Update on Audit Recommendations

BERKELEY POLICE: IMPROVEMENTS NEEDED TO MANAGE OVERTIME AND SECURITY WORK FOR OUTSIDE ENTITIES

Findings

1. Overtime is used to maintain minimum patrol staffing set by BPD. (2 recommendations)

2. Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated. (3 recommendations)

3. Officers work excessive overtime, increasing health and safety risks. (2 recommendations)

4. BPD does not have contracts for overtime security with outside entities. (5 recommendations)

Implementation Status Overview

12 total recommendations

6 started

1 partly implemented

5 implemented

Recommendation 1.1

Collect and monitor data on how often compensatory time leads to additional backfill overtime and develop a plan to monitor it.

- The CareWare electronic staffing software solution has recently been implemented to monitor staffing, overtime and time off, plus shift trades/swaps. Now that the software is being utilized, we will be better able to work towards understanding the expense and impacts of compensatory time.

- Description of what is left to do and anticipated implementation date

- Consider including resources needed to implement ($, staff, technology, attorney input, management review, etc.)

STARTED

Recommendation 1.2

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

- On 12-7-22, the City of Berkeley released an RFP for a "Berkeley Police Department Workload Organizational Study". The proposals are currently being reviewed as we work toward making a vendor selection.

- Description of what is left to do and anticipated implementation date

- Consider including resources needed to implement ($, staff, technology, attorney input, management review, etc.)

STARTED

Recommendation 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.

STARTED

- Annually, BPD will monitor and reassess workloads as we consider how to best allocate our resources. These internal tools were used at the March 2023 timesheet to help identify a new beat structure to ensure adequate coverage plus rebalancing minimum staffing levels.

- Description of what is left to do and anticipated implementation date

- Consider including resources needed to implement ($, staff, technology, attorney input, management review, etc.)

Recommendation 2.2

Document and define the Patrol Unit's minimum staffing levels in a publicly assessible format.

- 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

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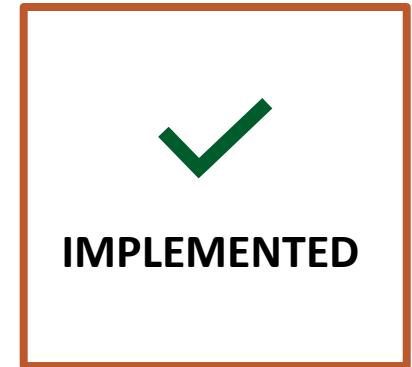
Recommendation 2.3

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.

STARTED

- A vendor for the organizations workload study has been selected and BPD is entering into the contracting process.

- Description of what is left to do and anticipated implementation date

- Consider including resources needed to implement ($, staff, technology, attorney input, management review, etc.)

Recommendation 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.

STARTED

- BPD has started looking into what other agencies do regarding limiting the number of consecutive days worked. BPD current policy clearly addresses the maximum number of work hours per week but does not address consecutive days worked. The recent implementation of the electronic staffing software solution and tracking abilities may also help guide any needed changes.

- Description of what is left to do and anticipated implementation date

- Consider including resources needed to implement ($, staff, technology, attorney input, management review, etc.)

Recommendation 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.

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IMPLEMENTED

- The CareWare electronic staffing software solution has recently been implemented to monitor staffing, overtime and time off, plus 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.

Recommendation 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.

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IMPLEMENTED

▪BPD has finalized Policy 1043 and will begin using the newly created contracts with outside entities.

Recommendation 4.2

In consultation with the City Attorney, create contracts with outside entities in compliance with City policies and applicable laws.
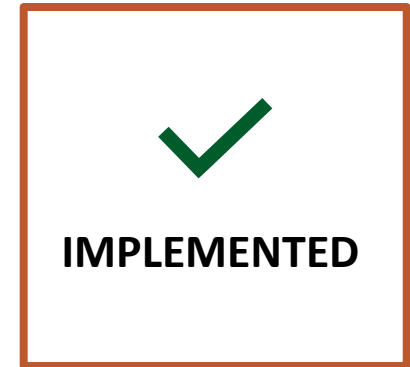
▪Service agreements for work with outside entities are drafted and available on the Police Department's website: https://berkeleyca.gov/sites/default/files/documents/BPD%20Service%20Agreement-final.pdf. BPD's sergeant in special events will be doing outreach to all of the regular consumers/requesters as a next step.

▪Description of what is left to do and anticipated implementation date

▪Consider including resources needed to implement ($, staff, technology, attorney input, management review, etc.)

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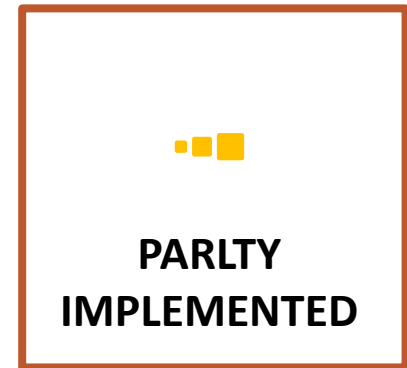
Recommendation 4.3

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.

▪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.

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IMPLEMENTED

Recommendation 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.

- BPD's Admin &Fiscal Services Unit developed a written procedure for the "Outside Entity Billing Process". This will ensure consistency or accountability in billing and tracking.

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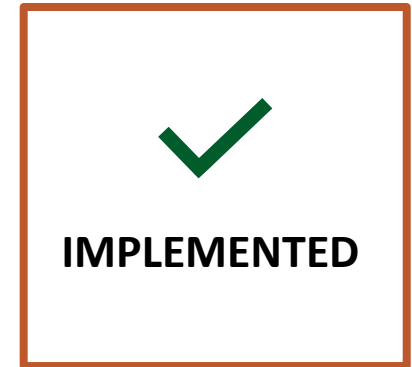
Recommendation 4.5

Explore ways to clearly account for different funds to track revenues and expenses.

- BPD is in the beginning stages of developing potential solutions to account for different funds. It may require collaboration with Finance, Budget, Payroll Audit, the ERMA Team, and other stakeholders.

- Description of what is left to do and anticipated implementation date

- Consider including resources needed to implement ($, staff, technology, attorney input, management review, etc.)

STARTED