) Information Access

The information shall be shared with others involved in the hiring process, such as the screening physicians and psychologists, if it is relevant to their respective evaluations. There is a duty and/or legal obligation to furnish this information to those conducting background investigations of peace officer candidates on behalf of other law enforcement departments except as specifically provided by statute (Government Code section 1031.1, Government Code section 6250 et seq, Labor Code section 1050, Labor Code section 1054, O'Shea v. General Telephone Co. (1987) 193 Cal. App 3d 1040). This information shall only be utilized for investigative leads and the information shall be independently verified by the prospective department to determine the suitability of the peace officer candidate.

1954. Peace Officer Medical Evaluation

(a) Government Code Mandate/Evaluator Requirements

Every peace officer candidate shall be evaluated by a licensed physician and surgeon (hereinafter referred to as "physician") to determine if the candidate is free from any physical (i.e., medical) condition that might adversely affect the ability to exercise peace officer powers [Government Code section 1031(f)]. The physician shall conduct the evaluation on behalf of and for the benefit of the employing department.

(b) Timing of the Medical Evaluation

The medical evaluation shall commence only after the department has extended a conditional offer of employment to the peace officer candidate [Americans with Disabilities Act (42 U. S. Code section 12101 et seq); California Fair Employment and Housing Act (Government Code section 12940 et seq)]. The medical evaluation must be completed within one year prior to date of employment. A new medical evaluation shall be conducted on peace officer candidates reappointed to the same department, unless the prior evaluation occurred within one year of the date of reappointment.

(c) Medical Screening Procedures and Evaluation Criteria

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The medical screening procedures and evaluation criteria used in the conduct of the medical evaluation shall be based on the peace officer duties, powers, demands, and working conditions as defined by the department. This information shall be provided to the physician, along with any other information (e.g., risk management considerations) that will allow the physician to make a medical suitability determination. The POST Medical Screening Manual for California Law Enforcement provides medical examination and evaluation protocols that are based on patrol officer job demands and working conditions. These protocols may be adopted or adapted for use by the department, if and as appropriate. However, the use of the manual is discretionary.

(d) Required Sources of Information for the Medical Evaluation

The medical evaluation shall include a review by the screening physician of the following sources of information prior to making a determination about the candidate's medical suitability.

(1) Job Information

Job information shall consist of the peace officer duties, powers, demands, and working conditions provided by the department per Regulation 1954(c).

(2) Medical History Statement

Prior to the medical evaluation, every peace officer candidate shall complete, sign and date a medical history statement. The POST Medical History Statement - Peace Officer, POST 2-252 can be used for this purpose, or an alternative form that includes inquiries about past and current medical conditions and procedures, physical symptoms, limitations, restrictions, and the use of medications and drugs.

(3) Medical Records

Medical records shall be obtained from the candidate's treating physician or other relevant health professional, if warranted and obtainable. This information may be provided by the candidate or, with written authorization from the candidate (Civil Code section 56.11), may be obtained directly from the health professional.

(e) Medical Evaluation Report

(1) The evaluating physician shall submit a medical evaluation report to the department that shall include the following information:

(A) The physician's contact information and medical license number,

(B) The candidate's name,

(C) The date the evaluation was completed, and

(D) A statement, signed by the physician, affirming that the candidate was evaluated in accordance with Commission Regulation 1954. The statement shall include a determination of the candidate's medical suitability for exercising the powers of a peace officer.

(2) The department shall maintain the medical evaluation report in the candidate's background investigation file; the report shall be available to POST during compliance inspections.

(3) The physician shall provide any additional information to the department that is necessary and appropriate for the hiring department, such as the candidate's job-relevant functional limitations, reasonable accommodation requirements, and potential risks posed by detected medical conditions. All information deemed medical in nature shall be maintained as a confidential medical record, separate from the background investigation file.

(4) The POST Medical Examination Report - Peace Officer, POST 2-253 is available for use in reporting this information; however, its use is discretionary.

(5) Information from the medical evaluation may be provided to others involved in the hiring process, if it is relevant to their respective determinations of candidate suitability.

(f) Second Opinions

A candidate who is found medically unsuitable has the right to submit an independent evaluation for consideration before a final determination of disqualification is made [2 California Code of Regulations section 11071(b)(2)]. When a candidate notifies the department that s/he is seeking an independent opinion, the department shall make available the peace officer duties, powers, demands, and working conditions and the medical screening requirements specified in Commission Regulation 1954. Other information, such as specific procedures or findings from the initial evaluation, may be shared with the second-opinion evaluator at the discretion of the department. The means for resolving discrepancies in evaluations is at the discretion of the department, consistent with local personnel policies and/or rules.

1955. Peace Officer Psychological Evaluation

(a) Government Code Mandate/Evaluator Requirements

Every peace officer candidate shall be evaluated to determine if the candidate is free from any emotional or mental condition that might adversely affect the exercise of the powers of a peace officer [Government Code section 1031(f)], and to otherwise ensure that the candidate is capable of withstanding the psychological demands of the position.

(1) The psychological evaluation shall be conducted by either of the following:

(A) A physician and surgeon who holds a valid California license to practice medicine, has successfully completed a postgraduate medical residency education program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, and has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued after completion of the psychiatric residency program.

(B) A psychologist licensed by the California Board of Psychology who has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued post-doctorate.

(2) The psychological evaluator (hereinafter referred to as "evaluator") shall be competent in the conduct of preemployment psychological screening of peace officers. The required areas of competence, as defined in the "POST Peace Officer Psychological Evaluator Competencies (2013)" (Competencies), are herein incorporated by reference.

(3) The evaluator must complete a minimum of 12 hours biennially of POST-approved continuing professional education per Commission Regulation 1955(b).

(4) The evaluator shall conduct the examination on behalf of and for the benefit of the employing department.

(b) Continuing Professional Education (CPE)

(1) CPE Course Requirement

POST approval will be granted to courses that meet the following requirements for both course quality and relevance:

(A) Course Quality

Course quality is satisfied by any course recognized and accepted by the California Board of Psychology for continuing education credit [16 CCR section 1397.61(c)(1)] including:

1. Courses provided by American Psychological Association (APA), or its approved sponsors; or
2. Continuing medical education (CME) courses specifically applicable and pertinent to the practice of psychology and that are accredited by the California Medical Association (CMA) or the Accreditation Council for Continuing Medical Education (ACCME); or
3. Courses provided by the California Psychological Association, or its approved sponsors; or
4. Courses approved by an accrediting agency for continuing education courses taken prior to January 1, 2013, pursuant to 16 CCR section 1397.61 as it existed prior to January 1, 2013.

The quality of courses recognized and accepted by other accrediting bodies, associations, or organizations will be considered on a case by case basis.

(B) Course Relevance

As determined by POST, courses must have direct relevance and applicability to preemployment psychological assessment by providing instruction and training in one or more of the Competencies [Regulation 1955(a)(2)].

(2) CPE Course Approval

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POST approval shall be granted to courses that meet the requirements outlined in 1955(b)(1). To be considered for POST approval, a course approval request must be submitted to POST via the electronic CPE Tracking System. The request may be submitted by a course instructor, provider, sponsor, law enforcement agency, or an individual who has taken or is considering taking a course.

Requests for POST approval must include the following information:

- (A) Course provider
- (B) Course instructor
- (C) Course title and description
- (D) Approving association
- (E) Course topics and hourly distribution
- (F) Learning objectives
- (G) Method(s) of instruction (e.g., workshop, webinar, independent learning)

A list of POST-approved CPE courses are maintained on the POST Website.

(3) Evaluator CPE Requirement

(A) The evaluator must complete 12 hours of POST-approved instruction over a two-year period, which shall run concurrently with the evaluator's two-year license renewal cycle. The POST CPE requirement must be met no later than the evaluator's license renewal date. Additional CPE hours above the 12 hour minimum do not count toward the next two-year cycle.

(B) Prior to September 1, 2014, all evaluators must complete a minimum of six (6) hours of CPE. The POST-approved CPE must have been completed between May 1, 2012 and August 30, 2014.

After September 1, 2014, the 12-hour two-year CPE requirement will begin. CPE hours will be prorated at .5 hours per month, based on the evaluator's license renewal cycle. For example, if the evaluator's license renewal date is February 28, 2015, by that date the evaluator must complete .5 hours of CPE for each of the six months that elapsed since September 1, 2014 (i.e., three hours). Thereafter, the evaluator must meet the regular 12 hours of CPE for every two-year cycle per Regulation 1955(a)(3).

(C) The evaluator may satisfy no more than 75% (up to nine (9) hours) of the POST CPE requirement through independent learning that meets Regulation 1955(b)(1). Independent learning includes, but is not limited to, courses delivered via the Internet, CD-ROM, satellite downlink, correspondence, and home study.

(4) Verification of Course Completion

To verify compliance with Regulation 1955(a)(3), the evaluator must submit a psychological evaluator approval request to POST via the electronic CPE Tracking System. The request for approval may be submitted any time during the two-year cycle.

Requests must include the following information:

(A) Evaluator Information [name and contact information; license # and renewal date; and additional information (curriculum vitae, professional website URL), if available], and

(B) Course information (course, title, date completed, and CPE hours).

The request must be accompanied by official documentation of course completion, such as completion certificate, roster, and/or other official education or training records.

A list of evaluators and their contact information is available on the POST website (www.post.ca.gov).

(c) Timing of the Psychological Evaluation

The psychological evaluation shall commence only after a conditional offer of employment has been extended to the peace officer candidate [Americans with Disabilities Act (42 U. S. Code section 12101 et seq); California Fair Employment and Housing Act (Government Code section 12940 et seq)]. The psychological evaluation must be completed within one year prior to date of employment. A new psychological evaluation shall be conducted on peace officer candidates reappointed to the same department, unless the prior evaluation occurred within one year of the date of reappointment.

(d) Psychological Screening Procedures and Evaluation Criteria

(1) The psychological screening procedures and evaluation criteria used in the conduct of the psychological evaluation shall be based on the peace officer duties, powers, demands, and working conditions as defined by the department. This information shall be provided to the evaluator, along with any other information (e.g., risk management considerations) that will allow the evaluator to make a psychological suitability determination.

(2) Every peace officer candidate shall be evaluated, at a minimum, against job-related psychological constructs herein incorporated by reference contained and defined in the POST Peace Officer Psychological Screening Dimensions (pdf): Social Competence, Teamwork, Adaptability/Flexibility, Conscientiousness/Dependability, Impulse Control, Integrity/Ethics, Emotional Regulation/Stress Tolerance, Decision Making/Judgment, Assertiveness/Persuasiveness, and Avoiding Substance Abuse and Other Risk-Taking Behavior.

(e) Required Sources of Information for the Psychological Evaluation

The psychological evaluation shall include a review by the evaluator of the following sources of information prior to making a determination about the candidate's psychological suitability.

(1) Job Information

Job information shall consist of the peace officer duties, powers, demands, and working conditions provided by the department per Regulation 1955(d)(1).

(2) Written Assessments

Written assessments shall consist of a minimum of two written psychological instruments. One of these instruments shall be designed and validated to identify patterns of abnormal behavior;

the other instrument shall be designed and validated to assess normal behavior. Both instruments shall have documented evidence of their relevance for evaluating peace officer suitability. Together, the instruments shall provide information about each candidate related to: (1) freedom from emotional and/or mental conditions that might adversely affect the exercise of the powers of a peace officer, and (2) psychological suitability per the POST Psychological Screening Dimensions [Regulation 1955(d)(2)].

The psychological assessments shall be interpreted using appropriate, authorized test publisher scoring keys. If mail-order, Internet-based, or computerized test interpretations are used, the evaluator shall verify and interpret the individual results.

(3) Personal History Information

Personal history information includes the candidate's relevant work, life and developmental history based on information collected during the background investigation. This information may be augmented by responses on a personal history questionnaire collected as part of the psychological evaluation.

(4) Psychological Interview

A psychological interview shall be administered to each peace officer candidate subsequent to a review and evaluation of the results of the written assessments [Regulation 1955(e)(2)] and the candidate's personal history information [Regulation 1955(e)(3)]. Sufficient interview time shall be allotted to address all issues arising from the reviewed information and other issues that may arise during the interview.

(5) Psychological Records

Psychological records and relevant medical records shall be obtained from the candidate's treating health professional, if warranted and obtainable. This information may be provided by the candidate, or, with written authorization from the candidate (Civil Code section 56.11), may be obtained directly from the health professional.

(f) Psychological Evaluation Report

(1) Data from all sources of information shall be considered; the evaluator's determination shall not be based on one single data source unless clinically justified.

(2) The evaluator shall submit a psychological evaluation report to the department that shall include the following information:

(A) The evaluator's contact information and professional license number,

(B) The name of the candidate,

(C) The date the evaluation was completed, and

(D) A statement, signed by the evaluator, affirming that the candidate was evaluated in accordance with Commission Regulation 1955. The statement shall include a determination of the candidate's psychological suitability for exercising the powers of a peace officer.

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(3) The department shall maintain the psychological evaluation report in the candidate's background investigation file; the report shall be available to POST during compliance inspections.

(4) Any additional information reported by the evaluator to the department shall be limited to that which is necessary and appropriate, such as the candidate's job-relevant functional limitations, reasonable accommodation requirements, and the nature and seriousness of the potential risks posed by the candidate. All information deemed medical in nature shall be maintained as a confidential record, separate from the background investigation file.

(5) Information from the psychological evaluation may be provided to others involved in the hiring process, if it is relevant to their respective determinations of candidate suitability.

(g) Second Opinions

A candidate who is found psychologically unsuitable has the right to submit an independent evaluation for consideration before a final determination of disqualification is made [2 California Code of Regulations section 11071(b)(2)]. When a candidate notifies the department that s/he is seeking an independent opinion, the department shall make available the peace officer duties, powers, demands, and working conditions and the requirements specified in Commission Regulation 1955. Other information, such as specific procedures or findings from the initial evaluation, may be shared with the second-opinion evaluator at the discretion of the department. The means for resolving discrepancies in evaluations is at the discretion of the department, consistent with local personnel policies and/or rules.

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Attachment B – Police Officer Trainee Hiring Data 166th-171st Oakland Police Department Academies

166 th Academy												
Hiring Steps	All Applicants / %*		African American / %*		Asian / %*		Hispanic / %*		Caucasian / %*		Oakland / %*	
Applications Received	2301	100%	476	21%	455	20%	528	23%	801	35%	282	12%
Invited to Written	2165	94%	431	19%	428	19%	488	21%	778	34%	254	11%
Attended Written	1098	48%	250	11%	259	11%	311	14%	430	19%	155	7%
Invited to Physical Ability	752	33%	143	6%	210	9%	202	9%	349	15%	85	4%
Attended Physical Ability	667	29%	96	4%	156	7%	163	7%	260	11%	77	3%
Invited to Oral Interview	643	28%	89	4%	147	6%	156	7%	256	11%	72	3%
Attended Oral Interview	578	25%	81	4%	137	6%	142	6%	232	10%	63	3%
Selected for Background & Character Review	409	18%	59	3%	70	3%	87	4%	TBD	TBD	48	2%
Invited to Academy	55	2%	8	0.35%	15	0%	9	0%	20	0%	7	0%
Academy Graduation	39	2%	5	0.22%	10	TBD	5	TBD	17	TBD	3	

* = Percentage of Original Total (2,301 applicants)

ATTACHMENT D

167th Academy												
Hiring Steps	All Applicants / %*		African American / %*		Asian / %*		Hispanic / %*		Caucasian / %*		Oakland / %*	
	Applications Received	1805	100%	342	19%	337	19%	455	25%	640	35%	186
Invited to Written	1636	91%	305	17%	302	17%	422	23%	585	32%	165	9%
Attended Written	1011	56%	180	10%	206	11%	268	15%	354	20%	112	6%
Invited to Physical Ability	710	39%	103	6%	148	8%	163	9%	290	16%	59	3%
Attended Physical Ability	516	29%	73	4%	124	7%	124	7%	194	11%	44	2%
Invited to Oral Interview	494	27%	68	4%	116	6%	122	7%	186	10%	42	2%
Attended Oral Interview	414	23%	57	3%	98	5%	104	6%	109	6%	39	2%
Selected for Background & Character Review	231	13%	35	2%	35	2%	46	3%	TBD	TBD	19	1%
Started Academy	51	3%	6	0.06%	12	0.33%	9	0.28%	19	0.00%	6	0.33%
Academy Graduation	36	2%	4	0.22%	6	0.22%	5	0.28%	16	0.00%	3	0.17%

* = Percentage of Original Total (1,805 applicants)

ATTACHMENT D

168th Academy												
Hiring Steps	All Applicants / %*		African American / %*		Asian / %*		Hispanic / %*		Caucasian / %*		Oakland / %*	
Applications Received	3824	100%	833	22%	627	16%	1032	27%	1536	40%	415	11%
Invited to Written	3760	98%	742	19%	528	14%	938	25%	1427	37%	371	10%
Attended Written	1347	35%	281	7%	235	6%	356	9%	459	12%	168	4%
Invited to Physical Ability	1275	33%	259	7%	224	6%	342	9%	442	12%	151	4%
Attended Physical Ability	1043	27%	220	6%	195	5%	298	8%	387	10%	133	3%
Invited to Oral Interview	830	22%	148	4%	142	4%	212	6%	329	9%	79	2%
Attended Oral Interview	681	18%	125	3%	117	3%	177	5%	268	7%	66	2%
Selected for Background & Character Review	450	12%	75	2%	63	2%	109	3%	TBD	0%	40	1%
Started Academy	57	1%	4	0.35%	8	0.03%	20	0.39%	21	0.00%	6	0.16%
Academy Graduation	47	1%	4	0.22%	5	0.01%	16	0.0041841	17	0	0	0

* = Percentage of Original Total (3,284 applicants)

ATTACHMENT D

169th Academy												
Hiring Steps	All Applicants / %*		African American / %*		Asian / %*		Hispanic / %*		Caucasian / %*		Oakland / %*	
	Applications Received	2477	100%	453	18%	472	19%	656	26%	845	34%	271
Invited to Written	2413	97%	435	18%	461	19%	638	26%	830	34%	262	11%
Attended Written	1177	48%	216	9%	234	9%	320	13%	393	16%	145	6%
Invited to Physical Ability	1131	46%	200	8%	220	9%	309	12%	385	16%	138	6%
Attended Physical Ability	982	40%	165	7%	199	8%	274	11%	339	14%	123	5%
Invited to Oral Interview	736	30%	105	4%	156	6%	183	7%	284	11%	76	3%
Attended Oral Interview	572	23%	83	3%	125	5%	150	6%	209	8%	59	2%
Selected for Background & Character Review	382	15%	60	2%	68	3%	93	4%	TBD	0%	35	1%
Invited to Academy	55	2%	11	0.35%	3	0%	18	1%	15	0%	3	0%
Academy Graduation	39	2%	TBD	0.22%	0	TBD	TBD	TBD	TBD	TBD	2	0%

* = Percentage of Original Total (2,477 applicants)

ATTACHMENT D

170th Academy												
Hiring Steps	All Applicants / %*		African American / %*		Asian / %*		Hispanic / %*		Caucasian / %*		Oakland / %*	
	Applications Received	2101	100%	411	20%	338	16%	609	29%	715	34%	316
Invited to Written	2036	97%	385	18%	320	15%	595	28%	708	34%	267	13%
Attended Written	941	45%	181	9%	163	8%	273	13%	320	15%	194	9%
Invited to Physical Ability	899	43%	167	8%	154	7%	259	12%	312	15%	147	7%
Attended Physical Ability	796	38%	147	7%	139	7%	239	11%	291	14%	113	5%
Invited to Oral Interview	579	28%	88	4%	105	5%	147	7%	239	11%	86	4%
Attended Oral Interview	506	24%	73	3%	88	4%	124	6%	190	9%	55	3%
Selected for Background & Character Review	348	17%	60	3%	57	3%	85	4%	TBD	0%	43	2%
Invited to Academy	82	4%	7	0%	15	1%	11	1%	TBD	0%	10	0%
Academy Graduation	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

* = Percentage of Original Total (2,101 applicants)

ATTACHMENT D

171 st Academy												
Hiring Steps	All Applicants / %*		African American / %*		Asian / %*		Hispanic / %*		Caucasian / %*		Oakland / %*	
Applications Received	2510	100%	554	22%	415	17%	720	29%	751	30%	501	20%
Invited to Written	2416	96%	527	21%	393	16%	690	27%	737	29%	476	19%
Attended Written	1138	45%	228	9%	241	10%	341	14%	326	13%	174	7%
Invited to Physical Ability	1055	42%	204	8%	202	8%	319	13%	311	12%	150	6%
Attended Physical Ability	912	36%	169	7%	185	7%	271	11%	261	10%	127	5%
Invited to Oral Interview	651	26%	99	4%	138	5%	178	7%	224	9%	74	3%
Attended Oral Interview	492	20%	84	3%	111	4%	136	5%	154	6%	60	2%
Selected for Background & Character Review	369	15%	68	3%	79	3%	97	4%	121	5%	42	2%
Started Academy	55	2%	8	0.35%	15	0%	9	0%	20	0%	7	0%
Academy Graduation	39	2%	5	0.22%	10	TBD	5	TBD	17	TBD	3	

* = Percentage of Original Total (2,510 applicants)



**CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
FIREARMS PROHIBITING CATEGORIES**



State and federal law make it unlawful for certain persons to own and/or possess firearms, including:

- Any person who is convicted of a felony, or any offense enumerated in Penal Code sections 29900 or 29905
- Any person who is ordered to not possess firearms as a condition of probation or other court order listed in Penal Code section 29815, subdivisions (a) and (b)
- Any person who is convicted of a misdemeanor listed in Penal Code section 29805 (refer to List of Prohibiting Misdemeanors)
- Any person who is adjudged a ward of the juvenile court because he or she committed an offense listed in Welfare and Institutions Code section 707(b), an offense described in Penal Code section 1203.073(b), or any offense enumerated in Penal Code section 29805
- Any person who is subject to a temporary restraining order or an injunction issued pursuant to Code of Civil Procedure sections 527.6 or 527.8, a protective order as defined in Family Code section 6218, a protective order issued pursuant to Penal Code sections 136.2 or 646.91, or a protective order issued pursuant to Welfare and Institutions Code section 15657.03
- Any person who is found by a court to be a danger to himself, herself, or others because of a mental illness
- Any person who is found by a court to be mentally incompetent to stand trial
- Any person who is found by a court to be not guilty by reason of insanity
- Any person who is adjudicated to be a mentally disordered sex offender
- Any person who is placed on a conservatorship because he or she is gravely disabled as a result of a mental disorder, or an impairment by chronic alcoholism
- Any person who communicates a threat to a licensed psychotherapist against a reasonably identifiable victim, that has been reported by the psychotherapist to law enforcement
- Any person who is taken into custody as a danger to self or others under Welfare and Institutions Code section 5150, assessed under Welfare and Institutions Code section 5151, and admitted to a mental health facility under Welfare and Institutions Code sections 5151, 5152, or certified under Welfare and Institutions Code sections 5250, 5260, and 5270.15
- Any person who is addicted to the use of narcotics (state and federal)
- Any person who is under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year (federal)
- Any person who has been discharged from the military under dishonorable conditions (federal)
- Any person who is an illegal alien (federal)
- Any person who has renounced his or her US Citizenship (federal)
- Any person who is a fugitive from justice (federal)

Attachment C



**CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
FIREARMS PROHIBITING CATEGORIES**



Firearm prohibitions for misdemeanor violations of the offenses listed below are generally for ten years from the date of conviction, but the duration of each prohibition may vary. All statutory references are to the California Penal Code, unless otherwise indicated.

- Threatening public officers, employees, and school officials (Pen. Code, § 71.)
- Threatening certain public officers, appointees, judges, staff or their families with the intent and apparent ability to carry out the threat (Pen. Code, § 76.)
- Intimidating witnesses or victims (Pen. Code, § 136.1.)
- Possessing a deadly weapon with the intent to intimidate a witness (Pen. Code, § 136.5.)
- Threatening witnesses, victims, or informants (Pen. Code, § 140.)
- Attempting to remove or take a firearm from the person or immediate presence of a public or peace officer (Pen. Code, § 148(d).)
- Unauthorized possession of a weapon in a courtroom, courthouse, or court building, or at a public meeting (Pen. Code, § 171(b).)
- Bringing into or possessing a loaded firearm within the state capitol, legislative offices, etc. (Pen. Code, § 171(c).)
- Taking into or possessing loaded firearms within the Governor's Mansion or residence of other constitutional officers (Pen. Code, 171(d).)
- Supplying, selling or giving possession of a firearm to a person for participation in criminal street gangs (Pen. Code, § 186.28.)
- Assault (Pen. Code, §§ 240, 241.)
- Battery (Pen. Code, §§ 242, 243.)
- Sexual Battery (Pen. Code, § 243.4)
- Assault with a stun gun or taser weapon (Pen. Code, § 244.5.)
- Assault with a deadly weapon other than a firearm, or with force likely to produce great bodily injury (Pen. Code, § 245.)
- Assault with a deadly weapon or instrument; by any means likely to produce great bodily injury or with a stun gun or taser on a school employee engaged in performance of duties (Pen. Code, § 245.5.)
- Discharging a firearm in a grossly negligent manner (Pen. Code, § 246.3.)
- Shooting at an unoccupied aircraft, motor vehicle, or uninhabited building or dwelling house (Pen. Code, § 247.)
- Inflicting corporal injury on a spouse or significant other (Pen. Code, § 273.5.)*
- Wilfully violating a domestic protective order (Pen. Code, § 273.6.)
- Drawing, exhibiting, or using deadly weapon other than a firearm (Pen. Code, § 417, subd. (a)(1) & (a)(2).)
- Inflicting serious bodily injury as a result of brandishing (Pen. Code, § 417.6.)
- Making threats to commit a crime which will result in death or great bodily injury to another person (Pen. Code, § 422.)
- Bringing into or possessing firearms upon or within public schools and grounds (Pen. Code, § 626.9.)
- Stalking (Pen. Code, § 646.9.)
- Armed criminal action (Pen. Code, § 25800.)
- Possessing a deadly weapon with intent to commit an assault (Pen. Code, § 17500.)
- Driver of any vehicle who knowingly permits another person to discharge a firearm from the vehicle or any person who willfully and maliciously discharges a firearm from a motor vehicle (Pen. Code, § 26100, subd. (b) or (d).)
- Criminal possession of a firearm (Pen. Code, § 25300.)
- Firearms dealer who sells, transfers or gives possession of any firearm to a minor or a handgun to a person under 21 (Pen. Code, § 27510.)
- Various violations involving sales and transfers of firearms (Pen. Code, § 27590, subd. (c).)
- Person or corporation who sells any concealable firearm to any minor (former Pen. Code, § 12100, subd. (a).)
- Unauthorized possession/transportation of a machine gun (Pen. Code, § 32625)
- Possession of ammunition designed to penetrate metal or armor (Pen. Code, § 30315.)
- Carrying a concealed or loaded firearm or other deadly weapon or wearing a peace officer uniform while picketing (Pen. Code, §§ 830.95, subd. (a), 17510, subd. (a).)
- Bringing firearm related contraband into juvenile hall (Welf. & Inst. Code, § 871.5.)
- Bringing firearm related contraband into a youth authority institution (Welf. & Inst. Code, § 1001.5.)
- Purchase, possession, or receipt of a firearm or deadly weapon by a person receiving in-patient treatment for a mental disorder, or by a person who has communicated to a licensed psychotherapist a serious threat of physical violence against an identifiable victim (Welf. & Inst. Code, § 8100.)
- Providing a firearm or deadly weapon to a person described in Welfare and Institutions Code sections 8100 or 8103 (Welf. & Inst. Code, § 8101.)
- Purchase, possession, or receipt of a firearm or deadly weapon by a person who has been adjudicated to be a mentally disordered sex offender or found to be mentally incompetent to stand trial, or not guilty by reason of insanity, and individuals placed under conservatorship (Welf. & Inst. Code, § 8103.)

The following misdemeanor convictions result in a lifetime prohibition:

- Assault with a firearm (Pen. Code, §§ 29800, subd. (a)(1), 23515, subd. (a).)
 - Shooting at an inhabited or occupied dwelling house, building, vehicle, aircraft, housecar or camper (Pen. Code, §§ 246, 29800, subd. (a)(1), 17510, 23515, subd. (b).)
 - Brandishing a firearm in presence of a peace officer (Pen. Code §§ 417, subd. (c), 23515, subd. (d), 29800, subd. (a)(1).)
 - Two or more convictions of Penal Code section 417, subdivision (a)(2) (Pen. Code § 29800, subd. (a)(2).)
- * A "misdemeanor crime of domestic violence" (18 U.S.C. § 921(a)(33)(A), 922(g)(9).)

Note: The Department of Justice provides this document for informational purposes only. This list may not be inclusive of all firearms prohibitions. For specific legal advice, please consult with an attorney licensed to practice law in California.

The Background Investigation Division (BID) is responsible for both conducting a comprehensive background investigation for all public safety officer candidates and for assessing whether or not a candidate's personal conduct meets the City's very high Background Standards. To effectively evaluate a candidate's personal conduct, on October 16, 2003, the Board of Civil Service Commissioners approved the use of a Whole Person Assessment process. Under a Whole Person Assessment, a candidate's conduct is evaluated to determine whether the candidate's strengths outweigh their weaknesses, thus focusing on employability and administrative risk factors. Therefore, each candidate is evaluated as a whole, gauging conduct in the context of the candidate's age, circumstances, attitude towards, or explanation of, the conduct and overall assessment of risk.

Often, candidates present a background that contains a myriad of behaviors, both current and distant, that cause concern about the candidate's suitability for a public safety officer position. When evaluating the likelihood of success for these candidates, final decisions are not easily made. When conducting a Whole Person Assessment, a candidate's past choices, judgments, and behaviors obtained from a variety of sources, are compared to the City's Background Standards, each of which is essential for success in public safety employment, and serve to identify those candidates with the highest chance of success in their training and in continuing employment in these critical positions. The Background Standards are:

- Interpersonal Skills, Sensitivity, and Respect for Others;
- Decision Making and Judgment;
- Maturity and Discipline;
- Honesty, Integrity and Personal Ethics;
- Setting and Achieving Goals; and
- Records Checks

Both the BID Background Investigators and Case Managers play an essential and integrated role in the Whole Person Assessment process. The Background Investigators, who have the most personal interaction with the candidates, are able to assess the candidate's past and present activities and behaviors and directly question the candidate regarding any problems or discrepancies. The Background Investigators, because of this personal interaction, are also able to directly observe the candidate's honesty and forthrightness regarding information obtained during the field investigation. This objective observation assists the Background Investigator in formulating conclusions that become part of the Background Investigator's Whole Person Assessment of the candidate, and is incorporated into their investigative summary and employment recommendation. **In making this assessment, the Background Investigator must weigh both adverse and positive information and specifically identify and support identified serious adverse issues with documentation.**

WHOLE PERSON ASSESSMENT **ATTACHMENT D**

The Case Managers also apply a Whole Person Assessment to each candidate based on the content of the background investigation and the Background Standards. For candidates whose Whole Person Assessments are problematic and inconsistent with the Background Standards, the Case Managers then take the Whole Person Assessment one step further. The Case Managers will then determine if by the candidate taking certain actions, by the passage of time, or by a combination of both action and passage of time will resolve the candidate's issues. However, for some candidates the Case Managers may determine that the risk is too great, and based on the Whole Person Assessment, the candidate's actions can only result in a permanent background disqualification.

For both the Background Investigators and the Case Managers, the following questions should be considered when applying a Whole Person Assessment:

1. Does the candidate have an overall good or poor background?
2. If negative behaviors are identified, are these behaviors consistent with the candidate's overall background?
3. Are the candidate's actions those that a reasonable person would take?
4. Are the behaviors indicative of future risk?
5. Are these permanently disqualifying issues, or can the candidate become a viable candidate through the establishment of a positive whole person?
6. Can we reasonably support a decision to remove the candidate from the process based on available information? and
7. Is the person suitable for a position as a public safety officer?

By conducting a Whole Person Assessment, we are providing a more thoughtful and global assessment of each candidate's character, employability and risk management evaluation.

3

PUBLIC SAFETY CMTE.
APR 28 2015

Attachment D