



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Tonya Gilmore
Asst. to the City Administrator

SUBJECT: Proposed Modifications To The City's
Hiring Plan For the Purpose of Ensuring
Compliance With Measure Z

DATE: December 2, 2021

City Administrator
Approval

Date Dec 2, 2021

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Modifying The City's Hiring Plan For The Purpose Of Ensuring Compliance With Measure Z.

EXECUTIVE SUMMARY

Over a five-year timespan, Oakland Police Department (OPD) sworn staffing levels have fluctuated between 744 filled positions on January 1, 2017 to 723 filled positions as of January 1, 2021. There were 676 filled positions on November 30, 2021. The adopted Fiscal Year (FY) 2021-22 Budget funded and authorized 737 sworn positions, including 48.95 sworn positions funded by the 2014 Oakland Public Safety and Services Act (Measure Z).

The proposed resolution provides modifications to OPD's hiring plan that are necessary to ensure that the City remains in compliance with Measure Z staffing requirements.

BACKGROUND AND LEGISLATIVE HISTORY

On September 21, 2021, the City Council approved Resolution No. 88821 C.M.S. requiring the City Administrator to return to City Council with modifications to the hiring plan to offset the loss of sworn personnel, if needed. This report and legislation is in response to that request, as well as to satisfy the provision in Measure Z that requires the City Administrator to report to the Council when there is an unexpected failure of the City's hiring plan for OPD.

ANALYSIS AND POLICY ALTERNATIVES

Overview of Safety and Services Act

Oakland voters passed the [Public Safety and Services Violence Prevention Act in 2014 known as Measure Z](#), which imposes a parcel tax and a parking tax to fund public safety services;

City Council
December 7, 2021

Measure Z section 3(C)(2)(d) "Maintenance of Sworn Police Personnel" states that "[t]he City shall be prohibited from collecting the taxes provided for in this Ordinance if at any time after July 1, 2016, that the City fails to hire and maintain a minimum of 678 sworn police personnel".

If the number of sworn officers at OPD falls below 678, it jeopardizes the City's ability to collect revenue which funds the important work of the OPD, the Department of Violence Prevention and the Oakland Fire Department.

Measure Z section 3(C)(2)(d)(iii) provides an exemption from the "Maintenance of Sworn Police Personnel" where there is an unexpected failure of the City's hiring plan, provided the City Administrator reports to the City Council concerning reasons for the shortfall in officers, steps to be taken to restore the personnel level, and a time frame for doing so. In addition, Measure Z gives the City 90 days to declare an exception to the measure's staffing requirements, including for the unexpected failure of the City's hiring plan.

In the adopted Fiscal Year (FY) 2021-22 budget, OPD was allotted 737 sworn positions. The 737 funded authorized positions include 48.95 sworn positions funded by the 2014 Oakland Public Safety and Services Act (Measure Z). The FY 2021-22 budget also funded two police academies as part of the hiring plan for the fiscal year. Based on projections of staffing at the time the budget was proposed and adopted – including attrition estimates based on historical trends, as well as the historical number of police academies – the Council determined that this hiring plan would be sufficient to maintain a sworn level of staffing greater than 678.

Staffing levels, however, have unexpectedly fallen and have begun to approach 678. As of October 31, 2021, OPD had 682 sworn personnel. When the 186th Academy concludes on December 24, 2021, OPD anticipates graduating and swearing in 26 Police Officers and anticipates they will complete Field Training on May 14, 2022. Attrition rates have recently exceeded estimates of 5.8 Officers per month and in the month of October the number was 13.

Reason for Shortfall

OPD reports quarterly staffing levels and the factors that influence changes over time such as: data on police officer hiring and attrition; demographic and residency data of sworn personnel; information related to OPD sworn officer recruitment efforts and status updates on the hiring of open professional staff positions. Recent reports have shown lower-than-expected staffing levels due to lower-than-projected new Officers and high-than-expected levels of attrition due to resignations.

The 186th Academy was budgeted for 50 POTs (Police Officer Trainees), but began with 32. OPD makes every effort to fill an academy. In the case of the 186th, several factors in combination led to filling only 32 POTs. While we always start with a large influx of potential candidates, we lose a good percentage at each step of the process: written test, physical assessment, and oral boards to name a few examples. Furthermore, COVID-19 heavily impacted our ability to issue required Physical Agility Tests from January 2020 to August 2020. Finally, there are times where OPD does not have scalable access to resources that help process potential candidates, with medical screening being one such example. Despite these obstacles, OPD continues to adjust our recruiting and background processes to help improve our chances of filling future academies. As

of the date of this report there are 26 POTs remaining in the academy due to five POTs resigning during the first week for personal reasons and one removal. The Department anticipates the remaining 26 POTs will graduate in December 2021, as noted above.

Typical reasons for academy attrition include resignations for personal reasons, including the realization that the law enforcement profession is not what the POT anticipated and removal of POTs who do not pass all of the required learning domains. Additionally, the law enforcement profession across the board has experienced difficulty in recruiting officers due to multiple social, political, and economic forces that are simultaneously at play in shaping the current state of recruitment and retention.

With regard to outflow, the rate of attrition at the department has been nearly double the rate in recent years. Exit interviews were mandated by Chief Armstrong in September 2021 for all personnel who voluntarily separate from OPD (excluding service retirements). As a result, the Quarterly Police Staffing Report 3rd Quarter (**Attachment B**) also includes exit-interview data. The top four reasons for non-retirement separation are:

1. Dissatisfaction with OPD leadership
2. Lack of support from City leadership
3. Heavy discipline
4. Family

Steps Being Taken to Restore Staffing

OPD received budget approval for four academies as part of the FY 2021-22 budget, and funding for an additional Police Academy by the Council on September 21, 2021 by Resolution No. 88822 C.M.S. In addition to these five academies, which have already been budgeted for, staff recommends allocating funding for two additional academies. This would bring the total number of academies for the FY 2021-22 budget up to seven. Without these additional academies, staff projections show that OPD sworn staffing would fall below 678 again as early as September of 2022. The proposed budget amendment, submitted concurrently with this report, would allocate funding for the sixth and seventh academies.

Staff further proposes that, with regard to the seventh academy, the City Administrator undertake all possible efforts to fill and graduate an academy of lateral recruits. As part of the analysis, the City Administer will consider the feasibility of signing bonuses for laterals, subject to any necessary labor negotiations and any necessary Council approvals. If, however, the City Administrator determines , despite best efforts, that a lateral academy is not feasible, he could instead proceed to implement a seventh cadet academy.

Recruitment is currently underway for the 187th and 188th Academies, which are the second and third budgeted for this fiscal year. The 187th Academy will begin in November 2021 and end in April 2022, with the graduates completing Field Training in August 2022. There are currently 39 POTs enrolled. The 188th Academy is scheduled for January 2022 and Field Training will be complete in December 2022.

In order to increase the number of POTs in each academy, OPD has resumed in person outreach, and during the July – September 2021 quarter, OPD hosted and/or attended 34 recruitment events. Ten events were online, 24 events were in person, and 14 events were in Oakland. OPD staff also visited various locations on 12 occasions and distributed recruitment flyers. During these events, OPD interacted with applicants interested in POT and other positions and provided information about the jobs.

OPD is currently recruiting for the 187th and 188th police academies. In addition to resuming in-person outreach, OPD has maintained a social-media presence on the following platforms:

- OPD Jobs Website – www.opdjobs.com
- Facebook – <https://m.facebook.com/opdjobs/>
- Twitter – <https://twitter.com/opdjobs>
- Instagram – www.instagram.com/opd_jobs

OPD has taken and plans to take steps to increase the success rate of POTs in the Academy and Officers in Field Training, as well as retention rate of Officers. The modified hiring plan includes the following.

MODIFIED Hiring Plan

Pre-Academy

The addition of a Pre-Academy which is an orientation course designed to help students determine if they are prepared for the Oakland Police Academy. Students will participate in Academy activities such as class lectures, note taking, physical fitness exercises, all of which are designed to simulate the daily challenges and requirements recruits must face while attending the Oakland Police Academy. Students will also participate in a series of self-assessment exercises that will help them assess their individual emotional, mental, and physical readiness prior to entering the Academy. The Pre-Academy is presented in a disciplined training environment.

Academies:

- Only the POST objectives are evaluated, which inherently leads to a higher success rate
- The Department accepts all POST minimum scores, which is a 70% pass rate and no longer has a blanket 85% minimum pass score, which exceeds POST requirements
- Implemented a mentorship program
- The Department does not test when a POT is fatigued
- Only the Training Commander and his/her chain above determines who passes/fails. It is not up to the instructor or evaluator
- The Chief of Police reviews of all resignations, terminations, and removals for failure before a POT is removed from the academy

Field Training:

- Implemented a Mentorship program
- Implemented a Committee review for activity reports
- When a Trainee is struggling, the Training Staff will intervene early and provide learning objectives
- A Trainee may be pulled off the street for 1-2 weeks and provided with classroom and other remedial instruction to assist in areas where he/she may be struggling
- Filled Training Officers and Trainees are intentionally paired based on learning needs

Anticipated Timeline for Modified Hiring Plan

Staffing projections through the end of this fiscal year are shown below on **Table 1**.

Table 1 - FY 2021-22 with two Graduating Academies

FY21-22	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22
Filled	715	706	700	695	682	676	695	687	679	671	696	688
Attrition	(9)	(6)	(5)	(13)	(6)	(7)	(8)	(8)	(8)	(8)	(8)	(8)
Hires	0	0	0	0	0	26	0	0	0	33	0	0
Ending Filled	706	700	695	682	676	695	687	679	671	696	688	680
Funded Authorized FTE	737	737	737	737	737	737	737	737	737	737	737	737
Over/(Under)	(31)	(37)	(42)	(55)	(61)	(42)	(50)	(58)	(66)	(41)	(49)	(57)
	186th Academy 10 Jul end 18 Dec											
					187th Academy 13 Nov to 23 Apr							
							188th Academy 5 Feb to 16 Jul					
									189th Academy			

Staffing projections through the end of fiscal year 2022-2023 are shown below on **Table 2**.

Table 2 - FY 2022-23 with five Graduating Academies

FY22-23	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23
Filled	680	702	694	686	708	700	722	714	706	728	720	712
Attrition	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)
Hires	30	0	0	30	0	30	0	0	30	0	0	30
Ending Filled	702	694	686	708	700	722	714	706	728	720	712	734
Funded Authorized FTE	700	700	708	708	708	708	708	708	708	708	752	752
Over/(Under)	2	(6)	(22)	0	(8)	14	6	(2)	20	12	(40)	(18)
	188th											
	189th Academy 30 Apr to 8 Oct											
	190th Academy 23 Jul to 31 Dec											
				191st Academy 15 Oct to 25 Mar								
							192nd Academy 7 Jan to 17 Jun					

OPD’s Staffing Matrix Projection is included as **Attachment C** and provides details on fiscal year totals and reflects 5 years of data.

In light of the reasons presented, the steps being taken, and the timeline associated with the modified hiring plan, staff recommends that the City Council adopt a resolution to modify the hiring plan from that which was adopted as part of the FY 2021-22 budget.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for this report beyond the standard City Council agenda noticing procedures.

COORDINATION

Coordination with OPD and the Office of the City Attorney was utilized in the production of this report.

FISCAL IMPACT

Measure Z has strict requirements for maintaining and budgeting 678 sworn officers. There are a limited number of exemptions that can be triggered should the City fall below this value. Failure to trigger one of these exemptions given this City is currently below this value will result in loss of Measure Z revenue during FY 2022-23. The loss of revenue will be proportionate to the number of days that the City is out of compliance. Measure Z is budgeted to support \$28.8 million in Public Safety Expenditures primarily in the Police, Fire, and Violence Prevention Departments. Failure to approve an exemption could compromise up to 1/3rd of this revenue or approximately 9.5 Million based on current staffing projections.

Staff also notes that there is a separate but complementary resolution that proposed adding additional academies with corresponding fiscal impacts. Additional academies would reduce the fiscal risk of Measure Z non-compliance in the coming fiscal year.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

Race and Social Equity: Maintaining Measure Z funding is a benefit to residents and visitors to the City of Oakland regarding crime trends and reduction activities.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Modifying The City's Hiring Plan For The Purpose Of Ensuring Compliance With Measure Z.

For questions regarding this report, please contact Tonya Gilmore at tgilmore@oaklandca.gov.

Respectfully submitted,

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Attachments (4):

- A - [Public Safety and Services Violence Prevention Act in 2014 known as Measure Z](#)
- B - [Quarterly Police Staffing Report \(3rd Quarter\)](#)
- C - 7 Academy Staffing Matrix
- D - Comparison of the 7 Academy to Status Quo

