




AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: LeRonne L. Armstrong
Chief of Police

SUBJECT: Informational Report On OPD Training
Academies

DATE: August 16, 2021

City Administrator Approval 

Date: Aug 25, 2021

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report From The Oakland Police Department On Efforts To Improve Retention And Graduation Rates Of Academy Recruits To Become Officers In The Oakland Police Department, Including Data Regarding What Has Been Implemented And Planned Interventions To Improve Rates Of Completion Of Field Training; Also Provide Information On Plans To Improve Selection Of Applicants, Especially Oakland Residents, Who Are More Likely To Remain And Succeed.

EXECUTIVE SUMMARY

The Oakland Police Department (OPD) presented an oral report to the City Council at the July 26, 2021 meeting. The oral report was responsive to the Rules Request titled "Informational Report on OPD Academies" from Vice Mayor Rebecca Kaplan. At the July 26, 2021 meeting, the City Council requested additional information. This report is responsive to City Council's motion.

BACKGROUND/LEGISLATIVE HISTORY

At the July 26, 2021 City Council meeting, staff was asked to provide the following additional information related to OPD officer training, attrition, and recruitment:

- Recruitment for diversity, with an emphasis in the recruitment of women, and opportunities for recruitment partnerships
- Background criteria that may impact acceptance to OPD's Basic Training Academy, including credit scores, drug use, or family members with criminal backgrounds
- Training academy attrition and success rates, and ongoing officer attrition and retention data and related factors
- Policy options regarding being paid back fully when people leave the academy or resign
- Recruitment and training related to Recommendation #37 from the Reimagining Public Safety Task Force, which creates a collaborative and multidisciplinary approach to crisis response using cross functional teams

Public Safety Committee
September 14, 2021

ANALYSIS AND POLICY ALTERNATIVES

The following are procedures OPD has employed to address sworn officer recruitment and attrition, which will contribute towards advancing the citywide priorities of holistic community safety and responsive, trustworthy government. Prioritizing Diversity and the Recruitment of women and people with connections to Oakland will help OPD advance holistic community safety. Recruitment efforts that support transparency and efficiency support the City's goal of responsive and trustworthy government.

POST Certification

California peace officers undergo an extensive selection process before they are hired by law enforcement agencies. The role of the California Commission on Peace Officer Standards and Training (POST) includes establishing minimum selection standards for peace officers in California and conducting research that results in the development of the tests and procedures used by local law enforcement agencies to adhere to these minimum selection standards. The minimum peace officer selection standards are set forth in Government Code Sections 1029¹ and 1031².

Government Code 13510 gives POST the authority to establish minimum selection standards for peace officers employed by agencies that participate in the POST program. These 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 1950-1955³ prior to hire.

Recruitment for Diversity, with an Emphasis in the Recruitment of Women, and Opportunities for Recruitment Partnerships

Historically, OPD held two POST certified basic police academies per year in order to keep pace with the average attrition it has experienced over the past five years. However, two academies is not enough to meet the recent surge in attrition that has impacted not only OPD, but also the law enforcement profession.

Police departments are struggling to retain and attract officers, amid growing calls for police reform and a national debate over deadly use of force. OPD is not immune from what many have agreed is a hiring crisis in the law enforcement profession. To tackle this challenge, OPD has enhanced its recruitment efforts to include prioritizing the hiring of women and candidates from diverse cultural backgrounds. Some of the recruitment strategies OPD has implemented include:

¹ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=1029

² https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=1031.
[tps://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1031.&lawCode=GOV#:~:text=Each%20class%20of%20public%20officers,2267%20of%20the%20Vehicle%20Code.](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1031.&lawCode=GOV#:~:text=Each%20class%20of%20public%20officers,2267%20of%20the%20Vehicle%20Code.)

³

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IDF540AC0D45111DEB97CF67CD0B99467&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IDF540AC0D45111DEB97CF67CD0B99467&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

- Resuming Police Officer Trainee (POT) testing to attract Oakland residents and candidates who have a connection to Oakland.
- Hosting Zoom informational seminars to include specific topics on women in law enforcement and "Meet an OPD Recruiter" so that hiring information is accessible to candidates who cannot attend in-person recruitment events.
- Advertising POT positions with salary information on social media platforms.
- Setting up recruitment booths at Lake Merritt to network with community members and provide hiring information about becoming a POT.
- Advertising POT positions at various colleges, including California State University, Cal State East Bay, Holy Names University, Merritt College, and Laney College in Alameda County and Diablo Valley College in Contra Costa County.
- Outreach to various community organizations to include:
 - Girls, Inc.
 - 100 Black Men
 - Youth Uprising
 - Acts Full Gospel Church
 - Allen Temple Baptist Church
 - Asian Health Services
 - Black Church Project
- Currently in the process of securing an advertising campaign with, which will highlight "Be the difference you want to see at OPD!"

OPD anticipates understaffing for some time to come despite the enhanced recruitment efforts. There are a number of contributing factors including the pandemic, the national outcry over the death of George Floyd in Minneapolis, and a lack of funding to increase the number of yearly Oakland police academies.

Background Criteria That May Impact Acceptance To OPD Basic Training Academies, Including Credit Scores, Drug Use, Or Family Members With Criminal Backgrounds

OPD recognizes that recruitment alone is not enough to increase its workforce. OPD has implemented, in conjunction with enhanced recruitment efforts, what is known as the "whole person assessment approach" when conducting backgrounds of prospective candidates. The whole person assessment approach is a process by which the background investigator does not automatically disqualify a candidate based on negative or derogatory incidents that have occurred in the past. Instead, the process considers available, reliable information about the person's past and present behavior, favorable and unfavorable, when reaching a determination about whether the candidate should proceed in the hiring process. When evaluating the relevance of an individual's conduct, the background investigator considers the following factors:

1. The nature, extent, and seriousness of the conduct;
2. The circumstances surrounding the conduct;
3. The frequency and recency of the conduct;
4. The individual's age and maturity at the time of the conduct;
5. The extent to which participation was voluntary;
6. The presence or absence of rehabilitation and other permanent behavioral changes;
7. The motivation for the conduct;
8. The potential for pressure, coercion, exploitation, or duress; and

9. The likelihood of continuation or recurrence.

These factors are considered in conjunction with the applicable disqualifying and mitigating conditions listed in the POST background dimensions⁴. Events such as arrests, certain misdemeanor offense convictions, employment terminations, or any other self-admitted or discovered derogatory information will be carefully considered against the candidate's response to said events. The candidate's personal ownership of, or the expression of sincere remorse for any such events AND the careful consideration of time between such events will be reasonably considered when determining whether the candidate should proceed in the hiring process.

Candidates who have shown significant personal growth, maturation, development, and responsibility in the time following any such events will not be automatically screened out of the hiring process. The Department recognizes this assessment to be an uncommon approach for law enforcement hiring but sees the value in engaging in a hiring practice that is reasonable, fair, and equitable for all.

OPD does not require POT candidates to have unblemished backgrounds, consistent with the whole person assessment approach. OPD understands 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 candidates who behave honestly and hold themselves to high ethical standards. Police officers are entrusted to protect the public and use force (including deadly force) when necessary. OPD, like all police agencies, has a public mandate to ensure each candidate invited to a training academy can be trusted to serve the public with a high level of honesty, integrity, and passion for public service. The following summaries explain how the Recruiting and Background Unit (R&B Unit) reviews particular issues that may be cause for disqualification from entering a basic training academy as part of its whole person assessment approach:

- 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 not only local but national laws.
- Debt – OPD does not eliminate candidates due to having debt. OPD reviews all debt 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 has a criminal record, OPD assesses each record on an individual basis. If the candidate is related to, either by family or close associations, to 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 the Department of Human Resources Management (DHRM) screens applications

⁴ <https://post.ca.gov/background-investigation-manual-guidelines-for-the-investigator>

for minimum qualifications and processes candidates through to the testing portion of the hiring process, 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 general educational development (GED) in order to be eligible for the process.

POT candidates who are disqualified due to the background investigation process will receive a non-select letter. This letter does not provide specific reasons why the candidate was not chosen to advance in the process. The letter does explain that the candidate is welcome to contact the OPD Sergeant in the R&B Unit. The letter gives the name, telephone number, and email of the Sergeant. The R&B Unit Sergeant shares with applicants who contact the office, which POST dimension(s) led to the disqualification. The Sergeant also provides general recommendations on how to improve their candidacy in regard to any particular POST dimension.

Training Academy Attrition And Success Rates, And Ongoing Officer Attrition And Retention And Data And Related Factors

The Training Division is in the process of finalizing a pre-academy to increase the success rate of POTs in the POST-required basic recruit academy. This pre-academy, is set to begin immediately before the 187th Academy in November 2021. As a result, POTs entering the 187th Academy will receive guidance and instruction in areas that have traditionally had a higher academy failure rate. Topics will include:

- First aid and CPR;
- Force options, de-escalation, law, policy;
- Vehicle driving; and
- An early introduction to OPD (staff hopes that this introduction for recruits and their families will reduce the number of early resignations).

The pre-academy is not a POST mandate. However, OPD staff believe that with the unique combination of physical, cognitive, emotional, and interpersonal instruction the POTs will receive, it will enhance their success in the academy and OPD and the City of Oakland will reap the benefits of increased academy completion rates among POTs, beginning with the 187th and continuing with subsequent academies.

Additional retention efforts include:

- Revision of the OPD Academy Policy Manual to achieve greater consistency with POST training standards.
- To mitigate the possibility of unfair and biased treatment towards recruits by members of the Field Training Officer (FTO) Program and/or other organizational members, access to information related to recruit performance is limited to and ONLY shared between the Academy Director, Training Sergeant, and Recruit Training Officers (RTO).
- Establishing a mentoring program designed to empower academy applicants, POTs, and newly sworn police officers by permitting these groups to select from a list of senior officers who have volunteered to be career mentors. Mentor selection is based upon biographical information about the senior officer (mentor).
- Confidential exit interview assessments are required in order to obtain comprehensive insight from a recruit who fails to complete the academy. This meeting and the

information gleaned from it is used to improve subsequent academy planning and training.

- Elimination of the 960-hour limitation on recruit academy training per student, per fiscal calendar year, which enables the Department to hire POTs prior to the beginning of the academy and provide them with pre-training to enhance academy success.
- Build out advancing racial equity academy modules into the academy.
- Provide more reality-based training that mirrors contemporary events that law enforcement contends with.

Below are the number of POTs who entered and completed basic recruit academies from 2018 to present, excluding the current 185th academy that began July 12, 2021, broken down into categories of female, male, and race/ethnicity:

Table 1: Female OPD POT Entrants Demographics; 2018-Present

Race	Started the Academy (2018-Present)	Completed the Academy: 2018-Present	Percent	Did Not Complete the Academy: 2018-Present	Percent
Asian	8	5	62.50%	3	37.50%
Black	6	2	33.33%	4	66.67%
Hispanic	28	17	60.71%	11	39.29%
Other	0	0	n/a	0	n/a
White	14	10	71.43%	4	28.57%
Total	56	34	60.71%	22	39.29%

Table 2: Male OPD POT Entrants Demographics; 2018-Present

Race	Started the Academy (2018-Present)	Completed the Academy: 2018-Present	Percent	Did Not Complete the Academy: 2018-Present	Percent
Asian	50	37	74.00%	13	26.00%
Black	48	28	58.33%	20	41.67%
Hispanic	87	60	68.97%	27	31.03%
Native American	1	1	100.00%	0	0.00%
Other	3	2	66.67%	1	33.33%
White	55	39	70.91%	16	29.09%
Total	244	167	68.44%	77	31.56%

Enhancements have also been made to the FTO program with an emphasis on retention, which includes:

- A 6-week transitional course that provides newly sworn officers with additional instruction. The course provides new teachings, as it reinforces and builds on academy training.
- A focus group feedback that provides the FTO program with information input.
- Confidential exit interview assessments are required in order to obtain comprehensive insight from the officer trainee who fails to complete FTO. This meeting, and the

information gleaned from it, are used to improve subsequent planning and training for the FTO Program.

- FTO Inner Perspective and Federal Bureau of Investigation – Law Enforcement Executive Development Association (FBI-LEEDA) instructional and leadership training is provided to FTOs to increase their skillset by making them more effective trainers.

Below are the number of officers who entered and completed the FTO program from 2018 to present, excluding the current 185th academy that began July 12, 2021, broken down into categories of female, male, and ethnicity.

Table 3: Female FTO Entrants Demographics; 2018-Present

Race	Started the Academy (2018-Present)	Completed the Academy: 2018-Present	Percent	Did Not Complete the Academy: 2018-Present	Percent
Asian	2	2	100%	0	0%
Black	1	1	100%	0	0%
Hispanic	13	13	100%	0	0%
Other	1	1	100%	0	0%
White	9	9	100%	0	0%
Total	26	26	100%	0	0%

Table 4: Male FTO Entrants Demographics; 2018-Present

Race	Started the Academy (2018-Present)	Completed the Academy: 2018-Present	Percent	Did Not Complete the Academy: 2018-Present	Percent
Asian	27	16	59.26%	11	41%
Black	24	16	66.67%	8	33%
Hispanic	49	33	67.35%	16	33%
Other	10	9	90.00%	1	10%
White	21	18	85.71%	3	14%
Total	131	92	70.23%	39	30%

As stated earlier in this report, amid growing calls for police reform and national debate over deadly use of force, police departments are struggling to retain and attract officers, and OPD is not immune from what many have agreed is a hiring crisis in the law enforcement profession. However, OPD will continue to work towards attracting a diverse police force, increasing success rates in the academy and FTO program, and addressing factors that lead to an increase in attrition in order retain a workforce reflective of the community of Oakland.

Policy Options Regarding Refunds from Trainees who Resign from OPD Academies

The Memorandum of Understanding (MOU) between the City of Oakland and the Oakland Police Officers’ Association outlines the process related to repayment of training cost for POTs who separate from the Department before five years of service. Below is the excerpt from the MOU detailing this process:

“Police Office Trainee Training Costs. The parties recognize that in the past a substantial number of persons have accepted the benefit of training at the Oakland Police Academy and then have voluntarily separated from service to join other safety agencies or have decided for personal reasons that police work is not their preference. The purpose of this provision is to insure that the recruit either accept a commitment of service to the City or be responsible for costs associated with Academy training. Thus, the parties agree that any member who, prior to completing five years of service, voluntarily separates from service with the department shall be responsible for reimbursing the City, on a full or prorata basis, for up to \$11,000 of the cost of his/her training at the Police Academy. To the extent this amount exceeds the maximum that may be legally, recovered, the City shall be entitled to recover only the maximum allowable under the law. A schedule of the members' reimbursement responsibility is set forth as follows:

Length of Service - Percentage of Repayment Due:

*Separation prior to 1 year: 100% repayment of the \$11,000;
Separation after 1 year, but before completing the second year: 80% repayment of the \$11,000;
Separation after 2 years, but before completing the third year: 60% repayment of the \$11,000;
Separation after 3 years, but before completing the fourth year: 40% repayment of the \$11,000;
Separation after 4 years, but before completing the fifth year: 20% repayment of the \$11,000.
Separation after 5 years: 0% repayment.*

Repayment shall be due and payable at the time of separation and the City shall deduct any amounts owed under this provision from the employee's final paycheck. If said deduction does not fully reimburse the City for outstanding costs, the balance shall thereupon be due and owing.

A member shall not be deemed to have voluntarily separated under this provision if the member can demonstrate that at the time of separation a personal emergency or other extreme facts requiring an absence from service which could not be reasonably accommodated by either a leave of absence or a request for re-employment upon cessation of the emergency or extreme facts. A demonstrated health problem of member or of a person in the member's immediate family is an example of such an emergency.”

The City cannot collect more than the \$11,000 in training costs, as outlined in the MOU, for police officers who do not adhere to the five-year commitment requirement.

Recruitment and training related to Recommendation #37 from the Reimagining Public Safety Task Force, which creates a collaborative and multidisciplinary approach to crisis response using cross functional teams.

Recommendation #37 from the Reimagining Public Safety Task Force recommends instituting a cross functional team to approach crisis response, including OPD, the Department of Violence Prevention, and community partners. The academy offers a minimum of 20 hours of cultural competency and community relations training. In this training, instructors often invite community members to speak or serve on a panel. Additionally, OPD requires that recruits in academies participate in community projects. The current academy will participate in Dimond District 2-Star Market's Thanksgiving Outreach program. Trainees will also participate in the Oakland Police Officer Association's Christmas basket program, where toys and food are given to those in need.

PUBLIC OUTREACH / INTEREST

No public outreach was necessary for this report beyond standard City Council noticing requirements. However, this report addresses OPD efforts to

COORDINATION

There was no interdepartmental coordination involved 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.


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

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Receive An Informational Report From The Oakland Police Department On Efforts To Improve Retention And Graduation Rates Of Academy Recruits To Become Officers In The Oakland Police Department, Including Data Regarding What Has Been Implemented And Planned Interventions To Improve Rates Of Completion Of Field Training; Also Provide Information On Plans To Improve Selection Of Applicants, Especially Oakland Residents, Who Are More Likely To Remain And Succeed.

For questions regarding this report, please contact Kiona Suttle, Deputy Director, Bureau of Services, at ksuttle@oaklandca.gov.

Respectfully submitted,



LeRonne L. Armstrong
Chief of Police
Oakland Police Department

Reviewed by:
Kiona Suttle, Deputy Director
OPD, Bureau of Services

Prepared by:
Bruce Stoffmacher, Legislation + Privacy Manager
OPD, Research and Planning Section

