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City of Berkeley

Office of the City Manager

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jennifer Louis, Interim 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. One of the recommendations has been implemented and 6 of the recommendations have been started. The next status update report will be in 6 months.

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 first status report for this audit.

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

FISCAL IMPLICATIONS
Costs are not yet known and will depend on yet to be determined contracts and other factors including staff time.

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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

<u>CONTACT PERSON</u>

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

Attachments:
1: Table of Audit Recommendations and Progress

Audit Title: Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities				
Finding	Recommendation	Lead Department	Expected or Actual Implementation Date	Status of Audit Recommendations, Corrective Action Plan, and Progress Summary
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	September 2023	Not Started: Proposed Implementation Plan: BPD is currently working to implement an electronic staffing solution. The Department will assess the ability to monitor and track this information in electronic staffing in order to understand the expense and impacts of compensatory time. BPD will explore the possibility of developing a report through existing payroll and finance programs to understand the impact of compensatory time usage and practices.
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	Ongoing	Not Started: Proposed Implementation Plan: BPD understands the impact that reduced staffing has on overtime costs and always strives to fill vacancies and operate within our budget. Challenges in retention of existing officers, difficulty hiring new officers and many imminent retirements make it difficult to apply a timeline on implementation of this recommendation. Recruitment efforts, prioritization of hiring and related processes and budget authority to hire will be instrumental to the department's success.

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	September 2023 - March 2024	Not Started: Proposed Implementation Plan: Internal evaluations will be completed annually to address constantly changing conditions, call volume, crime data and other external factors. The reimagining public safety efforts may also necessitate changing focus and deployment strategies. BPD will explore engaging outside consultants every ten years to evaluate patrol staffing levels so as to have a useful body of data for evaluation (for example; tying staffing evaluations to census reports).
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	August 23, 2022	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. The public-facing CoB website additionally includes the following language; "Note: The timesheet and minimum staffing levels are a starting point for each shift assessed every six months and commanders have a number of options to consider regularly. There are often daily assessments, as well. Overtime to backfill officers is typically triggered when a patrol team's staffing drops below 9 or 10, depending on which Patrol team, or as other needs may dictate (crimes, emergencies, protests, etc.). These numbers are always subject to change."

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	September 2023 - March 2024	Not Started: Proposed Implementation Plan: Internal evaluations will be completed annually to address constantly changing conditions, call volume, crime data and other external factors. BPD will explore engaging outside consultants every ten years to also evaluate this item.
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	March 2024	Not Started: Proposed Implementation Plan: BPD will review existing policy and ensure that any policy updates or clarification are completed. BPD will conduct research to review fatigue mitigation programs and contact other agencies to learn what they are using successfully. A byproduct of reduced staffing can be increased or excessive overtime where minimum staffing levels or public safety needs necessitate police response. The Department will explore options to develop data collection and monitoring within the electronic staffing solution to be able to regularly assess if there is an issue.

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	March 2024	Started: Following the RFP process, a vendor has been selected and City Council has approved the contract. Care Ware Systems, Inc. is the vendor. This new service will be used to track daily attendance, gather shift and vacation bidding, shift trades and representations, overtime signups and more. The initial meetings with the vendor have recently occurred with internal stakeholders to start the implementation process.

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	September 29, 2022	Started: Lexipol Policy #1020 regarding Outside Employment is currently being updated to incorporate BPD practices when engaging in reimbursable service contracts. These updates will include the overall process for handling service contracts with private entities, in addition to the finalization and adaptation of an appropriate contract. Final policy edits are expected to be ready for the September 29, 2022 Council Meeting. Implementation is currently underway for the webpage providing up to date information explaining the process and documents required for requesting BPD services. This page cannot go live until policy and application documents are through final approval stages.
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	September 29, 2022	Started: BPD has been working with the City Attorney's Office to draft/develop a contract template for future implementation. The draft policy update and contracts are in the final stages of document review.

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 potential costs to the City.	Police	September 29, 2022	Started: A formal application for seeking BPD's services is currently being finalized. Final edits are expected to be ready for the September 29, 2022 Council Meeting. Once completed, there will be a direct link on the Department's website with information explaining the process for requesting services. This will include a point of contact to discuss criteria and evaluation of service requests, including staffing impacts.
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	March 2023	Started: BPD gave a verbal instruction to staff to review invoices prior to submitting them to the customer for payment. Staff were also instructed to reconcile invoices billed with payments received to ensure potential variations are addressed as soon as possible. BPD is working on developing documentation for this policy.
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	March 2023	Started: BPD will discuss potential solutions with Finance and Budget Office Staff. The implementation of the new ERP system is in the middle of several new modules which potentially impact the efforts of lining up revenues and expenses. While BPD agrees that revenues and expenses should occur within the same fund, Finance has the ultimate responsibility for determining methodologies which comply with GAAP and with reporting to federal, state, and auditing standards. This may require a significant amount of review and analysis on the part of other subject matter experts within the City of Berkeley.