



# OAKLAND POLICE COMMISSION PERSONNEL COMMITTEE AGENDA

March 11, 2019

10:00 AM

Hearing Room 1, 1<sup>st</sup> Floor  
1 Frank H. Ogawa Plaza, Oakland, CA 94612

- I. **Call to Order**
- II. **Roll Call and Determination of Quorum**
- III. **Welcome, Purpose and Open Forum** (2 minutes per speaker)  
The Committee will welcome and call public speakers. The purpose of the Oakland Police Commission Personnel Standing Committee is to review personnel policies and procedures, and make recommendations on hiring decisions.
- IV. **Investigator Staffing**  
Report on status of hiring for the Complaint Investigator positions that the Commission voted to unfreeze at their February 28<sup>th</sup> meeting.
  - a. Discussion
  - b. Public Comment
  - c. Action, if any
- V. **CPRA Executive Director Search**  
The Committee will review the next steps and process for hiring a permanent CPRA Executive Director, and discuss the process that will be submitted to the Commission.
  - a. Discussion
  - b. Public Comment
  - c. Action, if any
- VI. **Inspector General Job Description**  
The Committee will discuss the changes that were made to the job description by the City. ([Attachment 6](#))
  - a. Discussion
  - b. Public Comment
  - c. Action, if any
- VII. **Agenda Setting and Prioritization of Upcoming Agenda Items**  
The Committee will review agenda items for future meetings. ([Attachment 7](#))
  - a. Discussion
  - b. Public Comment
  - c. Action, if any
- VIII. **Adjournment**



This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin or Spanish interpreter, please e-mail [ktom@oaklandca.gov](mailto: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](mailto: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.

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# OAKLAND POLICE COMMISSION

## Personnel Standing Committee

### Agenda Report

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<b>Subject:</b>	<b>Inspector General - Class Specification</b>
Date:	March 7, 2019
Requested by:	Police Commission – Personnel Standing Committee
Prepared by:	Richard J. Luna, Assistant to the City Administrator
Approved by:	Stephanie Hom, Deputy City Administrator

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#### **Action Requested:**

Request that the City Administration forward the draft Inspector General class specification compliant with the City Charter to the Civil Service Board for approval.

#### **Background:**

City Council Ordinance No. 13498 C.M.S. (i.e., Police Commission enabling ordinance) references a civilian Office of Inspector General (OIG) with a civil service Inspector General position reporting directly to the Police Commission. However, the City Attorney issued two opinions on this matter concluding that the City Charter does not grant personnel jurisdiction of the Inspector General to the Police Commission. The two opinions include the public opinion dated March 19, 2018 from Barbara J. Parker, City Attorney; and the public opinion dated June 14, 2018 from Karen Getman of Remcho Johansen & Purcell LLP. Both opinions are posted on the City Attorney's website at <http://www.oaklandcityattorney.org/Ops-Reps/Opinions.html>.

In addition, the creation of a new Inspector General position requires two steps as follows:

1. Creation of the Inspector General class specification within the City of Oakland's Classification Plan. This step is under the jurisdiction of the Civil Service Board.
2. Establishing the Inspector General position within the City of Oakland's Salary Schedule by City Council ordinance.

#### **Discussion:**

##### Class Specification

The Police Commission approved an Inspector General job description on October 11, 2018 (**Attachment A**). As written, the position reports to the Police Commission, consistent with Ordinance No. 13498, but in violation of the City Charter. To comply

with the City Charter and working with the Human Resources Management Department, the class specification was edited and was scheduled for the Civil Service Board meeting of February 21, 2019. (**Attachment B**). The February 21, 2019 Civil Service Board meeting was canceled due to a lack of quorum. The next regular meeting is scheduled for March 21, 2019.

On February 20, 2019, Police Commission Chair Regina Jackson provided direction, at the request of Commissioner Ginale Harris, to delay the Civil Service Board consideration of the Inspector General class specification.

The City Administration recommends forwarding **Attachment B** to the Civil Service Board to create the Inspector General class specification. Once the Inspector General class specification is created, a recruitment process may be initiated. While the City Administrator would conduct the hire, the City Administrator would invite the Police Commission to participate in the interview panel; and ultimately, the Inspector General's work priorities would be established by the Police Commission.

#### Salary Schedule

The ordinance amendment to add the Inspector General position within the City of Oakland's Salary Schedule was heard at the Finance and Management Committee meeting on February 19, 2019 and introduced at the City Council meeting on February 26, 2019. The final passage of the ordinance is expected at the City Council meeting on March 12, 2019.

#### **Attachments (2):**

- A. Inspector General Job Description approved by the Police Commission
- B. Inspector General Class Specification compliant with the City Charter

**Class Title:** INSPECTOR GENERAL

**Bargaining Unit:** UM2 - Local 21 Management Employees (Civil Service)

**Class Code:** AP400

**Salary:**

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[Print Job Information](#)

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**Definition**

**Benefits**

The City of Oakland is seeking qualified candidates to fill the position of Inspector General, reporting to the Oakland Police Commission. Under the supervision and direction of the Oakland Police Commission, the Inspector General shall conduct any audit or review of the Department necessary to assess the Department's performance and adherence to constitutional policing practices, and shall also include conducting any audit or review of the Department's policies and procedures, including any pattern of non-compliance with the foregoing, as necessary or helpful for the Commission to fulfill its duties under City Charter section 604(b)(4), (5) and (6). The Inspector General shall be responsible for the day-to-day operations of the OIG, including but not limited to the supervision and direction of all OIG staff.

**Distinguishing Characteristics:**

Under the supervision of the Police Commission, the Inspector General is responsible for review, analysis, and reporting that addresses policies and practices adopted by OPD and CPRA. To exercise this audit authority, the Inspector General is authorized to observe Executive Force Review Boards, Force Review Boards, and *Skelly* hearings, and to access all files, including personnel records and confidential files, necessary to fulfill the duties of the position.

Within ninety (90) days of his or her appointment, the Inspector General shall, at a minimum, receive the training described in City Charter section 604(c)(9) and in section 2.45.190(A) through (F) of this Chapter 2.45. The Commission may propose any additional training it deems necessary for the Inspector General to perform the functions and duties of the OIG.

The Inspector General shall serve and report to the Commission full time and may only be appointed, disciplined or removed by the City Administrator according to the City's Civil Service Rules and any applicable memorandum of understanding between the City and a union., and after an affirmative vote of five (5) members of the Commission. The City Administrator shall not have the authority to independently remove the Inspector General.

## Examples of Duties:

*Duties include, but are not limited to the following:*

- The Inspector General shall be responsible for the day-to-day operations of the OIG, including but not limited to the supervision and direction of all OIG staff.
- The Inspector General shall be permitted to attend, as an observer, Executive Force Review Board, Force Review Board, and, to the extent permitted by law, *Skelly* hearings if he or she chooses to do so. The Inspector General shall not have any decision-making authority regarding the specific cases being heard, and shall maintain the confidentiality of the hearings as required by law. The Inspector General shall not be permitted to attend any Executive Force Review Board, Force Review Board, or *Skelly* hearing until he or she has completed the training identified in section 2.45.190(C).
- Preparing an annual report, summarizing the results of the annual reviews of:
  - The Department's processes and procedures for investigating alleged Misconduct;
  - The Department's processes and procedures for determining the appropriate level of discipline for sustained findings of Misconduct;
  - The Agency's processes and procedures for investigating alleged Misconduct;
  - The Agency's processes and procedures for determining the appropriate level of discipline for sustained findings of Misconduct;
  - Trends and patterns regarding Department training and education, and the Department's use of any early warning system(s);
  - Training and/or policy issues that arise during the investigations of complaints; and
  - Trends and patterns regarding use of force and

Department sworn employee-involved shootings.

This annual report shall be presented to the Commission, the Mayor, the City Council's Public Safety Committee, the City Council and to the Chief and shall include, where appropriate, recommendations for changes in the processes and procedures that were reviewed.

- Monitoring and evaluating, on at least an annual basis, the number and percentage of sworn officers who have received in-service training on profiling and implicit bias, procedural justice, de-escalation, diplomacy, situational problem-solving, and work-related stress management, and make recommendations, as appropriate, to the Commission regarding changes to the Department's training programs.
- Developing and presenting a plan to the Commission to measure the performance of each element of the Department's discipline process for sworn Department employees.

At the discretion of the Police Commission, the Commission may direct the Inspector General to review and comment on all other policies, procedures, customs, and General Orders of the Department.

**Minimum Qualifications:**

The following qualifications are guidelines, as the appointing authority has discretion in filling positions in exempt classifications Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable.

**Education:**

J.D. or Master's degree in public administration, public policy, criminal justice, or a related field from an accredited college or university.

**Experience:**

Three years of professional experience in investigative, auditing, and public policy work in a related field that includes experience with statistics and data collection in public sector entity. Legal experience and background in law enforcement policy and practice is desirable.

**Knowledge and Abilities:**

Knowledge of:

- Principles and practices of public policy formulation.
- Police Department administration and department organization.
- Data collection and statistical analysis methods.

- Public relations principles including public speaking and public presentations.
- Advanced personal computer applications particularly spreadsheet and database software.
- Policies and practices of civilian oversight of law enforcement agencies.
- Role of local Boards and Commissions.

Ability to:

- Maintain accurate records and files.
- Design, manage and troubleshoot databases.
- Interpret rules, laws and regulations pertaining to police conduct.
- Analyze and compile data.
- Prepare well-written analytical reports based on findings.
- Communicate effectively orally and in writing.
- Make oral presentation to both large and small groups.
- Maintain confidentiality and handle sensitive situations with tact and diplomacy.
- Work effectively with employees, elected officials, boards and commissions and the general public.
- Apply strong analytical skills to use data to identify patterns and trends.

**License or Certificate / Other Requirements:**

Individuals who are appointed to this position will be required to maintain a valid California Driver's License throughout the tenure of employment OR demonstrate the ability to travel to various locations in a timely manner as required in the performance of duties.

**Class History:**



DRAFT

## INSPECTOR GENERAL

Class Code: EM242 FTE

Civil Service

### DEFINITION

The Inspector General shall conduct any audit or review of the Oakland Police Department necessary to assess the Oakland Police Department's performance and adherence to constitutional policing practices. The Inspector General shall also conduct any audit or review of the Oakland Police Department's policies and procedures, including any pattern of non-compliance with the foregoing, as necessary or helpful for the Police Commission to fulfill its duties under the City Charter. The incumbent shall be responsible for the day-to-day operations of the Office of the Inspector General (OIG), including but not limited to the supervision and direction of all OIG staff.

### DISTINGUISHING CHARACTERISTICS

Inspector General is a management level civilian classification that is hired by the City Administrator. The Police Commission prioritizes the functions and duties of the OIG. The Inspector General is responsible for the day-to-day operations of the OIG. The Inspector General is authorized to observe Executive Force Review Boards, Force Review Boards, and Skelly hearings necessary to fulfill the duties of the position.

### EXAMPLES OF DUTIES - *Duties may include, but are not limited to the following:*

- The Inspector General shall be responsible for the day-to-day operations of the OIG, including but not limited to the supervision and direction of all OIG staff.
- Conduct program and performance audits of all Oakland Police Department functions, including the internal disciplinary system, to identify trends, problems, and solutions; audit Internal Affairs Division investigations to ensure thorough and unbiased adjudication and consistent disciplinary action.
- Conduct and analyze audits on, but not limited to, accuracy of inspections, policy and procedure compliance, police operations, adequacy of procedure/directive/policy/order, and departmental strategies and effects.
- The Inspector General shall be permitted to attend, as an observer, Executive Force Review Board, Force Review Board, and, to the extent permitted by law, Skelly hearings if he or she chooses to do so. The Inspector General shall not have any decision-making authority regarding the specific cases being heard, and shall maintain the confidentiality of the hearings as required by law. The Inspector General shall not be permitted to attend any Executive Force Review Board, Force Review Board, or Skelly hearing until he or she has completed all necessary trainings.
- Prepare an annual report, summarizing the results of the annual reviews of:
  - The Oakland Police Department's processes and procedures for investigating alleged misconduct;
  - The Oakland Police Department's processes and procedures for determining the appropriate level of discipline for sustained findings of misconduct;

- The Community Police Review Agency's processes and procedures for investigating alleged misconduct;
- The Community Police Review Agency's processes and procedures for determining the appropriate level of discipline for sustained findings of misconduct;
- Trends and patterns regarding Oakland Police Department training and education, and the Oakland Police Department's use of any early warning system(s);
- Training and/or policy issues that arise during the investigations of complaints; and
- Trends and patterns regarding use of force and Oakland Police Department sworn employee-involved shootings.

This annual report shall be presented to the Police Commission, the Mayor, the City Council's Public Safety Committee, the City Council and to the Chief of Police and shall include, where appropriate, recommendations for changes in the processes and procedures that were reviewed.

- Monitor and evaluate, on at least an annual basis, the number and percentage of sworn officers who have received in-service training on profiling and implicit bias, procedural justice, de-escalation, diplomacy, situational problem-solving, and work-related stress management, and make recommendations, as appropriate, to the Police Commission regarding changes to the Oakland Police Department's training programs.
- Develop and present a plan to the Police Commission to measure the performance of each element of the Oakland Police Department's discipline process for sworn employees.
- At the discretion of the Police Commission, the Commission may direct the Inspector General to review and comment on all other policies, procedures, customs, and General Orders of the Oakland Police Department.

## **KNOWLEDGE AND ABILITIES**

Knowledge of:

- Principles and practices of public policy formulation.
- Police Department administration and department organization.
- Data collection and statistical analysis methods including qualitative and quantitative analysis.
- Public relations principles including public speaking and public presentations.
- Advanced personal computer applications particularly spreadsheet and database software.
- Policies and practices of civilian oversight of law enforcement agencies.
- Role of local Boards and Commissions.
- Principles and practices of performance auditing.
- Performance measurement systems and metrics.
- Legal and government auditing practices regarding conducting audits.

Ability to:

- Manage and complete complex audit and/or investigations involving allegations of fraud, theft, deception and conspiracy.
- Conduct impartial, objective performance audits; reduce complex issues to their most basic form; formulate reasonable and achievable recommendations with available resources.
- Maintain accurate records and files.
- Design, manage and troubleshoot databases.
- Interpret rules, laws and regulations pertaining to police conduct.
- Analyze and compile data.
- Prepare well-written analytical reports based on findings.
- Communicate effectively orally and in writing.
- Make oral presentation to both large and small groups.
- Maintain confidentiality and handle sensitive situations with tact and diplomacy.
- Work effectively with employees, elected officials, boards and commissions and the general public.
- Apply strong analytical skills to use data to identify patterns and trends.
- Supervise subordinate employees engaged in technical research and analytical activities.

## MINIMUM QUALIFICATIONS

*Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable.* Note: Experience may be substituted for education on a year-for-year basis to allow for less typical patterns of qualification.

### **Education:**

A Master's degree or Juris Doctorate (J.D.) in public administration, public policy, criminal justice, or a related field from an accredited college or university.

### **Experience:**

Three years of progressively responsible professional experience in investigative, auditing, and public policy work in a relevant field that includes experience with statistics and data collection in a public sector entity. Legal experience and a background in law enforcement policy and practice is desirable.

## LICENSE OR CERTIFICATE

Individuals who are appointed to this position will be required to maintain a valid California Driver's License throughout the tenure of employment OR demonstrate the ability to travel to various locations in a timely manner as required in the performance of duties.

**OTHER REQUIREMENTS**

Must pass a thorough background investigation.

Within ninety (90) days of his or her appointment, the Inspector General shall, at a minimum, receive training described in the City Charter and other related legislation. The Police Commission may propose any additional training it deems necessary for the Inspector General to perform the functions and duties of the OIG.

<b>DEPT. OF HUMAN RESOURCES MANAGEMENT USE ONLY</b>				
Established:	04/11/2013	CSB Resolution #:	44622	Salary Ordinance #:
Exempted:	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Exemption Resolution #:		
Revision Date:	/ /	CSB Resolution #:		
Re-titled Date:	/ /	CSB Resolution #:		Salary Ordinance #:
(Previous title(s):	)			

**Police Commission  
Personnel Committee  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s)
Finalize hiring of CPRA full-time Executive Director	2/4/2019	Committee to finalize process and submit to full Commission.	Decide on 2-3 candidates to submit to City Administrator.	High			
Hire Inspector General (IG)	2/4/2019	Hire IG once the job is officially posted	Request a copy of the job description prior to submission to Civil Service Board. HR staff is completing a compensation study for the position. Since this position is new to the City's Salary Ordinance, this step is required so the IG can be properly funded. Concurrently, HR staff has been conforming the IG job description approved by the Police Commission to fit a class specification for the position. HR staff anticipates this work to be completed in the coming weeks. The next two immediate steps are: 1) The Civil Service Board will need to approve the class specification, which staff anticipates will happen in February; and 2) The salary ordinance will then need to be approved by the City Council. The IG position will become open after these two steps are completed.	High			
Interim Inspector General/Contractor	2/4/2019		Hire as a contract position; pull from job description and determine length of contract; examine IG salary to create a rate; background checks and other kinds of secure access needed; consider task that require minimal access to confidential info; determine top 2-3 projects; consider short term (audits of discipline); ask Coalition to draft a project based job description; ask CAO to create a 6 month interim position; investigate how CPRA can assist	High			
Performance Reviews of CPRA Director and OPD Chief	2/4/2019	Conduct performance reviews of the Agency Director and the Chief	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. The Commission may, in its discretion decide to solicit and consider, as part of its evaluation, comments and observations from the City Administrator and other City staff who are familiar with the Agency Director's or the Chiefs job performance. Responses to the Commission's requests for comments and observations shall be strictly voluntary.	High	Annually; Criteria for evaluation due 1 year prior to review		
Set Agendas for Future Meetings	2/4/2019		This should be done at each meeting. Review priority list and schedule items.	High			

**Police Commission  
Personnel Committee  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s)
Policy Analyst position	2/4/2019		Determine specific projects the CPRA Policy Analyst is working on and investigate re-writing job description	Medium			
Research Police Chief evaluations of other municipalities: Chicago Denver Los Angeles San Jose check with NACOLE	2/4/2019		Gather information on how other municipalities conduct evaluations of the Chief of Police	Medium			
Review Urban Strategies' community survey and consider producing a comprehensive one	2/4/2019			Medium			Jackson
Creation of Form Regarding Inspector General's Job Performance	2/4/2019	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.	To be done once Inspector General position is filled.	Low			