



AGENDA REPORT

TO: Steven Falk
Interim City Administrator

FROM: Darren Allison
Acting Chief of Police

SUBJECT: OPD Overtime Report:
4th Quarter FY 2021-22

DATE: March 23, 2023

City Administrator Approval

Date Mar 29, 2023

RECOMMENDATION

Staff Recommends That City Council Receive An Informational Report Regarding OPD Overtime

EXECUTIVE SUMMARY

This report includes information concerning the use of overtime by the Oakland Police Department (OPD) for the period of July 1, 2021 to June 30, 2022.

BACKGROUND / LEGISLATIVE HISTORY

On October 24, 2017, OPD 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 report is responsive to that request.

Finance and Management Committee
April 11, 2023

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 and the Public Safety Committees. All 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

OPD strives to be fiscally responsible and transparent about its overtime budget and spending. This report advances the Citywide priority of **responsive, trustworthy government**.

Although it appears OPD exceeded its approved overtime budget for the period of July 1, 2021 to June 30, 2022 by \$11.7 million, the Department received \$5 million in reimbursable overtime that went to the General Purpose Fund and there was an additional \$15 million in salary savings from vacant positions. **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 2016-17 through FY 2021-22.

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

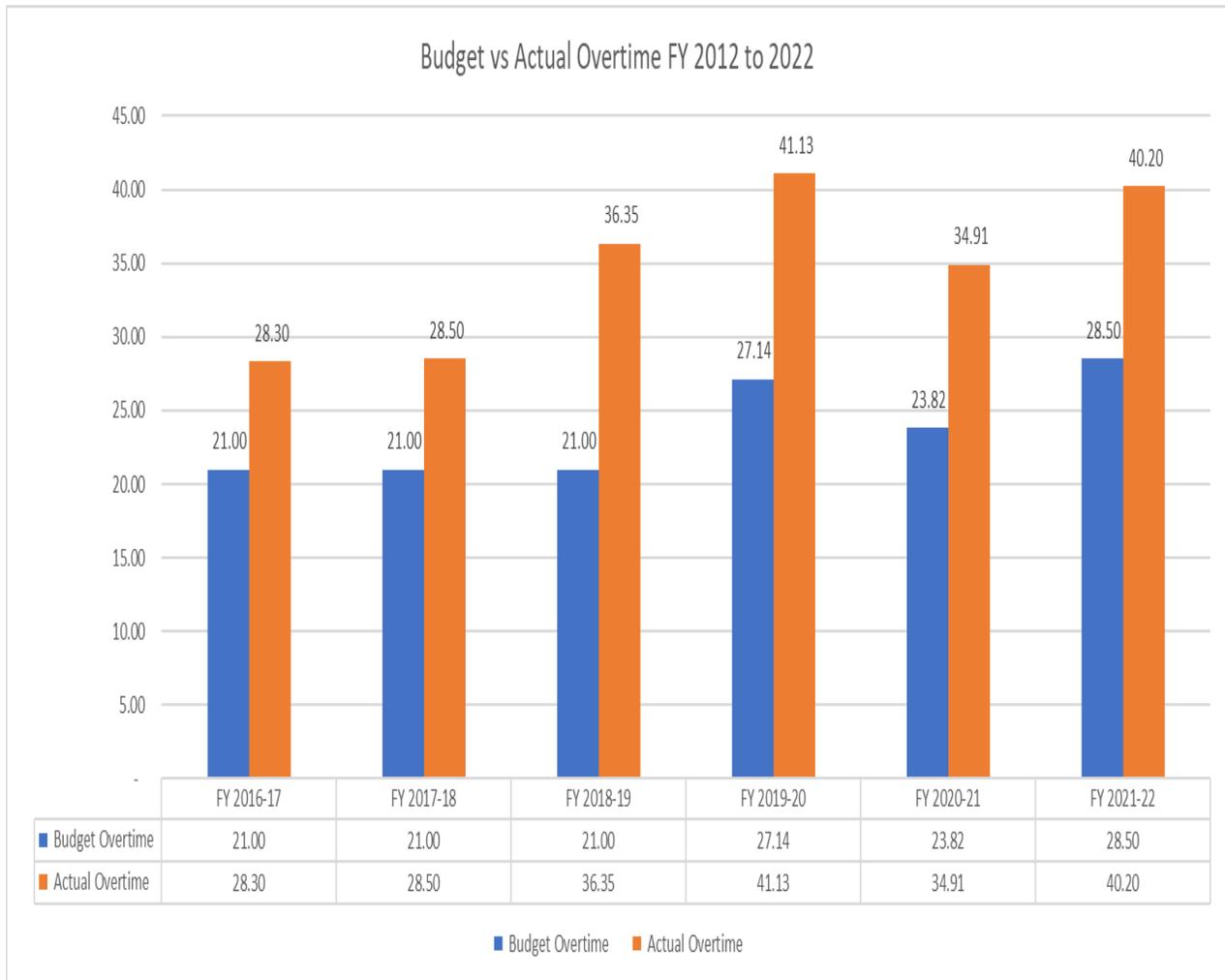


Table 1 below provides a breakdown of the monthly cost by organizational function. Despite multiple sworn vacancies resulting in salary savings and the increase in violent crime during the pandemic, OPD managed to reduce its overtime year-end budget to be projected to under spend by \$770,057.

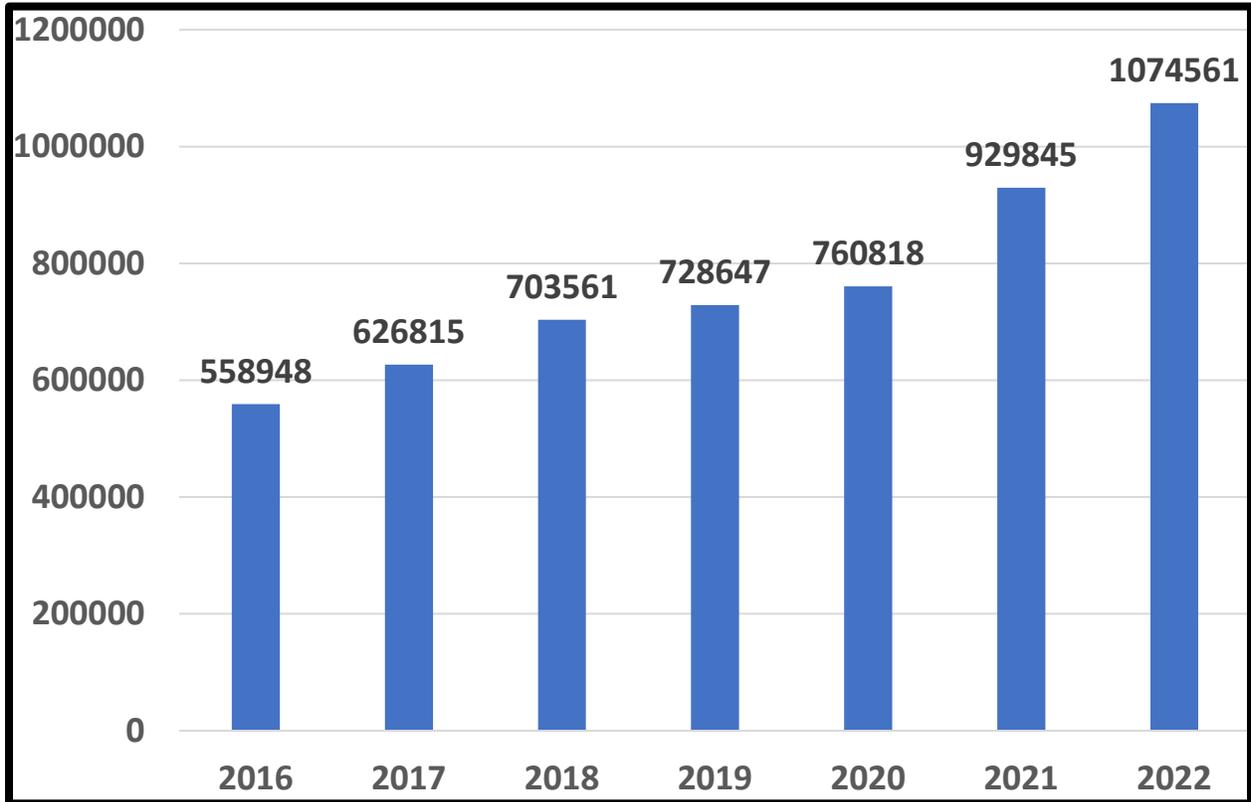
**Table 1: Overtime Costs for Oakland Police Department July 1, 2021-June 30, 2022;
 Fund = General Purpose Fund 1010**

Category	2021						2022						Grand Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Acting Higher Rank	111,424.67	89,483.27	71,305.22	96,005.72	89,763.26	103,231.37	63,778.51	62,786.99	81,343.80				769,122.81
Administrative													
Investigation	107,192.33	108,034.61	121,943.77	144,160.43	124,279.51	124,107.19	128,696.11	137,685.80	153,792.99	177,648.19	152,792.84	159,532.54	1,639,866.31
Backfill	471,954.02	456,036.01	392,282.00	438,454.41	419,328.06	411,957.58	371,882.05	360,218.49	503,712.25	513,038.23	457,683.22	465,665.10	5,262,211.42
Callback	74,386.81	112,148.55	119,167.15	115,406.97	120,052.64	105,908.79	113,080.58	100,749.32	107,457.19	111,184.52	120,129.85	133,089.24	1,332,761.61
Canine	2,899.66	2,937.33	2,805.51	2,843.19	2,824.35	3,012.63	2,767.86	2,372.44	2,711.36	2,410.10	2,221.86	2,636.04	32,442.33
Community Meetings			479.41							543.23			1,022.64
Comp Time Earned	25,381.06	35,708.62	37,464.38	29,615.76	33,262.84	19,331.22	19,112.89	16,459.63	26,216.09	18,374.66	28,265.75	35,021.99	324,214.89
Court	30,906.30	29,835.52	22,546.47	34,876.55	20,858.91	21,246.87	14,774.64	23,650.71	28,339.95	26,228.22	40,921.70	34,504.55	328,690.39
Extension of Shift	441,695.86	568,108.56	487,819.50	518,552.23	544,362.23	398,051.48	480,079.77	503,988.84	573,107.42	587,786.95	619,668.30	571,888.42	6,295,109.56
FISA	151,937.19	203,748.31	226,801.77	226,722.81	222,744.70	186,817.14	166,505.32	194,443.03	243,757.66	267,787.63	271,270.16	267,172.85	2,629,708.57
Holiday	250,494.39	1,997.78	333,720.49	1,387.20	790,247.44	257,630.06	505,045.50	534,244.61	286,368.42	2,592.37	261,292.31	9,675.52	3,234,696.09
Recruiting/Background	31,992.08	36,053.79	29,460.05	49,749.72	32,868.47	42,385.97	60,770.87	45,159.44	45,460.49	39,904.23	47,239.02	38,284.56	499,328.69
Special Enforcement	1,254,690.78	1,490,651.89	1,422,009.74	1,429,857.69	1,217,625.18	1,066,085.77	1,141,360.73	1,054,512.00	1,210,089.46	1,346,753.72	1,490,031.10	1,235,014.77	15,358,682.83
Training	119,813.36	132,747.17	127,205.81	183,223.58	249,720.53	238,720.98	218,717.83	197,830.21	270,630.69	269,555.14	242,388.40	251,136.26	2,501,689.96
Grand Total	3,074,768.51	3,267,491.41	3,395,011.27	3,270,856.26	3,867,938.12	2,978,487.05	3,286,572.66	3,234,101.51	3,532,987.77	3,363,807.19	3,733,904.51	3,203,621.84	40,209,548.10

The primary core service OPD provides to the Oakland community is calls for service response. Calls for service increased by 92 percent between 2016 and 2022. While some of this increase was due to OPD Communications implementing receipt of wireless 9-1-1 calls, there was a 40 percent increase in homicides and a 38 percent increase in 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 2022.

Chart 2: OPD Calls for Service by Year 2016 to 2022



A comparison of sworn staffing and reported crime for large (over 400,000 population) Northern California cities for 2022 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:

- **Sideshows:** 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 inadequate to address sideshows – 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, in FY 2021-22 OPD used \$2.2 million in overtime to prevent and respond to sideshow events.

- **Citywide Violence:** Over this past year, the City of Oakland saw a decrease in violent crime from the prior year due to more officer visibility and additional overtime in Homicide and Ceasefire. As a result of the increase in officer visibility, the City of Oakland experienced a 12 percent decrease in homicides (122 homicides in FY21/22, down from 138 in FY 20/21) and a 15 percent decrease in assaults with a firearm (536 in FY21/22, down from 630 in FY20/21) over the same period in 2021. 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 \$2.5 million in violence suppression overtime in FY 2021-22.

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

- 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. Post-pandemic, the entertainment area drew crowds, and the Uptown walking beat overtime was instrumental in helping 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. Dedicating 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, increases response times elsewhere and leaves the rest of the city even more vulnerable. The Department spent \$2.5 million on Backfill and \$2 million on Extended shifted coverage.

- 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 connected 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. The Department spent \$10,672.37 in overtime addressing these issues in FY 2021-22.

Contingent 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 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.

In the FY 2021-23 Biennial Budget, the administration reviewed the Oakland Police Department's service levels and overtime budget. To realign OPD service levels, there was a careful assignment of available personnel to units and sub-units for each sworn and professional staffing positions. A new staffing plan was created which primarily focused on sworn police officers' assignments based on current service level demands in the City of Oakland. The new staffing plan is now consistent with the availability of actual police officers based upon budget and service levels needed.

FISCAL IMPACT

There is no fiscal impact as this report details past spending.

PUBLIC OUTREACH / INTEREST

No public outreach was required in the development of this report beyond standard City Council meeting noticing requirements.

COORDINATION

None was required outside of OPD.

SUSTAINABLE OPPORTUNITIES

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

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

Race and Equity: OPD seeks to use its staffing and resources to benefit all Oakland residents; especially those in the areas which are under-resourced and most impacted by violent crime. OPD is being transparent in this report as to how it used its overtime funding in all areas of the City.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That City Council Receive An Informational Report Regarding OPD Overtime.

For questions regarding this report, please contact LaRaija Marshall, Fiscal Manager, at lmarshall@oaklandca.gov.



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