



CITY OF OAKLAND

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: LeRonne L. Armstrong,
Chief of Police

SUBJECT: OPD Overtime Report:
4th Quarter FY 2020-21

DATE: December 15, 2021

City Administrator
Approval

Date

Dec 16, 2021

INFORMATION

EXECUTIVE SUMMARY

Staff Recommends That City Council Receive An Informational Memorandum Regarding OPD Overtime; this memo includes information concerning the use of overtime by OPD for the period of July 1, 2020 to June 30, 2021.

BACKGROUND / LEGISLATIVE HISTORY

On October 24, 2017, staff presented a report titled "Fiscal Year (FY) 2016-17 Fourth Quarter Revenue and Expenditure Results and Year-End Summaries for the General-Purpose Fund (GPF, 1010) and Eight Selected Funds; and General-Purpose Fund (GPF, 1010) Carryforward for FY 2017-18; and Overtime Analysis for the General Purpose Fund (GPF, 1010) and All Funds" to the Finance and Management Committee. In response, the Finance and Management Committee requested a supplemental report with the following additional information:

- What are the policies, procedures, and processes in place in each department for authorizing and controlling overtime?
- If backfill overtime is authorized, who is responsible? For what purposes is it authorized? Which personnel are used to cover for others?
- Who is in charge of decision making and accountability for overtime? What rank/level?

The Finance and Management Committee requested that OPD submit a report detailing how the department will control overtime expenditures with actionable changes to policies, procedures, processes and corresponding accountability mechanisms. This memorandum is responsive to that request.

HONORABLE MAYOR AND CITY COUNCIL

Subject: OPD Overtime Report: 4th Quarter FY 2020-21

Date: 12.15.21

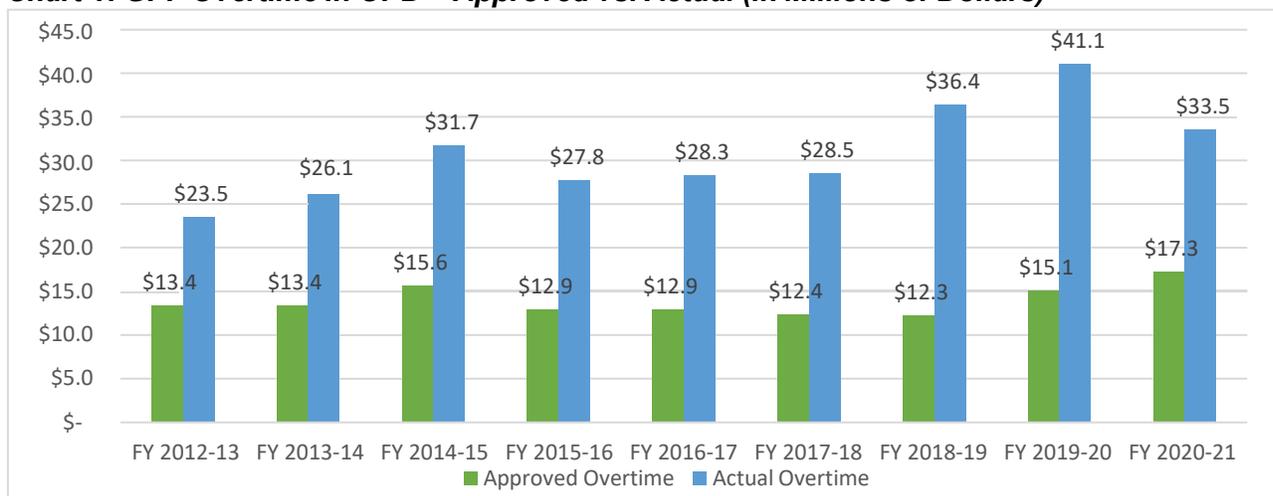
On January 9, 2018, staff presented the first supplemental report on OPD Overtime Costs to the Finance and Management Committee as well as the Public Safety Committee. On February 27, 2018, staff presented the second supplemental report to the Finance and Management Committee and the Public Safety Committees. In response, the Public Safety Committee requested a monthly report from both OPD and OFD, and additional information from OPD. All of the below information has previously been provided to the Public Safety Committee:

- The different categories in the overtime budget including actual amounts.
- A breakdown of the areas where overtime is budgeted.
- An explanation of who approves overtime expenditures.
- What amount is approved for each commander (such as area captains) and how this amount is tracked to ensure that it is not overspent.
- An explanation of the service level demands that have resulted in an insufficient overtime budget including a justification for critical work that has resulted in an appreciable decrease in crime.
- An explanation of why reimbursable events are included in the list of special event/enforcement overtime and what the tracking mechanisms are concerning reimbursement.
- Specific Negotiated Settlement Agreement (NSA) requirements and actual overtime costs created by each requirement.
- Overtime reduction strategies and tracking to ensure reduction.

ANALYSIS AND POLICY ALTERNATIVES

Although it appears OPD exceeded its approved overtime budget for the period of July 1, 2020 to June 30, 2021 by \$16.2M, the Department received \$4.2M in reimbursable overtime that went to the General Purpose Fund and there was an additional \$14M in salary savings from an increased attrition rate. **Chart 1** below only shows the approved overtime budget and does not take into account salary savings from vacancies or revenue received from reimbursable events. The chart provides a summary of budgeted (approved) overtime expenses in comparison to actual overtime expenses from FY 2012-13 through FY 2020-21.

Chart 1: GPF Overtime in OPD – Approved vs. Actual (in Millions of Dollars)



HONORABLE MAYOR AND CITY COUNCIL

Subject: OPD Overtime Report: 4th Quarter FY 2020-21

Date: 12.15.21

There are several reasons why this overtime overage occurred; these reasons have also been provided in previous agenda reports and informational memoranda. Although OPD exceeded its overtime budget, it is important to note that in FY 2020-21 the Department received \$4.2M in reimbursable overtime that went to the General Purpose Fund and there was an additional \$14M in salary savings, which offset the overtime overage by \$16.2M. This report explains the factors and police services that drove these overtime costs.

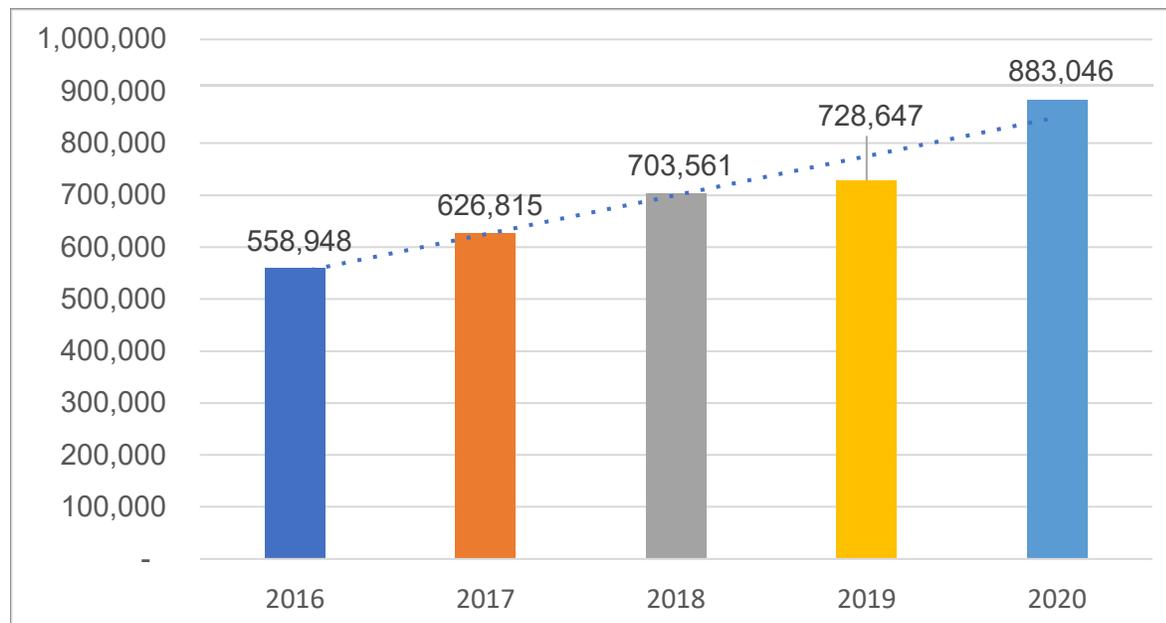
Table 1 below provides a breakdown of the monthly cost by organizational function. Despite multiple sworn vacancies resulting in salary savings and the increase in violent crime during the pandemic, OPD managed to reduce its overtime spending by over 18% compared to the previous fiscal year.

Table 1: Overtime Costs for Oakland Police Department July 1, 2020-June 30, 2021; Fund = General Purpose Fund 1010

Category	2020						2021						Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Acting Higher Rank	93,259	87,805	59,469	76,003	53,279	42,547	26,225	26,006	42,602	83,749	103,373	78,611	772,929
Administrative Investigation	182,428	203,827	187,306	191,463	164,985	158,239	99,470	90,494	162,610	118,416	119,882	92,933	1,772,052
Backfill	535,681	522,519	501,674	556,288	531,225	515,073	320,499	203,170	316,465	338,017	376,353	459,983	5,176,945
Callback	97,431	166,098	102,987	112,742	121,142	84,466	79,304	101,055	108,329	103,959	126,953	83,134	1,287,600
Canine	2,692	2,598	2,666	2,757	3,690	3,897	3,672	3,427	3,879	3,163	3,050	3,144	38,636
Community Meetings											245		245
Comp Time Earned	39,964	38,340	33,228	36,105	38,158	27,842	13,684	16,125	23,609	36,359	50,288	40,120	393,822
Court	23,613	14,829	24,641	40,887	22,126	21,304	30,296	29,976	32,499	41,659	24,082	34,997	340,909
Extension of Shift	528,733	653,154	614,288	543,522	557,389	377,597	236,337	228,563	405,119	411,102	346,650	362,364	5,264,818
FLSA	199,514	191,326	206,695	177,140	174,723	107,953	67,309	87,513	131,770	145,849	184,803	166,968	1,841,562
Holiday	225,272	1,091	347,078	5,134	806,754	220,828	433,025	548,064	244,550	(4)	227,797	23,030	3,082,621
Recruiting/Background	1,917	33,877	12,234	7,353	17,088	14,158	5,418	21,013	4,692	8,393	23,997	39,182	189,321
Special Enforcement	980,931	1,555,084	1,203,172	1,014,837	989,856	560,155	362,046	684,758	924,282	1,155,666	1,473,239	1,005,366	11,909,392
Training	192,861	68,983	58,736	97,181	86,588	111,004	144,398	121,089	141,767	141,945	188,431	66,983	1,419,966
Grand Total	3,104,296	3,539,531	3,354,173	2,861,410	3,567,003	2,245,063	1,821,682	2,161,253	2,542,172	2,588,274	3,249,143	2,456,815	33,490,816

The primary core service OPD provides to the Oakland community is calls for service response. Calls for service increased by 58 percent between 2016 and 2020. While some of this increase is due to OPD Communications implementing receipt of wireless 9-1-1 calls, there was a 45 percent increase in homicides and assaults with firearms during this same period which necessitated greater police patrols and investigations. **Chart 2**, below, provides the number of calls for service that OPD received from 2016 to 2020

Chart 2: OPD Calls for Service by Year 2016 to 2020



A comparison of sworn staffing and reported crime for large (over 400,000 population) Northern California cities for 2019 is provided below in **Table 2**.

Table 2: Total Sworn and Crime for Large Northern California Cities

Police Department	Sworn FTE	Reported Violent Crime 2019 ¹	Violent Crime per Sworn	Reported Property Crime 2019 ¹	Property Crime per Sworn
Oakland	792	5,520	6.97	27,868	35.19
Sacramento	751	3,223	4.29	16,354	21.78
San Francisco	2,290	5,933	2.59	48,780	21.30
San Jose	1,157	4,559	3.94	25,164	21.75

Minimum Patrol staffing for OPD is 35 officers per shift to cover each police beat. This minimal staffing level is recognized to be inadequate in consideration of the number of calls for service and relatively high level of crime in Oakland. Position backfill and extension of shift overtime is used largely to maintain minimum patrol staffing. Beyond maintaining citywide patrol staffing, OPD has become almost entirely reliant on overtime to address the following

- **Sideshow:** Sideshow overtime is the only effective means OPD has in addressing this violent and dangerous activity. Hundreds of spectators and vehicles gather in Oakland neighborhoods on a frequent basis, terrorizing residents. On duty Patrol resources are

¹ <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/offenses-known-to-law-enforcement>

inadequate to address sideshow – an inadequate response could result in even greater danger to the public and responding OPD personnel.

OPD implemented effective strategies to address sideshows in 2020. One key strategy was to dedicate personnel to monitor and immediately respond to areas where a sideshow event was beginning to take shape and prevent it from doing so. Because all Patrol resources are already fully engaged, OPD used \$1.4M in overtime to prevent and respond to sideshow events.

- Citywide Violence: Patrol response alone is inadequate to address high levels of violent crime. Over this past year, the city saw a tremendous increase in violent crime and a resulting increase in the need for overtime. As of June 30, 2021, the City of Oakland experienced an 82 percent increase in homicides (62 homicides up from 34 in 2020) and a 71 percent increase in assaults with a firearm (311 up from 182) over the same period in 2020.

Based on the number of calls for service and immediate response for violent crime, on duty patrol resources are inadequate address citywide violence. Dedicated teams must be used to focus on specific individuals suspected of engaging in violent crime as well as areas where data shows high levels of violent crime occurring. The Department spent \$2.3M in violence suppression overtime in FY 2020-21.

- Uptown Violence: This overtime was developed following several tragic shootings and homicides in the downtown area, entertainment and club scenes, and residential areas adjacent to these districts. This overtime had been very effective in reducing the shootings and violence which had plagued the area. Even during the pandemic, the entertainment area drew crowds, and the Uptown walking beat overtime was instrumental in helping the businesses navigate through outdoor dining experiences in a safe and efficient manner.

Because patrol resources are only able to respond to dispatched calls, they are inadequate to perform preventative duties in the Uptown club and entertainment scene. Being able to dedicate officers to be present in the area has been instrumental in preventing violence. Without the opportunity to use dedicated personnel to prevent shootings and other acts of violence, patrol officers are forced to respond. This forced response drains the city of valuable patrol resources, increasing response times elsewhere and leaving the rest of the city even more vulnerable.

- Demonstrations and Gatherings: Crowd management requires tremendous human resources to protect the public and property. Losing the ability to provide safety measures for crowd management such as traffic control, safety barriers, and public safety presence will have negative impacts on the safety of participants, residents, and other community members. Patrol resources are insufficient to address crowd control issues (i.e., vandalism, assaults, traffic safety, arson). Given the associated car caravans of thieves often associated with these demonstrations, significant property damage may occur and there will likely be increased risk to communities living in areas more frequented by demonstrations and gatherings without this overtime costing \$2.3M in FY 2020-21.

HONORABLE MAYOR AND CITY COUNCIL

Subject: OPD Overtime Report: 4th Quarter FY 2020-21

Date: 12.15.21

Page 6

Depending on the expected size of a public event such as a demonstration, OPD may need to dedicate scores of officers (or more depending on demonstration size) to manage crowds. While many demonstrations are peaceful, a lack of immediately available OPD personnel can possibly lead to a previously peaceful event getting out of control very quickly. Injury and significant property damage can result if there are inadequate OPD resources. With only 35 officers per shift, patrol cannot adequately prevent or respond to any size demonstration. Doing so would leave the rest of the city with no police services and endanger demonstrators, bystanders, and police personnel.

- Lake Merritt Patrol: Lake Merritt Patrol Overtime impacts OPDs ability to assist other City of Oakland Departments in dealing with various issues at Lake Merritt, including large crowds with amplified music; unpermitted vending (including alcohol and cannabis sales); traffic congestion and related public safety concerns with use of roadway/emergency response; and illegal parking. During FY 2020-21 OPD spent \$577K in overtime for Lake Merritt patrol and special enforcement.

Due to the current City of Oakland budget crisis, all of the above categories of overtime have been eliminated or substantially reduced by OPD. Sworn positions assigned to a number of critical functions within OPD (traffic enforcement, Ceasefire, foot patrol, community resource) have been frozen and the corresponding personnel reassigned to supplemental patrol squads. The additional squads were aligned with patrol watch deployments to provide more officers to backfill into patrol vacancies without the use of overtime and to assist with addressing calls for service.

While these changes are expected to substantially decrease – and hopefully eliminate – backfill and extension of shift overtime, OPD will still face insufficient patrol resources to address the above categories.

HONORABLE MAYOR AND CITY COUNCIL

Subject: OPD Overtime Report: 4th Quarter FY 2020-21

Date: 12.15.21

Page 7

For questions regarding this report, please contact Shamika Shavies, Fiscal Manager, at sshavies@oaklandca.gov

Respectfully submitted,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

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