

OFFICE OF CHIEF OF POLICE
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 14 May 14

SUBJECT: New DGO D-13.1, ASSIGNMENT TO ACTING SERGEANT OF POLICE

The purpose of the creation of this order is to establish Department policy and procedures regarding the assignment to acting sergeant of police.

Effective immediately, SO 8435, ACTING SERGEANT SELECTION PROCESS, is hereby cancelled. Additionally all references to Acting Sergeant in DGO D-13, ASSIGNMENT TO ACTING HIGHER RANK OR CLASSIFICATION are superseded by DGO D-13.1.

The following is a summary of the substantive changes from SO 8435 which was incorporated in to this order. This summary shall not take the place of the review and understanding of the entire document:

- Added Part I, A-C:

I. POLICY

- A. Authorized Sergeant of Police positions which are unfilled or vacant due to extended absences, may be temporarily filled, at the discretion of the Chief of Police, or designee, in accordance with City policies and Memorandum of Understanding (MOU) with the Oakland Police Officer's Association. In certain cases, vacant positions may remain unfilled, reclassified or the duties reallocated among other positions.
- B. A Division Commander or Captain may select an Acting Sergeant from the Acting Sergeant's Eligibility List to a team in the absence of the team's permanent supervisor, except as specified in Part C.
- C. In the absence of a Patrol and/or primarily field based (e.g. CRT, PSO) team's permanent supervisor, a Watch Commander or Division Commander may select an Acting Sergeant from the Acting Sergeant's Eligibility List only when an unexpected vacancy occurs. Additionally, the following must occur:
 1. The unexpected vacancy must occur the same day of the supervisor's scheduled shift;
 2. There are no available Sergeants assigned to administrative positions in Patrol or primarily field based teams; and

3. The supervisory ratio (1 to 8) is still exceeded with the movement of personnel to another team or the movement of personnel would result in unsafe staffing levels in the Area.

- Revised Part II, A, 9, a:

Prior:

- a. All Class I violations, as defined in Department General Order M-3, COMPLAINTS AGAINST PERSONNEL OR PROCEDURES, that result in a sustained finding shall automatically disqualify a member from the nomination process for a minimum of two (2) years from the finding date.

Revised:

- a. All Class I violations, as defined in Department General Order M-3, COMPLAINTS AGAINST PERSONNEL OR PROCEDURES, which result in a sustained finding shall automatically disqualify a member from the nomination process for 12 months and in such cases shall be considered important in evaluating eligibility for two (2) years following the completion of the investigation.

- Added Part V, A-B, regarding compensation and documentation.

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
Chief of Police

Date Signed: 5-20-14



DEPARTMENTAL
GENERAL
ORDER

D-13.1

Index as:

Assignment to Acting
Sergeant of Police

Effective Date:
14 May 14

Evaluation Coordinator:
BFO Commander

Evaluation Due Date:
14 Nov 14

Automatic Revision Cycle:
3 years

ASSIGNMENT TO ACTING SERGEANT OF POLICE

The purpose of this order is to set forth policy and procedures regarding the selection and assignment to the classification of Acting Sergeant of Police.

I. POLICY

- A. Authorized Sergeant of Police positions which are unfilled or vacant due to extended absences, may be temporarily filled, at the discretion of the Chief of Police, or designee, in accordance with City policies and Memorandum of Understanding (MOU) with the Oakland Police Officer's Association. In certain cases, vacant positions may remain unfilled, reclassified or the duties reallocated among other positions.
- B. A Division Commander or Captain may select an Acting Sergeant from the Acting Sergeant's Eligibility List to a team in the absence of the team's permanent supervisor, except as specified in Part C.
- C. In the absence of a Patrol and/or primarily field based (e.g. CRT, PSO) team's permanent supervisor, a Watch Commander or Division Commander may select an Acting Sergeant from the Acting Sergeant's Eligibility List only when an unexpected vacancy occurs. Additionally, the following must occur:
 - 1. The unexpected vacancy must occur the same day of the supervisor's scheduled shift;
 - 2. There are no available Sergeants assigned to administrative positions in Patrol or primarily field based teams; and
 - 3. The supervisory ratio (1 to 8) is still exceeded with the movement of personnel to another team or the movement of personnel would result in unsafe staffing levels in the Area.

II. ACTING SERGEANT SELECTION PROCESS

A. Acting Sergeant's Qualifications:

An Acting Sergeant shall meet the following qualifications unless specifically exempted by the Chief of Police;

1. At least three (3) years of sworn Departmental service;
2. Two (2) years of Patrol experience,
3. Receive at least a Fully Effective performance appraisal for two (2) years preceding selection;
4. Be committed to the Department's Mission, Vision, and Values and possess a level of professionalism and ethics consistent with Departmental expectations;
5. Understand the importance of developing positive working relationships with the community and quality citizen contacts;
6. Possess leadership skills; demonstrate problem solving abilities, and a commitment to Community Policing;
7. Demonstrate a sound working knowledge of, and ability to apply, the following:
 - a. Departmental policies and procedures;
 - b. Interpersonal and tactical communications;
 - c. Decision making skills;
 - d. Laws of arrest;
 - e. Preliminary investigation skills; and
 - f. Report writing.
8. Not have an excessive number of use of force incidents for a period of two (2) years preceding nomination.
 - a. "Excessive" shall not merely be defined by a number but rather by the totality of circumstances that led to the use of force to minimally include:

- 1) Officer's assignment;
 - 2) Type of force used;
 - 3) Number of persons authorized to use that force;
 - 4) Duration between incidents; and
 - 5) Nature of the incident.
- b. In the nomination letter, the nominee's immediate sergeant and lieutenant shall comment positively or negatively on a nominee's use of force history.
9. Not have an excessive number of Internal Affairs Division (IAD) "Not Sustained" or "Sustained" findings for a period of two years preceding nomination.
- a. All Class I violations, as defined in Department General Order M-3, COMPLAINTS AGAINST PERSONNEL OR PROCEDURES, which result in a sustained finding shall automatically disqualify a member from the nomination process for 12 months and in such cases shall be considered important in evaluating eligibility for two (2) years following the completion of the investigation.
 - b. All Class II violations, as defined in Department General Order M-3, that result in a sustained finding shall be reviewed to determine if cause exists to disqualify the member from the nomination process.
 - c. All reviewers are encouraged to comment positively or negatively on the nominee's complaint history.

B. Nomination Process

Sergeants and commanders shall be responsible for encouraging and nominating appropriate members of their units to become an "Acting Sergeant."

Upon the nominee's acceptance, the nominated member's sergeant or commander shall:

1. Determine whether the member meets the minimum qualifications listed in Part II A 1-9. If the member fails to meet the minimum qualifications, the supervisor shall advise the member of the reason for denial.
2. Prepare an Acting Sergeant memorandum nominating the member, including whether the nominee has any exceptional skills or special training (e.g., previous law enforcement service, military or teaching experience) and forward the memorandum directly to the Personnel Division Commander.
3. Forward memorandum through the nominated member's chain-of-command to Personnel Division Commander.

C. Personnel Division Commander's Responsibilities

The Personnel Division Commander or designee shall:

1. Notify members when the Department is accepting nominations for the position of Acting Sergeant
2. Review the nomination memorandums and endorse the nominee's memorandum stating whether the nominee meets the required qualifications.
3. Determine whether a nominee's use of force history is acceptable or demonstrates an unacceptable pattern that shall disqualify the member from the nomination process.
4. Determine whether the nominee's sustained findings(s) are acceptable or demonstrate an unacceptable pattern of disregard for Departmental policy and procedures and, if appropriate, shall disqualify a member from the nomination process.

Nominees who have open IAD cases may continue in the testing process at the discretion of the Personnel Division Commander; however, if the investigation concludes with a Class I sustained finding, the nominee shall be automatically disqualified. If the investigation concludes with a sustained Class II finding, the Personnel Division Commander shall follow the process described in #3 above.

5. Prepare a Selection Matrix Report for each nominee and complete categories 1-9 and the IAD history section to document each nominee's work and IAD history.

6. Prepare and forward a memorandum to nominees who did not meet the requirements for the review panel and provide the reason(s) with a copy to the nominee's chain of command.
7. Schedule a qualification review panel date and contact eligible nominees.
8. Complete the appropriate categories of the Selection Criteria Matrix for each nominee who successfully passes the oral board testing process and place the matrix in the nominee's Acting Sergeant Nomination File.
9. Prepare and maintain a Qualified Acting Sergeant's List and forward it with the Acting Sergeant Testing Files through the chain-of-command to the Chief of Police.
10. Conduct a review of the list every three (3) months and remove members who fail to maintain the selection criteria.
11. Forward a current approved Qualified Acting Sergeant List to the bureau commanders.
12. Prepare and maintain an Acting Sergeant Qualification File for each approved member.
13. Convene a qualification oral review panel which shall include:
 - a. Personnel Division Commander or designee (Chairperson);
 - b. Training Division Commander or designee;
 - c. A Captain of Police with prior Patrol command experience;
and
 - d. A Lieutenant of Police with prior Patrol command experience.
14. Prepare and forward a memorandum notifying the nominees of the results of the Qualification Oral Review Panel. In the event that a nominee fails the oral panel's assessment interview, the memorandum shall detail the reasons.

D. Qualification Oral Review Panel

1. Conduct an assessment interview with questions limited to field supervision subject matter.
2. Review of a written exercise to determine the nominee's understanding of Department policy and procedures, report writing, laws of arrest, search, and seizure.

Note: Any officer who is an FTO or on a current sergeants' promotional list may be exempted from the written exercise.

3. The Panel Chairperson shall ensure all review materials is forwarded to the Personnel Division for inclusion in the nominee's Acting Sergeant Nomination File.

E. Chief of Police

The Chief of Police or designee shall approve the list of qualified candidates and select candidates from the Acting Sergeant Eligibility List to attend an appropriate Sergeant Training Course and notifies the Personnel Division Commander and Bureau Deputy Chiefs of his/her selection. Nominees passed over for candidate selection may request a meeting with the Personnel Division Commander.

III. ACTING SERGEANT'S AUTHORITY

While assigned as an Acting Sergeant, a Police Officer shall have the authority and responsibility as set forth in MOR Section 285.00 and consistent with the position of Sergeant of Police.

IV. TRAINING

Before an Acting Sergeant is selected to fill a vacancy covered by the provisions of this order, the Acting Sergeant shall have completed the OPD 40-hour Sergeants Transition Course to include at a minimum:

- A. Use of Force investigations (DGO K-3/K-4);
- B. Vehicle pursuit investigations (DGO J-4);
- C. Vehicle collisions (DGO J-2);
- D. Performance Appraisals and Performance Review (DGO B-6);

- E. Division-level investigations (DGO M-Series); and
- F. Arrest approval (DGO M-18)

V. COMPENSATION

A. Compensation for Acting Sergeant of Police – General Provisions

Whenever an officer is assigned to assume the day-to-day responsibilities of a Sergeant of Police, the assigned officer shall be paid the salary of a Sergeant of Police for the duration of the assignment. Compensation will be for actual hours worked at the higher rank.

B. Documentation

1. Authorized Acting Sergeant assignments shall be entered and approved by the appropriate Commander on the Daily Detail in Tele-Staff.
2. Officers shall enter the Acting Sergeant compensation on their timesheet.
3. In the event the authorized Acting Sergeant Assignment has not been entered and approved in Tele-Staff, officers shall complete a Request for Higher Rank/Class Form (TF-927) to be included with their timesheet.

VI. CHANGE OF POLICY D-13

DGO D-13, ASSIGNMENT TO ACTING HIGHER RANK OR CLASSIFICATION (Rev 17 Jul 99), is applicable only to employees and Lieutenants of Police or higher ranking members. All references or requirements applicable to Acting Sergeant of Police in DGO D-13 are superseded by this order.

By order of



Sean Whent
Chief of Police