



OAKLAND POLICE COMMISSION

AGENDA

December 27, 2018

6:30 PM

City Council Chamber, 3rd Floor
1 Frank H. Ogawa Plaza, Oakland California

I. Call to Order

Thomas Lloyd Smith

II. Roll Call and Determination of Quorum

Thomas Lloyd Smith

III. Welcome, Purpose and Open Forum (2 minutes per speaker)

Thomas Lloyd Smith will welcome and call public speakers.

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's policies, practices and customs to meet or exceed national standards of constitutional policing and to oversee the Community Police Review Agency that investigates police misconduct and recommends discipline.

IV. Oakland Police Chief Goals and Evaluation

The Commission will review and edit Police Chief Anne Kirkpatrick's proposed goals and annual evaluation rubric. (Attachment Items 4a, 4b, 4c)

- a. Discussion
- b. Public Comment
- c. Action, if any

V. Working Session for Mandatory Measure LL and/or Enabling Ordinance Items

The Commission will review and assign Commissioners as point persons on mandatory Measure LL and/or Enabling Ordinance tasks. The Commission may also consider additional goals and objectives. (Attachment Item 5)

- a. Discussion
- b. Public Comment
- c. Action, if any

VI. Recess (8 minutes)

VII. Review Standing Committee Assignments

The City Council approved the creation of Personnel and Community Outreach Standing Committees at its December 11, 2018 meeting. The Commission will assign Commissioners to each Standing Committee. The Commission will consider new Standing Committees of Budget and Policy for approval by the City Council.

- a. Discussion
- b. Public Comment
- c. Action, if any

VIII. Review Organizational Membership in the National Association for Civilian Oversight of Law Enforcement (NACOLE) and Expenditure of Associated Funds

The Commission will consider Organizational Membership in NACOLE which provides access to resources to support the Commission's mission and objectives. The Organizational Membership is \$400 per year. (Attachment Item 8)

- a. Discussion
- b. Public Comment
- c. Action, if any

IX. Adjournment



This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin or Spanish interpreter, please email ktom@oaklandca.gov or call (510) 238-7342 or TDD/TTY (510) 238-2007 at least five working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantones, Mandarín o de lenguaje de señas (ASL) por favor envíe un correo electrónico a ktom@oaklandca.gov o llame al 510-238-7342 o 510-238-2007 por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

會場有適合輪椅出入設施。需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 ktom@oaklandca.gov 或致電 (510) 238-7401 或 (510) 238-2007 TDD/TTY。請避免塗搽香氛產品。參加者可能對化學成分敏感。 **Because some persons are sensitive to certain chemicals, persons attending this meeting are requested to refrain from wearing scented products.**

Item 4a

**CHIEF KIRKPATRICK
2019 GOALS**

Crime Reduction Goals

1. Reduce gun crimes with an emphasis of removing illegal guns from the street
2. Reduce open air drug market activity
3. Reduce aggravated assaults and robberies
4. Reduce crime in homeless encampments

OPD Internal process goals

1. Increase OPD staffing without compromising quality
2. Prepare a plan for CALEA accreditation
3. Create a police chief advisory committee
4. Partner with the Police Commission on a hiring process review
5. Create a comprehensive abandoned vehicle towing program
6. Complete build out of the leadership development program
7. Develop succession plans for all mission critical assignments
8. NSA compliance on all tasks

Item 4b

CHIEF COMPETENCIES

1. ETHICS AND INTEGRITY
 - a. Shape the organization's ethical culture
 - b. Personally model ethics and integrity
 - c. Maintain an appropriate work ethic
 - d. Maintain appropriate relationships
 - e. Conduct critical self-evaluation
2. CREATE AND LEAD VISION AND GOALS
 - a. Know and support the department vision and goals
 - b. Be a risk taker
 - c. Be a proactive thinker
 - d. Manage change within the Department
 - e. Become a leader in the larger law enforcement community
3. GET RESULTS -- IMPLEMENT VISION INTO ACTION
 - a. Delegate appropriately
 - b. Identify and analyze problems
 - c. Develop meaningful measurements to ensure progress
 - d. Ensure direct reports are fulfilling their obligations
4. COMMUNICATE
 - a. Communicate with clarity and conviction to community groups and elected officials
 - b. Keep the City Administrator informed of necessary issues within your areas of command
 - c. Communicate necessary information to the Department
 - d. Communicate with your direct reports
5. DEVELOP EFFECTIVE TEAMS
 - a. Develop cooperative relationships - within and outside of the City
 - b. Recognize and encourage responsible leaders
 - c. Promptly address issues with direct reports
 - d. Develop and mentor direct reports
 - e. Share resources within the Department
6. TECHNICAL COMPETENCE/PROFESSIONAL DEVELOPMENT
 - a. Understand city legislative process
 - b. Understand the entire Department budget
 - c. Know the NSA tasks and your obligations
 - d. Stay current on relevant legal developments
 - e. Know how to access available resources - where to go for assistance or expertise
 - f. Participate in the work of the larger law enforcement community
 - g. Engage in regular self-examination

OAKLAND POLICE DEPARTMENT PERFORMANCE APPRAISAL FORM

TF-3233 (AUG 14)

Name of Member/Employee (LAST Name, First): _____ Serial No.: _____

Rank/Position: _____

Unit of Assignment: _____

Appraisal Period: From: _____ to: _____

Appraisal Completed by Immediate Supervisor Other: (Indicate)**Type of Performance Appraisal (Check Box):**

- Annual
 Probationary

Indicate the performance appraisal interval:

- Probationary member/employee following promotion/rehire:
End of _____
- Probationary member including the time spent in field training:
End of _____
- Probationary Police Communications Dispatcher and Local 21 employee (following initial hiring):
End of _____ ; OR
 If extended, End of _____
- Probationary Local 1021 employees, following initial hiring:
End of _____ ; OR
 If extended, End of _____

APPRAISAL KEY**Exceeds Expectations**

The performance of a member/employee at this level consistently exceeds all of the job standards and performance expectations. The employee is performing at a level well beyond what is normally expected of the majority of employees with similar duties. **Mandatory Comments required to support appraisal level.**

Fully Effective

The performance of a member/employee at this level consistently meets the established job standards and performance expectations. The results consistently achieved are those the City would expect of employees in this position level. **Mandatory Comments are required to address positive performance progress and/or completion of a development plan.**

Improvement Needed

The performance of a member/employee does not consistently meet the essential job standards and performance expectations of the position or is marginally acceptable. Development is needed to reach full effectiveness. **Mandatory Comments required to support appraisal level. Detail Development Plan in Part V.**

Unacceptable

The performance of a member/employee demonstrates an inability or unwillingness to meet job standards and performance expectations of the position. Immediate and sustained improvement is required. **Mandatory Comments required to support appraisal level. Detail Development Plan in Part V.**

Name of Member/Employee:

SECTION I: ORGANIZATIONAL VALUES AND WORK HABITS

<u>Attendance Standards</u>	Rating Category Select From the Following:
<ul style="list-style-type: none">• Begins work at start of assigned shift; does not exceed scheduled time for lunch breaks.• Notifies on-duty supervisor or Patrol Desk of absences at least three (3) hours before the normal reporting time if assigned to a 24 hour a day unit or at least one (1) hour if assigned to another organizational unit.	Select One Select One
Number of Hours/Days of Illness/Injury (<i>Sworn Only</i>): _____	
Mandatory Comments:	

<u>Use of Time Standards</u>	Rating Category Select From the Following:
<ul style="list-style-type: none">• Performs work assignments in a timely manner; advises supervisor when and why assignments may require more time.• Prioritizes multiple tasks to achieve desired results, consistently uses time productively and engages in self-initiated activity.• Complies with City and Departmental directives regarding personal use of Departmental phones, computers, or other equipment.	Select One Select One Select One
Mandatory Comments:	

<u>Teamwork and Collaboration Standards</u>	Rating Category Select From the Following:
<ul style="list-style-type: none">• Meets commitments to co-workers and team members at all times. Does "fair share" of the work within the team. Effectively contributes input and participates in group efforts.• Treats people with respect at all times. Allows for differing points of view. Is open to feedback and constructive criticism.	Select One Select One
Mandatory Comments:	

<u>Communication Standards</u>	Rating Category Select From the Following:
<ul style="list-style-type: none">• Writes timely, legible, and comprehensive reports and other correspondence.• Effectively communicates with co-workers and members of the community.	Select One Select One
Mandatory Comments:	

<u>Customer Service Standards</u>	Rating Category Select From the Following:
-----------------------------------	--

Name of Member/Employee:

- Responds to customers' needs in a respectful, professional and timely manner, and demonstrates knowledge of City and Departmental policies and procedures.

Select One

Mandatory Comments:

Accountability Standards

Rating Category

Select From the Following:

- Assumes responsibilities for all equipment (including vehicles), personnel under his/her supervision, and situations under his/her control.
- Wears required safety clothing/equipment, as appropriate.
- Handles all assignments according to Departmental policies and procedures.

Select One

Select One

Select One

Mandatory Comments:

Adaptability and Problem Solving Standards

Rating Category

Select From the Following:

- Successfully undertakes and implements new work assignments as they arise.
- Adapts to organizational changes, which may include learning new skills and adjusting priorities.
- Demonstrates ability to:
 - Identify and define a problem;
 - Identify alternate approaches to resolve the problem;
 - Select an approach to resolve the problem; and
 - Implement the solution and monitor its success.

Select One

Select One

Select One

Mandatory Comments:

Professionalism and Ethics Standards

Rating Category

Select From the Following:

- Demonstrates Department core values.
- Maintains high professional and ethical standards.
- Understands and demonstrates compliance with the Department's Manual of Rules.

Select One

Select One

Select One

Mandatory Comments:

Performance Management and Supervisory Skill Assessment Standard

(Complete for Personnel in Supervisory Positions Only)

Rating Category

Select From the Following:

- Appraiser shall assess and comment on whether the supervisor acted to identify and address his/her subordinates' performance and behavior in such areas as: patterns of misconduct, performance deficiencies, improper behavior, use force, sick leave, line-of-duty-injuries, narcotics-related possessory offenses, and on-duty vehicle accidents.
- Completes all staff work and performance appraisals within established timelines, in a fair and unbiased manner.

Select One

Select One

Name of Member/Employee:

- Takes appropriate steps to ensure that all staff under his/her supervision are performing at or striving to attain a fully effective or higher level through feedback, mentoring, training, discipline, or other non-disciplinary corrective action.

Select One

Mandatory Comments:

Mandatory Review Comments

(Complete for all personnel)

Check the boxes to indicate the area was monitored and reviewed. Enter the date iPAS was reviewed and document, in the Mandatory Comments field, all incidents and/or findings which occurred during the appraisal period. Include patterns and corrective action taken. If information was obtained through a source other than iPAS, document the source in the Mandatory Comments field.

- iPAS Supervisor was reviewed on ____.** The MOR violation(s) of sustained and not sustained findings have been reviewed. Describe the corrective action recommended and the results of the corrective action taken. **IMPORTANT:** Do not comment on or consider complaints that the Department has determined to be unfounded, exonerated, or are still pending.

Mandatory Comments:

- iPAS Supervisor was reviewed on ____.** Uses of force (Identify the levels of force reviewed (levels 1-4). Comment on whether the force was in/out of compliance.

Mandatory Comments:

- iPAS Supervisor was reviewed on ____.** Arrests for narcotics-related possessory offenses not made as a result of searches conducted pursuant to arrest for other offenses.

Mandatory Comments:

- iPAS Supervisor was reviewed on ____.** Arrests involving charges of Penal Code Sections 69, 148 and/or 243(b)(c).

Mandatory Comments:

- iPAS Supervisor was reviewed on ____.** Indicate whether the vehicle collision was preventable or non-preventable.

Mandatory Comments:

Collateral Duties

Rating Category

Name of Member/Employee:

Collateral Duties: • •	Name of Supervisor: • •	Select From the Following: Select From the Following:
Comments: 		

Consultation with Former Supervisor(s)	Rating Category
<input type="checkbox"/> Not Applicable. I was your supervisor for the entire appraisal period.	
<input type="checkbox"/> Commentary from consultation with the previous supervisor documented below.	Select From the Following:
Name of Former Supervisor(s):	
Commentary: 	

SECTION II: PERFORMANCE OBJECTIVES AND STANDARDS

Use the Performance Objectives and Standards as provided by the supervisor/commander or as developed in Section VI, Communicating Goals and Expectations agreed upon in the previous Performance Appraisal or revision.

1. <u>Performance Objective:</u> Cut & Paste appropriate Community Policing Objective here (REQUIRED for personnel with citizen contact) <u>Standards:</u> Cut & Paste appropriate Community Policing Standards here (REQUIRED for personnel with community contact)	Rating Category Select From the Following:
Comments:	
2. <u>Performance Objective:</u> <u>Standards:</u>	Rating Category Select From the Following:
Comments:	
3. <u>Performance Objective:</u> <u>Standards:</u>	Rating Category Select From the Following:
Comments:	
4. <u>Performance Objective:</u> <u>Standards:</u>	Rating Category Select From the Following:
Comments:	
5. <u>Performance Objective:</u> <u>Standards:</u>	Rating Category Select From the Following:

Name of Member/Employee:

Comments:

SECTION III: OVERALL APPRAISAL

Describe the member/employee's overall performance. If the member/employee was transferred mid-appraisal cycle or had collateral duties, the current supervisor shall consider performance with any previous supervisor(s) as a part of this **OVERALL** appraisal.

Mandatory Comments:

Rating Category
Select From the Following:

SECTION IV: COMMENDATION RECOMMENDED

If applicable, describe how the member/employee's performance was truly exceptional and worthy of consideration for commendation.

If the member/employee has not received any of the following awards in the past three (3) years, he/she may be eligible pursuant to General Order B-1, Departmental Awards. (Check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Perfect Attendance Bar | <input type="checkbox"/> Perfect Driving Bar |
| <input type="checkbox"/> Outstanding Performance Evaluation Bar | <input type="checkbox"/> Advanced POST Bar |
| <input type="checkbox"/> Tactical Operations Team Bar | <input type="checkbox"/> Good Conduct Bar |

Comments:

SECTION V: DEVELOPMENT PLAN

A development plan shall be completed for each and every appraisal area that is rated as "Improvement Needed" or "Unacceptable." Describe the development plan or attach the Performance Deficiency Notice that addresses and corrects the deficiency to bring the member/employee up to the level of "Fully Effective."

Comments (See attached, if applicable):

Name of Member/Employee:

SECTION VI: COMMUNICATING GOALS AND EXPECTATIONS

Establish or revise a new performance plan for the **NEXT** performance appraisal period (Check to indicate completed):

- New plan discussed.
- Goals are linked to Department goals.

Detail Goals and Expectations:

SECTION VII: EMPLOYEE COMMENTS

Comments:

Item 5

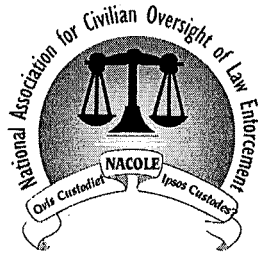
Oakland Police Commission Deadlines

Action	Timeline/Deadline	Measure LL Charter Section	Enabling Ordinance Section	Notes	Status	Lead Commissioner(s)
Complete the training described in section 2.45.190(A) through (H)	10/17/2018		Section 2.45.190	The training described in subsections (G) and (H) must be done in open session. The one-year deadline only applies to the first group of Commissioners and alternates; all other Commissions must complete this training within six months of appointment.		
With the assistance of the City's Human Resources Management Department and in accordance with the City's Civil Service Rules, prepare a job description and list of required qualifications for the position of civilian Inspector General	10/17/2018		Section 2.45.110(A)			
Complete the training described in section 2.45.190(l) through (M)	4/17/2019	Section 604(c)(9)	Section 2.45.190	The eighteen-month deadline only applies to first group of Commissioners and alternates; all other Commissioners must complete this training within twelve months of appointment		
Submit its first annual report to the Mayor, City Council and the public	4/17/2019		Section 2.45.220			
City Auditor to conduct a performance audit and a financial audit of the Commission and the Agency	10/17/2019	Section 604(a)(4)				
Prepare for submission to the Mayor a proposed budget regarding training and education for Department sworn employees regarding management of job-related stress	Annually; April 15 of each year		Section 2.45.070(D)			
Conduct public hearings on Department policies, rules, practices, customs, and General Orders	Annually; at least once per year	Section 604(b)(1)				
Meet in locations other than City Hall	Annually; at least twice each year	Section 604(d)(1)	Section 2.45.090(B)	The offsite meetings must include an agenda item titled "Community Roundtable" or something similar, and the Commission must consider inviting individuals and groups familiar with the issues involved in building and maintaining trust between the community and the Department. (OMC § 2.45.090(B).)		
Determine number of Agency investigators (no fewer than one line investigator for every 100 sworn officers)	Annually; beginning of each budget cycle	Section 604(e)(4)		January 9, 2019 is the tentative budget cycle start date.		
Conduct performance reviews of the Agency Director and the Chief	Annually; Criteria for evaluation due 1 year prior to review		Section 2.45.070(G)	The Commission must determine the performance criteria for evaluating the Chief and the Agency Director, and communicate those criteria to the Chief and the Agency Director one full year before conducting the evaluation		
Members shall elect a Chairperson and a Vice-Chairperson	Annually; first regular meeting of each year after February 1, 2019		Section 2.45.170			
Meet in locations other than City Hall	Annually; once per year	Section 604(b)(8)				

Item 5

Oakland Police Commission Deadlines

Action	Timeline/Deadline	Measure LL Charter Section	Enabling Ordinance Section	Notes	Status	Lead Commissioner(s)
Submit a report to the Mayor, City Council and the public regarding the Chief's report in addition to other matters relevant to the functions and duties of the Commission	Annually; once per year	Section 604(b)(9)				
Conduct at least one public hearing on the Police Department's budget	Biennial, per budget cycle	Section 604(b)(7)		Tentative release date of Mayor's proposed budget is May 1, 2019		
Commission must notify the Chief regarding what information will be required in the Chief's annual report	June 14, 2018 and June 14 of each subsequent year		Section 2.45.070(F)	Section 2.45.070(F) also lists the types of information that, at a minimum, must be included in the Chief's report.		
Provide the City Administrator with its proposal for staff positions needed for Commission and Agency to fulfill its functions and duties	June 14, 2018, and on an ongoing basis as appropriate		Section 2.45.180(A)			
Request the City Attorney submit reports to the Commission and the City Council	Semi-annually		Section 2.45.070(I)			
Discipline Committees may not decide disputes until the following training is completed: * Department operations, policies and procedures, including but not limited to discipline procedures for Misconduct, and * Training described in section 2.45.190(A) through (F) of the enabling ordinance			Section 2.45.130			
Create a form for Commissioners to use in providing annual comments, observations and assessments to the City Administrator regarding the Inspector General's job performance. Each Commissioner shall complete the form individually and submit his or her completed form to the City Administrator confidentially.			Section 2.45.070 (H)			



Item 8

Types of Membership

Organizational Membership:

\$400 Annually

Organizational members are defined as agencies or boards who provide civilian oversight by legislative or executive mandate. These agencies or boards will receive one transferable (voting) membership. All agency or board affiliate members are eligible to serve on committees; however, election or appointment to the Board of Directors shall be limited to the designated voting member of the agency or board. Cities or other political subdivisions may obtain one organizational membership to cover all the entities within it which meet the requirements for regular membership.

Regular Membership:

\$150 Annually

Regular members are defined as those persons who:

- Who are not sworn law enforcement officers;
- Who work for or constitute agencies which are established by legislative or executive authority to investigate and/or review issues and complaints against law enforcement; and/or
- Who have worked for and/or have constituted agencies, which are established by legislative or executive authority to investigate and/or review complaints against law enforcement.
- Who are mayors, county or municipal managers or who otherwise hold an executive position or are on a board, council, commission or committee with authority to direct, control, and/or oversee the activities and/or performance of the chief law enforcement officer of a political subdivision.

Associate Membership:

\$100 Annually

Associate members are defined as any person interested in the oversight of law enforcement. Associate members shall be able to participate in all Association activities including serving on committees, but are ineligible to vote or serve as an officer or member of the Board of Directors.

Student Membership:

\$50 Annually

Student members are defined as individuals currently enrolled either full or part-time in a college or university program in the area of criminology, criminal justice, law, sociology, political science, public administration, journalism, or a related field and who are interested in the oversight of law enforcement. Student members shall be able to participate in all Association activities including serving on committees, but are ineligible to vote or serve as an officer or member of the Board of Directors.