Berkeley Police Department

INFORMATION CALENDAR
December 3, 2024

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jennifer Louis, Chief of Police

Subject: Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities

CURRENT SITUATION AND ITS EFFECTS
The City Auditor's report included 12 recommendations. Ten of the recommendations were implemented in previous updates leaving only two open recommendations. The two open items were related to staffing, and both are addressed in the Citygate report. There has been much progress on the two open items and they are partly implemented. The final Citygate report was delivered in September 2024. The report has been shared with the Mayor, Council, PAB and the public via the Berkeley Police Transparency HUB. The Department reviewed the report and both Citygate and the Department presented on the report to Council on October 29, 2024 during the City Manager's Update on Reimagining Public Safety.

Included in this item is a status update for the last two remaining recommendations.

Recommendation 1.2 -   *Fill vacancies deemed necessary and/or reallocate staff pending the reimagining process and a determination of appropriate staffing levels.*

> The selected Consultant, Citygate, provided the Berkeley Police Department with its final report in September 2024. Included in this report are recommendations related to patrol staffing levels as part of their analysis. The police department is in the process of thoroughly evaluating the 147-page report and determining the priorities to address in their recommendations that contain 74 key findings and 54 specific, actionable recommendations. Some of the recommendations address work that is already well under way, including assigning Community Service Officers (CSO) to work in the field to handle police reports not requiring a sworn police officer.

Recommendation 2.3 - *Document the results of staffing assessments along with the assessment criteria. Incorporate results into staffing projections for budgetary decision making, including establishing a sufficient and appropriate overtime budget*.

> In September 2024 Citygate provided their final report of the Workload Organizational Study documenting the results of their staffing assessments. Some recommendations have driven budget priorities in the current budget cycle. Utilizing the final report, BPD will continue to use this study to help guide our budgetary decision making.

Additionally, as it relates to staffing recommendations: The Citygate report recommends fully staffing sworn back to the sworn authorized strength of 181 and assigning them as follows:

- 15 Officers for patrol (bringing it to a total of 73)
- 1 Sergeant, 5 officers assigned to a Flex Team
- 1 Sergeant, 5 Officers assigned to narcotics Investigations
- 1 Officer for additional School Resource Officer for BHS

Citygate recommended increases in professional staff as follows:

- 5 Community Service Officers for Patrol (Council FY 25 and FY26 funded request)
- 1 CSO (or Annuitant) for Detective Division (Council FY 25 and FY26 funded request)
- 1 Civilian IT Project Manager (Council FY 25 and FY26 Budget Tier 2 request)
- Realtime Crime Analyst for DD & Patrol
- 1 Senior Management Analyst, Fiscal (Council FY 25 and FY26 Budget Tier 2 request)
- 1 Associate Management Analyst, Fiscal (Council FY 25 and FY26 Budget Tier 3 request)
- 1 OSIII for Internal Affairs Bureau
- 1 Annuitant for DD – Cold Cases
- 1 Crime Scene Tech (CSO)
- 1 CSO For Traffic (Council FY 25 and FY26 funded request)
- 1 Supervising Parking Enforcement Officer
- 1 OS3 for Professional Standards or Deputy Chief
- 1 Civilian Jail Manager
- 1 OS2 for Records Bureau for CPRA requests.
- 2 Supervising Public Safety Dispatchers

BACKGROUND
On March 3, 2022, the City Auditor's Office issued its audit, *Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities*[1] This audit report included 12 recommendations. The purpose of this report is to update the City Council on the Police Department's progress on implementing the City Auditor's recommendations. This is the fifth status report for this audit. The next one will be in the fall of 2025.

ENVIRONMENTAL SUSTAINABILITY
There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

FISCAL IMPLICATIONS
There are no additional fiscal implications. The Citygate contract is authorized for $180,000.00. We anticipate actual contract expenditures to be approximately $140,000, at the contract completion.

CONTACT PERSON
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ATTACHMENTS
1. Police Overtime Recommendation Table

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[1] City Auditor's Office Overtime Audit (3/3/2022)
https://berkeleyca.gov/sites/default/files/2022-04/Berkeley%20Police%20-%20Improvements%20Needed%20to%20Manage%20Overtime%20and%20Security%20Work%20for%20Outside%20Entities.pdf

Audit Title: Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities					
Issue Date: March 3rd, 2022					
Finding	Recommendation		Department	Previous status update	Current status update
Overtime is used to maintain minimum patrol staffing set by BPD.	1.1	Collect and monitor data on how often compensatory time leads to additional backfill overtime and develop a plan to monitor it.	Police	Implemented	Implemented: BPD now has a formal process to monitor how often compensatory time leads to backfill overtime with data from the electronic staffing software. The Police Technology Unit will create a biannual report on this data to be reviewed by the Captain of the Support Services Division and the Office of the Chief.
Overtime is used to maintain minimum patrol staffing set by BPD.	1.2	Fill vacancies deemed necessary and/or reallocate staff pending the reimagining process and a determination of appropriate staffing levels.	Police	Started	Partly Implemented: The selected Consultant, Citygate, provided the Berkeley Police Department with its final report in September 2024. Included in this report are recommendations related to patrol staffing levels as part of their analysis. The police department is in the process of thoroughly evaluating the 147 page report and determining the priorities to address in their recommendations that contains 74 key findings and 54 specific, actionable recommendations. Some of the recommendations address work that is already well under way, including assigning Community Service Officers (CSO) to work in the field to handle police reports not requiring a sworn police officer.

Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated.	2.1	Establish a procedure to regularly assess minimum staffing and overall staffing needs of the department. This process should document and incorporate criteria to assess staffing levels, such as calls for service, other workload, community input, and other relevant factors. As BPD prepares for the rollout of a new software system, BPD should consider how to best align the program's capabilities with this assessment process.	Police	Implemented	Implemented: BPD has created a written protocol to assess minimum staffing and department staffing needs biannually. The protocol incorporates criteria such as calls for service and shift availability. The protocol also considers allocation of police resources geographically, i.e. beat alignment.
Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated.	2.2	Document and define the Patrol Unit's minimum staffing levels in a publicly assessible format.	Police	Implemented	Implemented: This information has been placed on the BPD webpage. The button "current officer shift assignments" links to a timesheet with officer assignments. Information can be viewed at https://berkeleyca.gov/safety-health/police/community-liaisons.
Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated.	2.3	Document the results of staffing assessments along with the assessment criteria. Incorporate results into staffing projections for budgetary decision making, including establishing a sufficient and appropriate overtime budget.	Police	Started	Partly Implemented: In September 2024 Citygate provided their final Workload Organizational Study report documenting the results of the staffing assessment. Some recommendations have driven budget priorities in the current budget cycle. Utilizing the final report, BPD will continue to use this study to guide budgetary decision making.

Officers work excessive overtime, increasing health and safety risks.	3.1	Update the department overtime policy to address the fact that there currently is no limit to the number of consecutive days worked and determine the appropriate limit for overtime that is enforceable with the goal of avoiding officer fatigue. The department may examine other jurisdictions' overtime limits as possible criteria.	Police	Implemented	Implemented: BPD policy 1015 has been updated to include a limit on the number of consecutive days worked. The policy also includes limitations on hours worked. This updated policy was issued on 8/23/23.
Officers work excessive overtime, increasing health and safety risks.	3.2	Work to implement a staffing software solution that integrates overtime management and scheduling software. Develop management reports that provide timely, accurate, and complete information on overtime usage. Develop a process for filling overtime shifts on a voluntary and mandatory basis, including supervisor approval. Build in warnings for when an individual is approaching overtime limits and an approval process for allowing individuals to exceed limits when deemed necessary according to the policy.	Police	Implemented	Implemented: The CareWare electronic staffing software solution has recently been implemented to monitor staffing, overtime and time off, as well as shift trades/swaps. This includes a warning notice within the system that someone could be working more than the allowed number of hours. This warning requires acknowledgement by the user allowing the hours.

			Police	Implemented	Implemented:
BPD has no contracts for overtime security with outside entities.	4.1	Update A.R. 2.10 and other department policies to explicitly include guidance around department agreements for work for outside entities, which is paid for by reimbursements to the City from the outside entities. Internal procedures should include appropriate criteria to identify and document the benefit to the City gained by work for outside entity agreements, and to allocate resources in a way that does not negatively impact City operations. Additionally, BPD should document their criteria for when officers are not available or eligible for work for outside entities.	Police	Implemented	BPD has finalized Policy 1043 and will begin using the newly created contracts with outside entities.
BPD has no contracts for overtime security with outside entities.	4.2	In consultation with the City Attorney, create contracts with outside entities in compliance with City policies and applicable laws.	Police	Implemented	Service agreements for work with outside entities are being executed and are available on the Police Department's website: https://berkeleyca.gov/sites/default/files/documents/BPD%20Service%20Agreement-final.pdf

			Police	Implemented	Implemented:
BPD has no contracts for overtime security with outside entities.	4.3	Develop an application for BPD's services that is publicly available and accessible online to any interested party. Set pay uniformly according to rank and hourly rate and include a reasonable fee that covers the expenses of administering work for outside entities including workers compensation, fuel, use of equipment, and any other actual or potentialcosts to the City.	Police	Implemented	Implemented: The application and service agreement have been added to the BPD website on the Community Liaisons page under 'Related Documents'. BPD will be working with their web management team to add it to the main City of Berkeley website in the 'Special Events' section. https://berkeleyca.gov/safety-health/police/community-liaisons A 10% fee was added on top of employee fees to offset costs associated with coordinating special events, including planning and staff time. 10% is a standard administrative fee at the state level and is standard administrative fee for grant funding we receive. We want to be consistent with department administrative fees throughout BPD. The police department will adjust the administrative fee in the future as needs dictate.
BPD has no contracts for overtime security with outside entities.	4.4	BPD should reconcile invoices with the amounts received for work with outside entities at regular intervals. BPD should also implement procedures to check invoices for errors prior to billing outside entities.	Police	Implemented	Implemented: BPD's Admin & Fiscal Services Unit developed a written procedure for the 'Outside Entity Billing Process'. This will ensure consistency and accountability in billing and tracking.
BPD has no contracts for overtime security with outside entities.	4.5	Explore ways to clearly account for different funds to track revenues and expenses.	Police	Implemented	Implemented: BPD has formalized a written protocol for an Outside Entity Billing Process. This document reflects eleven needed steps from billing through the depositing of funds with the Finance Department and clearly identifies a method to track revenues and expenses.