



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Floyd Mitchell
Chief of Police

SUBJECT: OPD Overtime Report

DATE: August 14, 2024

City Administrator Approval


Jestin Johnson (Aug 22, 2024 03:11 PDT)

Date: Aug 22, 2024

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report Regarding Oakland Police Department (OPD) Overtime.

EXECUTIVE SUMMARY

This report includes information concerning OPD's use of overtime for Fiscal Year (FY) 2023-2024 up to March 29, 2024.

BACKGROUND / LEGISLATIVE HISTORY

The following information was previously provided to the Finance and Management 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.
- The amount approved for each commander (such as area captains) and how it 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 events/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

This policy action supports the Citywide priority of maintaining a responsive and trustworthy government. Overtime funds are allocated to address staffing shortages, respond to emergency situations, manage high crime rates or increased demand, handle special assignments, accommodate unpredictable workloads, and provide coverage for planned absences, such as training and vacation, among other needs.

Finance and Management Committee
September 10, 2024

OPD was allocated \$24,075,587 in overtime for FY 2023-24. Since July 1, 2023, OPD has incurred an average monthly overtime expense of \$4,603,148 in the Personnel/Overtime category.

Based on payroll data from Quarter 3 (Q3), the Department was projected to exceed its allocated overtime budget by approximately \$31,162,194. The Department received \$5,073,292 in reimbursable overtime funds, reducing the projected overage to \$25,918,002.

Table 1 below reflects the average monthly salary savings through March 29, 2024, totaling \$28,483, the average monthly reimbursable overtime amounting to \$422,744, and the average monthly spending on overtime of \$4,603,148.

Table 1

Month	# of Vacancies	Savings per Position	Monthly Savings	Monthly Events Reimbursement	Total Saving per Month	Monthly OT Charges:	Actual OT
July	-2	24,414.15	(48,828.30)	455,306.48	406,478.18	4,728,493.04	4,322,014.86
August	2	24,414.15	48,828.30	557,291.59	606,119.89	4,600,310.57	3,994,190.68
September	2	24,414.15	48,828.30	547,651.77	596,480.07	5,324,585.18	4,728,105.11
October	5	24,414.15	122,070.74	419,548.65	541,619.39	4,308,380.16	3,766,760.77
November	10	24,414.15	244,141.48	386,689.73	630,831.21	4,913,591.94	4,282,760.73
December	-13	24,414.15	(317,383.92)	319,653.43	2,269.51	4,426,224.55	4,423,955.04
January	-1	24,414.15	(24,414.15)	256,893.95	232,479.80	4,340,558.67	4,108,078.87
February	1	24,414.15	24,414.15	317,131.31	341,545.46	4,200,457.87	3,858,912.41
March	3	24,414.15	73,242.44	544,802.31	618,044.75	4,585,733.98	3,967,689.23
Total Savings vs OT charges :			170,899.03	3,804,969.22	3,975,868.25	41,428,335.96	37,452,467.71
April *	0	24,414.15	-	422,774.36	422,774.36	4,603,148.44	4,180,374.08
May *	0	24,414.15	-	422,774.36	422,774.36	4,603,148.44	4,180,374.08
June *	0	24,414.15	-	422,774.36	422,774.36	4,603,148.44	4,180,374.08
*Projection			170,899.03	5,073,292.29	5,244,191.33	55,237,781.28	49,993,589.95
Total Overtime Budget (FY23-24)		Yearly Projected Overtime		Yearly Total Savings		Total Overtime cost of FY23-24	
24,075,587.00		55,237,781.28		(31,162,194.28)		49,993,589.95	
						Projected to Overspend by	
						(25,918,002.96)	

Departmental General Order D-01: Overtime Policy, Accounting, and Compensation governs the method of assigning overtime. This order reflects a strategic and operational approach to addressing various needs.

Each Area Captain plays a pivotal role in determining specific overtime assignments based on crime data, including occurrences of robberies, carjackings, ATM robberies, and burglaries, as well as community complaints or requests such as those related to human trafficking. The allocation of overtime is responsive to shifts in crime patterns, intelligence from sources like the Intelligence Unit, Ceasefire, or law enforcement partners, and potential gang or group conflicts, even in the absence of evident crime data. Additionally, it is more cost-effective to have personnel work overtime than to incur the full expenses associated with the fully burdened salary of personnel, which includes salary, retirement, benefits, and cost of living adjustment (COLA).

Table 2 below provides a detailed breakdown of the budgeted overtime per organizational unit, yearly projections, and the variance of the Department's overtime based on payroll data from Q3, covering the period from July 1, 2023, through March 29, 2024.

Table 2

Organization Number and Name	FY23-24 Budget (OT)	Yearly Projection	Variance
101110 - Office of Chief - Administration	55,230.96	133,297.64	(78,066.68)
101120 - Internal Affairs	226,135.25	1,041,331.45	(815,196.20)
101130 - Office of the Inspector General	17,489.94	80,623.55	(63,133.61)
101140 - Intelligence Unit	31,820.87	260,091.80	(228,270.93)
102120 - Property and Evidence	130,035.00	156,619.48	(26,584.48)
102130 - Special Victims Section	223,866.43	1,466,957.77	(1,243,091.34)
102140 - Research, Planning & Crime Analysis	11,006.33	26,297.01	(15,290.69)
102280 - Crime Analysis Section	-	2,540.87	(2,540.87)
102310 - Criminal Investigations	90,345.46	237,823.13	(147,477.67)
102320 - Homicide Section	738,905.10	3,671,579.12	(2,932,674.02)
102321 - Misdemeanor Crimes & Task Forces	154,313.65	1,072,107.61	(917,793.96)
102324 - Felony Assault & Gang Section	200,306.00	115,385.97	84,920.03
102330 - Robbery & Burglary Section	67,680.42	1,695,335.40	(1,627,654.98)
102331 - Assault		2,265.76	(2,265.76)
102341 - Field Support	25,536.61	40,068.05	(14,531.45)
102342 - Violent Crime Operations Center	792,568.00	1,710,637.76	(918,069.76)
102350 - Youth & School Services Section	40,619.00	64,581.13	(23,962.13)
102610 - Criminalistics Unit	17,510.00	8,884.32	8,625.68
103110 - Bureau of Services - Administration Unit	1,030.00	28,762.08	(27,732.08)
103242 - Records & Warrants	529,420.00	745,666.15	(216,246.15)
103310 - Communications Unit	2,147,314.20	2,793,661.59	(646,347.39)
103430 - Training Unit	1,800,322.00	3,046,081.36	(1,245,759.36)
106210 - Police Personnel	37,230.00	169,918.47	(132,688.47)
106410 - Police Information Technology		9,250.15	(9,250.15)
106510 - Fiscal Services	20,600.00	57,814.85	(37,214.85)

106610 - Background & Recruiting	160,988.25	887,440.85	(726,452.60)
106810 - PAS Administration	138,299.00	47,818.45	90,480.55
107010 - Bureau of Field Operations-Admin		756.37	(756.37)
107110 - Police Area 1	-	28,189.84	(28,189.84)
107210 - Police Area 2	-	4,422.81	(4,422.81)
107410 - Support Operations	3,519.00	27,307.12	(23,788.12)
107510 - Traffic Operations	593,342.00	941,405.97	(348,063.97)
107710 - Special Operations	2,588,228.62	10,345,566.76	(7,757,338.14)
108010 - District Command Administration	55,820.96	393,244.16	(337,423.20)
108110 - Area 1	2,134,516.60	5,988,489.05	(3,853,972.45)
108120 - Area 2	1,810,389.60	2,897,539.85	(1,087,150.25)
108130 - Area 3	2,083,155.35	3,728,490.37	(1,645,335.02)
108140 - Area 4	2,057,486.20	2,825,697.72	(768,211.52)
108150 - Area 5	2,145,698.00	3,817,200.09	(1,671,502.09)
108160 - Area 6	2,145,308.20	2,748,957.52	(603,649.32)
108630 - Ceasefire	799,550.00	1,917,671.84	(1,118,121.84)
Total Budget OT (FY23-24)	24,075,587.00	55,237,781.28	(31,162,194.28)

Table 3 below outlines the top five areas within OPD experiencing the highest overspending in Q3.

Table 3

Top 5 Units for Overtime	FY23-24 Budgeted Overtime	Yearly Projections	Variance
102320 - Homicide Section	738,905.10	3,671,579.12	(2,932,674.02)
107710 - Special Operations	2,588,228.62	10,345,566.76	(7,757,338.14)
108110 - Area 1	2,134,516.60	5,988,489.05	(3,853,972.45)
108130 - Area 3	2,083,155.35	3,728,490.37	(1,645,335.02)
108150 - Area 5	2,145,698.00	3,817,200.09	(1,671,502.09)

The Department’s main objective is to reduce violent crime and improve public safety. Maintaining this objective requires overtime by sworn personnel, which has increased spending in the Homicide Unit, Special Operations Division (SOD), and Areas 1, 3, and 5.

Homicide Section: The Homicide Section plays a crucial role within the OPD, serving as its primary investigative unit tasked with a range of responsibilities, including investigating homicides, unexplained deaths, cold cases, in-custody deaths, officer-involved shootings, and other Level 1 uses of force incidents. These investigations often involve complex, sensitive matters that demand meticulous attention and urgency.

Overtime in the Homicide Section is necessary due to the unpredictable nature of these investigations, which often require round-the-clock attention. Callout activations, including homicides and Level 1 investigations, can occur at any moment, requiring investigators and

assisting units to work beyond regular hours to gather evidence, interview witnesses, and follow leads for a thorough investigation. Additionally, collaboration with specialized units, outside agencies, forensic specialists, the Alameda County District Attorney's Office, and other investigative partners often demands scheduling flexibility, further contributing to the need for overtime.

During Q3, the Homicide Section was exceptionally busy, responding to 20 homicides, investigating 223 unexplained deaths or suicides, and conducting 20 cold case reviews, resulting in four closures. Additionally, the section investigated three Level 1 incidents, including an officer killed in the line of duty and an officer-involved shooting, both requiring intensive, around-the-clock efforts to meet stringent time deadlines as per established protocols and procedures.

Special Operations Division: The Special Operations Division (SOD) plays a critical role in our law enforcement efforts, currently operating with 11 sergeants, three lieutenants, and a Captain. As a result, significant administrative responsibilities, including preliminary investigations, division-level inquiries, use of force investigations, and risk management, contribute to increased overtime expenditures.

SOD is tasked with supporting Area commanders during potential demonstrations, civil unrest, and unforeseen large-scale events. In Q3, SOD was actively involved in managing various unforeseen events, particularly due to the Palestinian and Israeli conflict. Events like the April 15th Port protest, the May Day demonstration on May 1st, and the Cinco De Mayo weekend necessitated significant overtime expenditures to ensure public safety, with some requiring over 100 police personnel.

The Air Unit within SOD is essential to the Department's crime reduction strategies and operates nearly seven days a week. Despite having six members, one member is currently on long-term modified duty, unable to pilot. Limited trained pilots mean that qualified personnel must operate on overtime to meet the Department's demands, with their overtime expenses being covered by the "Restore" fund shared with Traffic. Additionally, the Crime Reduction Teams, now part of SOD, were instrumental in apprehending known violent felons. Given the rise in criminal activities like robberies, carjackings, shootings, and commercial burglaries, these teams engaged in targeted violence suppression operations based on Department intelligence, often requiring overtime expenditures for arrests, evidence processing, and reporting.

Furthermore, the Unhoused Unit was actively involved in numerous large-scale encampment closures due to safety concerns for City employees. Oakland Public Works (OPW) frequently requested overtime to provide sufficient police presence to safely complete these tasks, especially with the implementation of new City ordinances and deployment policies, along with California Assembly Bill (AB) 481.

While many overtime expenditures within SOD are unavoidable, the Department remains committed to diligently balancing labor costs with operational needs to minimize expenditures while achieving the Chief's strategic goals.

Area 1: Area 1 witnessed a 33% decrease in shootings, from 12 in 2023 to eight in 2024. With a total of five homicides in 2024. To address this concern, violence suppression officers were deployed on overtime to hotspots such as Acorn, Ghost Town, and Campbell Village, focusing on proactive car stops and visible deterrence. The Area 1 Violence Suppression Detail was discontinued on March 23, 2024, with anticipated savings expected to be reflected in the next quarter. Additionally, the overtime Chinatown Detail was temporarily understaffed for approximately three weeks from the end of March to April 2024 but was subsequently reinstated with overtime officers. Despite these efforts, this quarter has seen an increase in violent crime other than shootings, traffic congestion, illegal vendors, and nightclubs operating beyond their permits.

Previously, employing a strategy involving barricades in the Broadway and Telegraph areas successfully led to a reduction in reported violent crimes. However, a decision was made in October 2023 to discontinue the use of barricades, resulting in a resurgence of crime, traffic congestion, and illegal vendors in the area. Moreover, there has been a rise in Sideshow activity around 1900 Broadway. Additionally, nightclubs associated with incidents of violence include Mr. Fabs Night Club (1770 Broadway), New Karibbean City (1408 Webster St), and Lux Pub and Club (1100 Franklin St). As a more permanent strategy is developed for Friday, Saturday, and Sunday nights, overtime officers will continue to maintain a presence in the downtown area.

Area 3: Area 3 Overtime is primarily driven by various initiatives and deployments, including the deployment of Violence Suppression officers working in the San Antonio/Saigon Area and operations targeting Human Trafficking along International Boulevard.

Area 3 experienced an 80% increase in robberies and "blipping" style car burglaries and robberies, as indicated in the March 10th Weekly Crime Report. These incidents were widespread across the city. It became evident after analyzing crime statistics that the "blipping" crew initiated their activities early in the morning. Consequently, a burglary operation was deployed, resulting in the arrest of two individuals. This intelligence was then leveraged to further investigations and suppress a larger organized criminal organization. The robbery rate in Area 3 has decreased to 28%, as reported in the April 28th Weekly Crime Report.

The Violence Suppression unit, coded as the San Antonio Special Assignment, has maintained staffing levels with one sergeant and four to five officers, operating seven days a week. The majority of violence in Area 3 is associated with Human Trafficking activities. The stretch from the 500 to 2300 blocks of International Boulevard has earned a longstanding reputation as Oakland's "Track" or "Blade" for street prostitution, often leading to incidents of violence, including shootings, murders, and robberies. To address this issue, the Vice Unit conducted two to four operations monthly, focusing on rescuing juveniles and apprehending both buyers and exploiters. Five of the FBI Human Trafficking Task Force Officers who work for OPD are reimbursed by the FBI.

Area 5: Area 5 faced significant challenges, with seven homicides in Q3, along with 95 aggravated assaults. To tackle this alarming trend, Area 5 consistently deployed violence suppression teams, primarily funded by the area itself, to counteract the rising crime rates. These teams also provided valuable assistance to the Bureau of Field Operations 2. The effectiveness of the violence suppression units was evident in the reduction of assaults with a firearm by 4% and a 71% reduction in homicides year-to-date.

Area 5 has implemented five violence suppression overtime assignments, with units assigned to one of the five sectors. These teams were instructed to remain in their designated sector, maintaining a high visibility presence and conducting enforcement and security checks as required. The selection of these sectors was based on statistical data analysis, identifying areas with the highest concentration of violent crime and ShotSpotter activity. The sectors are reviewed weekly, allowing for adjustments to align with evolving crime trends. While Area 5 utilized more violence suppression units than Area 4 or Area 6, the presence of these units enabled Crime Reduction Team (CRT) East to allocate minimal time to Area 5, focusing instead on Area 4 and Area 6.

Overall, the Department remains committed to addressing violent crime while managing overtime expenditures and administrative burdens across different areas and units.

FISCAL IMPACT

This report is for informational purposes only and has no direct fiscal impact or cost.

PUBLIC OUTREACH / INTEREST

This report did not require public outreach.

COORDINATION

This report did not require interdepartmental coordination.

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: One of the Oakland Police Department's primary goals is reducing violent crime. Violent crime directly impacts the most under-resourced neighborhoods and vulnerable populations in Oakland. Overtime funds are allocated to mitigate the impacts of crime by increasing patrols, providing training for officers, and conducting homicide investigations.

ACTION REQUESTED OF THE CITY COUNCIL

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

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

Respectfully submitted,



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