



## MEMORANDUM

**TO:** HONORABLE MAYOR &  
CITY COUNCIL

**FROM:** Susan E. Manheimer,  
Interim Chief of Police

**SUBJECT:** OPD Overtime Report:  
4<sup>th</sup> Quarter FY 2019-20 and  
1<sup>st</sup> Quarter FY 2020-21

**DATE:** December 4, 2020

City Administrator  
Approval

Date  
Dec 4, 2020

### EXECUTIVE SUMMARY

This memorandum on police overtime provides the following information:

- Reasons why Oakland Police Department (OPD) overtime exceeds budget for the fourth quarter of Fiscal Year (FY) 2019-20 and the first quarter of FY 2020-21;
- Structural deficiencies in OPD overtime; and
- Non-discretionary and discretionary overtime expenditures for the fourth quarter of FY 2019-20 and the first quarter of FY 2020-21

### INFORMATION

#### *Reasons Why OPD Exceeded its Overtime Budget in the Fourth Quarter of FY 2019-20 and the First Quarter of FY 2020-21*

There are a number of reasons why OPD exceeded its overtime budget in the fourth quarter of FY (Fiscal Year) 2019-20 and the first quarter of FY 2020-21:

- As of November 29, 2020, **homicides in the City of Oakland increased by 47 percent** from the previous year **assaults with firearms increased by 64 percent** for the same timeframe. These dramatic increases in violent crime have resulted in substantial overtime use for pro-active crime reduction activities as well as investigative overtime.
- **Crowd management** requires tremendous human resources to protect the public and property. During the **fourth quarter of FY 2019-20**, OPD expended nearly **\$2.5 million on protest activity** associated with Minneapolis Solidarity. For the **first quarter of FY 2020-21**, OPD spent **another \$1.28 million** on protest activity.

- Oakland residents continue to be terrified by large and dangerous Sideshow events involving hundreds of vehicles – many from outside of Oakland. **OPD spent over \$2 million on Sideshow enforcement** activities from July 1, 2019 to September 30, 2020.
- **Attrition** of 60 sworn personnel per year – and professional staff vacancies – contributed to **end of shift and backfill overtime of \$3.36 million** between July 1 and September 30, 2020. As of November 2, 2020, OPD had **47 sworn vacancies and 62.5 professional staff vacancies**.
- Extended leaves of personnel due to injury and other matters results in a significant amount of overtime use. **As of December 2, 2020, there were 35 sworn and 13 professional staff on extended leave.**
- In addition to long-term leaves of absence mentioned above, **OPD had 41 confirmed cases of Covid-19 as of November 17, 2020**. This has resulted in using additional overtime to perform the critical work of the infected individuals.

### *Structural Deficiencies in OPD Overtime Budget*

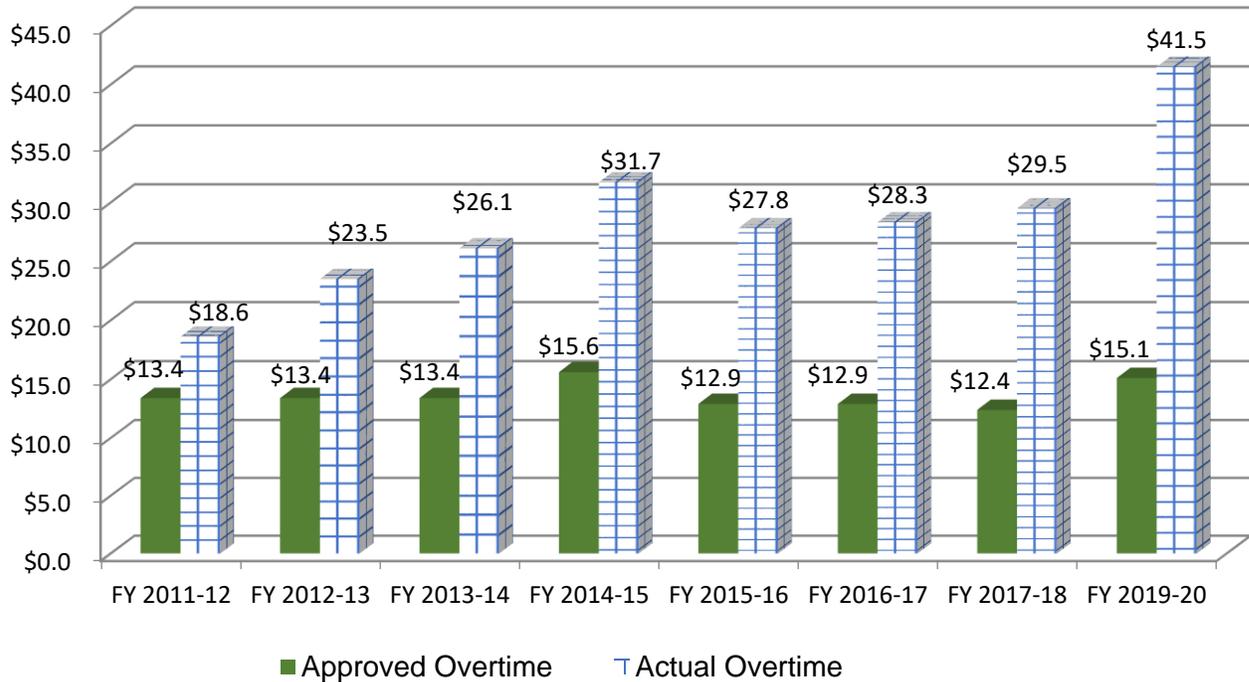
In addition to the reasons provided above for why OPD exceeded its overtime budget for the fourth quarter of FY 2019-20 and the first quarter of FY 2020-21, the following structural deficiencies continue to impede the ability of OPD to meet its overtime budget:

- Despite actual yearly General Purpose Fund (GPF) overtime expenditures from \$20 to nearly \$30 million, **insufficient funds are budgeted for OPD overtime each year.**
- **The July 2020 OPOA wage increase** was 2.5 percent and the Local 21 and Local 1021 **wage increases were two percent**. Consistent with all previous budgets, there was no corresponding increase in the OPD overtime budget to address this wage increase. Despite frequent wage increases, **the OPD overtime budget does not increase to match wage increases.**
- **Service level demands** – including minimum staffing levels for patrol – incur overtime.
- Legal mandates, such as the **Negotiated Settlement Agreement (NSA)** and **state-required training**, result in overtime.
- Based on the amount of violent crime per officer in large cities, **OPD is the most understaffed police department in the United States** and relies on overtime to help meet a large number of competing demands.

### Insufficient Funds for OPD Overtime Budget

*Chart 1*, below, provides approved versus actual overtime spent for the GPF from FY 2011-12 to present. Approved overtime is the amount initially approved prior to any budget adjustments. OPD has overspent its approved GPF budget every year. Rather than the initial approved amount reflecting the previous year expenditure, the annual overtime budget is continuously underfunded.

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



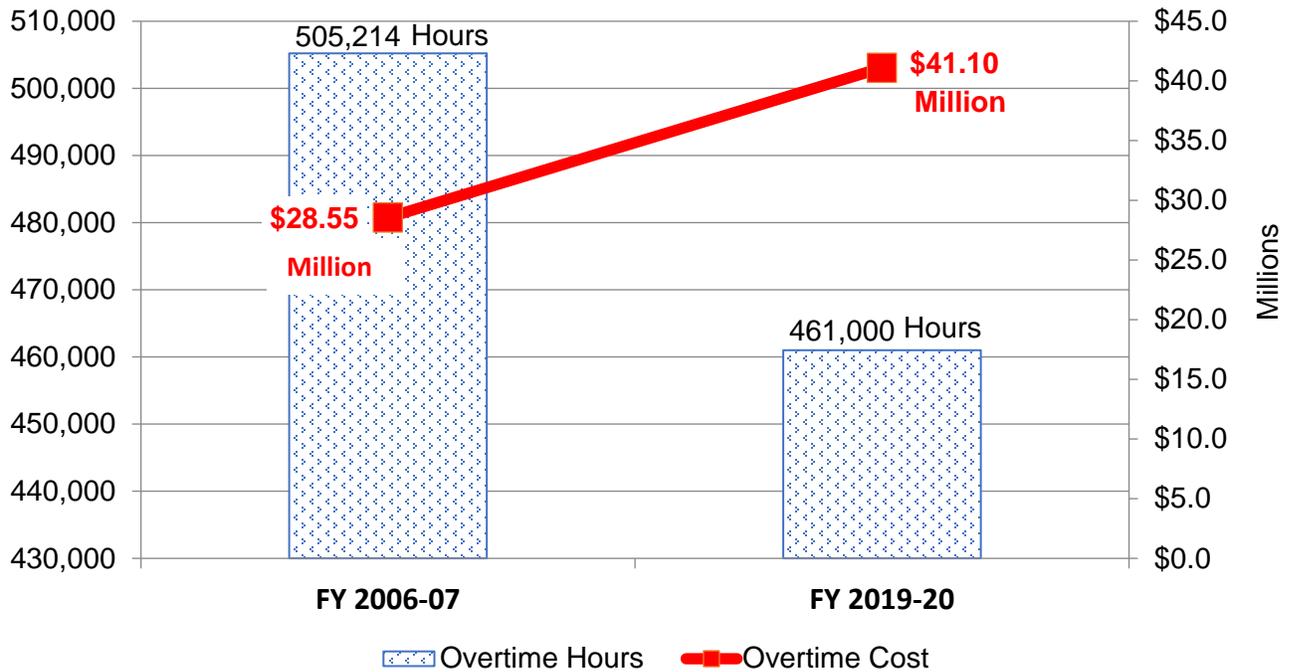
As can be seen in *Chart 1*, above, OPD has increased its overtime spending nearly every year since FY 2011-12 due to the performance of critical police operations. In spite of these increases, City Council has budgeted less than 50 percent of the annual expenditure.

**Overtime Budget Increases Do Not Match Wage Increases**

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 2019-20, OPD used 461,000 hours (sworn and professional staff) but spent \$41.10M.

Chart 2: COLA Deficit for Unfunded Contractual Pay Increases



Although OPD reduced the number of overtime hours by nearly nine percent from FY 2006-07 to FY 2019-20, the cost actually increased by \$12.5M.

**Service Level Demands**

OPD presently has 240 police officer positions assigned to provide 24-hour-a -day coverage in each of the 35 patrol beats. 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 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.

In order to maintain a minimum staffing level of 35 officers in patrol, OPD is often required to expend overtime (known as “backfill” or “extension of shift” overtime). This is most likely to happen on days and shifts when there are only 40 officers initially available – before training, illness, and vacation or other approved time off reduces this number.

**Legal Mandates**

The NSA places a number of mandates on OPD that may not otherwise exist, including two mandates that have particular impact on patrol overtime. The first is that a patrol sergeant may not supervise more than eight officers. The second is that OPD cannot use acting sergeants in patrol. Taken together, a significant amount of overtime is generated because OPD must have five regular permanent (not temporary acting) sergeants in patrol for every shift to supervise the minimum of 35 officers. Administrative sergeant positions have been created to address this issue, but this has not proven to be an effective remedy. Administrative sergeants are regular permanent positions and are often assigned full-time to fill in for sergeants who are on long-term injury or other assignment.

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The California Commission on Peace Officer Standards and Training (POST) mandates that every peace officer, public safety dispatcher, and public safety dispatch supervisor complete a minimum of 24 hours of POST-qualifying training every two years. The NSA training requirement (Task 43) requires OPD to exceed the POST mandates by requiring that all sworn personnel receive 40 hours of in-service training every 18 months. NSA Task 43 also mandates 20 hours of supervisory training every eighteen months.

At present, all training is completed by sergeants and officers who are assigned to attend in lieu of their regular work assignment. For those assignments that have minimum staffing requirements (such as patrol), this practice increases the likelihood of overtime being used.

**Critical Understaffing**

Per the Uniform Crime Reports (UCRs) published by the Federal Bureau of Investigation (FBI), the number of violent crimes per OPD sworn member for 2019 (the most recent year available) is 6.97. The national large-city average for 2016 is 3.53 violent crimes per sworn position. To meet (and not exceed) this average, OPD would require 1,563 sworn personnel, an addition of 777 sworn personnel beyond the current permanently budgeted 786.

In order to address the highest level of violent crime per officer in the country, OPD relies on overtime to compensate for a lack of sufficient staffing. An incredibly high number of overtime hours result directly from investigative, crime reduction, and problem-solving personnel engaged in tasks that could be completed by additional personnel on straight time.

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**NON-DISCRETIONARY AND DISCRETIONARY OVERTIME***Table 1: Mandatory Overtime/Non-Discretionary*

<b>Mandatory Overtime / Non-Discretionary</b>			
<b>Category</b>	<b>FY 2019-20 (Full Year Actuals)</b>	<b>FY 2020-21 (1st Qtr Actuals)</b>	<b>Description</b>
Ext of Shift / Backfill	12,848,971	3,356,516	Overtime used to fill open beats and conduct preliminary investigations.
FLSA/Holiday/ Comp Time Earned	6,977,426	1,523,041	This category covers Fair Labor Standards Act and Memorandum Of Understanding requirements.
Training/Canine Training/ Recruiting & Backgrounds	2,236,860	376,563	Required expenditure used for Recruitment, Background Investigations, and Academy and In-service training.
Admin Investigations	1,882,061	573,561	Overtime used to conduct administrative follow-up on IAD investigations, Use of Force Investigations and other NSA/policy driven administrative work.
Callback	1,207,329	366,515	Overtime used for callouts regarding serious crimes or other critical incidents.
Court	345,352	63,083	Expenditure to cover subpoenaed court appearances.
Community Meetings	7,971	0	Cost covers community meeting attendance, which is required by policy.
<b>Non-Discretionary Total</b>	<b>25,505,970</b>	<b>6,259,279</b>	

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Table 2: Grouped Special Enforcement Overtime/Discretionary

<b>Grouped Special Enforcement Overtime / Discretionary</b>			
<b>Category</b>	<b>FY 2019-20 (Thru 6/12/20)</b>	<b>FY 2020-21 (1st Qtr Actuals)</b>	<b>Description</b>
Site Security & Traffic Control*	1,955,135	375,973	Cost includes reimbursable overtime from businesses, organizations, and construction
Sport, Entertainment, and Coliseum*	2,467,650	155,415	Cost includes reimbursable overtime for concerts, sports, and Coliseum events. Due to COVID, there has been a reduction.
Sideshow Enforcement	1,544,495	512,565	Overtime covers weekend sideshow enforcement.
Area Crime Response & Admin	3,019,555	649,654	The is used to address violence, human trafficking, and other Area crime priorities.
COVID, Mutual Aid, and PG&E PSPS	670,300	204,954	For COVID-related overtime costs, mutual aid (reimbursable), and PG&E events.
Uptown Walking	1,120,536	154,579	Overtime used to support weekend walking detail.
Patrol Wagon	68,016	2,889	With the closure of North County Jail, this used to take arrestees to Santa Rita Jail and allow beat officers to remain in the City.
Demonstrations & Gatherings	2,478,973	1,278,761	This covers operations for demonstrations and gatherings.
Other Community Events*	96,833	0	This includes reimbursable overtime from different organizations. Due to the public health order, there has been a reduction.
Homicide / Ceasefire Op and Warrant Service	589,815	62,102	Overtime covers Ceasefire and CID Citywide investigations and operations focused on gun violence.
City Hall Security	351,143	0	This is for officers assigned to City Hall to for increased security. With COVID, activity at City Hall has decreased.
Training	75,739	0	Overtime covers additional Recruitment and Academy training.
Lake Merritt Patrol	6,640	199,565	This covers the cost of officers to patrol Lake Merritt due to increased use during summer months and COVID education.
Festivals, Street Fairs, Parades*	85,480	190	This includes reimbursable overtime for festivals, parades, and other large events. Due to COVID, there has been a reduction.
Traffic Operations & Fatal Callout	407,859	174,642	The cost covers traffic operations and fatal collision investigations.
Other Coded Tasks	12,370	0	This element covers the activity of other OPD that used the special enforcement overtime code.

\* Indicates at least partial reimbursement

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**SPECIAL EVENTS OVER \$25,000***Table 3: Special Events and Enforcement over \$25,000 for FY 2019-20*

<b>Event</b>	<b>Amount</b>	<b>Event</b>	<b>Amount</b>
Minneapolis Solidarity	2,365,334	Cruise Ship COVID Operations	118,534
Sideshow Enforcement	1,628,854	Raiders vs. Rams	117,855
Uptown Walking	1,136,740	Raiders vs. Chargers	115,355
Home Depot	990,194	Juneteenth Rally	112,260
Patrol Wagon	920,471	SE Hegenberger Rd	95,634
FOP Protest Facilitation	616,146	Lake Merritt Special	87,789
COVID-19 TRACKING	513,974	Sideshow Enforcement	85,438
AC Transit Project	489,678	Women's March Oakland	70,264
Area 4 Robbery Suppression	486,369	Citywide Targeted Enforcement	65,890
CID Ceasefire	461,797	Monster Energy Super	64,369
Area 3 Special Enforcement	411,371	Fatal Callout	55,236
City Hall Security	409,073	A's vs. Rays	55,080
PG&E Power Shutoff	387,102	Laney Swap Meet	52,574
Rolling Loud Music F	311,214	Blue Shield Building	46,726
73rd Ave @ Lockwood	250,429	A's vs. Giants	45,897
PG&E Public Safety	230,355	A's vs. Giants	44,446
SE 90th Ave @ Olive	188,571	Ceasefire Ops	39,091
Area 3 Special Enforcement	169,553	Monster Jam	38,909
Raiders vs. Lions	141,016	Monster Jam	37,436
Raiders vs. Bengals	138,192	Area 3 Violence Suppression	34,216
Raiders vs. Jaguars	137,820	Dia De Los Muertos	33,692
Raiders vs. Titans	136,274	SE 7600-7900 blk of	33,636
Raiders vs. Chiefs	132,459	May Day Rally	33,376
85th Ave @ International	128,415	MTC Comm. Parking	31,522
SWAT Search Warrants	127,972	First Friday	28,853
Raiders vs. Broncos	125,238	First Friday	27,302
Abandoned Auto	120,612	A's vs. Rangers	25,272

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*Table 4: Special Events and Enforcement over \$25,000 for First Quarter of FY 2020-21*

<b>Event</b>	<b>Amount</b>	<b>Event</b>	<b>Amount</b>
Sideshow Enforcement	514,941	Area 3 Special Enforcement	138,212
BFO 1 Protest	389,545	Monterey County Mutual Aid	116,776
Solidarity with Portland	325,902	Minneapolis Solidarity	112,719
Home Depot	282,087	July 4th Enforcement	91,894
Solidarity with Kenosha	258,181	Santa Cruz Mutual Aid	88,178
Area 4 Robbery Suppression	255,923	Port-JLS Security	67,422
Lake Merritt Special	199,565	SE 85th Ave @ International	64,569
Citywide Violence Reduction	188,131	SE 7600-7900 blk of	61,212
Solidarity Event	174,706	Abandoned Automobiles	58,722
Uptown Walking	153,966	Ceasefire Operations	25,476

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Receive An Informational Report From The Oakland Police Department (OPD) On The Use Of Overtime During the Fourth Quarter Of Fiscal Year (FY) 2019-20 and the First Quarter Of FY 2020-21.

For questions regarding this report, please contact Timothy Birch, Interim Deputy Director, Oakland Police Department at [tbirch@oaklandca.gov](mailto:tbirch@oaklandca.gov).

Respectfully submitted,



Susan E. Manheimer  
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OPD, Bureau of Services