



Office of the City Manager

INFORMATION CALENDAR  
November 7, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, 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 have been implemented and 2 of the recommendations are in progress. We anticipate the next status update report to be on May 21, 2024.

Included in this is the completion of 5 additional recommendations since the last update. This includes Policy 1015 being updated to add a restriction on working no more than 7 consecutive days and we have completed our first formal written agreement for doing work for outside entities. Internal directives have been distributed formalizing both a staffing assessment protocol and a process for monitoring how often compensatory time leads to backfill overtime. Additionally, a process was formalized for an Outside Entity Billing Process.

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*<sup>1</sup>. 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 third status report for this audit, the first being in November 2022 and the second in May 2023. There was also an update to the Budget and Finance committee in September 2023.

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<sup>1</sup> 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>

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ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

FISCAL IMPLICATIONS

Staff time in addition to the contract costs. The contract for CareWare, approved in 2022 is \$191,740 (5-year contract). This software is being utilized throughout the whole Police Department.

CONTACT PERSON

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

ATTACHMENTS

1. Police Overtime Recommendation Table

Audit Title: Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities						
Finding	Recommendation		Department	Expected or Actual Implementation Date	Status of Audit Recommendations, Corrective Plan, and Progress Summary	Last Period: Status
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	9/1/2023	<u>Implemented:</u> 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.	Started
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	Spring 2023	<u>Started:</u> The City of Berkeley released an RFP for a "Berkeley Police Department Workload Organizational Study". The vendor CityGate was awarded the contract for this item, with a contract start date of 8/21/23. The process of providing the vendor with all the requested materials and documents is nearly complete. BPD anticipates this project will be completed in 8-9 months.	Started

<p>Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated.</p>	<p>2.1</p>	<p>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.</p>	<p>Police</p>	<p>9/29/2023</p>	<p><u>Implemented:</u> 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.</p>	<p>Started</p>
<p>Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated.</p>	<p>2.2</p>	<p>Document and define the Patrol Unit's minimum staffing levels in a publicly assessable format.</p>	<p>Police</p>	<p>9/2/2022</p>		<p>Implemented</p>
<p>Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated.</p>	<p>2.3</p>	<p>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.</p>	<p>Police</p>	<p>Spring 2023</p>	<p><u>Started:</u> A vendor for the organization's workload study has been selected and BPD is entering into the contracting process. Once complete, the selected vendor, CityGate, will provide a final report documenting the results of the staffing assessment along with the assessment criteria.</p>	<p>Started</p>

<p>Officers work excessive overtime, increasing health and safety risks.</p>	<p>3.1</p>	<p>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.</p>	<p>Police</p>	<p>8/23/2023</p>	<p><u>Implemented:</u> 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.</p>	<p>Started</p>
<p>Officers work excessive overtime, increasing health and safety risks.</p>	<p>3.2</p>	<p>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.</p>	<p>Police</p>	<p>3/8/2023</p>		<p>Implemented</p>

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	5/4/2023		Implemented
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	8/31/2023	<u>Implemented:</u> Service agreements for work with outside entities are being executed and are available on the Police Department's website: <a href="https://berkeleyca.gov/sites/default/files/documents/BPD%20Service%20Agreement-final.pdf">https://berkeleyca.gov/sites/default/files/documents/BPD%20Service%20Agreement-final.pdf</a>	Partly 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 potential costs to the City.	Police	3/30/2023		Implemented
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	3/7/2023		Implemented
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	9/29/2023	<u>Implemented:</u> 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.	Started

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