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Berkeley Police Department

<u>INFORMATION CALENDAR</u>
September 30, 2025

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

<u>CURRENT SITUATION AND ITS EFFECTS</u>

The City Auditor's 2022 report *Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities* included twelve recommendations for Berkeley Police Department (BPD). As of the last update, ten of the twelve recommendations had been implemented. The two remaining recommendations, both related to staffing, have since been addressed through the comprehensive staffing assessment completed by Citygate Associates, LLC (Citygate).

The final Citygate report, delivered in September 2024, was shared with the Mayor, City Council, the Police Accountability Board (PAB), and the public via the Berkeley Police Transparency Hub. BPD has completed a thorough review of the 147-page report and has prioritized next steps to address the 74 key findings and 54 specific recommendations.

In consultation with the City Auditor's Office, and based on the progress detailed below, this audit is being closed.

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

> Citygate's report included an analysis of staffing levels in patrol and other units across the department. In response, BPD realigned the Bike Team under the Community Services Bureau and fully implemented the Patrol CSO program. Three trained CSOs now handle low-risk calls, freeing sworn officers for higher-priority duties.

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Audit 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*.

Citygate's findings are integrated into the current budget and guide future staffing projections. While Citygate recommended 73 patrol officers, BPD will start the next timesheet with 62 officers as recruitment continues. The CSO program, expanded from 21 to 27 positions in the FY26 budget, supplements patrol staffing and handles low-risk calls without reducing sworn officer numbers, allowing officers to focus on beat health, special projects, and other priorities.

Additional Key Initiatives

BPD will continue evaluating and implementing additional Citygate recommendations as resources and staffing levels permit. Key upcoming initiatives include:

Use of Force Reporting Policy Review

BPD has a comprehensive review and update of our Use of Force reporting policy well underway and hopes to launch new edits soon. This is a critical area highlighted by Citygate, which suggested aligning our reporting thresholds for certain lower-level force incidents with common practices in comparable agencies, while ensuring full compliance with state and federal law and maintaining robust accountability. We are committed to a transparent process and will provide the PAB with advance notice before the implementation date so that their input can be considered on version edits.

Enhanced Online Reporting System

An updated online reporting system is in development. This initiative aims to provide a more convenient and accessible option for the public to report specific non-injury crimes and incidents. This will allow patrol officers to focus more time on high-priority calls, proactive policing, and community engagement. We are actively exploring the feasibility of additional categories of reportable incidents that can be submitted online to further improve efficiency and public service.

Real-Time Crime Analyst

To further operationalize Citygate's recommendations, BPD will soon be interviewing for a full-time Program Manager to lead the development and implementation of real-time analysis capabilities. This position will support both Patrol and Investigations by rapidly operationalizing data to provide actionable intelligence to officers in the field and detectives working active cases.

These initial steps, guided by the Citygate report, are aimed at optimizing resource allocation, enhancing community service, and improving operational efficiency. This foundational work is crucial as we continue to refine staffing levels and incorporate the Citygate assessment into future budgetary decision-making processes.

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] , which contained 12 recommendations. This report serves as the final update on BPD's implementation progress. With this submission = and concurrence from the City Auditor's Office, the audit is now formally closed.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

FISCAL IMPLICATIONS

The Citygate contract is authorized for up to $200,000.00. The actual contract expenditure has been $133,252.36.

CONTACT PERSON

Captain Kevin Schofield, Police Department, (510) 981-5815

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	Partly Implemented	Implemented: Citygate's report included an analysis of staffing levels in patrol and other units across the department. In response, BPD realigned the Bike Team under the Community Services Bureau and fully implemented the Patrol CSO program. Three trained CSOs now handle low-risk calls, freeing sworn officers for higher-priority duties.
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	Partly Implemented	Implemented: Citygate's findings are integrated into the current budget and guide future staffing projections. While Citygate recommended 73 patrol officers, BPD will start the next timesheet with 62 officers as recruitment continues. The CSO program, expanded from 21 to 27 positions in the FY26 budget, supplements patrol staffing and handles low-risk calls without reducing sworn officer numbers, allowing officers to focus on beat health, special projects, and other priorities.
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. |

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	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	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

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.