

OAKLAND POLICE DEPARTMENT DISPARITY REDUCTION MEASURES AND DIVERSITY ENHANCEMENT

The Oakland Police Department has implemented many measures over the last several years to improve internal investigations of misconduct and the discipline process, and to enhance recruiting, hiring and training. Some of the measures resulted from recommendations made in the Swanson reports issued between 2015 and 2017 and others have been implemented more recently. Concerns about internal disparities raised by stakeholders and Hillard Heintze, during the course of their study, raised the seriousness of the issue. In response, the Department has more recently made changes to Internal Affairs Division staffing, advanced recruiting and hiring efforts to improve equity in the processes, and is re-engineering the Academy and Field Training programs to align with more progressive practices.

SUPPORT FOR DIVISION LEVEL INVESTIGATIONS TO ENSURE CONSISTENCY, TECHNICAL SKILL, AND EQUITY

- The Internal Affairs Division (IAD) has issued and published clear guidance department-wide on the review process to ensure fair, thorough, and prompt internal investigations, and to increase accountability. Sergeants and Lieutenants have been trained on this.
- The Department has instituted a multi-layered review process to help mitigate disparate outcomes. Internal Affairs has dedicated a Division Level Investigations (DLI) Unit that serves as the reviewing body of all division level investigations. The DLI Unit conducts an independent review on every DLI investigation to ensure quality and accuracy in fact finding and identify areas of concerns and provide investigators guidance on how to reach investigative sufficiency.
- The Department has reallocated staffing in the DLI Unit and added a Commander to ensure quality of review due to the increased number of investigations.
- A City Attorney staff position has been dedicated to OPD IAD as recommended in the Swanson report. Office of the City Attorney (OCA) staff are also involved throughout the investigative process, including the investigation, the findings, and the discipline process, particularly for more serious Class I complaints of misconduct. The OCA reviews findings for consistency and adherence to the process.
- To specifically target potential disparities, IT is building a report which will give IAD the ability to conduct spot checks of findings and the ability to drill down on select investigators on an annual basis to review the quality of investigations, the findings, and the race of the subject employees. This will help identify possible disparities and bias and allow for corrective measures to be taken.
- The Department will conduct a thorough evaluation of whether investigator as fact finder and not adjudicator meets the needs of the Department through the Race and Equity Impact Analysis and will restructure the process accordingly.

- The Department has also submitted a proposal to the City to increase staffing at Internal Affairs. The Department will explore the feasibility of adding additional dedicated sergeants to assist with DLIs in the field and report back to the oversight bodies.
- The Department has increased internal investigation training for sergeants, offering additional Internal Affairs training specific to the Department in conjunction with Third Degree Communications. Third Degree Communications proctors a three-day course on Internal Affairs and a fourth day is proctored by OPD IAD staff. IAD schedules the training in anticipation of Sergeant promotions that occur, at minimum, once a year. The class is offered to Sergeant promotional candidates, newly promoted professional staff supervisors, identified supervisors that need more training, and any other interested supervisors or commanders.
- IAD also provides training and updates during Sergeant's continued professional training and command retreat training.

CHANGES IN RECRUITMENT

- The Recruiting & Background Unit has dedicated staffing at local activities/ events to increase diverse recruitment efforts and strengthen community partnerships. We track every event and a majority of the events are in Oakland. Recent events we attended were the Laurel Street Fair, Skyline and Holy Names career fair, Chinatown Safety Fair and the Dia De Los Muertos Festival in Oakland.
- OPD contracts with "Interview Now" to make contact with potential applicants via text message to ensure multiple avenues of communication. Demographic data is captured from each inquiry. Interview Now is an artificial intelligence (A.I.), recruitment technology company. The startup recently partnered with Sunnyvale Public Safety and was featured on KTVU. It is important to note that OPD was the first in this innovative direction to reach candidates.
- Recruiting is focused throughout Oakland – at four BART stations, on 100 BART trains, on Oakland billboards and on AC Transit Buses.
- Recruitment efforts are targeted at various BART stations across the entire Bay Area, which also includes 100 BART cars, with an emphasis on recruiting women in the 2019 4th quarter and the 2020 1st quarter.
- Recruitment efforts with AC Transit, that spanned across four counties with an emphasis on recruiting women, occurred in the 2019 4th quarter and the 2020 1st quarter (Alameda, Contra Costa, San Joaquin, and Sacramento).
- The Department has significantly increased online and social media presence.
- There has been continuous brand building at schools and various events in the City of Oakland.

CHANGES IN BACKGROUNDS

- The Department received POST approval for OPD's 32-hour in-house background course.

- All existing background investigators received the 32-hour POST background investigation training.
- OPD no longer allows discretionary disqualifiers or cursory Personal History Survey review that removes an applicant from the hiring process before background investigation. Now applicants can only be disqualified before background if ineligible by POST – e.g. citizenship, felony conviction.
- Significant change: ANY applicant eligible to be hired was assigned to a background investigator.
- Background information is evaluated in the context of a person’s entire life. Notable changes include:
 - No automatic drug disqualifiers – all prior drug use is evaluated in the context of the entire background
 - No economic disqualifiers
 - All non-felony criminal behavior evaluated considering circumstances, age at time of event, and subsequent behavior
- Non-validated pre-hire physical exercises and tests were eliminated from ratings (specifically pull ups which discouraged or excluded many female applicants).
- Human Resources Management started to use POST validated oral board questions and the City is expanding testing sites and availability.
- The Captain of Training and Backgrounds convenes regular meetings to review background information on candidates who fail, quit during the academy or field training, or are terminated during training. Prior to termination or resignation, interventions are designed.

CHANGES IN THE ACADEMY

- In large part due to the changes in personnel and the issues raised in the Disparity Study, we’ve made significant changes in the backgrounds and recruiting processes, and our recent academy classes are extremely diverse in experience, age, race, gender and ethnic background.
- The changes instituted in the past 6 months are intended to adjust the academy training styles and programs to improve retention and to provide a variety of training styles to adapt to the education and experience of this new recruit pool.
- All Police Officer Trainees (POTs) are matched with a mentor of the POT’s choice as they begin the Academy. The Mentors are not part of the Academy staff and are intended to be an independent sounding board and support for the recruit.
- Certain physical training practices and requirements in the Academy that were not closely related to essential job functions have been altered or eliminated. Women often were injured (sometimes seriously) or discouraged or intimidated by the intense physical training during the Academy. The new physical programs are designed so that the POTs still achieve excellent physical condition, injuries are minimized.

- Before any POT is allowed to resign or is removed from the Academy, the POT has an interview about their Academy experience with the Training Captain and the OPD Personnel Manager and discuss options for continuation.
- Additionally, any recruit that is identified as failing has an intervention strategy crafted by the Training Unit.
- Test passage rates have been changed to POST levels – reduced from a higher passage level.
- The Academy is changing some of the military-style training and discipline practices to a style that is more inclusive and appropriate for a more diverse recruit pool and in accordance with best practices, more of a collegiate level.

CHANGES IN THE FIELD TRAINING PROGRAM

- OPD is in the process of moving from the POST Field Training Officer (FTO) program to the Adult-Based Learning and Problem-Based Learning program - the POST Police Training Program (PTP). The new program is recommended by the President's Taskforce on 21st Century Policing. This program is compatible with a wide range of learning styles and helps to develop critical thinking skills. It is also compatible with Community Oriented Policing practices and principles.
- The role of the FTO is changing to being more of a trainer and coach, and less an evaluator. The evaluation component of the program is shifting to other academy staff. This shift should reduce friction between FTOs and their trainee officers and allow for more objective and consistent training decisions.
- Before any officer is removed from the FTO program, the performance issues are discussed with the Training Captain, the FTO Program Sergeant and the officer's chain of command in the area where the officer is assigned.
- The Training Captain reviews every trainee's progress every week and works with the training staff to evaluate the areas where the office is struggling and works with the Field Training Unit to identify training needs to match with the trainers. This ensures a better match between trainees and trainers and they will use additional monitoring and intervention methods during Phase 2 if necessary, working with the Captain and Lieutenant to put together an individualized training program.
- Initial results from the changes are encouraging. The transition will be complete later in 2020. The current Academy Class #18 is in the final phase of Field Training and we have lost no trainees due to performance thus far.