

OFFICE OF CHIEF OF POLICE  
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 20 Nov 13

SUBJECT: Revision of Departmental General Order D-17, PERSONNEL  
ASSESSMENT SYSTEM (Rev. 20 Aug 08)

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The purpose of the revision to this order is to update Departmental policy and procedures for the Personnel Assessment System and related responsibilities.

Special Order 9013, regarding Patrol Peer Groups, is hereby cancelled.

This revision is being published in conjunction with the Bureau of Risk Management Policy and Procedure (BRM P&P 13-01) which sets forth policy and procedure for the Personnel Assessment System (PAS) Administrative Unit (PAU).

The Evaluation Coordinator for this order shall be the Bureau of Risk Management Deputy Chief, who, without further notice, shall forward the required report to the Chief of Police on or by 20 May 14. The Evaluation Coordinator shall receive, review and document the acceptance or rejection of all comments and/or recommendations received prior to submitting his/her six-month evaluation report.

Personnel shall acknowledge receipt, review, and understanding of this directive in accordance with the provisions of DGO A-1, DEPARTMENTAL PUBLICATIONS.

By order of



Sean Whent  
Interim Chief of Police

Date Signed: 11-20-13



DEPARTMENTAL  
GENERAL  
ORDER

D-17

Index as:

Personnel Assessment System (PAS)

Effective Date:  
20 Nov 13

Evaluation Coordinator:  
PAS Coordinator

Evaluation Due Date:  
20 May 14

Automatic Revision Cycle:  
2 Years

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## PERSONNEL ASSESSMENT SYSTEM

The purpose of this order is to set forth Department policy and procedures for the use of the Personnel Assessment System (PAS) and related program administration responsibilities<sup>1</sup>.

### I. INTRODUCTION

The PAS is a pro-active, non-disciplinary, early identification and intervention program designed to identify and positively influence conduct, correct performance-related problems and recognize exemplary performance. By establishing performance standards and providing the requirement for supervisors, commanders, and managers to review their subordinate's performance as it relates to these standards, the Department is better able to maintain supervisory and managerial accountability, ensure consistent high quality performance standards both vertically and laterally in the organization and ensure policy compliance throughout the Department.

The goals and purposes of the PAS program are to:

- Reflect our commitment to integrity and accountability;
- Serve as an important tool to increase accountability and assure integrity;
- Address issues known to increase liability;
- Build and maintain trust with the community;

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<sup>1</sup> The City Department of Information Technology maintains PAS and other related peripheral electronic hardware and software.

- Reinforce and support supervisory and managerial accountability;
- Identify organizational failures and successes;
- Identify training needs and policy failures;
- Identify personnel that exhibit exemplary performance; and
- Identify personnel demonstrating at-risk behavior, to serve as a developmental tool and intervention strategy, and to assist affected members and employees.

## **II. POLICY**

- A. The Department has established the PAS Administration Unit (PAU) to monitor and manage the PAS.
- B. The Chief of Police shall designate a command officer/ manager to serve as the PAS Command Officer responsible for program management and oversight.
- C. Department personnel shall only access PAS information to the extent necessary for the performance of their duties.
- D. Supervisors, commanders, and managers shall regularly monitor the performance and behavior of individuals and groups of individuals under their supervision and/or command to identify and recognize individuals demonstrating exceptional performance and those individuals who demonstrate patterns of behavior that may indicate that the person or a group is engaging in at-risk behavior and/or substandard performance.
- E. PAS, PAS data, and reports are confidential and not public information. All information maintained in an individual's PAS file shall be considered confidential.
- F. The following personnel shall have unlimited (full) access to PAS:
  1. Chief of Police;
  2. Assistant Chief of Police;
  3. Deputy Chiefs;
  4. BFO Administrative Captain;

5. Designated BFO Administrative personnel;
  6. IAD Commanders;
  7. Authorized IAD personnel;
  8. Training Section Commander;
  9. Management-Level Liaison;
  10. PAS Activity Review Panel members;
  11. Authorized personnel of the Office of Inspector General;
  12. Personnel approved by the PAS Oversight Committee; and
  13. Persons designated by the Chief of Police.
- G. Sergeants and Commanders shall have access to all sworn staff below their rank department-wide to the extent necessary for the performance of their duties. Unless additional access is granted, civilian supervisors and managers shall only have access to PAS files of those personnel subordinate to them.
- H. OPD personnel shall be afforded access to their own PAS file. Errors and the omission of information contained in a subordinate's PAS record shall be documented on a PAS Data Discrepancy Notification Form (TF-3287) and forwarded to the Custodian of Records of the PAS data for review and correction and the PAU.
- I. Supervisory Notes Files shall be maintained in accordance with DGO B-22, CENTRALIZED SUPERVISORY NOTES FILES.

### **III. PAS DATA (PERFORMANCE DIMENSIONS)**

Performance dimensions categorize the types of activity in which members and employees engage on a regular basis.

- A. The activity recorded in each of the performance dimensions shall be made available for review and analysis by individuals, supervisors, managers, commanders, the PAU, and other authorized personnel in accordance with the provisions of Part II, F-H.
- B. PAS performance dimensions include, but are not limited to:

1. Uses of force (all levels);
2. Issuance of OC canisters;
3. Police canine deployments where the canine is deployed in a search for or to apprehend a suspect(s). It does *not* include deployments for the purpose of locating bombs, narcotics, or missing persons.
4. All officer-involved firearm discharges defined as a Level 1-4 Use of Force in D.G.O. K-4.
5. All vehicle pursuits and preventable on-duty vehicle collisions;
6. All complaints whether made to the Department or the Citizen's Police Review Board (CPRB);
7. Civil suits and/or tort claims related to employment at the Oakland Police Department, or which contain allegations which rise to the level of a *Manual of Rules* (MOR) violation (See *MOR* Section 314.28);
8. Reports of a financial claim;
9. In-custody deaths and injuries;
10. The results of adjudications of all investigations related to items (1) through (9) above, and a record of the investigative finding(s), including actual discipline imposed or non-disciplinary action administered;
11. City, Departmental and professional commendations and awards (e.g., Exchange Club Officer of the Year, City of Oakland Employee of the Year, a Letter of Appreciation from a community member, etc.);
12. Criminal arrests and charges filed against members or employees;
13. Arrests made for threatening a peace officer, resisting or obstructing a peace officer, assault on a peace officer, or assault-with-a-deadly-weapon on a peace officer [Penal Code Sections 69, 148(a)(1), 243(b)(c), and 245(c)(d)];
14. Assignment history and rank history;

15. Training history to include weapons qualification and FTO assignments;
16. On-duty injuries;
17. Sick leave usage;
18. Report Review Notices and Case Evaluation Reports;
19. Criminal cases dropped due to concerns with personnel veracity, improper searches, false arrest, or other reasons that may indicate performance deficiencies or at-risk behavior; and
20. Other supervisory observations (e.g., supervisor notes documenting exceptional performance, comments from community members, notes from coaching sessions, corrective non-disciplinary actions taken for substandard performance, etc.).

C. Use of PAS Data

A member or employee's PAS file is an electronic file in which the individual's activity is accessible through a secure universal system.

Supervisors, commanders, managers, and other authorized personnel shall take into account relevant and appropriate PAS information when reviewing and considering any of the following personnel actions to include, but not limited to:

1. Conducting PAS Activity Reviews;
2. Commendation or award recommendation;
3. Promotions<sup>2</sup>;
4. Transfers<sup>2</sup>;
5. Special assignments;
6. Semi-Annual Supervisor Performance Reviews<sup>2</sup> (Pursuant to DGO B-6, PERFORMANCE APPRAISAL); and

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<sup>2</sup> Only "Sustained" and "Not-Sustained" complaints may be taken in to consideration for promotions, transfers and performance appraisals.

7. Annual and Probationary Performance Appraisals<sup>2</sup> (Pursuant to DGO B-6).

#### **IV. PEER GROUPS**

Peer groups have been established in PAS for the purpose of making peer group comparisons for threshold reporting. The specific units and personnel to be included in each peer group are determined and/or revised by the PAU. The PAS Coordinator shall maintain a separate record of the constituent units for each peer group, including separate groupings for members and employees, in the PAU's files.

#### **V. PAS ACTIVITY REVIEW AND REPORT**

The PAS Activity Review and Report is a comprehensive documentation of the assessment of an individual's PAS file with the intent of identifying exemplary performance, patterns of at-risk behavior, or substandard performance.

Whenever the PAU determines an individual has met a threshold, the PAU shall:

- A. Review all performance dimensions in the member or employee's PAS file and prepare a PAS Activity Review and Report within 30 calendar days of first being notified or discovering the threshold was met.
- B. Prepare the PAS Activity Review and Report (TF-3275) to include the following:
  1. Identify which threshold was met;
  2. Review and analyze all applicable PAS dimensions;
  3. Review the member or employee's relevant performance history for the previous 18 months;
  4. Document whether or not a pattern of exceptional performance, at-risk behavior, or performance deficiency exists or has been demonstrated;
  5. Recommend one of the following dispositions:
    - a. No action;
    - b. Recognition for commendation or award;

- c. Supervisory monitoring; or
  - d. Intervention (identify specific strategy).
6. Explain the reason(s) for the recommendation.
7. Document, in the PAS Activity Review and Report, an assessment of whether there are supervisory issues and how/whether the supervisor acted to identify and address patterns of misconduct, performance deficiencies, improper behavior or exemplary performance as it relates to all PAS performance dimensions.
8. Submit the report to the PAS Coordinator for review and validation.
9. The PAS Coordinator will submit the report for recommendations of supervisory monitoring or intervention to the member or employee's chain of command for review and comments.
10. Submit the report and any comments received from the chain of command to the PAS Activity Review Panel for review of the recommendation.
11. The PAS Activity Review Panel shall conduct a detailed review and analysis of the data contained in the PAS Activity Review and Report. If, after the review, the PAS Activity Review Panel determines the identified individual:
  - a. Should be recognized for exceptional performance; or
  - b. May be engaged in at-risk behavior or substandard performance

The PAS Activity Review Panel shall determine and refer the individual identified for recognition, PAS intervention or PAS monitoring with minimum strategies recommended, if applicable.

12. Forward the original report to the PAS Coordinator to be archived.
13. Send a complete copy of the PAS Activity Review and Report, through the chain of command, to the individual's supervisor.

## VI. DISPOSITION RECOMMENDATIONS

### A. No Action

When the PAS Activity Review and Report reflects no at-risk or exceptional behavior, a recommendation for “No Action” shall be documented in the report. No additional monitoring is required.

### B. Recognition for a Commendation or Award

An individual identified as exhibiting exceptional performance may be recognized for a commendation or award in accordance with DGO B-1. If a disposition for Recognition is recommended, the accountable supervisor, commander, or manager shall discuss the recommendation with the subject personnel.

The discussion shall be documented in the Supervisory Notes File.

### C. Supervisory Monitoring

1. The first-level commander or manager of the individual identified for supervisory monitoring shall direct the involved member or employee to attend a mandatory PAS Disposition Meeting if supervisory monitoring is recommended.
2. Any supervisor/commander/manager with a subordinate recommended for Supervisory Monitoring shall:
  - a. Develop a supervisory monitoring strategy
  - b. Conduct a PAS Disposition Meeting, as specified in Section VIII, to provide the affected individual with strategies, goals and expectations, and/or directions to address the issue(s) of concern. The meeting shall discuss the appropriate supervisory monitoring strategy;
  - c. Provide mentoring;
  - d. Observe performance for a minimum of six (6) months; and
  - e. Conduct three (3) documented (TF-3275a), mandatory follow-up meetings with the individual’s immediate supervisor.

- 1) The first within fourteen (14) calendar days after one (1) month of monitoring;
  - 2) The second within fourteen (14) calendar days after three (3) months of monitoring; and
  - 3) The third within fourteen (14) calendar days after six (6) months of monitoring.
- f. When informed by the PAU of new activity, develop and implement additional strategies to address the new activity by an individual while he/she is on Supervisory Monitoring.
3. The primary responsibility for the administration of any non-disciplinary PAS monitoring shall rest with the individual's immediate supervisor.

**D. Intervention**

1. Any supervisor/commander/manager with a subordinate recommended for Intervention shall follow the same steps as Section C, except the individual's supervisor, in conjunction with their chain of command, shall:
  - a. Develop a formal supervisory intervention strategy and document the strategy on the PAS Intervention Strategy Confirmation Report (TF-3275b); and
  - b. Submit the report, through the chain of command to the PAU.
2. The PAS Activity Review Panel will review and approve the submitted intervention strategy. The PAS Activity Review Panel may add, remove or adjust a strategy as necessary and shall notify the individual's supervisor, in writing, of any changes.
3. The primary responsibility for the administration of any non-disciplinary PAS intervention shall rest with the individual's immediate supervisor.

**VII. INTERVENTION STRATEGIES**

- A. Intervention strategies may include but are not limited to:

1. Mentoring;
  2. Additional training (individual or Departmental) specifically tailored to the performance requiring intervention;
  3. Peer counseling;
  4. Chaplain referral (voluntary only);
  5. Referral to a professional counselor;
  6. Referral to the Employee Assistance Program (EAP);
  7. Administrative reassignment to other duties;
  8. Administrative transfer (temporary);
  9. Referral for Fitness for Duty evaluation (for physical or psychological performance related issues that cannot be addressed by existing Departmental resources);
  10. Substance abuse rehabilitation;
  11. Require the use of a recording device;
  12. Customer service surveys;
  13. Attendance management;
  14. Consultation with the District Attorney's Office to review courtroom testimony techniques;
  15. Performance Deficiency Notice (PDN).
- B. Since PAS is a non-disciplinary process, intervention may be applied in any circumstance for which it is warranted. The objective of PAS is to either recognize exemplary performance or improve substandard performance in any of the measured performance dimensions.
- C. With the exception of a voluntary chaplain referral, participation in and/or completion of the specified strategy by the referred individual is mandatory.

D.      Personnel Transfers

1.      Personnel who have been identified by the PAS Threshold Report and recommended and approved for intervention may still be eligible for transfer to another unit or duty assignment as specified in the Department's transfer policy.
2.      The supervisor of a transferring member or employee, on supervisory monitoring or intervention, shall provide the new supervisor with all PAS documentation and supporting material.

**VIII. PAS DISPOSITION MEETINGS**

An individual who is identified as requiring supervisory monitoring or intervention shall attend a PAS Disposition Meeting with his/her immediate supervisor and first-level commander/manager.

A.      First-Level Commander

1.      The individual's first-level commander/manager shall schedule a PAS Disposition Meeting to be held immediately following the determination to implement supervisory monitoring or intervention strategies and never later than within fourteen (14) calendar days following approval by the Assistant Chief of Police, Deputy Chief, or Deputy Director
2.      Ensure a strategy is developed and followed to address any identified pattern of at-risk behavior or substandard performance. Formal strategies are established by the PAS Review Panel for personnel in intervention. The chain of command shall establish formal strategies for personnel on supervisory monitoring.

B.      The purpose of the PAS Disposition Meeting is to discuss the following issues with the involved personnel:

1.      An identified pattern of at-risk behavior or substandard performance;
2.      The implementation of intervention or monitoring strategies.

C.      The PAS Disposition Meeting shall include a discussion of the following:

1.      A review of the contents of the PAS Activity Review and Report;

2. The individual's relevant performance and personnel history;
  3. A recommendation for non-disciplinary strategies;
  4. Establish a timeline for strategies and follow-up meetings;
  5. The start date for Supervisory Monitoring shall commence immediately following the PAS Disposition Meeting; and
  6. A start date for intervention shall commence as soon as practical following the approval of the Assistant Chief of Police, Deputy Chief, or Deputy Director.
- D. For supervisory intervention only, the immediate supervisor shall be responsible for documenting the commencement and completion of each strategy on a PAS Strategy Confirmation Report (F-3275b) within ten (10) days of the start of each individual strategy. (Supervisory monitoring plans are documented as specified in Section G.)
- E. This documentation shall be forwarded through the chain-of-command to the Assistant Chief of Police, Deputy Chief, or Deputy Director and the PAU.
- F. After the individual is dismissed from the PAS Disposition Meeting, the commander/manager and the individual's immediate supervisor shall discuss the situation and the individual's response.
- G. The PAS Disposition Meeting shall be documented by the immediate supervisor in the PAS Disposition/Follow-up Meeting Report (TF-3275a) to include:
1. Date/time/location of meeting;
  2. Attendees;
  3. Summary of the PAS Disposition Meeting; and
  4. Plan for implementation of supervisory monitoring or intervention strategies, and timelines.
  5. Response of the employee.

- H. Forward the completed PAS Disposition/Follow-up Meeting Report through the chain-of-command, up to the Assistant Chief of Police, Deputy Chief, or Deputy Director within ten (10) calendar days for review and signature.
- I. The Assistant Chief of Police, Deputy Chief, or Deputy Director shall review, endorse, and forward the PAS Disposition/Follow-up Meeting Report within ten (10) calendar days of receipt to the PAU.
- J. The signed original shall be archived by the PAS Coordinator.

#### **IX. FOLLOW-UP MEETINGS**

- A. Personnel who meet the PAS supervisory monitoring or intervention criteria for at-risk or substandard performance shall be monitored by their supervisor and unit commander/manager for:
  - 1. A minimum of 6 months.
  - 2. Personnel under supervisory monitoring or intervention may also be extended upon the recommendation of the accountable chain-of-command, or the PAS Activity Review Panel.
- B. Dispositions of No Action or Recognition for exceptional performance do not require follow-up meetings.
- C. The immediate supervisor shall ensure all PAS related actions, strategies implemented, topics and issues discussed as a result of a PAS Activity Review and Report, are documented in minutes to be included in the PAS Disposition/Follow-up Meeting Report.
- D. The immediate supervisor shall document and forward the strategy (ies), along with commencement and completion of each strategy on a PAS Strategy Confirmation Report within ten (10) days of the start of each individual strategy through the chain-of-command to the Assistant Chief of Police, appropriate Deputy Chief or Deputy Director.
- E. The Assistant Chief of Police, Deputy Chief, or Deputy Director shall review, endorse, and forward the PAS Strategy Confirmation Report within ten (10) calendar days of receipt to the PAU.
- F. The first-level commander/manager shall ensure that a follow-up meeting is documented and the minutes forwarded to the appropriate Deputy Chief/Deputy Director and the PAU within ten (10) calendar days of any follow-up meeting.

- G. If it has been determined a strategy has not been effective or did not result in the desired outcome, the supervisor and commander/manager shall confer with the PAU to develop alternative strategies.
- H. When additional time beyond six months is needed to implement strategies, PAS intervention or supervisory monitoring may be extended in three (3) month increments at the discretion of the individual's Assistant Chief of Police, Deputy Chief, or Deputy Director or the PAU. The commander/manager shall advise the individual and forward a memorandum, noting the extension, to the PAU.
- I. When PAS intervention or supervisory monitoring is extended beyond the six month review period, additional review meetings involving the individual, the immediate supervisor, and commander/manager shall take place no less frequently than every three (3) months.

**X. PAS COMMAND REVIEW MEETINGS**

Division Commanders/Area Captains/Division Managers shall:

- A. Conduct a quarterly PAS Command Review Meeting with their subordinate commanders/managers and supervisory staff to share and assess information about the state of unit and identify potential or actual problems with the unit.
- B. Ensure minutes of the meetings are documented on a PAS Command Review Meeting Report (TF-3279) and forwarded and signed through the chain-of command to the Assistant Chief of Police, Deputy Chief, or Deputy Director. The signed original shall be forwarded to the PAU and retained for a minimum of five (5) years.
- C. Meet at least annually with his/her Assistant Chief of Police, Deputy Chief, or Deputy Director to discuss the state of their commands and any exceptional performance, potential or actual performance problems or other potential patterns of at-risk behavior within the unit. Division Captains/Area Captains and Division Managers shall be responsible for developing and documenting plans to ensure the managerial and supervisory accountability of their units, and for addressing any real or potential problems that may be apparent. The annual meeting may be held concurrently with the 4<sup>th</sup> quarter meeting.
- D. Ensure all PAS related actions, to include those taken as the result of a PAS Activity Review, be documented no less than ten (10) days after the action requiring documentation.

## **XI. CUSTODIAN OF RECORDS**

A Custodian of Record is an individual responsible for the accuracy and completeness of data maintained in their respective databases used to populate PAS.

- A. Responsibilities of the Custodians of Records shall include:
1. Conducting an assessment of their respective database(s) and operating procedures to ensure the accuracy and completeness of data to ensure:
    - a. Data is entered correctly and in a timely manner;
    - b. Source documents are accurate and complete upon receipt;
    - c. Assess and resolve issues that affect data integrity.
  2. Identifying discrepancies and taking corrective action within 10 business days, when practical. After 10 days, unresolved discrepancies shall be reported in writing through the chain of command and a copy to the PAS Coordinator.
  3. Responding to all PAS data discrepancy notifications within 15 calendar days of receipt:
    - a. Review and make corrections, as necessary;
    - b. Document the findings and action taken; and
    - c. Forward to the requesting supervisor or member/ employee and the PAS Coordinator.
  4. Preparing a PAS Custodian of Record Weekly Report TF-3344 in accordance with the instruction on the form.
  5. Notifying the PAU of **any** changes to existing databases that maintain PAS data prior to modification or implementation such as:
    - a. Any change of database server location. The City Department of Information Technology shall also be notified;
    - b. Deletion or addition of a field;

- c.      Change the field location of where data is being entered;
  - d.      Change a field name or content entered into the field;
  - e.      Move fields between tables; and
  - f.      Changes in business processes that affect data entry.
6.      Retain all PAS related data files, reports and other documentation for a minimum of five (5) years.

**XII. APPEAL/DISPUTE RESOLUTION**

Any person in the chain of command of an individual identified, recommended or in the process of supervisory monitoring or intervention, who disagrees with any part of the process, may submit an appeal in writing to the Assistant Chief of Police or Chief of Police for reconsideration within seven (7) working days after receiving notification of any action or recommendation. The decision of the Assistant Chief of Police or Chief of Police shall be final.

By order of



Sean Whent  
Interim Chief of Police

Date Signed: 11-20-13