



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2019 APR -4 PM 4:42  
CITY OF OAKLAND

## AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Anne E. Kirkpatrick  
Chief of Police

**SUBJECT:** Second Supplemental Quarterly Report  
on Police Overtime

**DATE:** March 4, 2019

City Administrator  
Approval

Date

4/4/19

### RECOMMENDATION

**Staff Recommends That The City Council Receive This Second Supplemental Quarterly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies, Procedures, And Controls.**

### REASON FOR SUPPLEMENTAL

On February 26, 2019, City Council requested additional information from OPD:

- Additional information on advance budgetary approval for the \$18.7 million in overtime spent in the first two quarters of Fiscal Year (FY) 2018-19
- Clarification concerning advance departmental approval on overtime use in policy – what situations do require advance departmental approval
- Explanation of how much overtime is related to crime prevention, response, and investigation
- Analysis of overtime as it supports the mission of OPD, particularly as it is related to the time of day that crime occurs and whether shift changes create vulnerabilities in relation to crime occurring
- Explanation and information concerning special enforcement versus special events
- Additional information on special events, including the number of officers assigned to events; the cost of the event; the amount of overtime reimbursed; information on the reimbursement process from the Coliseum; and how the filling of overtime positions for special events impacts assigned schedules
- Additional explanation of which expenditures are reimbursed within the budget
- Information on Community Resource Officers (CROs) – whether Measure Z funds overtime for positions that are otherwise funded by Measure Z and when and how often CROs are being deployed in ways that are perceived as being unrelated to their primary duties
- Explanation of how overtime expenditures are forecasted for the budget process – is accurate forecasting being performed to provide appropriate overtime funding

Item: \_\_\_\_\_  
Public Safety Committee  
April 9, 2019

*Advance Budgetary Approval for Overtime Spent*

There has been no approval by Oakland City Council for the Oakland Police Department to exceed its adjusted FY 2018-19 budget of \$14 million by \$4.5 million in the first half of the fiscal year. OPD does not generally make a request of Council for additional budgetary approval when exceeding the overtime budget, and the Department's day-to-day operations exceed the adjusted overtime budget allocated. In addition, per California labor laws, all time worked must be paid.

The language below concerning internal OPD approval for overtime spent is from **Attachment A** of the supplemental agenda report on overtime policies, procedures, and controls presented to the February 27, 2018 Public Safety Committee:

Overtime Approval

Overtime in OPD can be approved by any commander or manager. This practice is in place due to the dynamic nature of police work. For example, a patrol officer may be in the process of obtaining a victim's statement when the officer's shift is nearing completion. Interrupting this process to obtain approval for the officer to obtain approval from a high-ranking member of the organization would be time-consuming and very insensitive to the victim's needs. Similarly, requiring high-level overtime approval for homicide investigators who are working an unfolding investigation could hinder their progress in identifying or apprehending a violent individual.

When a watch commander is faced with a last-minute unexpected vacancy, the watch commander must act very quickly to ensure that minimum staffing levels are met. To seek higher-level approval (often outside of business hours) would be time-consuming and impractical to the point of endangering public and officer safety.

*Advance Approval for Overtime per Policy*

The language below is from the draft OPD policy on overtime (Department General Order (DGO) D-01, provided as **Attachment C** to the agenda report to the February 26, 2019 Finance and Management Committee:

**B. OVERTIME PROCEDURES**

**B – 1. Overtime Authorization**

1. Approval Process

Members shall obtain advance approval from a commander or manager before working overtime except when overtime is necessary to:

- a. Complete a radio-dispatched assignment.

Item: \_\_\_\_\_  
Public Safety Committee  
April 9, 2019

- b. Complete an assignment provided by a supervisor (e.g. follow up to an incident that cannot wait until the next shift).
- c. Self-dispatch to a required emergency response (e.g. an officer in need of immediate assistance).
- d. Complete an on-view assignment that requires immediate and continuing police action (e.g., civil disturbances, serious traffic accidents, homicide investigations, etc.)
- e. Attend a court session, judicial or administrative proceeding related to Departmental business in response to a subpoena or lawful order of a superior officer.
- f. Fill unplanned vacancies in the Patrol, Communications, or Records Divisions that would bring the division under minimum staffing levels.

The above list does not apply to callback overtime. Callback overtime is addressed by Memoranda of Understanding.

The above is intended to be a comprehensive list of reasons why advance approval from a commander or manager is not required for an individual employee to work overtime. The above list is intended to address the realities of police staffing and the impracticality of requiring approval before overtime is used. The below is a list of expected outcomes if advance approval for each item on the list is required before overtime is used:

- a. *Complete a radio-dispatched assignment.* If an OPD employee was required to obtain approval before working overtime to complete a radio-dispatched assignment, the involved employee would need to stop performing whatever interaction the employee is engaged in – such as interviewing the victim of a crime or attempting to locate a suspect in a crime – and request approval from their watch commander with sufficient time before the end of their normally scheduled shift. If the watch commander could not be contacted or approval obtained, the employee would be required to immediately desist from the action undertaken and return to the employee's respective work site with sufficient time to perform all end of shift functions.
- b. *Complete an assignment provided by a supervisor (e.g. follow up to an incident that cannot wait until the next shift).* If an OPD employee was required to obtain approval before completing an assignment provided by a supervisor (such as following up an incident that cannot wait until the next shift), the employee might be placed in the position of being insubordinate to the employee's supervisor if the employee's commander or manager denied such request. Generally speaking, supervisors only provide important assignments to employees if overtime is required. In the example in the policy, an arrest may have been made and documentation may be legally required to keep an arrested individual in custody. Failure to complete the documentation may result in the arrested individual being released.

This is of particular concern in domestic violence situations where releasing an arrested individual could result in catastrophic consequences for the victim.

- c. *Self-dispatch to a required emergency response (e.g. an officer in need of immediate assistance).* The necessity of an employee obtaining approval from a commander or manager to respond to an emergency situation – such as an officer in need of immediate assistance – is impractical. Such approval would require an employee (or, more likely, a number of employees) to contact a commander or manager who is managing a critical incident to obtain approval to respond if such response would incur overtime. Such a communication would almost certainly be very dangerous to all involved.
- d. *Complete an on-view assignment that requires immediate and continuing police action (e.g., civil disturbances, serious traffic accidents, homicide investigations, etc.).* Similar to completing a radio-dispatched assignment, but to a greater degree, the realities of police work would make approval in this situation very problematic. Employees engaged in actions such as civil disturbances, serious traffic accidents, or homicide investigations cannot usually just stop working while they seek approval to continue. Such a requirement would put the public – and employees – at great and unnecessary risk.
- e. *Attend a court session, judicial or administrative proceeding related to Departmental business in response to a subpoena or lawful order of a superior officer.* OPD has little to no authority to prohibit employees from attending a court session or judicial or administrative proceeding. Employees are generally compelled to appear by subpoena. Payment for appearances related to employees' course and scope of employment is provided through memoranda of understanding.
- f. *Fill unplanned vacancies in the Patrol, Communications, or Records Divisions that would bring the division under minimum staffing levels.* Prior approval to fill an unplanned vacancy cannot be obtained, as the vacancy is unplanned and often the result of staff calling in sick or other unforeseen circumstance. As provided in **Attachment A** of the supplemental agenda report on overtime policies, procedures, and controls presented to the February 27, 2018 Public Safety Committee, failure to fill a sufficient number of unplanned vacancies in patrol would likely result in:
  - Decreased safety to the public due to an inadequate number of patrol officers being able to address situations in which community residents are threatened with harm.
  - Increases in crime due to officers being unable to respond to calls for service and perform sufficient preliminary investigations.
  - Longer response times because an inadequate number of officers are able to respond to the 500,000-plus calls for service each year.
  - Increased number of community complaints due to increased response times and other reductions in service.
  - Diminished officer safety due to an inadequate number of officers being able to deal with violent individuals.

*Overtime Related to Crime Prevention, Response, and Investigation*

In order to respond to the question about how much overtime OPD spends in efforts related to crime prevention, response, and investigation, it is important to understand how OPD classifies overtime expenditures. OPD uses 15 categories to assist in the monitoring and accountability of overtime. The below list was provided in **Attachment A** of the second supplemental overtime agenda report provided to the February 27, 2018 Public Safety Committee. In order to address the present question of how much overtime OPD spends on crime prevention, response, and investigation, the amount spent on each category has been added to the respective category. (These amounts were previously provided in **Attachment A** of the overtime agenda report to the February 29, 2019 Finance and Management Committee.)

- *Acting Higher Rank* overtime is paid to individuals who act in a higher rank on overtime, such as a Sergeant of Police serving as an acting Lieutenant of Police. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$307,867.
- *Administrative Investigation* overtime allows OPD to conduct investigations into potential misconduct or other malfeasance by a member of OPD. Such an investigation may result from a personnel complaint or other Internal Affairs matter. It is also used to perform use of force investigations. Failure to conduct – or complete – such investigations will result in increased mistrust in OPD, lack of compliance with the NSA, and a potential increase in misconduct or other malfeasance. This category is also used for other administrative functions. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$732,707.
- *Backfill* overtime allows OPD to fill a position during the absence of the regularly assigned person and meet minimum staffing levels in Patrol. Failure to meet minimum staffing levels in Patrol will result in even longer delays in responding to calls for service and an increased inability to take incident reports and perform preliminary investigations. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$3,347,640.
- *Callback* overtime allows OPD to request an employee return to work after completing his/her shift and leaving the work site. For example, an investigator may be called back to work to interview a suspect in custody. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$518,023.
- *Canine* overtime allows OPD to meet the requirements of the Memorandum of Understanding between the City of Oakland and the OPOA pursuant to Article III, Section G 1 c, hereof, Each employee regularly assigned and working as a Canine Handler is authorized to spend and shall be deemed to have spent fifteen (15) hours per month, over and above his/her regularly scheduled hours of work, in ordinary care and informal training of the assigned dog for such ordinary care and training that cannot be performed during regularly scheduled work hours. For those overtime hours incident to caring for the dog only, the employee shall receive overtime compensation at the rate of one and one-half (1 1/2) times the hourly rate of the State of California or City of

Oakland minimum wage whichever is higher. This same overtime compensation rate of one and one-half times the State of California or City of Oakland minimum wage whichever is higher per hour shall also be paid for hours in addition to the above referenced fifteen hours for extraordinary care of the dog. Any duly authorized additional work performed by such individual not related to caring for the dog, shall be compensated pursuant to Article III, Section E, paragraph 1 at the rate of one and one-half (1 1/2) times the employee's hourly base rate of pay. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$18,037.

- *Community Meeting* overtime allows OPD to attend general community meetings while ensuring staffing levels are met. OPD's participation in community meetings are an intricate part of the overall goal to strengthen community trust and build relationships. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$1,580.
- *Comp Time Earned* overtime allows OPD to compensate employees for overtime worked by allowing the employee to earn time off in lieu of receiving overtime pay. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$192,817.
- *Court* overtime allows OPD to respond to subpoena or give depositions in job-related court appearance on off-duty hours. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$165,530.
- *Extension of Shift* overtime allows OPD to extend the current shift of an employee to complete critical tasks on an extension or hold-over basis. For example, an employee's shift may be extended to complete an on-scene investigation or report related to an incident that just occurred. Extension of Shift also includes the filling of open beats in order to maintain minimum patrol staffing – similar to Backfill overtime. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$2,745,140.
- *FLSA* overtime allows OPD to comply with the Federal Labor and Standards Act (FLSA). The City's obligations related to FLSA are contained in Administrative Instruction 124. The amount for July 1, 2018 to December 28, 2018 was \$852,867. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$852,867.
- *Holiday* overtime allows OPD to maintain minimum staffing levels during scheduled holidays. OPD must comply with overtime requirements outlined in applicable Memorandums of Understanding for represented employees. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$1,670,917.
- *Recruiting/Background* overtime allows OPD to recruit members and employees and conduct background investigations for Departmental employment. This task is critical to

ensure acceptable staffing levels. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$317,196.

- *Special Enforcement* overtime allows OPD to plan and participate in special actions such as violence suppression projects (such as those related to Ceasefire), special task forces, human trafficking operations, and crowd management events that are not covered by Special Events overtime. In FY 2017-18, Special Enforcement also includes many reimbursable special events. Special Events and Special Enforcement have been combined for FY 2018-19. The combined amount of overtime expended in these categories for July 1 to December 28, 2018 was \$6,658,867.
- *Special Events* overtime allows OPD to provide police services at sporting events and parades. Special Events are often captured in Special Enforcement. Special Events and Special Enforcement have been combined for FY 2018-19. The combined amount of overtime expended in these categories for July 1 to December 28, 2018 was \$6,658,867. As provided in the agenda report for the February 26, 2019 City Council meeting, the reimbursed amount for the period was \$4,304,789.
- *Training* overtime allows OPD to prepare or present a training course and prepare or participate in Police Academy critical incidents. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$1,185,605.

#### *Relating Overtime to Department Mission and Deployment Scheduling*

As provided in the 2016 OPD Strategic Plan<sup>1</sup>, the OPD mission statement is:

The Oakland Police Department is committed to reducing crime and serving the community through fair, quality policing.

The language below concerning patrol deployment scheduling is from the supplemental agenda report on overtime policies, procedures, and controls presented to the January 9, 2018 Public Safety Committee:

OPD presently has 294 officer positions assigned to Patrol. 240 of these positions are assigned to provide 24-hour a day coverage in each of the 35 patrol beats. The additional patrol officer positions are assigned to supplement coverage during peak call times and times when certain resource-intensive incidents (such as shootings and sideshow) occur most frequently. The additional patrol officer positions are assigned to tactical squads and are also used to help reduce overtime by filling vacancies in the 35 patrol beats. Most of the additional patrol officer positions are currently vacant due to severe staffing shortages.

All 240 regular patrol officer positions are assigned to three shifts in five patrol areas, as provided below. Depending on the patrol area, day shift is 6:00 am

---

<sup>1</sup> <http://www2.oaklandnet.com/oakca1/groups/police/documents/webcontent/oak056503.pdf>

until 4:00 pm or 7:00 am until 5:00 pm and night shift is 9:00 pm until 7:00 am or 10:00 pm until 8:00 am. Swing shift is 2:00 pm until 2:00 am in every patrol area.

<b>Area 1</b>	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Day Shift		8 officers	8 officers	8 officers	8 officers		
	8 officers	8 officers				8 officers	8 officers
Swing Shift			8 officers	8 officers	8 officers	8 officers	
	8 officers	8 officers	8 officers				8 officers
Night Shift		8 officers	8 officers	8 officers	8 officers		
	8 officers	8 officers				8 officers	8 officers
<b>Area 2</b>	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Day Shift	8 officers	8 officers	8 officers	8 officers			
	8 officers				8 officers	8 officers	8 officers
Swing Shift			8 officers	8 officers	8 officers	8 officers	
	8 officers	8 officers	8 officers				8 officers
Night Shift	8 officers	8 officers	8 officers	8 officers			
	8 officers				8 officers	8 officers	8 officers
<b>Area 3</b>	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Day Shift				8 officers	8 officers	8 officers	8 officers
	8 officers	8 officers	8 officers				8 officers
Swing Shift			8 officers	8 officers	8 officers	8 officers	
	8 officers	8 officers	8 officers				8 officers
Night Shift				8 officers	8 officers	8 officers	8 officers
	8 officers	8 officers	8 officers				8 officers
<b>Area 4</b>	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Day Shift		8 officers	8 officers	8 officers	8 officers		
	8 officers				8 officers	8 officers	8 officers
Swing Shift			8 officers	8 officers	8 officers	8 officers	
	8 officers	8 officers	8 officers				8 officers
Night Shift		8 officers	8 officers	8 officers	8 officers		
	8 officers				8 officers	8 officers	8 officers
<b>Area 5</b>	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Day Shift			8 officers	8 officers	8 officers	8 officers	
	8 officers	8 officers				8 officers	8 officers
Swing Shift			8 officers	8 officers	8 officers	8 officers	
	8 officers	8 officers	8 officers				8 officers
Night Shift			8 officers	8 officers	8 officers	8 officers	
	8 officers	8 officers				8 officers	8 officers
<b>TOTAL</b>	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday



Day Shift	48 officers	48 officers	40 officers	40 officers	48 officers	48 officers	48 officers
Swing Shift	40 officers	40 officers	40 officers	40 officers	40 officers	40 officers	40 officers
Night Shift	48 officers	48 officers	40 officers	40 officers	48 officers	48 officers	48 officers

*Italics indicate rotational day (only one group works at a time)*

There are substantial and staggered overlaps between OPD patrol shifts. Due to these overlaps, officers are available to respond to calls 24 hours a day, seven days a week. The following is a list of overlaps between shifts:

- There is a one-hour overlap every morning between the night shift and day shift
- Night shift and day shift hours are staggered across patrol areas to effectively create a two-hour overlap within each field operations bureau
- There is a two- to three-hour overlap between each day shift and swing shift
- There is a four- to five-hour overlap between each swing shift and night shift

In addition to the above overlaps, OPD generally deploys patrol officers in tactical squads to provide additional coverage during hours associated with staff-intensive events such as shootings and sideshow. These tactical squads also provide overtime mitigation, as officers from tactical squads are assigned to fill vacancies created by shortages from regular police shifts. For 2019, patrol officers are assigned to the following tactical squads:

Area 1	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
6:00 pm-4:00 am				8 Officers	8 Officers	8 Officers	8 Officers
Area 5	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
6:00 pm-4:00 am	8 Officers	8 Officers	8 Officers				8 Officers

In addition to the above nighttime tactical squads, there is one daytime tactical squad that was created specifically to assist with overtime mitigation. This squad works the days and hours most affected by officers assigned to continuous professional training (CPT):

Area 5	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10:00 am-8:00 pm		8 Officers	8 Officers	8 Officers	8 Officers		

OPD had additional tactical squads assigned to patrol deployment staffing in 2017. Severe department staffing shortages have resulted in the removal of these squads from patrol.

*Special Enforcement Versus Special Events*

The language below concerning the definition of special enforcement and special event overtime is from the supplemental agenda report on overtime policies, procedures, and controls presented to the January 9, 2018 Public Safety Committee:

*Special Enforcement* overtime allows OPD to plan and participate in special actions such as violence suppression projects (such as those related to Ceasefire), special task forces, human trafficking operations, and crowd management events that are not covered by Special Events overtime.

*Special Events* overtime allows OPD to provide police services at sporting events, concerts, or other events, including overtime for planning, traffic control and enforcement activities.

*Additional Information on Special Event Enforcement*

**Attachment A** provides a list of all Special Events for the period of July 1 to December 31, 2018 that includes amount spent on overtime and the number of OPD employees assigned.

The language below concerning Special Enforcement and Special Events is from **Attachment A** of the supplemental agenda report on overtime policies, procedures, and controls presented to the February 27, 2018 Public Safety Committee:

The Department is responsible for recovering costs for reimbursable Special Events. The average turnaround time from event to invoice is 23 days. Per the Master Fee Schedule, customers are billed at top step for officers plus central service overhead costs (currently 14.32% for OPD). OPD has been extremely successful recovering costs. *Table 4* provides invoice amounts for the last four fiscal years.

*Table 4: OPD Invoiced Overtime for Last Four Fiscal Years*

Fiscal Year	Amount Billed		Fiscal Year	Amount Billed
2017-18	\$7,373,866		2015-16	\$4,449,479
2016-17	\$4,976,304		2014-15	\$3,927,914

The internal OPD process for Special Events overtime is as follows:

1. The Special Events unit scans a copy of the Mass OT slip signed by each Officer working the event to the Departments internal shared drive.
2. Once available, the Fiscal Division reconciles the Mass OT slip with the City's payroll system, ensuring invoice accuracy.
3. If there are discrepancies additional research is done to correct any errors.
4. Any discrepancies are resolved
5. The invoice is created, reviewed, and signed by the Fiscal Manager.
6. The invoice is mailed to the customer.

Item: \_\_\_\_\_  
Public Safety Committee  
April 9, 2019

The customer has 30 days to pay the invoice. After 90 days, unpaid invoices are automatically sent to collections.

The language below concerning the filling of overtime positions for special events and its impact on patrol is from the supplemental agenda report on overtime policies, procedures, and controls presented to the June 26, 2018 Public Safety Committee:

At the April 24, 2018 Public Safety Committee meeting, the Committee expressed concern about the filling of overtime positions for special events impacting patrol overtime. There is no direct method to determine if filling overtime for special events impacts the ability of command staff to fill overtime openings in patrol. However, anecdotally, it does appear that it is much easier to fill openings for special events overtime than it is for patrol overtime. The reasons are fairly obvious; special events overtime generally involves officers being at a specific location performing duties associated with keeping an event secure and orderly. Patrol overtime requires officers to respond to a large number of calls throughout a geographic area. Special events overtime is usually for a limited number of hours whereas patrol overtime is often 10 or more hours.

OPD finds great value in staffing events with sworn personnel. The presence of sworn OPD personnel at an event – ranging from a small party to a large sporting event – provides an opportunity for OPD to prevent problems from occurring. If a problem at a special event does develop, OPD personnel assigned to the event on special event overtime can address the problem immediately and effectively without draining extremely limited patrol resources.

The Public Safety Committee recently expressed concern about negative impacts on the performance and conduct of individual officers who work large amounts of overtime. The July – September 2017 Quarterly Progress Report completed by the OPD Office of Inspector General (OIG) included an audit titled, "Oversight of Police Department Overtime Expenditures."<sup>2</sup> One of the observations from this audit was:

The [performance] records of the ten officers who worked an above average number of overtime hours during the audit period [July 16 through December 16, 2016] were reviewed. The PAS review did not indicate any adverse performance trends or patterns. Overtime hours worked did not appear to correlate with increases in potentially adverse performance.<sup>3</sup>

#### *Overtime Reimbursement in Budget*

The Department created an internal budget for overtime that takes into account reimbursable events. Special Operations Org, 107710, has an internal budget of \$4.65 million, which is

<sup>2</sup> <http://www2.oaklandnet.com/oakca1/groups/police/documents/webcontent/oak067719.pdf>

<sup>3</sup> *Ibid*, p. 43

slightly more than the average amount billed for Special Events in FY 2014-15 to FY 2016-17. In FY 2017-18, reimbursable events were significantly higher than prior years so it was initially considered an anomaly. However, FY 2018-19 reimbursable events are trending higher as well (projected to spend \$8.6 million). The FY 2018-19 revenue budget for Special Events is \$5.2 million. The additional revenue, projected at \$3.4 million, will offset some of the overtime overspending.

Also, reimbursable overtime is reflected in the overtime reports distributed to OPD Command staff and the Finance Department, as all overtime expenditures are reported. This practice provides the Department a complete picture of the overtime worked.

#### *Community Resource Officers*

For FY 2017-18, overtime for CROs was paid from Measure Z funds. For FY 2018-19, all overtime for CROs is being paid from the General Purpose Fund. There is insufficient funding in Measure Z to pay for CRO overtime in FY 2018-19.

Concerning deployment of CROs, this issue is addressed in the Resource Development Associates (RDA) Evaluation of Measure Z: 2018 Community Policing Neighborhood Services Annual Report. This report was presented to the Public Safety Committee on March 19, 2019; the Committee requested additional information and OPD is analyzing deployment data to provide the committee with data regarding time CROs are spending on their assigned beats.

#### *Budgetary Overtime Forecasting*

The language below concerning budgetary overtime forecasting is updated from its original inclusion in the supplemental agenda report on overtime policies, procedures, and controls presented to the January 9, 2018 Public Safety Committee to include current figures:

**Past annual expenditures have not resulted in corresponding initial approved budget amounts.** OPD has consistently spent between \$26 million and \$32 million every year on overtime since FY 2013-14 (see *Table 1*, below). Rather than receiving an overtime budget based on this consistent expenditure pattern (with increases based on employee raises), OPD continues to receive between \$12 million and \$16 million every fiscal year.

*Table 1: OPD Overtime Approved and Actual Budget FY 2013-14 through FY 2017-18*

Fiscal Year	Initial Approved Budget	Actual Expenditure
FY 2013-14	\$13,435,458	\$26,112,356
FY 2014-15	\$15,571,768	\$31,690,464
FY 2015-16	\$12,935,458	\$27,779,646
FY 2016-17	\$12,935,458	\$28,265,038
FY 2017-18	\$12,435,458	\$28,515,402

As provided in the *Police Overtime Audit for Fiscal Year 2012-13*<sup>4</sup> by the Oakland City Auditor's Office ("audit," published January 2015), "OPD should work with the Administration to develop an overtime budget to submit to the City Council that reflects realistic estimates of overtime costs, without reducing service levels.." The City Administrator agreed and stated, in part, "The overtime budget recommendations will be presented in conjunction with OPD staffing and levels, to the City Council as part of the FY [20]15-17 biannual budget development process."

#### *Overtime Costs*

**OPD has not received increases in overtime funding even though hourly overtime rates have substantially increased.** The City of Oakland has provided a number of raises to members of OPD over the last several years. This has resulted in a higher per-hour overtime cost, but there has been no corresponding increase in the OPD overtime budget to match cost increases. In FY 2006-07, OPD used 505,214 hours of overtime (sworn and civilian) at a cost of \$28.55 million. In FY 2016-17, OPD used 390,033 hours (sworn and civilian), but spent \$29.05 million. **Even though OPD reduced the number of hours of overtime by more than 20 percent from FY 2006-07 to FY 2016-17, the cost has actually increased.**

The language below concerning budgetary overtime forecasting is from **Attachment A** of the supplemental agenda report on overtime policies, procedures, and controls presented to the February 27, 2018 Public Safety Committee:

#### ***Why OPD Continuously Exceeds Its Overtime Budget?***

There are a number of reasons why OPD continuously exceeds its overtime budget:

- Despite actual yearly General-Purpose Fund (GPF) overtime expenditures from \$20 to nearly \$30 million, insufficient funds are budgeted for OPD each year.
- Despite frequent wage increases, OPD's overtime budget does not increase and it has actually decreased for the past three fiscal years – despite officers receiving step increases that result in higher hourly wages, OPD's overtime budget remains insufficient.
- Service level demands – including minimum staffing levels for patrol – incur overtime.
- Mandates, such as the Negotiated Settlement Agreement (NSA) and state-required training, result in overtime.
- Based on the amount of crime per officer, OPD continues to be the most understaffed large-city police department in the United States and relies on overtime to help meet a large number of competing demands.

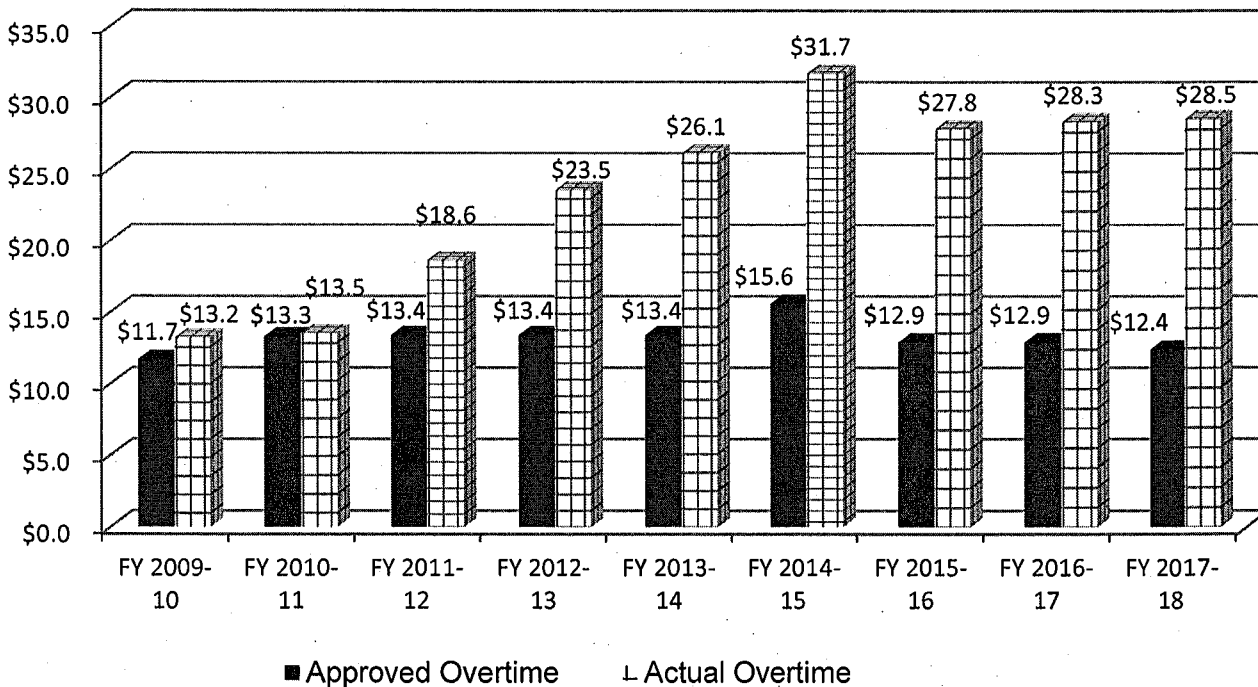
<sup>4</sup> <http://www.oaklandauditor.com/images/oakland/auditreports/policeot.pdf>

- Crowd management requires tremendous human resources to protect the public and property.

**Insufficient Overtime Budget**

The table below provides approved versus actual overtime spent for the GPF from Fiscal Year (FY) 2009-10 to present. Approved overtime is the amount initially approved prior to any budget adjustments. OPD has overspent its approved GPF budget every year for nearly a decade and is expected to do so again this year. Rather than the initial approved amount reflecting the previous year expenditure, the annual overtime budget is continuously underfunded as related to service level demands.

*Chart 1: GPF Overtime in OPD – Approved versus Actual (in Millions)*



As can be seen in *Chart 1*, above, OPD has increased its overtime spending nearly every year since FY 2009-10 due to the performance of critical police operations. In spite of these increases, City Council has budgeted less than 50 percent of the annual expenditure.

For FY 2015-17, the initial overtime amount was actually *reduced* by \$1 million to fund a Council-recommended gun tracing program. This budget change was approved in spite of a finding by the Oakland City Auditor’s Office that “OPD should work with the Administration to develop an overtime budget to submit to the City Council that reflects realistic estimates of overtime costs, without

reducing service levels.”<sup>5</sup> As part of this same audit, the City Administrator agreed and stated, in part, “The overtime budget recommendations will be presented in conjunction with OPD staffing and levels, to the City Council as part of the FY [20]15-17 biannual budget development process.”

**Cost of Living Adjustments**

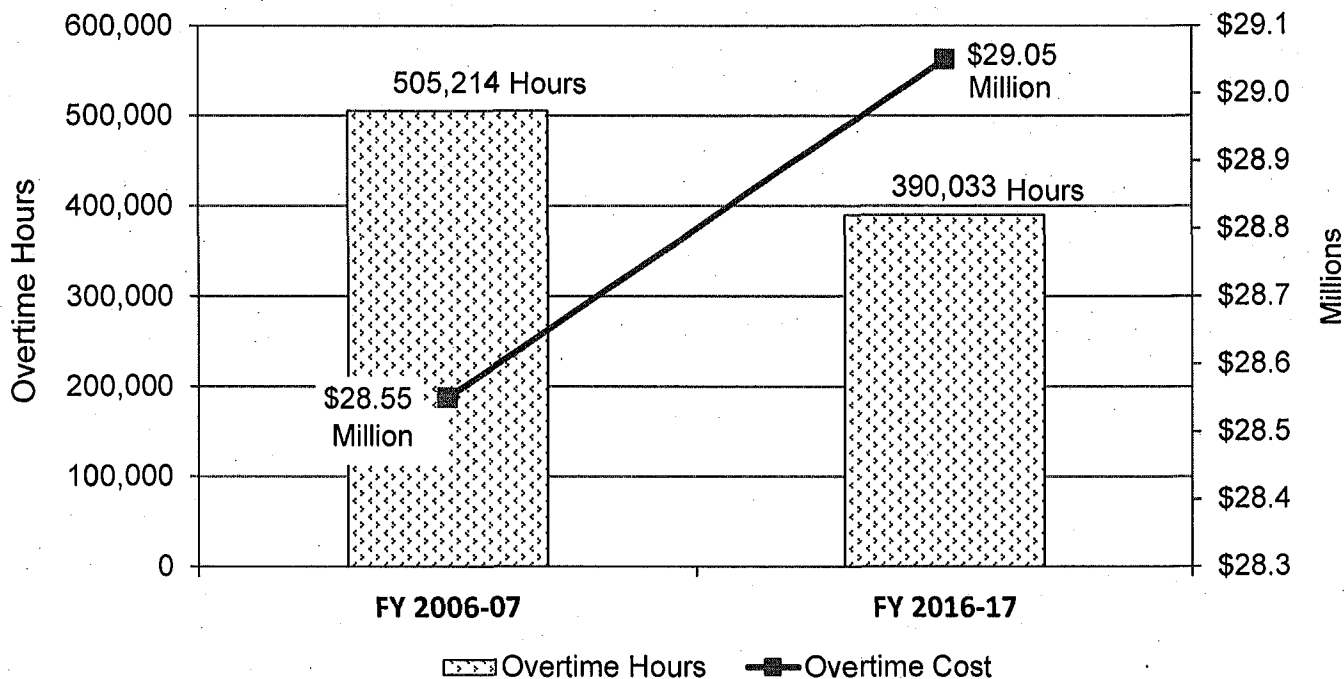
With few exceptions, employee bargaining units generally receive wage increases (Cost of Living Adjustments or COLAs) that take effect annually. The City of Oakland has provided a number of COLAs to members of OPD over the last several years through its negotiations with the Oakland Police Officers’ Association (OPOA) and both professional staff bargaining units. While this has inherently resulted in a higher per-hour overtime cost, there has been no corresponding increase in the OPD overtime budget to match cost increases caused by COLAs. This has created a structural imbalance between what is budgeted for OPD’s overtime versus the actual overtime expenditures.

*Chart 2*, below, provides a comparison of overtime hours used and costs for all funds for FYs 2006-07 and FY 2016-17. In FY 2006-07, OPD used 505,214 hours of overtime (sworn and professional staff) across all funds at a cost of \$28.55M. In FY 2016-17, OPD used 390,033 hours (sworn and professional staff), but spent \$29.05M. Even though OPD reduced the number of hours of overtime by more than 20 percent from FY 2006-07 to FY 2016-17, the cost actually increased by \$.5M (\$500K).

---

<sup>5</sup> *Police Overtime Audit for Fiscal Year 2012-13* by the Oakland City Auditor's Office (“audit,” published January 2015), <http://www.oaklandauditor.com/images/oakland/auditreports/policeot.pdf>

Chart 2: Overtime Hours Used and Cost for All Funds – Ten Year Comparison



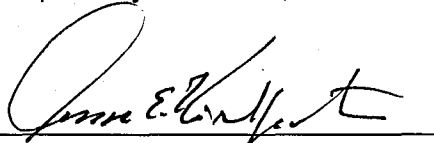


**ACTION REQUESTED OF THE FINANCE AND MANAGEMENT COMMITTEE**

Staff Recommends That The City Council Receive This Second Supplemental Quarterly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies, Procedures, And Controls.

For questions regarding this report, please contact Timothy Birch, Police Services Manager I, at (510) 238-6443.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Prepared by:  
Timothy Birch, Police Services Manager I  
OPD, Training Division, Research and Planning

Shamika Shavies, Accountant III  
OPD, Bureau of Services, Fiscal Section

D. Nell Wallington, Police Services Manager I  
OPD, Bureau of Services, Fiscal Section

Attachments (1):

A – Detailed accounting of reimbursable Special Events/Special Operations overtime spent in the Oakland Police Department for the first and second quarters of FY 2018-19

## OPD Special Events and Special Enforcement Overtime July 1 – December 28, 2018

Event	Amount	# of Hours	# of Employees	Event	Amount	# of Hours	# of Employees
AC Transit Project	\$524,960	6322.25	51	Warriors vs. Raptors	\$21,284	240.75	35
Rolling Loud Music	\$191,668	2233.5	135	Warriors vs. Trail	\$21,210	242.25	35
Raiders vs. Steelers	\$133,188	1597.25	145	A's vs. Dodgers 8/08	\$21,106	250.4	34
Raiders vs. Browns	\$127,989	1546.5	137	Warriors vs. Magic	\$20,989	240.25	34
Raiders vs. Broncos	\$123,137	1482.75	150	Warriors vs. Pelican	\$20,977	245.5	34
Raiders vs. Colts	\$121,609	1452.5	139	Warriors vs. Grizzlies	\$20,973	242.5	35
Raiders vs. Chiefs	\$119,482	1435	135	Warriors vs. Hawks	\$20,854	235.5	35
Raiders vs. Chargers	\$114,991	1374.5	139	Warriors vs. Wolves	\$20,662	234	32
Raiders vs. Rams	\$109,147	1309.75	135	Warriors vs. Wolves	\$20,540	232.5	35
Raiders vs. Packers	\$105,946	1278	129	Warriors vs. Suns	\$20,532	237	35
All Day & A Night	\$105,808	1310	66	A's vs. Twins 9/22	\$20,518	238.75	28
Raiders vs. Lions	\$105,741	1266.75	127	Warriors vs. Nets	\$20,511	236.25	33
Bank of America	\$79,862	1023	20	Wonder Woman Run	\$20,458	257.5	50
Aubrey & 3 Amigos	\$69,495	800.5	61	Warriors vs. Mavericks	\$20,350	236.5	33
PG&E San Leandro St	\$64,422	822	11	First Friday	\$20,334	261.5	33
Marriott Hotel Strike	\$54,469	640	43	PG&E Construction	\$20,331	251	10
A's vs. Giants 7/21	\$46,123	561	54	A's vs. Twins 9/23	\$20,320	248	30
A's vs. Giants 7/20	\$41,309	503.5	54	Warriors vs. Wizards	\$20,173	229.25	34
Treasure Isl. Music Fest.	\$40,453	489.25	27	Warriors vs. Grizzlies	\$20,151	227	34
A's vs. Giants 7/22	\$39,454	468.5	52	Warriors vs. Lakers	\$20,085	237	34
Laney Swap Meet	\$38,505	458	22	Twenty One Pilots	\$19,617	227.5	28
Bed Bath & Beyond	\$36,985	455.75	5	A's vs. Padres 7/3	\$19,333	229.5	31
A's vs. Yankees 9/03	\$35,737	416.25	51	Warriors vs. Suns	\$19,274	219.25	33
Levy Restaurants	\$35,575	428.5	32	Warriors vs. Bucks	\$19,188	222	33
A's vs. Yankees 9/04	\$35,305	426.6	52	Disney on Ice	\$18,350	209.25	17
Oakland Zoo Traffic	\$34,344	441	26	A's vs. Tigers	\$17,865	215	29
Oaktown 5K and Half	\$32,974	410.5	61	Warriors vs. Trail B	\$17,865	204	29
Dia De Los Muertos	\$30,282	385.25	36	Travis Scott	\$17,510	205.5	28
Oakland Triathlon	\$26,821	332	65	A's vs. Astros 8/18	\$17,388	205.5	27
PG&E Construction	\$26,244	335	17	A's vs. Yankees 9/05	\$16,482	194.25	29
A's vs. Dodgers 8/07	\$24,613	293	34	J. Cole Concert	\$16,092	181.75	23
First Friday	\$24,043	297.25	35	Childish Gambino	\$15,810	183	27
Warriors vs. Timber	\$22,596	254.25	34	Nick Cannon	\$15,490	174.5	24
Warriors vs. Thunder	\$22,294	254.25	35	385 14th St	\$14,677	182	16
Warriors vs. Kings	\$22,294	253.5	35	Hiero Day	\$14,595	178	17
Warriors vs. Thunder	\$21,583	242.5	35	A's vs. Twins 9/21	\$14,073	166	21
TBS World Tour	\$21,500	249.25	28	Fleetwood Mac	\$14,063	160	23
Warriors vs. Clipper	\$21,356	249	34	A's vs. Astros 8/19	\$13,999	162	20
A's vs. Mariners	\$21,351	256.25	31	A's vs. Mariners	\$13,912	164.5	22

Event	Amount	# of Hours	# of Employees	Event	Amount	# of Hours	# of Employees
Jeff Lynne's ELO	\$13,830	156	22	A's vs. Blue Jays	\$9,497	121.5	17
Sam Smith Concert	\$13,713	155.75	24	A's vs. Rangers 8/20	\$9,429	107	18
A's vs. Rangers 9/07	\$13,711	155.25	21	Hilton Hotel	\$9,321	105.5	9
A's vs. Indians 7/01	\$13,650	159.5	22	Raiderville	\$9,073	114.5	6
Oakland Pride	\$13,564	170.5	17	Oakland Black Cowboy	\$8,185	105	20
AR Rahman	\$13,520	156.5	20	A's vs. Rangers 8/22	\$8,141	96.25	14
Warriors Open Practice	\$13,505	163	32	Oaktoberfest	\$7,978	100.25	12
A's vs. Tigers	\$13,481	161.75	21	Mike Epps	\$7,883	92.5	13
A's vs. Astros 8/17	\$13,310	153.5	19	5110 Broadway	\$7,718	98	11
Phil Collins	\$13,120	145.75	21	532 39th St	\$7,442	91	10
NA LCS 9/08	\$13,030	148.5	15	COPA Festival	\$7,125	87	8
A's vs. Angels 9/18	\$12,747	145.25	18	Bad Bunny	\$6,985	83.5	14
Kevin Hart	\$12,066	136.75	20	Raider Image	\$6,748	82.25	14
Art & Soul Fest	\$11,937	137.25	12	Oakland A's Watch Pa	\$5,956	67.25	9
Trans Siberian Orchestra	\$11,893	132.25	21	Oakland Turkey Trot	\$5,132	60	12
A's vs. Blue Jays	\$11,868	134	18	My Culture	\$5,104	68.5	6
A's vs. Mariners	\$11,831	141.5	18	BIG 3	\$4,942	56.75	7
J. Balvin Concert	\$11,586	136.25	18	Family Bridges	\$4,861	57	8
Hall & Oates and Train	\$11,482	130.5	17	Lady of Guadalupe	\$4,685	54	9
A's vs. Mariners	\$11,391	129.75	18	WWE Live Holid. Tour	\$4,295	49.25	8
A's vs. Tigers 8/05	\$11,360	133.5	19	Alameda Pt. Antique	\$3,879	45	8
A's vs. Padres 7/4	\$11,241	140	20	Warriors Practice	\$3,481	39	6
A's vs. Indians 6/29	\$11,097	130	20	All Day I Dream Fest	\$3,435	42.5	6
First Friday 10/05	\$11,041	172.5	15	Raider Escort	\$3,400	38	7
A's vs. Rangers 9/09	\$11,010	126	16	Burger Boogaloo	\$3,354	40.5	6
NA LCS 9/09	\$10,927	120.75	15	Slam Magazine	\$3,139	35	5
First Friday	\$10,861	158.25	15	Apple TV Show	\$2,949	33	4
A's vs. Rangers 8/21	\$10,608	119.75	18	1100 Broadway	\$2,931	37	4
A's vs. Rangers 9/08	\$10,595	124.25	16	John Legend	\$2,811	30	4
A's vs. Blue Jays	\$10,493	118.5	18	Brownies & Lemonade	\$2,768	30.5	4
First Friday	\$10,363	141	16	2126 MLK Jr. Way	\$2,719	33.5	4
A's vs. Angels 9/20	\$10,324	126.25	17	Oakland Grand Prix	\$2,604	29	4
A's vs. Mariners	\$10,254	127.5	19	Tenacious D	\$2,239	25.5	4
A's vs. Mariners	\$10,222	117.25	19	Oakland Fam Bam	\$2,058	24.5	3
Smashing Pumpkins	\$10,167	115	15	Myittar	\$1,881	25	2
A's vs. Mariners	\$10,014	115.5	18	CJ Group	\$1,784	19.5	3
Eat Real Festival	\$9,994	111	9	C.H Wines	\$1,756	23	2
A's vs. Angels 9/19	\$9,885	111.75	18	Niantic Labs Video	\$1,661	21	2
Chinatown Street Fes	\$9,649	120	11	FESTAC	\$1,499	16	2
Championship Boxing	\$9,649	114.25	13	ESPN MNF	\$1,450	16.5	3

Event	Amount	# of Hours	# of Employees	Event	Amount	# of Hours	# of Employees
Warriors VS. Cavaliers	\$1,432	15.75	2	Warriors Watch Party	\$452	4.5	1
Oakland Natives Give	\$1,356	17	2	Feed Oakland	\$452	6	1
Subaru	\$1,318	16	2	KD Fantasy Exp	\$435	5	1
Money Mondays	\$1,314	15	3	Uber Driver Ambition	\$435	5	1
And1 Paint in the Pa	\$1,154	15	3	Oversize Load	\$435	5	1
Comcast	\$1,153	13.25	1	The Connected Car	\$389	5	1
Alameda Point Antiques	\$1,128	15	3	Raider Image	\$376	5	1
1032 Full Throttle	\$1,088	15	2	A's vs. Angels 6/15	\$247	1.75	2
Near Future	\$1,071	14	2	A's vs. RAYS	\$115	1.5	3
EBRHA	\$1,069	12	2	W. VS. CAV'S	\$87	1	1
First Friday	\$1,054	10.5	1	AEG 602L Ops	\$75	1	1
Blindspotting	\$1,044	12	2	DIRTYBIRD BBQ	\$28	0	2
PINK Concert	\$958	8.25	1	Warriors vs. Spurs	\$25	0.25	1
SantaCon	\$930	10.5	2	A's vs. Astros 6/13	\$22	0.25	1
Saweezie Fan Event	\$870	10	2	Black Cowboy Parade	\$5	0	1
Bishop O'Dowd HS	\$870	10	2	A's vs. Angels 6/16	\$0	0	1
COPA Festival	\$856	11	1	PINK Concert	-\$19	-0.25	1
Nina Cried Power	\$798	11	1	BLURRY VISION MUSIC	-\$44	-0.5	1
Levi's	\$785	11	2	Warriors Watch Party	-\$87	-1	2
Joe Biden	\$765	10	2	A's vs. Royals 6/08	-\$87	-1	1
Fitbit	\$754	9.5	2	WARRIORS W. PARTY	-\$87	-1	1
A's vs. Indians 6/30	\$735	8.5	3	Oakland Zoo Traffic	-\$339	-4.5	1
W VS. ROCKETS	\$696	8	1	Oakland Zoo Traffic	-\$464	-6	2
W VS. PELICANS	\$674	7.75	1	First Friday	-\$502	-5	1
Sorry To Bother You	\$622	8	1	W VS. PELICANS	-\$827	-9.5	1
PG&E Construction	\$609	7	1	First Friday	-\$954	-9.5	1
True Buddha Vijaya	\$479	5.5	1	<b>Total</b>	<b>\$ 4,264,635</b>		