



MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: LeRonne L. Armstrong,
Chief of Police

SUBJECT: OPD Overtime Report:
2nd Quarter FY 2020-21

DATE: March 5, 2021

City Administrator 
Approval

Date
Mar 22, 2021

INFORMATION

EXECUTIVE SUMMARY

Staff Recommends That City Council Receive An Informational Memorandum Regarding OPD Overtime; this memo includes information concerning the use of overtime by OPD for the period of October 1, 2020 to December 31, 2020.

BACKGROUND / LEGISLATIVE HISTORY

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

- What are the policies, procedures, and processes in place in each Department for Authorizing and Controlling Overtime?
- If backfill overtime is authorized, who is responsible, for what purposes is it authorized, and 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 real actionable changes to policies, procedures, processes and corresponding accountability mechanisms. This memorandum is in response to that request.

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The last informational memorandum was prepared and published on December 4, 2020 and is available at the following website: <https://www.oaklandca.gov/resources/info-memo>.

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

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

ANALYSIS AND POLICY ALTERNATIVES

OPD exceeded its approved overtime budget for the period of October 1, 2020 to December 31, 2020, as illustrated in **Table 1** below. There are several reasons why this occurred, as have been provided in previous agenda reports and informational memoranda. For the fourth quarter of FY 2020-21, OPD again used overtime to provide services to the Oakland community.

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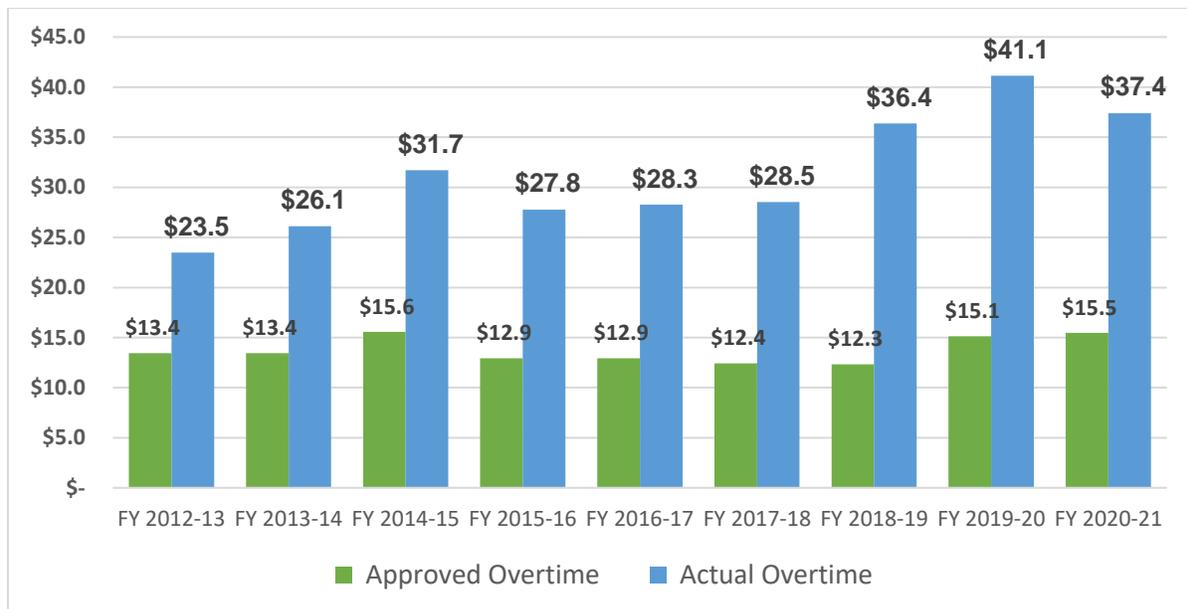
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**Table 1: Overtime Costs for Oakland Police Department July 1-December 31, 2020;
Fund = General Purpose Fund 1010**

Category	2020						Total
	Jul	Aug	Sep	Oct	Nov	Dec	
Acting Higher Rank	93,259	87,805	59,469	76,003	53,279	42,547	412,362
Administrative Investigation	182,428	203,827	187,306	191,463	164,985	158,239	1,088,247
Backfill	535,681	521,266	498,054	552,180	526,491	525,762	3,159,434
Callback	97,431	166,098	102,987	112,742	121,142	86,669	687,069
Canine	2,692	2,598	2,666	2,757	3,690	3,897	18,301
Comp Time Earned	39,964	38,340	33,228	36,105	38,158	28,501	214,296
Court	23,613	14,829	24,641	40,887	22,126	21,386	147,483
Extension of Shift	529,366	653,154	614,288	543,522	558,022	380,925	3,279,277
FLSA	199,514	191,326	206,695	177,140	174,723	107,953	1,057,350
Holiday	225,272	1,091	347,078	5,134	806,754	223,266	1,608,595
Recruiting/Background	1,917	33,877	12,234	7,353	17,088	14,158	86,626
Special Enforcement	984,211	1,555,084	1,203,172	1,018,751	992,050	572,823	6,326,091
Training	192,861	68,983	58,736	97,181	86,588	111,004	615,352
Grand Total	3,108,210	3,538,278	3,350,553	2,861,216	3,565,096	2,277,130	18,700,484

Chart 1 below provides a summary on budgeted (approved) overtime expenses in comparison to actual overtime expenses from FY 2012-13 through FY 2020-21 (the FY 2020-21 actual amount is a projection as the fiscal year has not ended).

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



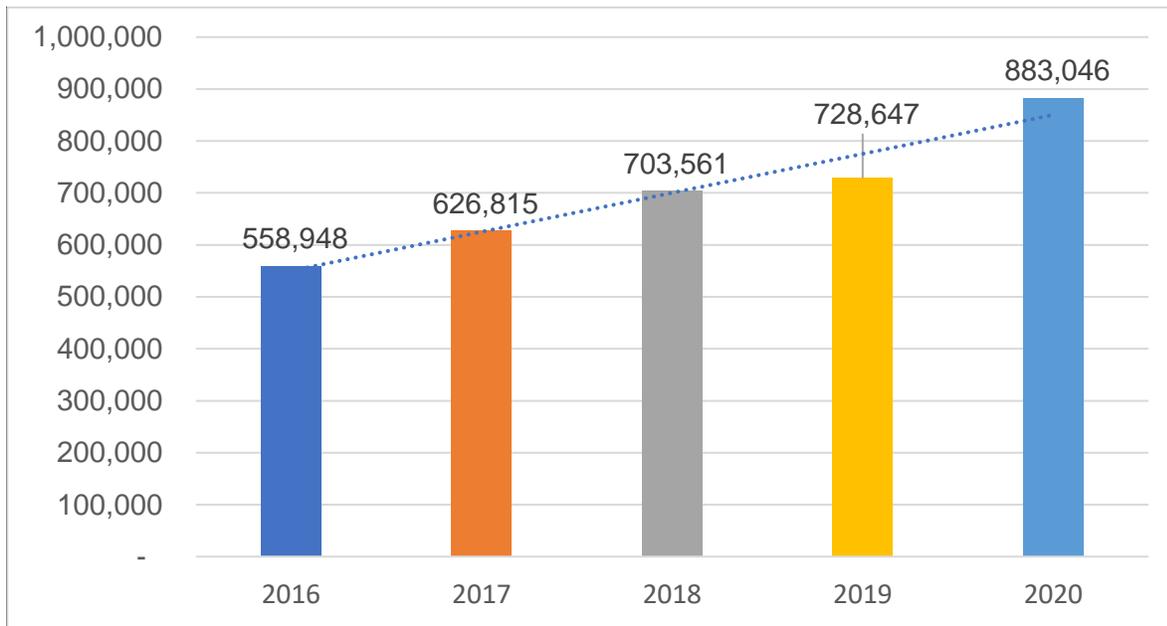
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The primary core service OPD provides is to respond to calls for service from the public. **Chart 2**, below, provides the number of calls for service from 2016 to 2020. **Chart 1** illustrates that calls for service have increased for each of the last five years. Calls for service increased by 58 percent. While some of this increase is due to OPD Communications implementing receipt of wireless 9-1-1 calls, there was a 45 percent increase in homicides and assaults with firearms during this same period. Patrol staffing increased by three percent and response times to the highest priority (Priority 1) calls increased from 8.1 minutes in 2016 to 9.3 minutes in 2020 – a 15 percent increase.

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



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

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

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

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

As has been provided in previous overtime reports to City Council and Council committees, minimum Patrol staffing for OPD is 35 officers per shift. This is woefully inadequate in consideration of the number of calls for service and unacceptable crime rate in Oakland. Backfill and extension of shift overtime is used largely to maintain minimum Patrol staffing. Because 35 officers per shift is already inadequate to handle the existing service demands, OPD has become almost entirely reliant on overtime to address:

- Sideshow: Sideshow overtime is the only effective means OPD has in addressing this violent and dangerous activity. Hundreds of spectators and vehicles gather in Oakland neighborhoods on a frequent basis, terrorizing residents. On duty Patrol resources are inadequate to address sideshow and would result in even greater danger to the public and responding OPD personnel.

OPD implemented effective strategies to address sideshow in 2020. One key strategy was to dedicate personnel to monitor and immediately respond to areas where a sideshow event was beginning to take shape and prevent it from doing so. Because all Patrol resources are already fully engaged, OPD used overtime to prevent and respond to sideshow events. As a result of implementing effective sideshow strategies in May 2020, OPD was able to reduce the amount of sideshow overtime used from the second half of FY 2019-20 (\$574,687) to the first half of FY 2020-21 (\$428,268).

Using overtime to address sideshow led to a 72 percent decrease in sideshow from 2019 to 2020. From December 24, 2020 – when sideshow overtime was eliminated – through January 17, 2021, the City of Oakland experienced a 1,040 percent increase in sideshow activity.

- Citywide Violence: Patrol response alone is not enough to address high levels of violent crime. Over this past year, we saw a tremendous increase in violent crime and a resulting increase in our overtime needs. As of February 7, 2021, the City of Oakland experienced a 1400 percent increase in homicide and a 100 percent increase in assaults with a firearm over the same period in 2020. Losing Area Crime Response Overtime is expected to negatively impact the ability OPD to keep Oakland communities safe. There will be also impacts to patrol functions and response times to 911 calls for service by redirecting units to address upticks in violent crime.

Based on the number of calls for service and immediate response for violent crime, on duty Patrol resources are inadequate address citywide violence. Dedicated teams must be used to focus on specific individuals suspected of engaging in violent crime as well as areas where data shows high levels of violent crime occurring.

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

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

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

Depending on the expected size of a public event – such as a demonstration – OPD dedicates hundreds of officers to manage crowds. While many demonstrations are peaceful, a lack of immediately available OPD personnel can allow a previously peaceful event to get out of control very quickly. Injury and significant property damage can result if inadequate OPD resources are used. With only 35 officers per shift, Patrol cannot even begin to 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.

- Homicide/ Ceasefire Operations and Warrants: Thus far in 2021, the City of Oakland has experienced 15 homicides (a 1400 percent increase over the same period in 2020). In order to increase safety, investigators must follow leads, have surveillance conducted, review time sensitive evidence, write search warrants, and arrests perpetrators. Each of these activities can result in overtime expenditures depending on the time of day or day of the week. Time is of the essence for investigations and losing resources to support homicide investigations is expected to negatively impact the Oakland Community.
- Lake Merritt Patrol: The elimination of Lake Merritt Patrol Overtime will impact OPD's ability to assist other City of Oakland Departments in dealing with various issues at Lake Merritt, including large crowds with amplified music; unpermitted vending (including alcohol and cannabis sales); traffic congestion and related public safety concerns with use of roadway/emergency response; and illegal parking.
- Traffic Investigations: As a result of position freezes, OPD currently has only three investigators for fatal and major injury traffic collisions. Eliminating overtime for this function will increase the workload of the three investigators (already fully loaded with investigations) tasked with responding to serious and fatal collisions. In 2020 there were 47 serious or fatal collisions which required follow up investigations, that at times led to arrest and prosecution. Eliminating the overtime will potentially have a devastating

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effect on the ability to timely and thoroughly investigate vehicle crashes who at times involve women, children, and the elderly, and who have occurred near our public elementary schools.

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

While this is expected to substantially decrease – and hopefully eliminate – backfill and extension of shift overtime, there will still be insufficient resources in Patrol to address the above categories.

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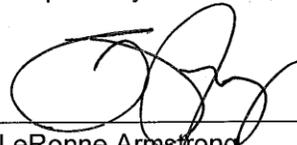
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ACTION REQUESTED OF THE CITY COUNCIL

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

Respectfully submitted,



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