



OAKLAND POLICE COMMISSION

MEETING AGENDA

June 13, 2019

6:30 PM

City Council Chamber, 3rd Floor
1 Frank H. Ogawa Plaza, Oakland, CA 94612

- I. **Call to Order**
Chair Regina Jackson
- II. **Roll Call and Determination of Quorum**
Chair Regina Jackson
Excused Absence: Edwin Prather
- III. **Welcome, Purpose, and Open Forum** (2 minutes per speaker)
Chair Regina Jackson will welcome and call public speakers. The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's (OPD) policies, practices, and customs to meet or exceed national standards of constitutional policing, and to oversee the Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.
- IV. **Pawlik Investigation Update**
The Commission will discuss CPRA's recently completed Pawlik investigation and the next steps. ***This was discussed on 5.9.19 and 5.23.19.***
 - a. Discussion
 - b. Public Comment
 - c. Action, if any
- V. **Commission Subpoenas Related to CPRA/Pawlik Investigation Communications**
The Commission will receive responses to subpoenas previously issued. ***This is a new item.***
 - a. Discussion
 - b. Public Comment
 - c. Action, if any
- VI. **OPD Budget Update**
Chief Kirkpatrick will provide an update on the OPD budget and will discuss the five priorities for hiring and for reducing overtime costs. ***This was discussed on 5.23.19. (Attachment 6)***
 - a. Discussion
 - b. Public Comment
 - c. Action, if any

- VII. OPD’s Policy on the Deployment of the BearCat and Other Militarized Weapons**
Analysis and OPD presentation on the use of the BearCat and the deployment of militarized weapons and potential Commission action on OPD’s request for a purchase of a second BearCat. The Commission may vote to appoint an Ad Hoc Committee on Equipment Acquisition and Use Policy. ***This is a new item.*** ([Attachment 7](#))
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- VIII. OPD Towing Policy Regarding Victims of Crime**
Analysis and OPD presentation on OPD’s policy regarding the towing of the cars of victims of crime. ***This is a new item.*** ([Attachment 8](#))
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- IX. Report from Ad Hoc Committee on CPRA Appellate Process**
The Ad Hoc Committee on CPRA Appellate Process will present its on-going analysis on a potential appellate process for closed CPRA and/or CPRB cases, if any. ***This was discussed on 9.13.18, 10.11.18, 4.11.19, 4.25.19, 5.9.19, and is continued from 5.23.19.*** ([Attachment 9](#))
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- X. Bey Case Review**
The Commission will review the names of several potential investigators to consider the Bey case – Henry Gage, III; Amy Oppenheimer; Michael Thompson. ***This was discussed on 9.13.18, 10.11.18, 4.11.19, 4.25.19, and 5.9.19.*** ([Attachment 10](#))
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- XI. Recess (8 minutes)**
- XII. Audit of CPRA Investigations**
The Commission will discuss the procedure for conducting an audit of the CPRA, including the breadth and scope of any such audit and whether the audit should be conducted by an independent third-party. ***This is a new item.***
- a. Discussion
 - b. Public Comment
 - c. Action, if any

XIII. Outside Counsel RFQ Update

The City Attorney's office will provide an update on the status of the RFQ for the Commission's outside counsel. ***This was discussed on 1.24.19 and 4.25.19. (Attachment 13)***

- a. Discussion
- b. Public Comment
- c. Action, if any

XIV. Pro Bono Legal Services Agreement

The Commission will discuss and review an agreement from Henry Gage, III for pro bono legal services that was approved by the Personnel Committee. The Commission may vote to approve the agreement. ***This is a new item, and is continued from 5.23.19. (Attachment 14)***

- a. Discussion
- b. Public Comment
- c. Action, if any

XV. Commission Letter to City Council Regarding OPD Contract with Michael Palmertree

The Commission will review and may approve a draft letter to the City Council regarding OPD's contract with Michael Palmertree. ***This is a new item, and is continued from 5.23.19. (Attachment 15)***

- a. Discussion
- b. Public Comment
- c. Action, if any

XVI. Commission Letter to City Council Regarding CAHOOTS

The program CAHOOTS (Crisis Assistance Helping Out On The Streets) seeks to remedy the skill mismatch and wasted expense when police officers and EMS personnel respond to non-emergency mental health and health related crisis calls. The Commission will review and may approve a letter to the City Council to support efforts within the City Council to fund exploration of whether Oakland can and should implement a similar program. ***This is a new item. (Attachment 16)***

- a. Discussion
- b. Public Comment
- c. Action, if any

XVII. Committee/Liaison/Other Commissioner Reports

This time is set aside to allow Commissioners to present a brief report on their own activities, including service on committees or as liaisons to other public bodies. No action may be taken as a result of a report under this section other than to place a matter for consideration at a future meeting. ***This is a recurring item.***

- a. Discussion
- b. Public Comment
- c. Action, if any

XVIII. National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference

The Commission will discuss and may vote on participation at the National Conference in Detroit September 22-26, 2019. ***This was discussed on 4.25.19, and is continued from 5.23.19. (Attachment 18)***

- a. Discussion
- b. Public Comment
- c. Action, if any

XIX. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas. ***NOTE:*** The agenda for the June 27th meeting will consist of interviews for the CPRA Executive Director position, and a review of CPRA pending cases and completed investigations. ***This is a recurring item. (Attachment 19)***

- a. Discussion
- b. Public Comment
- c. Action, if any

XX. Adjournment



This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin, or Spanish interpreter, please e-mail mnisperos@oaklandca.gov or call 510-238-7401 or TDD/TTY 510-238-2007 at least five working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantonés, Mandarín, o de lenguaje de señas (ASL) por favor envíe un correo electrónico a mnisperos@oaklandca.gov o llame al 510-238-7401 o 510-238-2007 por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

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Because some persons are sensitive to certain chemicals, persons attending this meeting are requested to refrain from wearing scented products.



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	OPD Budget Update
Date:	June 7, 2019
Requested by:	Police Commission Chair
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	Richard Luna, Assistant to the City Administrator

Action Requested:

That the Police Commission review and discuss the five priorities for hiring and for reducing overtime costs submitted by Chief Kirkpatrick.

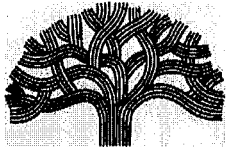
Background:

At the Police Commission's May 23, 2019 meeting, Chief Kirkpatrick noted that at the next Police Commission meeting she would provide an update on the OPD budget and the five priorities for hiring and for reducing overtime costs.

Measure LL – Police Commission, City Charter Section 604(b)7, requires that, “The Commission shall conduct at least one public hearing on the Department budget per budget cycle and shall forward to the City Council and recommendations for change.”

Attachments:

OPD Budget Update Hiring Priorities



CITY OF OAKLAND

AGENDA REPORT

TO: Oakland Police Commission

FROM: Anne E. Kirkpatrick
Chief of PoliceSUBJECT: Budget Update
Hiring Priorities

DATE: June 5, 2019

Budget update:

Since the OPD presentation at the May 23 Commission meeting, OPD has been responding to a series of Council questions about the budget. Those questions and responses are posted on the City's budget website. <https://www.oaklandca.gov/projects/fy-2019-2020-budget-process-1> Copies of the questions and answers accompany this memo. In Memo #1, the questions related to or referencing OPD are 2, 3, 4, 5, 8, and 15; in Memo #2 the questions related to or referencing OPD are 17, 18, 27, 31, and 32.

The City Council President has proposed amendments to the Mayor's FY 2019-21 Proposed Budget. The list of proposed amendments is included in the agenda materials for the City Council special meeting on June 10.

<https://oakland.legistar.com/LegislationDetail.aspx?ID=3957477&GUID=1B53BD39-2B97-4457-90AA-8F31B33F42D9&Options=&Search=>

The following is a summary of items related to OPD contained on the Budget Spreadsheet:

FUND 1010:

- Reductions:
 - \$7,000,000 for budget overspending (item #14 – see related Item #83)
 - \$150,000 Remove sworn officers assigned to council meetings (item #22)
 - \$460,000 OPD personnel for metal detector system (item #23)
 - \$1,000,000 Reduce number of people transported to Santa Rita (item #24)
- Additions:
 - \$280,000 for 2 Motorcycle officers (item #79)
 - \$200,000 to improve recruitment and retention of Police Officers (item #80)
 - \$100,000 expand staffing for non-emergency OPD lines (item #81)
 - \$180,000 add 2 (2) 911 Dispatchers (item #82)
 - \$7,000,000 - Create tracking and oversight system for police overtime with funds set aside that may not be used by OPD unless/until policy tracking is in place and approved by council. Once council receives this report funds can be allocated to police overtime or other vital needs. (item #83)
 - \$24,500 – NCPC O & M budget (Item #84)

FUND 2252:

- Additions:
 - \$200,000 for startup costs for a coordinated point of support for families in the aftermath of serious violence (item #5)

Item: _____
Police Commission
June 13, 2019₆

Oakland Police Commission
 Subject: Budget Update, Hiring Priorities
 Date: June 5, 2019

Page 3

- Breakdown of grants:

Grant Name	Grantor	Grant Year	Start Date	End Date	Amount of Award
COPS - CHP 2015	DOJ/COPS	2015	9/1/2015	4/30/2020	\$ 1,875,000
JAG 2016 (local)	DOJ/ACSO	2016	10/1/2015	9/30/2019	\$ 579,291
OPD Cadet Program	Ed Fund	2015	12/17/2015	3/31/2020	\$ 617,000
COPS - CHP 2016	DOJ/COPS	2016	9/1/2016	8/31/2019	\$ 1,875,000
JAG 2017 (local)	DOJ/ACSO	2017	10/1/2016	9/30/2020	\$ 508,557
State COPS XX	State of CA/ COPS	2017	9/11/2017	6/30/2019	\$ 651,895
JAG 2018 (local)	DOJ/ACSO	2018	10/1/2017	9/30/2021	\$ 450,292
Vision 21: Supporting Collective Healing in the Wake of Harm	IACP/DOJ	2017	12/1/2017	9/30/2019	\$ 750,000
2017 Coverdell - formula	State of CA/CalOES	2017	1/1/2018	6/30/2019	\$ 16,382
2017 DNA Backlog Grant	DOJ	2017	1/1/2018	12/31/2019	\$ 246,237
Glenview Crossing Guard Program - 2018	OUSD	2016	9/1/2018	12/29/2019	\$ 122,484
State COPS XXI	State of CA/ COPS	2018	9/11/2018	6/30/2020	\$ 651,743
2018 Selective Traffic Enforcement Program (STEP)	State of CA/OTS	2017	10/1/2018	9/30/2019	\$ 500,000
Active Oakland: Safe Routes to School	OUSD	2018	10/1/2018	9/30/2020	\$ 84,000
2018 Surrendered and Abandoned Vessel Exchange (SAVE)	State of CA/Parks	2018	10/5/2018	9/30/2020	\$ 50,000
2018 DNA Capacity/Efficiency Grant	DOJ	2018	1/1/2019	12/31/2019	\$ 166,720
2018 DNA Backlog Grant	DOJ	2018	1/1/2019	12/31/2020	\$ 217,676
2018 Coverdell - formula	State of CA/CalOES	2018	2/28/2019	12/31/2019	\$ 66,285
POST Innovations Grant Program	State of CA-POST	2019	4/1/2019	3/31/2021	\$ 200,000
2018 Tobacco Enforcement (prop 56)	State of CA/DOJ	2018	TBD	6/30/2020	\$ 100,000
Sexual Assault Exam Kits Counting - 2019	State of CA/DOJ	2019	TBD	TBD	\$ 38,088

Overtime:

An OPD overtime report is scheduled to be presented to the June 11, 2019 Public Safety Committee. These recurring reports outline overtime expenses and overtime controls. The reports included on the June 11, 2019 agenda accompany this report. In addition, the City Auditor is about to release a comprehensive overtime analysis of OPD's overtime issues. Our understanding is that the report will be released in June. As soon as the audit is published we will send a copy to the Commission.

Hiring Priorities:

The Oakland Police Department fills its civil service positions through the City's Human Resource Management (HRM) Department. The civil service positions include the professional staff and lateral police officers. HRM also manages the promotional process for the sworn classifications

Item: _____
 Oakland Police Commission
 June 13, 2019 7

BUDGET QUESTIONS AND RESPONSES

DISTRIBUTION DATE: 4/26/2019



MEMORANDUM

TO: Honorable Mayor & City Council

FROM: Katano Kasaine
Director of Finance

SUBJECT: FY 2019-21 Budget Development
Questions/Responses #1

DATE: April 26, 2019

PURPOSE

The purpose of this memorandum is to transmit to the full City Council and public, responses to questions raised by City Councilmembers related to the Fiscal Year (FY) 2019-21 Proposed Biennial Budget. To the extent additional information becomes available on any of the responses below, updates will be provided.

QUESTIONS AND RESPONSES

- 1) **Who in the Administration is responsible for enforcing implementation of the budget as legally adopted? [Kaplan]**

Per the City Charter, the City Administrator, "shall have the power and it shall be his duty [...] to control and administer the financial affairs of the City."

- 2) **What specific steps are being taken to remedy the non-compliance of the one department which is overspending its current budget by over \$19 million? By what date is compliance expected to be achieved? Will that unauthorized expenditure be remedied in time for the Q3 update? Will it be remedied in time for those funds to be restored for the FY 2019-2021 budget? Who is overseeing the remedy of this unauthorized over-spending? [Kaplan]**

Both OPD and OFD have provided City Council with an analysis of overtime expenditures along with the quarterly revenue and expenditure report since the Fiscal Year 2016-17 Fourth Quarter Revenue and Expenditure report was presented to the Finance and Management Committee on October 24, 2017. OPD has taken the following specific actions to reduce its overspending (as outlined in those reports): issued a patrol staffing directive; substantially altered tactical squad deployment in patrol, changed the way that mandatory training is scheduled; implemented a city-wide minimum staffing mandate that requires time off request to be approved on a city-wide basis rather than just the bureau or division level; and, formed an overtime working group.

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #1

Date: April 26, 2019

Page 2

OPD staff will be bringing an overtime report to the Finance and Management Committee on May 28, 2019. This report will detail the actions they are taking to reduce overtime overspending and other key considerations. As outlined previously, several factors contribute to OPD's overtime overspending such as the service-levels established by the City Council, unanticipated events (e.g., sideshow response), negotiated MOU provisions as approved by the City Council, backfill for vacancies and leaves, and historical under-budgeting of overtime. OPD overtime issue cannot be addressed without first addressing the above listed issues.

3) What is the status of implementation of Oakland's adopted law prohibiting leaving guns loose, such as unsecured in unattended vehicles? How many enforcement actions thus far have been brought under this Ordinance? [Kaplan]

Below are the 2017 and 2018 statistics for stolen guns (OMC Sections 9.39 and 9.37).

2017

- 59 guns reported stolen
 - 30 guns taken from vehicles
 - 28 guns taken from residences
 - 1 gun taken from a business
- 26 of 59 guns taken were properly stored
 - Many of the remaining reports did not contain enough information to determine whether the guns were properly stored
- Two citations issued for three stolen guns
- One case was forwarded to the City Attorney after charges were declined by DA

2018

- 45 guns reported stolen
 - 30 guns taken from vehicles
 - 8 guns taken from residences
 - 5 guns taken from businesses
 - 1 taken during a home invasion robbery and 1 taken as petty theft
- 35 of 46 guns taken were properly stored
 - Some of the remaining reports did not contain enough information to determine whether the guns were properly stored.
- 2 guns have since been recovered
- No citations issued

4) What is the status of deployment of neighborhood beat officers? How many FTEs are supposed to be in this role? What percentage is actually being provided? [Kaplan]

There are 35 Community Resource Officer (CRO) positions. As of April 12, 2019, all 35 positions are filled with the officers deployed to their assignments. There are an additional five Community Resource Officer (CRO) supervisor positions (Sergeants) and all five positions are currently filled.

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #1

Date: April 26, 2019

Page 3

5) What percentage of ShotSpotter alerts receive an immediate police deployment? [Kaplan]

The median time for OPD to respond to the exact location is seven (7) minutes based on the last three months of data. It is important to note that response times can be impacted by the following:

- Officers have SST Alerts on their phones and they don't always have to wait for a dispatched call to respond to the alert, leading to shorter response times;
- Officers are given the exact coordinate location (address) as opposed to circling several blocks based upon where a caller says the shots may have come from;
- Based upon being given the exact coordinates, casings are being consistently recovered as evidence to be submitted to the crime lab which downloads the casing profile within 48 hours;
- The casings link gun violence incidents locally and throughout the region;
- The process increases the solvability of cases and through this method, it leads to more recovery of guns with subsequent search warrants and arrests;
- SST trends lead to better deployment of resources as the alerts become a "tell" or precursor of where there might be an ongoing feud;
- ATF just came to the crime lab for a mandatory audit and reported we are recovering casings and entering more casing profiles into the computer system (IBIS) at a rate faster than most agencies throughout the nation they have audited in recent months

6) Fire prevention inspection fees (wildfire prevention), how much are we charging, and at what stage of inspection (second time? Third?) are we charging? What would we need to charge to fully cover costs? [Kaplan]

As of FY 2018-19 wildfire prevention inspection fees are currently \$330.27 per property. This fee is charged only on a failed re-inspection (i.e., second inspection). Property owners who are compliant on an initial inspection or re-inspection are not charged. In the FY 2019-20 Master Fee Schedule, OFD is proposing to increase this fee to \$409.04 per property for cost recovery.

7) Parks and Rec fees, especially for aquatic center/boathouse, can we charge higher fees for non-Oakland residents? What would the amounts need to be to enable cost-recovery? [Kaplan]

The City's 2018-19 Master Fee Schedule (MFS) for OPRYD's rental facilities provides for non-resident and resident rates. OPRYD's facility rental fees for non-resident are set at cost recovery with resident rates at a 20 percent discount from the non-resident rates. The Jack London Aquatic Center (JLAC) and the Lake Merritt Sailboat House facility rental rates include non-resident and resident rates. Please see the Adopted FY 2018-19 MFS OPRYD's Rental Facilities beginning on page I-4 (<https://www.oaklandca.gov/documents/fy-2018-19-adopted-master-fee-schedule>). Specifically, please see page I-13 for JLAC and I-5 for Sailboat House non-resident and resident rates.

8) How many hours per year of police time are used for special events/parades etc? What is the cost of this service? How much of it is reimbursed? Where in the budget

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #1

Date: April 26, 2019

Page 4

do those reimbursements appear? What would be the cost to provide this service with civilian personnel? [Kaplan]

In FY 2017-18 (the most recent full fiscal year), approximately 81,801 hours of overtime were used for special events. It cost the City approximately \$6,596,317 in direct sworn personnel costs, all of which was reimbursed. The reimbursements are reported as GPF (1010) revenues in the "service charges" category.

OPD provides security services for special events at the request of event organizers. Civilian staff cannot provide security services for most of the special event requests, however, there are some events that can have additional civilian staff and less sworn personnel. The cost to provide the service depends on the request of the event organizers. Generally, the cost would be the number of hours worked at top step for the classification.

OPD finds great value in staffing events with sworn personnel. The presence of sworn OPD personnel at an event – ranging from a small party to a large sporting event – provides an opportunity for OPD to prevent problems from occurring. If a problem at a special event does develop, OPD personnel assigned to the event on special event overtime can address the problem immediately and effectively without draining extremely limited patrol resources.

9) Status report on budget vs. actual for last budget cycle. Which of past things have/have not been done. [Kaplan]

Budget versus actuals are provided in the City's Comprehensive Annual Financial Report (CAFR). The CAFR for the year-ending June 30, 2018, can be found on the City's website: <https://www.oaklandca.gov/documents/2018-comprehensive-annual-financial-report>. The FY 2018-19 Second Quarter Revenue and Expenditure report was delivered to the Finance and Management Committee on February 26, 2019. The FY 2018-19 Third Quarter Revenue and Expenditure report will be presented to the Finance and Management Committee on May 28, 2019. This report will include comparisons of projected revenues and expenditures against budgeted revenues and expenditures. Audited data for the current fiscal year (FY 2018-19) will not be available until December 2019.

10) Please provide racial demographic breakdown of proposed budget expenditures and explanation of equity analysis of the proposed budget. [Kaplan]

The Budget does not track expenditures by race. However, key programs (e.g., 3-Year Paving Plan, Measure KK) require that an equity framework be used as part of an evaluation.

11) What is the proposed annual cost for the additional security measures that are proposed for the city hall complex, such as the metal detectors and related systems? One-time startup costs? [Kaplan]

The one-time startup costs for the equipment related to the proposed enhanced security measures is approximately \$76,000. This includes the purchase of walk-through metal detectors, x-ray machines, scanners, stanchions, delivery, set-up and calibration and training for maintenance staff and equipment operators.

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #1

Date: April 26, 2019

Page 5

The annual or ongoing costs for equipment is approximately \$10,000 this includes a 12-month maintenance plan after the one year warranty period expires. The annual costs for security personnel to operate the equipment and OPD personnel to provide a higher level of authority and support to the security officers, these costs are provided below in the response to question #12.

12) Who is going to staff/secure the metal detector system? What is the cost for the staffing? [Kaplan]

The metal detectors and scanners will be operated by security personnel, there will be three unarmed security guards at each entrance (14th Street and 15th Street/ Plaza side). OPD officers will provide an armed presence and higher level of authority and support to the unarmed security officers.

Security Personnel costs for two entry points with three guards at each from 8am - 5pm; and additional security personnel to cover evening meetings (one evening per week) is estimated at: \$374,353 for 8am - 5pm and \$23,643 for evening meetings for a total annual cost of \$397,996

OPD Personnel costs are estimated at: \$460,000

13) What is the cost of 24-hour security for the city hall complex? What hours/days are currently provided? [Kaplan]

Current Days/Hours: Dalziel Building has 24/7 coverage currently. City Hall has Monday through Friday coverage from 7 am - 11 pm. Lionel Wilson has Monday through Friday coverage from 7 am – 7 pm.

Cost of 24/7: The additional cost to provide 24/7 security (88 hours per week / 4,576 hours annual) at City Hall is: \$115,589 The additional cost to provide 24/7 security (108 hours per week / 5,616 hours annual) for Lionel Wilson is: \$141,860. The total annual cost to add 24/7 coverage to Civic Center Complex is \$259,449.

14) What hours/days do we currently have security outside in Ogawa plaza? What would be the cost for doing this 24/7? [Kaplan]

FHOP has Monday through Friday coverage from 7 am - 11 pm. The additional cost to provide 24/7 security (88 hours per week / 4,576 hours annual) at FHOP is: \$115,589.

15) Measure Z - CRO and CRTs are being pulled to other things – need to know how often this is happening and options to remedy it. [Kaplan]

The Department is currently evaluating how best to track CRO and CRT time and productivity. Past results are not uniformly documented or retained in a way that can be easily produced, compared and evaluated.

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #1

Date: April 26, 2019

Page 6

Community Resource Officer (CRO) and Crime Reduction Team (CRT) work is generally spent addressing violence through proactive directed patrol, focused operations, and performing follow-up investigation and related arrests associated with serious or violent crimes. This specialized work is firmly geared toward defined Measure Z goals even though the work may pull a CRO or CRT from their assigned geographic area at various times.

Time may be spent away from an assigned geographic area to support citywide crime reduction operations, including operations to address serious and violent offenses, known suspects, search warrants, and surveillance operations. CROs are often needed to supplement CRT work so that operations can be completed safely. Time may be spent "off beat" to support the work of neighboring CRO where a strategy or response requires surveillance officers, arrest teams, search warrant services, or any other activity that is beyond the capabilities of an individual CRO. These operations – and the time necessary by all to safely complete them - are not typically evenly dispersed across all beats. Higher crime beats require more officers, more time, and higher prioritization. Even so, we often find that the resulting crime reduction and efforts positively impact other beats because crime trends and offenses may overlap and affect the health and safety of all beats citywide.

CROs and CRTs may also spend time away from their beat for any unstaffed and unplanned crowd management or crowd control event, or any planned crowd management event that is short of staffing (e.g., sideshows, permitted or unpermitted protests or marches, sports parades or celebrations, or supplementary staffing for permitted events with inadequate staffing.)

16) Why is our vacancy rate so high and how do we create solutions for faster hiring, who has been tasked with this issue? [Kaplan]

There is intense competition for public sector talent. The nation's unemployment rate is 3.8%, the California unemployment rate is 4.2% and the unemployment rate for San Francisco, Oakland and Richmond region is 2.8%. These are 50 year lows. The City's budgeted vacancy factor is 0% to 4%.

The Human Resources Management Department, working in conjunction with City Departments, is tasked with filling vacancies. The recruitment process is subject to the rules of the Civil Service Board and agreements in labor contracts. Solutions to hiring faster include regulatory relief that requires agreement with labor groups. There have been occasional agreements but nothing significant that would provide a competitive advantage in this tight labor market. HR has streamlined recruitment processing, expanded marketing efforts and hired a recruitment consultant to increase capacity.

The City has done well in its retention efforts. Voluntary resignations for non-sworn, full-time employees are down from 110 last fiscal year to a projected 91 for this fiscal year, which is a 4.01% resignation rate. A typical resignation rate for local government during normal economic times ranges between 4.5% to 5.5%. Given the historically low unemployment, it would be anticipated that the rate would be significantly higher, perhaps 6% to 8% percent. A key strategy to reduce the vacancy rate is to improve retention rates.

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #1

Date: April 26, 2019

Page 7

HRM continues to focus on identifying efficiencies, proposing changes to the labor agreements, improving marketing and working with departments to more efficiently fill vacancies.

17) What is the cost for TPT conversions for any roles which are not genuinely short-term? [Kaplan]

The cost of converting a Temporary Part-Time will vary based upon a number of factors, including: 1) whether it is being converted to a full-time position or permanent part-time position; 2) the job classification being converted; and, 3) the step in the salary schedule.

For questions, please contact Adam Benson, Budget Administrator, at (510) 238-2026.

Respectfully submitted,

/s/

KATANO KASAINÉ
Director of Finance

DISTRIBUTION DATE: 5/15/2019



MEMORANDUM

TO: Honorable Mayor & City Council

FROM: Katano Kasaine
Director of Finance

SUBJECT: FY 2019-21 Budget Development
Questions/Responses #2

DATE: May 15, 2019

PURPOSE

The purpose of this memorandum is to transmit to the full City Council and public, responses to questions raised by City Councilmembers related to the Fiscal Year (FY) 2019-21 Proposed Biennial Budget. To the extent additional information becomes available on any of the responses below, updates will be provided.

QUESTIONS AND RESPONSES #2

- 1) Regarding the \$32.68 million of estimated remaining Measure KK funds from FY17-19, which projects had been allocated those funds? [Bas]**

The table on the next page shows the allocation of unspent Measure KK affordable housing funds:

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 2

Program Name	Project Name	Total Amount Awarded	Total Amount Spent	Balance Remaining (available to spend)
Acquisition of Transitional Housing Facility*		\$ 14,000,000.00	\$ 7,018,041.55	\$ 6,981,958.45
Bond Measure KK Site Acquisition Program	Highland Palms	\$ 3,000,000.00	\$ 2,920,000.00	\$ 80,000.00
	10th Ave Eastlake	\$ 5,000,000.00	\$ 4,700,000.00	\$ 300,000.00
	2530 9th Avenue	\$ 1,342,375.00	\$ -	\$ 1,342,375.00
	812 East 24th Street	\$ 974,150.00	\$ 974,150.00	\$ -
	The Wolery and San Antonio Terrace	\$ 3,500,000.00	\$ 3,500,000.00	\$ -
	Longfellow Corner (aka Northwest MacArthur/ MLK TOD)	\$ 3,175,000.00	\$ 3,175,000.00	\$ -
	ADMIN COST	\$ 1,008,475.00	\$ -	\$ 1,008,475.00
Notice of Funding Availability (NOFA) for Housing Rehabilitation and Preservation	Howle Harp	\$ 3,000,000.00	\$ -	\$ 3,000,000.00
	Empyrean	\$ 4,688,000.00	\$ -	\$ 4,688,000.00
	Fruitvale Studios	\$ 1,800,000.00	\$ -	\$ 1,800,000.00
	ADMIN COST	\$ 512,000.00	\$ -	\$ 512,000.00
NOFA for New Construction of Affordable Rental and Ownership Housing	7th & Campbell	\$ 801,900.00	\$ -	\$ 801,900.00
	Camino 23	\$ 100,000.00	\$ 30,000.00	\$ 70,000.00
	West Grand & Brush	\$ 1,318,000.00	\$ -	\$ 1,318,000.00
	3268 San Pablo	\$ 100,000.00	\$ -	\$ 100,000.00
	Coliseum Place	\$ 1,600,000.00	\$ -	\$ 1,600,000.00
	657 W. MacArthur Apts	\$ 800,000.00	\$ -	\$ 800,000.00
	Fruitvale Transit Village II-B	\$ 1,400,000.00	\$ -	\$ 1,400,000.00
	ADMIN COST	\$ 880,100.00	\$ -	\$ 880,100.00
1-4 Unit Housing Programs		\$ 6,000,000.00	\$ -	\$ 6,000,000.00
Total		\$ 55,000,000.00	\$ 22,317,191.55	\$ 32,682,808.45

2) How much in carry over funds will be deployed in 2019-2020? [Bas]

All the unspent Measure KK appropriations for affordable housing in FY 2017-19 will be carried forward to FY 2019-20.

3) Why is \$30 million allocated when there is \$45 million of Measure KK funds unallocated for affordable housing? Can we allocate the remaining \$15 million in this budget cycle. [Bas]

Yes, we propose the additional \$15 million in Measure KK funds be allocated, and there will be an amendment proposed in the Errata on June 4th. Note that given that these are taxable general obligation bonds supported by additional property tax levies, it is important that developers have sufficient funding capacity from all sources (federal, state, and private) prior to issuance of the bonds to ensure timely spend of the proceeds. The proposed \$45 million in new Measure KK affordable housing funds are in addition to the \$32.68 million that is allocated, but unspent in FY 2018-19 (see response to Question 2 below).

4) Some of the Measure KK allocations support small site acquisition and thus permanent affordability, but how do the NOFA for housing rehabilitation and preservation and NOFA for new construction categories contribute to permanently affordable homes in Oakland? [Bas]

Measure KK allocations that support the NOFA are used directly in the new construction of affordable rental and ownership housing and affordable housing rehabilitation and preservation through low interest, residual receipts and loans to affordable housing developers. Units assisted with City funds are restricted as affordable to low-to-moderate income households for the term of the loan (55 years) through the recording of a regulatory

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 3

agreement on the property. In addition, the NOFA funds have leveraged Alameda County Measure A1 bond fund set asides for affordable housing developments in Oakland.

Note that residual receipts mean that loan payments are due to the extent there is excess cash flow; if there is no excess cash flow then repayment is deferred for the term of the loan, which is 55 years.

5) Is there an existing total unit or building count that KK funds are being leveraged to produce? [Bas]

These projects are estimated to result in a total of 915 units, which do not include the number of units from the small site acquisition program that is being developed.

6) Regarding HOME Funds, Fund 2109, about \$6.1 million is available for FY19-21, why are these funds not included in the Mayor's summary as part of the City's affordable housing development funding sources? Are these funds being utilized for something other than affordable housing development? [Bas]

The summary included in the FY 2019-21 Proposed Budget called out NEW resources available toward affordable housing. Since the HOME program is baselined it was not called out separately. However, these grant funds are restricted to affordable housing related activities (e.g., building, buying, rehabilitating affordable housing) and continue to be available for these purposes in the FY 2019-21 Proposed Budget in the amounts stated above.

7) Regarding the Affordable Housing Trust Fund, Fund 1870: What are the specific revenue source amounts for FY19-20 and FY20-21? How much is being allocated for City staff time versus funding housing projects and anti-displacement services? [Bas]

The ongoing revenues in the Affordable Housing Trust Fund reflect the twenty-five percent of the City's distribution from the Redevelopment Property Tax Trust Fund (RPTTF or "boomerang") pursuant to OMC §15.62.030. No other revenue sources are baselined in the AHTF in the FY 2019-21 Proposed Budget. \$643,162 is budgeted for non-project staffing costs in FY 2019-20 (of total proposed appropriations of \$7.9 million) and \$666,327 in FY 2020-21 (of total proposed appropriations of \$8.5 million).

8) The Mayor's budget letter proposes allocating \$6.7 million from Fund 1870 for affordable housing development. Please provide the specific revenue source amounts that make up the \$6.7 million. Please specify how much is coming from each revenue source, i.e. housing boomerang funds, Housing Impact Fees, Jobs/Housing Fee, and the Foreclosed Properties program. [Bas]

This appropriation comes from RPTTF revenues. As mentioned previously, no other revenue sources are baselined in the AHTF in the FY 2019-21 budget, such as the Affordable Housing Impact Fees or the Jobs/Housing Impact Fees, as they can be volatile and are not easy to predict. Resolution No. 87469 provides HCD with the authority to appropriate the Affordable Housing Impact Fees and Jobs/Housing Impact fees as they are received throughout the year without returning to Council.

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 4

- 9) Regarding Housing Impact Fees, the Impact Fees Annual Report from the January 29, 2019 CED Committee specified that over \$6 million had been collected and over \$21 million has been assessed. What is the status of the collected revenue? How much of the \$6 million had been expended in previous budgets and how much is being budgeted for FY19-21? [Bas]**

In FY 2018-19, HCD has authorized appropriations of \$2,463,805 from the Jobs/Housing Impact Fees and \$4,894,717 from the Affordable Housing Impact Fees (impact fees collected through June 30, 2018), for a total of \$7,358,522. These impact fees are allocated to projects as follows: Oak Hill Apartments (NOVA Apts)/445 – 30th Street, 95th and International Blvd., and Friendship Senior Rental Housing/1904 Adeline Street. However, as of May 9, 2019, the impact fees have not been spent. Any unspent impact fees will be carried forward into future fiscal years for affordable housing development projects. That said, all three projects have received planning entitlements and are seeking a building permit. The projects have differing timelines for start of construction based on amount of funding assembled to date. We expect Oak Hill to be completed first, with an anticipated completion date of October 2020.

- 10) What is the status of the assessed revenue? Does the Planning Department have an estimated collection schedule? [Bas]**

Assessed revenues (“invoiced revenues”) become due and are recorded as revenues when a building permit is issued (50 percent) and when a certificate of occupancy has been issued (50 percent). Collection of these revenues is dependent upon the construction schedule of the applicant which PBD cannot track. Historically, projects are finishing within 2-4 years from the time of permitting.

- 11) What has been the City’s past and current practice regarding budgeting based upon assessment, not just collection, of revenue, such as budgeting practices in Planning & Building or Public Works Departments? [Bas]**

The City generally budgets based on an estimate of the actual revenues received in the fiscal year, not the assessment due. The total assessments due for Affordable Housing Impact Fees and Jobs/Housing Impact Fees may not be received for several years from the initial issuance of a permit. It is also possible that a development falls through and the assessed revenues due at the issuance of a certificate of occupancy are never actually paid to the City and the revenues already received at the time of issuance of a building permit are required to be refunded. Authorizing appropriations against the assessed impact fees is not a recommended approach because the City cannot count on the receipt of all the revenues from developments that are issued a building permit.

- 12) How much of the Transit Occupancy Tax revenue is coming from the AirBnB tax? [Bas]**

Financial information of individuals and businesses provided to the Finance Department’s Revenue Management Bureau in connection with the collection of taxes is considered confidential and cannot be disclosed.

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 5

- 13) Regarding the \$3.89 million revenue from the Vacant Land Tax in FY20-21, please explain how this figure was arrived at. We believe that previous City information had the revenue level at \$10 million. [Bas]**

The proposed FY 2020-21 budget anticipates revenues of approximately \$7 million from the VPT. The administration of the tax begins in the FY 2019-20, even though no revenue will be collected until FY 2020-21. The total two-year administrative cost equates to \$1.81 million, leaving \$5.19 million remaining for allocation in FY 2020-21. Of this amount, \$3.89 million has been programmed in the Mayor's budget for homelessness, and the remaining \$1.3 million (25 percent) was programmed for managing illegal dumping and blight. The actual amount of Vacancy Tax revenues will vary based on the implementing regulations and factors relating to property owner exemptions. The ballot specifically said that the Finance Department estimated annual revenues between \$6.6 million and \$10.6 million (see impartial analysis of Measure W by the City Auditor). At a high-level, this estimate assumed that approximately 25% of vacant properties would be subject to the parcel tax. Again, as implementing regulations are further developed and defined, the Finance Department will have more reliable estimates of revenues.

- 14) Regarding the Mayor's summary letter proposing \$3.8 million from the Vacancy Tax for different homeless services and displacement prevention, please specify the proposed allocation for each service listed. [Bas]**

The Vacancy Tax does not go into effect until the second year of the two-year budget (effective July 1, 2020). As such, the Mayor's FY 2019-21 Proposed Budget does not allocate these resources toward specific projects. Staff recommends that allocations be determined during the FY 2020-21 Midcycle Amendment when implementation regulations are established that will help to refine the City's vacancy tax revenue projections and when the City Council has more information concerning the total homelessness resources available from all sources (State, County, etc.) in order to maximize the use of vacancy tax resources.

- 15) Regarding the Service Impacts information, B-1, proposing \$3 million from the fund balance in the Affordable Housing Trust Fund for services and interventions aimed at rehousing for homeless residents: What is the source of the fund balance--were these unallocated funds? Is any of the fund balance derived from the \$2.2 million of anti-displacement services funds that the Council had appropriated in FY17-19? Please specify the specific services and interventions and funding levels contemplated. [Bas]**

This appropriation from AHTF fund balance comes from RPTTF revenues. The fund balance is not derived from the \$2.2 million appropriation for anti-displacement services approved by Council in the FY 2017-19 Adopted Budget, of which any unspent amount will continue to carry forward into future fiscal years for anti-displacement services.

- 16) There seems to be a substantial proposed increase in the Mayor's Office Budget of about \$600,000 for FY19-20 and about \$700,000 for FY20-21. It is not apparent from the budget documents what is being funded by the proposed budget increase. Can you please provide more information on what's being funded through the budget**

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 6

increases as the budget document shows that the staff level is the same for FY19-20 and actually declines by 1 for FY20-21? [Bas]

The increase in the Mayor's Office Budget is primarily attributed to wage and fringe rate increases, removal of the vacancy credit to align with similarly small-sized elected departments, and a one-time give back of salary savings in FY2018-19 that was restored in the FY2019-21 budget.

The growth in FY2020-21 is primarily attributed to wage and fringe rate increases. There was a decline of 1.0 FTE due to a grant-funded position that was end-dated in FY2019-20. The budget does not reflect the cost reduction because both the personnel costs and offsetting grant carryforward were removed (net of \$0).

17) Please provide 5-years of historical OPD overtime hours. [Taylor]

Overtime Hours		
Fiscal Year	Hours -GPF	Hours -All
FY 2012-13	351,247	362,044
FY 2013-14	382,930	399,917
FY 2014-15	457,905	459,228
FY 2015-16	388,810	395,849
FY 2016-17	373,977	382,410
FY 2017-18	350,432	376,271

18) Please provide 5-year historical of citywide overtime dollars. [Taylor]

Department	ALL FUNDS OVERTIME							
	FY 2013-14 Actuals	FY 2014-15 Actuals	FY 2015-16 Actuals	FY 2016-17 Actuals	FY 2017-18 Actuals	FY 2018-19 Midcycle Budget	FY 2019-20 Proposed Budget	FY 2020-21 Proposed Budget
Mayor	-	-	-	1,743	18	8,960	8,960	8,960
City Council	-	-	-	708	-	-	-	-
City Administrator	35,233	249,200	292,112	362,395	177,631	-	-	-
City Attorney	1,023	928	524	2,547	9,644	-	-	-
City Auditor	1,188	288	556	15,490	6,196	-	-	-
City Clerk	15,923	16,610	35,001	64,333	63,949	11,570	11,570	11,570
Police Commission	-	-	-	-	36,900	-	-	-
Public Ethics Commission	-	-	-	382	28	-	-	-
Finance Department	33,479	30,860	196,113	221,524	263,752	56,691	56,691	56,691
Information Technology	158,422	145,305	165,124	143,620	131,408	10,710	10,710	10,710
Human Resources Management Department	31,756	23,111	31,428	18,360	36,965	26,390	26,390	26,390
Police Department	27,336,037	31,690,464	28,331,393	29,047,077	30,660,353	12,353,982	15,160,116	15,507,936
Fire Department	19,195,836	22,757,669	22,997,934	21,366,911	20,216,616	3,850,533	4,049,610	4,081,851
Oakland Public Library	3,519	4,769	12,960	7,837	3,273	6,260	6,260	6,260
Oakland Parks, Recreation & Youth Development	13,496	19,773	39,328	64,050	50,663	-	-	-
Human Services	26,343	6,681	13,629	41,209	35,198	-	-	-
Economic & Workforce Development	49,865	71,967	21,046	21,696	16,870	-	-	-
Housing & Community Development	28,746	39,755	44,218	74,681	96,848	-	-	-
Planning & Building	615,456	716,577	945,249	985,916	1,106,983	307,520	307,520	307,520
Oakland Public Works	2,428,822	2,564,838	3,165,346	3,344,483	2,880,337	1,709,264	1,949,264	1,949,264
Transportation	-	-	-	-	1,432,179	321,810	321,810	321,810
Grand Total	\$49,075,146	\$38,338,797	\$56,291,662	\$35,784,962	\$57,225,811	\$18,663,690	\$21,908,901	\$22,788,962

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 7

19) Will the administration be providing a racial demographic breakdown of proposed budget expenditures and equity analysis of the proposed budget? [Kaplan]

Please see the response to Question 10 in the FY 2019-21 Budget Development Questions/Responses #1 dated April 26, 2019.

20) How much total is spent per year on the initial (first) wildfire prevention inspections for privately-owned properties? (For which no fee is currently charged). How much would the inspection fee have to be, for it to be cost-recovering? [Kaplan]

The initial wildfire prevention inspections for privately-owned properties are currently performed by the Engine Companies (sworn Fire personnel) during regularly scheduled shift assignments. Since this work is performed during regularly scheduled hours, there is no additional cost for the City to perform the first vegetation inspections. A more detailed analysis would need to be performed on the specific staffing structure prior to the adoption of this type of fee to ensure compliance with Proposition 26. However, the Finance Department would estimate that the cost recovery would be approximately \$591 to \$676 per property.

21) What steps would be necessary to give Fire Department employees and/or other non-sworn personnel authority to issue parking tickets, especially where vehicles are blocking emergency access? What would this cost? [Kaplan]

Citations relating to the parking, standing, or stopping of vehicles are generally performed by Parking Control Technicians in the Department of Transportation. The authority to issue such citations are granted to these civilian classifications pursuant to OMC Section 10.08.080.

At a minimum, in order for sworn Fire and other civilian classifications to issue parking tickets the City would need to:

- Identify the expanded list of classifications that would be eligible to issue parking citations;
- Analyze and assess the operational impact of this change on the work those classifications are currently performing (e.g., what is the loss of productive time in the employees' current role?) and the potential policy impacts;
- Bargain with the affected unions representing the classifications that would be either losing or gaining work; and,
- Provide adequate training to the new classifications performing the parking citation function relating to the Oakland Municipal Code, state regulations, radio operation procedures, citation issuance, code enforcement, and report writing, that may not be inherent to their existing job.

22) The proposed budget shows nearly all of the soda tax dollars going to the Parks and Rec department, but does not provide a breakdown of specific uses of those funds. Please provide an explanation/breakdown of proposed uses of the soda tax funds. [Kaplan]

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 8

The proposed ongoing allocations of SSBT resources are as follows (by department). These amounts do not include any proposed one-time allocations of FY 2018-19 resources.

Proposed Ongoing Funding Allocations for FY 2019-21			
	FY 2019-20	FY 2020-21	% Allocation
Revenue	10,626,000	10,626,000	
Expenses			
Administrative	608,005	620,932	6%
Personnel	358,005	370,932	
O&M	250,000	250,000	
Human Services Department	1,223,983	1,245,880	12%
New & Expanded Food Programs (OPL, OPRYD, HSD)	1,223,983	1,245,880	
OPRYD	4,036,035	4,102,031	38%
Sustainably Funded and Expanded Programs (Aquatics, Youth Sports, Town Camp, EOSC)	4,036,035	4,102,031	
Economic & Workforce Development	400,000	400,000	4%
Summer Jobs for Youth	400,000	400,000	
SSBT Advisory Board	4,000,000	4,000,000	38%
RFP Set-aside	4,000,000	4,000,000	

23) What are the staffing levels for Fire Inspection now and would fully staffed pay for itself? [Kaplan]

The FY 2019-21 Proposed Budget includes 26.0 FTE Fire Prevention Bureau Inspectors, Civilian (both code inspection and vegetation management).

24) What is the status of implementation of having non-sworn enforcement personnel for low-level offenses like food truck permit issues, which was directed in the previous budget? [Kaplan]

Two Municipal Code Enforcement Officers have been working within the Special Activity Permits/Nuisance Abatement Division since June of 2018. Their work has consisted of education and enforcement of mobile food vending ordinances and special activity permit requirements, as well as investigating nuisance abatement cases.

25) Which positions which have lasted longer than 2 years are still listed at TPTs? What would the cost to convert those positions be? [Kaplan]

Data is not available to determine which TPT positions have lasted longer than 2 years. The cost of convert all budgeted part-time positions to full time equivalents would be \$9.84 million in the GPF and \$30.23 million in non-GPF funds across both years of the budget, for a two year all funds total of \$40.07 million.

26) How much would it cost to develop an online resource center hosted by the City of Oakland for families of crime victims who are seeking services? (Gibson-McElhaney)

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 9

Based on initial conversations between HSD and City's Digital Services team in the Communications Office, the cost to develop an online resource center hosted on the City's current web platform is estimated somewhere between \$60,000 and \$80,000. These estimates are based on a 4-6-month process of research and design, led by the City's Online Services team. The costs include a design researcher to solicit input from individuals impacted by serious violence about their information needs and preferences, and develop design recommendations based on their feedback. Funds at the upper end of the range could be used to stipend research participants for their time and transportation costs. City Digital Services staff, working with HSD, would then finalize content, develop, and test the online site. Ongoing site maintenance would be provided by the City Digital Services team. Based on Council direction, staff could also explore alternative options during the research phase, such as text communication or engagement with impacted individuals.

27) How much would it cost to also integrate this service/information into the City's existing 311 call services? (Gibson-McElhaney)

HSD staff have done an initial exploration of possible options to develop a more coordinated point-of-support for families in the aftermath of serious violence, though this initial response is not able to provide a complete picture of costs and options. The need identified by the Councilmember for a broader system of support across City and County systems is an important one that was echoed by participants in HSD's recent Oakland Unite listening sessions, and would benefit from additional research and discussion with internal and external partners.

In developing a preliminary response, HSD staff have consulted with City 311 Call Center staff, OPD Dispatch staff, County 211 staff, County Victim-Witness Assistance Division staff, and community providers involved in crisis response services. In doing so, a range of possible options and considerations were identified. Further research would be needed to accurately determine expected volume of calls, a critical metric for any cost estimates. As a point of reference, OPD reports an average of 30,874 Part I crimes annually, OPD Dispatch receives over 700,000 calls annually, and the City 311 Call Center receives roughly 150,000 calls related to infrastructure annually. Current call volume at one existing local domestic violence crisis line (run by the Family Violence Law Center) is roughly 7,000 call per year.

311 Call Center

In conversation with City 311 Call Center staff, several considerations were discussed. As in other municipalities, 311 is designed to support infrastructure maintenance. Current staffing is low for assigned task, with 7 FTE in Oakland compared to 10 FTE in City of Berkeley (population 122,324 in Berkeley vs. 425,195 in Oakland). Significant additional training would be needed to enable staff to respond to calls related to traumatic events. It is also important to note that 311 staff do not currently provide intensive coordination or follow-up as would likely be necessary to address caller needs related to violence. Given combination of above factors, adding new intake services to existing 311 center is anticipated as high cost and low feasibility. If directed, staff could explore the costs of creating a parallel, but separate, call center structure within the City; start-up and ongoing costs would likely be resource intensive.

Alternate Options to Explore

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 10

Other options the City could explore include integrating Oakland-specific support into County 211 services, and/or building on the capacity of existing Oakland-based crisis response centers. Eden I&R 211 staff shared thoughts on several options for integrating additional Oakland-specific support into County 211 services. A lower-cost option would be to contract with 211 to add additional screening questions for Oakland callers, additional staff training if needed, include triage/referral to Oakland's network of providers, and report data on calls to the City. A higher-cost option could involve 211 providing a dedicated Oakland crisis line with specially trained and assigned staff to help callers navigate to appropriate services in Oakland and Alameda County.

Oakland could also consider developing additional capacity to respond at existing crisis lines (such as the domestic violence crisis hotline operated by the Family Violence Law Center) to fully meet need of victims of violence and their families. This option would allow leveraging of existing relationships between community providers and partners such as OPD, Oakland Unite and the County Victim-Witness Assistance program. Oakland could explore including dedicated City support to enhance or coordinate response to specific types of incidents such as homicides. This option is in-line with a similar structure in Chicago, see example below.

Overarching considerations

In addition to the specific considerations listed above, several overarching notes related to costs and feasibility were mentioned by all local and national partners consulted. These include:

- The City would need to clearly identify who the resource center/hotline is intended to serve (e.g. all victims of crime, or those who have been impacted by specific forms of violence);
- Resource center/hotline staff must be well-trained to ensure response is trauma-informed, and the City would need to clarify intended level of response (e.g. triage and information-sharing versus more intensive coordination and follow-up);
- One of the most critical issues identified was the need to ensure that current resources are sufficient to meet the need of callers, should the City pursue any of the options above – while there are significant investments to support victims of crime at the City and County level, investment in additional resources would be needed to fully meet the needs of callers; and
- Lastly, all partners highlighted the importance of investing funds in ongoing promotion and advertising to ensure utilization of any of the possible options.

With additional Council direction, staff could further explore these options, with the support of a consultant if funds are available (an estimated cost of \$50,000-60,000), and provide a more complete and accurate assessment of specific options and costs.

28) (Lead Paint Remediation) How much is left in the previous settlement money from the paint company and what are the allowable uses? Is the City allowed to use this money to prepare internal permitting systems so that it is easier for people to quickly qualify for lead paint remediation grants from the over \$20 million of pending lead paint funds? (Gibson-McElhane)

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 11

The final receiver order has not been entered, and the court may provide further clarifications regarding the scope of work that may be reimbursed from the fund. It is likely that it will be permissible to use the lead paint fund "to prepare internal permitting systems so that it is easier for people to quickly qualify for lead paint remediation grants" with the following caveat: the City will NOT be reimbursed for funds it spends before judgment is entered. Thus, any money the City spends before the receiver enters his/her order and before the abatement fund is created (by the defendants depositing money into the fund) cannot be reimbursed from the fund. It is also advised that any expenditures from the fund may be subject to challenge by defendants. Finally, the Court has not determined Oakland's portion of the fund; the City is still litigating about attorneys' fees and discussing the division of the fund with Alameda County.

29) Provide examples of other cities that have successfully implemented victim advocacy or support services for victims/surviving families/witnesses. How were those cities' programs structured in terms of staffing and related resources? (Gibson-McElhaney)

HSD staff consulted with colleagues familiar with the national landscape, and with leaders of victim support services in Milwaukee, Chicago, and an international example from Israel. Summaries of these models are included below. As context, a summary of existing Oakland/Alameda County structures is also included. With direction from Council, staff could pursue additional research about program models in these and other areas. On initial review, Chicago's model seems most promising in terms of comprehensiveness and feasibility of replicating locally.

City	Description of Services
Chicago, IL	<ul style="list-style-type: none"> • Chicago offers a website and 24-hour hotline for families of homicide • Hotline calls are routed to the domestic violence center hotline, next-of-kin calls for every homicide are sent to this hotline by Chicago Police • Hotline dispatcher connects survivor to crisis responder employed by Chicago Survivors (a local community-based organization), their staff are the family liaison and mediator with police • Various tiers of service are provided for families of homicide: <ul style="list-style-type: none"> ○ Immediate crisis response 2-5 days after a homicide; ○ In home family support and case management; ○ triage, counseling and referral for children and youth; ○ peer to peer survivor support group, workshops, family dinners, memorial events and advocacy opportunities; and ○ Court based criminal justice advocacy and unsolved case meetings • Website: https://chicagosurvivors.org/

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 12

Milwaukee, WI	<ul style="list-style-type: none"> • Similar to Oakland, Milwaukee offers various services for victims of violence, but does not have central hub to field calls and coordinate services for victims • Through the District Attorney's Office, victims can access protection services, burial and relocation support, similar to victim services offered in other jurisdictions • Hospital-based services include crisis intervention, case management, and mental health support for youth victims of violence, as well as mobile behavioral health counseling for children and families exposed to violence • Some staff are based at the City's Office of Violence Prevention and some at County health agencies (more staffing detail could be provided with time) • Website: https://spark.adobe.com/page/CsDD3qWrxADwj/
NATAL Trauma Center for Victims of War, Israel	<ul style="list-style-type: none"> • Provides a 24-hour hotline for survivors of war and violence • Hotline provides mental health support over the phone and can link to short or long-term support based on need • Volunteers are assigned to callers and speak with them on a weekly basis for 20 minutes; volunteers receive 6-month trauma training and supervision and guidance from NATAL staff • Callers who require more comprehensive treatment are assigned to the clinical unit, staffed by clinicians • Website: https://www.natal.org.il/en/about-us/our-helpline/
Oakland, CA	<ul style="list-style-type: none"> • Oakland has a range of services and supports for victims of violence, but does not have a single coordinated point of entry, as noted by the Councilmember • The Victim-Witness Assistance Division of the District Attorney's Office provides advocacy to victims through trained victim advocates, and offers referrals to appropriate service based on assessment • Other County services for victims include crisis intervention by Behavioral Health Care Services and resources at the Family Justice Center for individuals and families experiencing domestic violence, stalking, sexual assault and exploitation, child abuse, child abduction, elder and dependent adult abuse, and human trafficking • Oakland-based victim resources, partially supported by Oakland Unite funding, include crisis response and long-term support services for victims of gender-based violence and gun violence; these resources are based at community-based organizations including the Family Violence Law Center, Youth ALIVE!, Catholic Charities of the East Bay, BAWAR, MISSEY, and Covenant House • Websites: https://www.alcoda.org/victim_witness/available_services and http://oaklandunite.org/violent-incident-crisis-response/

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 13

30) (Ghostship Reforms) What progress has the City made with the post ghost ship reforms? Under current funding levels, when will they be completed and what are options for greater investment to expedite the process? To put this another way, over the next two-year budget cycle, what are the outcomes that are expected from the ghost-ship reform process begun under Executive Order 2017-01 and presented to Council in the report "Displacement Prevention and Safe Habitation" dated January 31, 2017? (Gibson-McElhane)

Improve Interdepartmental Coordination and Communication:

- Fire Prevention, Code Enforcement, and the City Attorney's Office meets weekly to identify, mitigate, and manage progress for unpermitted commercial or industrial spaces.
- Fire Prevention, Code Enforcement and the Housing Department has developed a workflow and notification process concerning Housing Habitability Violations and coordinates our efforts to prevent tenant displacement.

Notice to Tenants:

- The department posts on all entry ways a Code Enforcement Action notice in 3 languages when an Order to Abate – Habitability and Substandard Public Nuisance notice is issued.
- As of February 1st all Notice of Violation's are available to the public on the Accela Citizens Access Portal.
- Notices are available by request at the Inspections Counter to tenants.

Update Zoning and Building Codes:

- The Department has examined best practices from other jurisdictions and currently is in the process of engaging a consultant to provide alternate code provisions as a pathway to legalize live-work occupancy of commercial and industrial buildings. We are finalizing the terms of the contract with the Consultant and our goal is to commence work in June.

Increase Staffing Capacity:

- The department currently has 14 Code Enforcement Inspectors, 2 Senior Code Enforcement Inspectors and a Supervisor. There is one additional inspector position that recently was vacated and interviews are currently underway to fill.
- The FY 2019-2021 Budget request includes an additional 2 Inspectors, 1 Supervisor, 1 Admin Analyst II and an Office Assistant PT to assist with Code Enforcement Services.
- This budget also proposes assigning one of the existing Process Coordinators III vacant positions to expediting permit issuance and assisting property owners with obtaining the required permits necessary to remove unpermitted/unsafe construction items and legalize undocumented dwelling units.

31) Please respond with an operational assessment of what it would take to restore a Metro division to OPD so that officers are no longer pulled away from adjacent neighborhood issues to address the increasing number of incidents Downtown.

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 14

Please respond with the fiscal implications of creating a Metro Division along with the expected improvements in service to the downtown/uptown area. (Gibson-McElhaney)

The role of the Metro Area Unit would be to provide police coverage in the immediate downtown area. The area boundaries would be East of Interstate 980, West of Lake Merritt, North to W. Grand, and South to Embarcadero. The preliminary resources needed to stand this plan up are as follows:

- 1 Captain
- 2 Lieutenants
- 6 Sergeants
- 4 Foot Patrol squads (32 officers)
- 2 Late Tac squads (16 officers)

The schedule will be as follows:

- Day Watch Foot Patrol Squads: Monday - Thursday, 0600-1600 and Tuesday - Friday, 0700-1700
- Swing Shift Foot Patrol Squad: Tuesday - Friday or Monday - Thursday, 1400-0000
- Dog Watch Foot Patrol Squad: Monday - Thursday, 2100-0700
- Late Tactical Squads: Friday - Sunday/ Monday, 1800-0600

The aforementioned resources would require approximately 24 vehicles.

These times are subject to change based on the need for coverage. Based on the information provided, the cost would be approximately \$11.3M for personnel and \$1.4M for vehicles.

32) How successful has the partnership with Alameda County been pairing social workers with OPD officers to respond to 5150 calls? What improved outcomes would we realize by expanding this program? Are all OPD officers trained to de-escalate and respond to a person experiencing psychological distress? (Gibson-McElhaney)

The Alameda County Behavioral Health Care Services (BHCS) partnership with OPD that pairs a mental health clinician with an OPD Officer is known as the Mobile Evaluation Team (MET). For clarification, mental health clinicians are paired with an OPD officer, not social workers.

The partnership with BHCS has been widely accepted by officers and the community. In the near future, a second team will be deployed and eventually there will be a total of four (4) teams in the field co-responding to mental health calls for service.

MET is a first responder model which provides a Crisis Intervention Trained officer and specialized mobile clinician who use effective and compassionate methods of approaching psychiatric emergencies in the field which often make the process more efficient.

The MET unit responds as first responders to crisis calls suspected of involving some level of psychiatric need on average eight (8) times per shift. The ability of the team to respond to

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 15

emergency calls in real time increases the odds of positive outcomes and prevent crisis escalation and sometimes serious crimes.

The MET unit also responds to calls which are not routed through the 9-1-1 system, instead are County Crisis Line generated...which prevents them from escalating and entering the 9-1-1 system.

When the scene is safe, the benefits of pairing an officer with a clinician gives the community the ability to communicate with whom they are more comfortable. Trust of law enforcement and trust of "doctors" vary for individuals in crisis. Successful encounters are dependent upon the understanding and cooperation, of not only the subject experiencing the crisis, but also family members and care workers. Depending on the scenario, a clinician or an officer can be more effective in de-escalating a crisis scenario.

Collaboration and direct open lines of communication with case managers, social workers and facilities ensures continuation of care and reduced chances of recidivism, escalation in behaviors and decompensation. This is only possible because of the program's Memorandum of Understanding.

The MET officer has experienced a great deal of success with subjects encountered by utilizing the individuals case manager. In doing so, they are often able to divert subject to alternative services that would not be an immediate option without the clinicians knowledge/connection to the system. The officer's ability to access previous criminal history to determine trends and likelihood of violent behavior is also critical to safely navigating a crisis call.

The MET model allows beat officers to be available to respond to non-mental health related calls for service.

Yes, all OPD officers are trained to deescalate and respond to persons experiencing psychological distress. OPD Basic Academy covers de-escalation and persons experiencing mental health challenges (including crisis) in Learning Domain (LD) #37.

The OPD Continuous Police Training (CPT) cycle often offers additional de-escalation and mental health related classes on a rotating basis.

Attached are the current numbers for Alameda County officers trained in Crisis Intervention Training (CIT), an advanced level of training for officers in the field.

- OPD, by far, has the highest number of officers trained in the County
- The patrol division is a rotating assignment and often staffed by the most junior officers.
- Classes are offered 6-8 times per year and OPD consistently registers officers to attend.

The Mental Health and CIT Unit is in the process of creating an 8-hour CIT Update course for officers.

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 16

The Department currently has Domestic Violence Advocates available to respond to a victim upon request. However, they will not respond if the suspect is out of custody and at the victim's residence. The advocates will arrive at hospitals or public places unknown to the suspect.

OPD would need to consult staff at Family Violence Law Center (FVLC) to determine if they are open to riding along with an officer, like the Mental Health Unit, and respond to Domestic Violence calls. It is unknown if FVLC has the personnel to implement this type of partnership.

33) Has the City begun the work of a nexus study to examine replacing the current inefficient condo conversion system with an impact fee? If not, how much would it cost for a nexus study and a feasibility analysis to undergird policy development of such a system (like Berkeley's)? (Gibson-McElhaney)

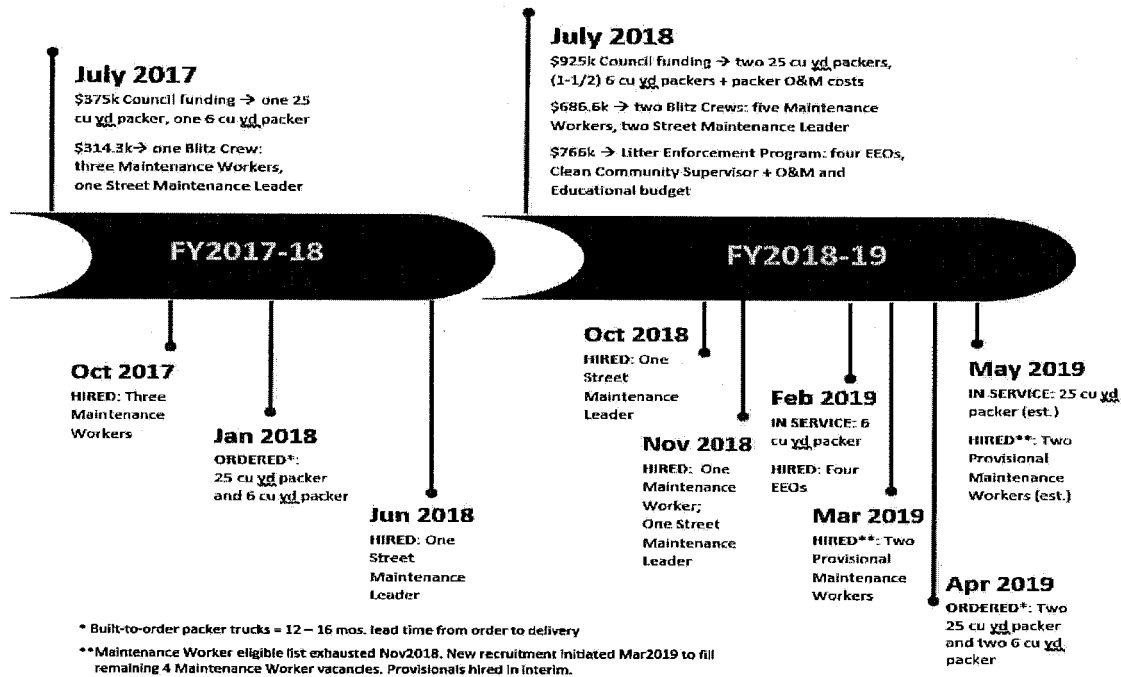
The current effort to update and revise the city's condo conversion ordinance is being led by the office of Council District 1. The Planning Bureau would welcome a larger role in this effort, including but not limited to looking at what the cost would be to undertake a nexus study and a feasibility analysis to examine replacing the current "conversion rights" system with an impact fee.

As background, the Planning Bureau recently received a \$60,000 bid from Linda Hausrath Associates for an SRO Impact Fee Study. It took about 4 months for her to work on the project with Bob Spencer from Urban Economics as a sub. The SRO Impact Fee Study did not include an economic feasibility analysis, so a Condo Conversion nexus study and a feasibility analysis could take additional time and money.

34) What investments did the City make in the FY17-19 budget cycle towards reducing illegal dumping in the City? How much have those investments been implemented, what outcomes can be attributed to those investments, and how do those outcomes compare to what the Administration expected? (Gibson-McElhaney)

See attached infographic for the most current update:

COUNCIL-APPROVED ILLEGAL DUMPING RESOURCES TIMELINE



35) How did the City fund graffiti abatement in the past two budget cycles and what were the outcomes and impacts? (Gibson-McElhaney)

In the last two (2) budget cycles this was the graffiti abatement funding and outcomes.

	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Electrical Painter	3	3	0 a	0
Painter	4	4	3 b	3
Public Works Supervisor I	1	1	1	1
Labor Cost	\$954,935	\$968,607	\$717,158	\$739,998
O & M	\$90,000	\$70,000	\$70,000	\$70,000
Total	\$1,044,935	\$1,038,607	\$787,158	\$809,998
Service Requests Completed	3,437	2,044	2,489	2,227 c
Square Footage Abated	617,304	798,446	610,553	491,307 c

a = Electrical Painters (2.00 FTEs) were eliminated in FY17-19 Budget and electrical poles are no longer repainted. The remaining painters are now responsible for painting over graffiti on public assets.

b = One (1) Painter position was frozen until 7-1-19

c = Data through March 2019

Note: The electrical painters (EP) primarily repainted street light poles, but they also abated graffiti on public property when their equipment was down or during inclement weather.

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 18

36) When does the tracking system for vacant lot registration expect to become available? (Gibson-McElhaney)

The vacant property parcel tax is effective July 1, 2020 (second year of the two-year budget). Staff will work on developing implementing regulations during FY 2019-20 (first year of the budget) and anticipates having more refined data at that time.

37) In the FY15-17 budget cycle, the City Council directed the City Administrator to return to the Finance and Management Committee regularly with an informational report to track the implementation of Council priorities. This practice was not continued in the FY17-19 budget cycle. What are considered the best practices in publicly reporting on progress towards implementing City priorities? Based on these best practices, what does the City Administrator recommend that Council consider implementing and what are the costs of each of them? (Gibson-McElhaney)

Council may consider designating a single point of contact to coordinate and report on budget implementation or require the responsible departments to report back to Council separately. We suggest that this be done through a public Information Memo in order to achieve cost efficiencies and not have to go through full Council agenda process, which is costly. Centralizing this function would require a 1.00 full time employee and cost approximately \$198K annually. The Budget Bureau currently lacks the capacity without augmenting the existing day to day budget work.

To avoid duplicity, Council should also consider the current level of informational reports provided by departments, since these reports may already be communicating implementation of Council priorities. Furthermore, inconsistencies may arise if multiple sources are reporting on budget implementation which may lead to confusion.

38) What systems or processes will be put in place to provide timely information on all contracts and spending undertaken under the Administrator's authority during recess? (Gibson-McElhaney)

As part of the City Council Meeting schedule for the calendar year, the Summer Recess Agenda is included. For example, the 2019 calendar year includes Summer Recess Agenda dates of August 6, 13, 20 and 27. Staff prepares written reports for these agenda dates similar to those prepared during the regular legislative session. Each Summer Recess Agenda is posted for public access. In addition, staff prepares an agenda report that summarizes all actions taken during the Summer Recess and requests City Council ratify all actions taken. Staff forwards that report to the City Council within the first month upon their return from the Summer Recess..

39) If the City were to established camp zones and standards (e.g., KOA model) for the homeless, how much would it cost to administer these zones? Assume each zone provides enough space for 100 people. (Gibson-McElhaney)

Estimated costs for establishing KOA style campground for 100 people can be found below. In this model, we have based staffing on what we recommend for a site this large (double staffing at all times) and somewhat similar to our model for community cabins but without flex funds. However, you could scale this model down with more minimal staffing and/or use

HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

Date: May 15, 2019

Page 19

elements of self-governed models. We do, however, recommend, extra staffing in the early stages and recommend minimal staffing and/or security at all times. We have seen in other communities, where a large loosely regulated campground models have suffered from illegal activity and violence and had to be disbanded. However, if a site were to open and be stable for a period of time, the second staff person could potentially be replaced with a campground member who plays this role in an internship/job training position thus reducing costs. This model also does not include any services or flex funds. So, while it may address immediate health and safety needs of unsheltered individuals and their sheltered neighbors, it is not likely to result in many positive housing outcomes.

ROA MODEL Proposed Budget (100 participants)			
BUDGET CATEGORY	Amount	FTE	
Personnel			
Staff Wages and Salaries			
Site Manager	\$87,360	2.00	Two fulltime Site Managers at \$43,680 per year per manager
Maintenance	\$15,000	0.50	Includes time purchasing supplies, setting up generators and lights, and other site maintenance.
Site Security	\$270,560		Includes two on-site personnel for all hours when the Site Manager is not present (128 hours/week) to ensure resident comfort and safety. Base cost \$20/hour x two people x 128 hours weekly x 52 weeks in a year = \$266,240. Extra \$10/hour for nine 24-hour holidays for 2 people = \$4,320.
Subtotal wages and salaries	\$372,920		
Benefits (28%)	\$104,418		
Total Personnel	\$477,338		
Operations & Maintenance			
Water	\$20,400		based on \$1,700 per month cost
Portapotties	\$80,400		based on \$6,700 per month (based on Northgate baseline x 150%)
Site Set Up	\$75,000		estimate
Total O&M Cost	\$175,800		
Total Budget	\$653,138		

40) What is the cost of a high level administrator to focus exclusively on homelessness? (Gibson-McElhaney)

Staff believes that a high-level project management type position – at a cost of approximately \$395,411 in FY 2019-20 and \$408,757 in FY 2020-21 (fully burdened) – would be sufficient to provide administration and coordination of homelessness services and programs.

For questions, please contact Adam Benson, Budget Administrator, at (510) 238-2026.

Respectfully submitted,

/s/

KATANO KASAINÉ
Director of Finance

OVERTIME REPORTS



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 FEB 13 AM 11:31

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: Monthly Report on Police Overtime

DATE: January 22, 2019

City Administrator
Approval

Date

2/7/19

RECOMMENDATION

Staff Recommends That The City Council Receive This Quarterly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies, Procedures, And Controls.

EXECUTIVE SUMMARY

The purpose of this informational report is to provide data on overtime policy, use, and accountability in OPD as of December 28, 2018.

BACKGROUND AND LEGISLATIVE HISTORY

On October 24, 2017, staff presented a report titled "Fiscal Year (FY) 2016-17 Fourth Quarter Revenue and Expenditure Results and Year-End Summaries for the General Purpose Fund (GPF, 1010) and Eight Selected Funds; and General Purpose Fund (GPF, 1010) Carryforward for FY 2017-18; and Overtime Analysis for the General Purpose Fund (GPF, 1010) and All Funds" to the Finance and Management Committee. In response, the Finance and Management Committee requested a supplemental report with the following additional information:

- What are the policies, procedures, and processes in place in each Department for Authorizing and Controlling Overtime?
- If backfill overtime is authorized, who is responsible, for what purposes is it authorized, and which personnel are used to cover for others?
- Who is in charge of decision making and accountability for overtime? What rank/level?

The Finance and Management Committee requested that each department articulate how the department will control overtime expenditures with real actionable changes to policies, procedures, and processes, and corresponding accountability mechanisms.

On January 9, 2018, staff presented the first supplemental report to the Finance and Management Committee as well as the Public Safety Committee. Members of both committees stated that they were unable to locate the information they were seeking in the report. One of the concerns expressed by committee members was that it was difficult to distinguish

Item: _____
Finance and Management Committee
February 19, 2019

ANALYSIS AND POLICY ALTERNATIVES

As of December 28, 2018, OPD spent \$18,714,791 in General Purpose Fund (GPF) overtime for FY 2018-19. *Attachment A* provides breakdowns by element and by organizational code (org).

The OPD overtime policy has been rewritten and is expected to go into effect by March 2019. This policy should serve to provide greater accountability for overtime use by requiring additional overtime monitoring and documentation by commanders and managers.

FISCAL IMPACT

The adopted GPF overtime budget for OPD for FY 2018-19 is \$12.3 million. The adjusted GPF overtime budget for OPD is \$14 million. The internal GPF overtime budget for OPD for FY 2018-19 is \$21 million.

PUBLIC OUTREACH / INTEREST

This item does not require additional public outreach, other than posting on the City's website.

COORDINATION

This report was prepared by OPD Research and Planning in coordination with OPD Fiscal Services.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this item.

Environmental: There are no environmental opportunities associated with this item.

Social Equity: There are no social equity opportunities associated with this item. All members of the Oakland community deserve the best service available. Overtime is sometimes used to ensure service delivery.

Item: _____
 Finance and Management Committee
 February 19, 2019

Attachment A

Oakland Police Department GPF Overtime Expended July 1, 2018 to December 28, 2018

DPD OT BY
ELEMENT:

Type of Overtime	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Acting Higher Rank	42,200	89,234	49,322	36,854	51,160	39,096							307,867
Administrative Investigation	103,300	101,002	124,448	137,366	148,425	118,166							732,707
Backfill	616,507	577,003	498,533	546,282	568,061	541,253							3,347,640
Callback	107,474	85,378	89,849	85,130	77,970	72,222							518,023
Canine	3,220	3,182	2,711	2,994	2,787	3,144							18,037
Community Meetings	376		376	435		392							1,580
Comp Time Earned	33,309	39,495	46,140	28,948	25,576	19,349							192,817
Court	26,882	42,378	24,913	29,716	17,546	24,096							165,530
Extension of Shift	484,522	509,088	523,672	491,366	391,233	345,260							2,745,140
FLSA	105,135	151,956	151,966	162,982	145,342	135,486							852,867
Holiday	286,049	(461)	505,965	(2,104)	676,288	205,180							1,670,917
Recruiting/Background	74,441	61,783	56,458	44,848	46,447	33,219							317,196
Special Events/Enforcement	796,685	1,334,211	1,788,782	989,023	824,367	925,798							6,658,867
Training	202,003	163,017	170,382	228,767	228,580	192,855							1,185,605
Total	2,882,103	3,157,266	4,033,517	2,782,606	3,203,782	2,655,517							18,714,791

1

Attachment A

Oakland Police Department GPF Overtime Expended July 1, 2018 to December 28, 2018

Organizational Unit	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
102341 - ID Unit	2,668	3,252	3,855	2,565	3,573	3,003							18,916
102350 - Youth & School Services Section	14,020	10,336	4,152	226	3,873	2,059							34,665
102610 - Criminalistics Unit	272	947	1,651	558	1,793	970							6,191
103110 - Bureau of Services - Administration Unit					775	423							1,197
103242 - Records & Warrants	36,404	31,812	37,869	30,910	34,596	30,212							201,803
103310 - Communications Unit	176,405	160,520	210,981	157,581	245,818	183,512							1,134,816
103430 - Training Unit	221,136	193,839	192,254	264,780	269,492	211,671							1,353,172
106210 - Police Personnel	11,868	10,682	9,434	8,112	7,406	8,368							55,870
106410 - Police Information Technology	6,417	14,551	5,930	7,115	16,316	14,148							64,476
106510 - Fiscal Services	370					1,756							2,125
106510 - Background & Recruiting	79,210	73,597	67,867	51,277	64,067	34,028							370,047
106810 - PAS Administration	4,391	4,349	6,277	10,142	4,254	3,169							32,582
107410 - Support Operations	1,530				2,983	(827)							3,687

3



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 FEB 21 AM 11:19

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: Supplemental Quarterly Report on
Police Overtime

DATE: February 19, 2019

City Administrator
Approval

Date

2/20/19

RECOMMENDATION

Staff Recommends That The City Council Receive This Quarterly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies, Procedures, And Controls.

REASON FOR SUPPLEMENTAL

On February 19, 2019, the Finance and Management Committee requested additional information from OPD:

- A detailed accounting of all reimbursements for Special Event and Special Operation overtime
- An explanation of how the proposed overtime policy differs from the current overtime policy

The detailed accounting of all reimbursements for the first and second quarters of Fiscal Year (FY) 2018-19 are provided as **Attachment A**.

Attachment B is the current version of OPD Department General Order (DGO) D-01, Overtime Policy, Accounting and Compensation. **Attachment C** is a draft version of the same document. The draft is essentially a complete rewrite of the current document. The draft still requires further review by OPD staff as well as all three OPD bargaining units prior to completion and implementation. The primary objectives in rewriting DGO D-01 are:

- To improve accountability and management of overtime use
- To simplify a complicated policy and provide better instruction for OPD personnel
- To eliminate language that is covered by – and potentially conflicts with provisions of labor Memoranda of Understanding (MOU)
- To eliminate unnecessary and confusing language such as that addressing court appearance overtime (court appearances are addressed in DGO E-01; Departmental Subpoena Service and court appearance compensation is addressed in MOU)

Item: _____
City Council
February 26, 2019

FILED
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OPD Special Events and Special Enforcement Overtime July 1 – December 31, 2018

Event	Amount	2019 FEB 21 AM 11:19	Event	Amount
AC Transit Project	\$526,192		Warriors vs. Raptors	\$21,284
Rolling Loud Music	\$191,668		Warriors vs. Trail	\$21,210
Raiders vs. Steelers	\$133,501		A's vs. Dodgers 8/08	\$21,106
Raiders vs. Browns	\$127,989		Warriors vs. Magic	\$20,993
Raiders vs. Broncos	\$123,209		Warriors vs. Pelican	\$20,977
Raiders vs. Colts	\$121,609		Warriors vs. Grizzlies	\$20,973
Raiders vs. Chiefs	\$121,111		Warriors vs. Clipper	\$20,913
Raiders vs. Chargers	\$114,489		Warriors vs. Hawks	\$20,854
Raiders vs. Rams	\$109,147		First Friday	\$20,789
Raiders vs. Packers	\$105,946		Warriors vs. Wolves	\$20,662
All Day & A Night	\$105,808		Warriors vs. Timberwolves	\$20,544
Raiders vs. Lions	\$105,741		Warriors vs. Suns	\$20,532
BANK OF AMERICA	\$79,862		A's vs. Twins 9/22	\$20,518
Aubrey & 3 Amigos	\$69,495		Warriors vs. Nets	\$20,511
PG&E San Leandro St	\$64,422		Wonder Woman Run	\$20,458
Marriott Hotel Strike	\$54,469		Warriors vs. Mavericks	\$20,350
A's vs. Giants 7/21	\$46,123		PG&E Construction	\$20,331
A's vs. Giants 7/20	\$41,309		A's vs. Twins 9/23	\$20,320
Treasure Island Music Festival	\$40,453		Warriors vs. Wizards	\$20,173
LANEY SWAP MEET	\$40,158		Warriors vs. Grizzlies	\$20,151
Bed Bath & Beyond	\$39,792		Warriors vs. Lakers	\$20,085
A's vs. Giants 7/22	\$39,454		Twenty One Pilots	\$19,617
A's vs. Yankees 9/03	\$35,737		Warriors vs. Suns	\$19,334
Levy Restaurants	\$35,660		A's vs. Padres 7/3	\$19,333
A's vs. Yankees 9/04	\$35,300		Warriors vs. Bucks	\$19,188
Oakland Zoo Traffic	\$34,779		Disney on Ice	\$18,350
Oaktown 5K and Half	\$32,974		A's vs. Tigers	\$17,865
CONSTRUCTION	\$32,241		Warriors vs. Trail B	\$17,865
Día De Los Muertos	\$30,282		Travis Scott	\$17,510
Oakland Triathlon	\$26,821		A's vs. Astros 8/18	\$17,388
PG&E Construction	\$26,244		A's vs. Yankees 9/05	\$16,482
A's vs. Dodgers 8/07	\$24,613		J. Cole Concert	\$16,092
First Friday	\$24,043		Childish Gambino	\$15,810
Warriors vs. Timber	\$22,596		Nick Cannon	\$15,490
Warriors vs. Thunder	\$22,294		385 14th St	\$14,677
Warriors vs. Thunder	\$22,108		Hiero Day	\$14,595
Warriors vs. Kings	\$21,694		A's vs. Twins 9/21	\$14,073
TBS World Tour	\$21,500		A's vs. Astros 8/19	\$13,999
A's vs. Mariners	\$21,351		A's vs. Mariners	\$13,912

Event	Amount	Event	Amount
Championship Boxing	\$9,649	W. VS. CAV'S	\$1,432
Oakland Natives Give	\$1,356	Feed Oakland	\$452
Subaru	\$1,318	KD Fantasy Exp	\$435
Money Mondays	\$1,314	Uber Driver Ambition	\$435
And1 Paint In the Pa	\$1,154	Oversize Load	\$435
Comcast	\$1,153	The Connected Car	\$389
Alameda Point Antique	\$1,128	Raider Image	\$376
1032 Full Throttle	\$1,088	A's vs. Angels 6/15	\$247
Near Future	\$1,071	A's vs. RAYS	\$115
EBRHA	\$1,069	W. VS. CAV'S	\$87
First Friday	\$1,054	AEG 602L Ops	\$75
Blindspotting	\$1,044	W VS. ROCKETS	\$71
PINK Concert	\$958	DIRTYBIRD BBQ	\$28
SantaCon	\$930	Warriors vs. Spurs	\$25
Sweetie Fan Event	\$870	A's vs. Astros 6/13	\$22
Bishop O'Dowd HS	\$870	Black Cowboy Parade	\$5
COPA Festival	\$856	A's vs. Angels 6/16	\$0
Nina Cried Power	\$798	PINK Concert	-\$19
Levi's	\$785	BLURRY VISION MUSIC	-\$44
Joe Biden	\$765	AC Transit Project	-\$85
Fitbit	\$754	Warriors Watch Party	-\$87
A's vs. Indians 6/30	\$735	A's vs. Royals 6/08	-\$87
W VS. ROCKETS	\$696	WARRIORS W. PARTY	-\$87
W VS. PELICANS	\$674	Oakland Zoo Traffic	-\$339
Sorry To Bother You	\$622	Oakland Zoo Traffic	-\$464
PG&E Construction	\$609	First Friday	-\$502
True Buddha Vijaya	\$479	W VS. PELICANS	-\$827
Warriors Watch Party	\$452	First Friday	-\$954
		Total	\$ 4,304,789

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

D-1

Rev.
2 Jul 99

1. Bureau commanders shall assign and train one or more members and/or employees to audit the weekly overtime authorization forms before they are sent to the appropriate payroll data entry unit for input. City Auditor staff shall provide the training.
2. Unit commanders and section supervisors permitting personnel to work overtime shall provide a specific and detailed written notification on the overtime authorization form.
 - a. Unit commanders are responsible for analyzing the costs and benefits of scheduled overtime, staffing special events, or conducting special projects.
 - b. Improper requests for overtime shall be rejected and incorrect overtime hours shall be corrected. The member or employee shall be notified of the denial or correction of overtime hours.
3. Members and employees shall not work overtime on the same date that they take time off for Overtime Allowed (OTA).
4. Overtime assignments completed for other units such as conducting background investigations, teaching Academy classes, and backfilling vacancies, etc., shall be coded to the organization code of the division/section/unit receiving the overtime service. Other project numbers and/or overtime codes also shall be used to further define that overtime activity. See Part X of this order for overtime and project codings.
5. The Training Section shall include overtime and fiscal management training in the curricula of the annual in-service training of supervisors and commanders.
6. With the exception of 3rd Watch Patrol Officer lineup pay, all other requests for approval of lineup pay shall be submitted to the Chief of Police or his/her designated representative.
7. Unit commanders and section supervisors shall receive monthly reports of all active members and employees receiving premium and lineup pay and review them for accuracy before submitting them to the bureau commander for approval. The approved reports shall be forwarded to the Research, Planning and Budget

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

D-1

Rev.
2 Jul 99

8. The RP&B Manager shall ensure that overtime information is properly captured and reported in the payroll and financial systems.

D. Compensation

1. Overtime shall be compensated as follows: (Per City Auditor)

1-7 minutes	No overtime compensation
8-22 minutes	¼ hour overtime compensation
23-37 minutes	½ hour overtime compensation
38-52 minutes	¾ hour overtime compensation
53-60 minutes	1 hour overtime compensation

2. Members and employees shall be compensated for OTW in pay or accrued compensatory time off, subject to the following conditions:
- a. The Chief of Police (Unit N), deputy chiefs, and civilian management employees in Unit M are **ineligible** to receive overtime compensation.
 - b. Police Officer Trainees (Unit T) shall be compensated for overtime worked (OTW) at the rate of 1-1/2 times their hourly pay if they work more than 171 hours in the established 28-day work period. All overtime shall be paid in cash.
 - c. Employees in Units B, C, D, H, and W shall be **eligible** to receive overtime compensation.
 - d. Crossing Guards in Unit I are eligible to receive overtime when they work more than 40 hours per Saturday through Friday work week.
 - e. Police Cadets in Unit G are also eligible to receive overtime if they work more than 40 hours per Saturday through Friday work week.
 - f. Members who are required to work while on paid leave (OTA, sick leave, etc.), except for vacation leave, shall be ineligible to receive overtime compensation. Employees

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

D-1

Rev.
2 Jul 99

4. Overtime minimum allowances as allowed by current sworn and civilian Memoranda of Understanding are summarized below:

Category	Personnel	Regular OT Minimums
Call Back	Member and full-time employees	2.5 OTW hours
Call Back	Crossing Guards	1.0 OTW hour
Call Back	Police Cadet	No minimum, actual time worked
Extension	Member, full-time and part-time employees	No minimum, actual time worked
Day Off/ Vacation	Member	5.0 OTW hours in addition to any other overtime worked.
Day Off/ Vacation	Full-time employees	2.5 OTW hours in addition to any other overtime worked.

Any questions relating to negotiated overtime benefits shall be directed to the Personnel Section Commander. Citizen Police Review Board Hearings - see Part III, C, for minimum allowances.

5. Meal allowances during overtime shall be as follows:

a. Members or Employees

- 1) No meal allowance shall be granted if the City furnishes meals or if the member or employee is notified 24 hours in advance that overtime is required on a call-back or day-off basis. However, a member or employee who works beyond the scheduled overtime 7.5-, 8-, or 10-hour shift shall be entitled to receive meal allowances.
- 2) One meal allowance shall be paid for every 2 or more hours worked on an extension basis. Additional allowances shall be granted for every 4-hour period thereafter provided that this time does not overlap into the individual's regular shift.

**DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT**

D-1

Rev.
2 Jul 99

- a. Complete a radio-dispatched assignment.
- b. Complete an on-view assignment that requires immediate and continuing police action (e.g., civil disturbances, serious traffic accidents, homicide investigations, etc.)
- c. Attend a court session, judicial or administrative proceeding related to Departmental business in response to a subpoena or lawful order of a superior officer.
- d. Complete a pre-approved overtime assignment for scheduled events and special/grant funded activities.

2. Members and Employees

To request regular overtime compensation, members and employees shall complete and submit one copy of the Overtime Worked Requisition (TF-3081).

- a. Members and employees shall submit completed OTW Requisitions to their immediate supervisors or commanders who shall, in turn, submit the OTW Requisitions to the bureau commander for approval.
- b. Non-BFO members and employees shall enter overtime hours worked on their Time Reports (536-924 or 536-925) only after the OTW Requisitions have been approved by the bureau commander.

B. Commanders and Supervisors

1. Commanders and supervisors shall reject unnecessary or improper requests for overtime, destroy the request forms, notify the member or employee that his/her request for overtime has been denied, and ensure that the OTW is not reflected on the member or employee's time sheet.
2. Commanders and supervisors shall also verify codings on OTW forms and ensure that the approved hours are properly recorded on the member or employee's time reports before forwarding.

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

D-1

Rev.
2 Jul 99

DEPARTMENTAL SUBPOENA SERVICE, shall forfeit all rights to court overtime compensation for appearances that are subject to the provisions of that order. [All court overtime shall be submitted on the Court Overtime Worked Requisition (TF-455)].

2. Subpoenaed members and employees shall call the appropriate court cancellation telephone number provided by the Court Liaison Unit at the end of their last tour of duty on work days and before going on days off or vacation. No overtime shall be granted if their subpoena was included on the telephone recording notice of cancellation.

C. Court Overtime Compensation and Minimum Allowances

Category	Associated Condition	Personnel	Court OT/Minimum
Call Back	None	Members and full-time employees	2.5 OTWC hours
Call Back Extension	Court appearance begins less than 2.5 hours before and after regular shift	Members and full-time employees	No minimum. Actual OTWC hours worked.
Day Off Vacation	None	Member	4 OTWC hours
Day Off Vacation	None	Full-time employees	4 OTWC hours
CPRB Hearings	None	Members	4 OTWC hours minimum regardless if the hearing is the 2 nd appearance on the same day.
Day Off Vacation		Full-time and part-time employees	4 OTWC hours; same for members.
Members/ Employees on OTA (Overtime Allowed)	None	Members and full-time employees	No minimum for 2 nd Watch OTA, reduce OTA hours. 1 st /3 rd Watch, 2.5 OTWC hours minimum.
Members on Suspension Leave	1 st and/or 2 nd court appearance on same day	Members	Straight time for actual time worked.

Note: Any questions relating to court overtime benefits shall be directed to the Court Liaison Detail and/or the Accounting Section Supervisor.

IV. COURT OVERTIME (OTWC): AUTHORIZATION, PROCEDURES

**DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT**

D-1

Rev.
2 Jul 99

for each continuance that requires a new appearance date.

b. When time does not permit the issuance of a new subpoena, members and employees will be advised of any change in their appearance date on the Court Cancellation telephone recording.

c. A member or employee who has been ordered back to court by a hearing officer, commissioner, or judge shall request another subpoena for the next appearance. If another subpoena cannot be issued, the member or employee shall make a copy of the original subpoena for use at the next court appearance and have the copy stamped and attendance times written in by the court clerk.

5. **Completion of Overtime Slip for Compensation**

a. One OTWC Requisition (TF-455) shall be completed for each day's court appearance at a continuous court session (e.g., no breaks) for the same case.

b. If an extended break occurs between court sessions for the same case, or if attending different sessions on the same day for different cases, the subpoenaed member or employee shall complete additional OTWC Requisitions to document appearances at each of these sessions and attach the completed OTWC Requisitions to the original subpoena.

c. A member or employee not receiving a subpoena for a criminal proceeding but attending a proceeding after being called to testify, shall complete an OTWC Requisition and attach it to the proper documentation.

d. All members and employees shall file completed OTWC Requisitions and subpoenas with the Trial Attendance Record (TF-438) at the Patrol Division Administrative Office.

6. **Bureau of Field Operations**

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

D-1

Rev.
2 Jul 99

Overtime allowed or OTA is authorized leave using accrued compensatory time off.

B. Authorization

1. Members and Employees shall request OTA by submitting a Request for Overtime Allowed form (TF-3097) to their supervisor. The form shall normally be submitted at least 48 hours in advance. The member or employee shall state on the OTA form how many hours of accrued compensatory time are in his/her account at the time of the request.
2. Bureau of Field Operations (BFO)
 - a. Approved OTA forms shall be forwarded to the appropriate BFO payroll clerk for entry into HRIS.
 - b. Payroll clerks shall attach the OTA forms to the proper time reports when forwarding them to the Accounting Section for archiving.
3. Other Organizational Units (Non-BFO Units)
 - a. Members and employees shall record approved OTA on their time reports.
 - b. Unit commanders shall **retain approved OTA forms for six years.**
4. Unit commanders and section supervisors shall not allow members and employees to work overtime on the same date that OTA is used to be off.
5. Unit commanders and section supervisors shall not schedule a member or employee to work overtime on his/her days off on the same date(s) that OTA was granted. Exceptions are scheduled backfilling assignments, special events, projects, etc..

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

D-1

Rev.
2 Jul 99

A. Procedures

1. Members who wish to defer their overtime pay shall mark the "Defer" box on the Overtime Worked Requisitions (TF-3081) or Court Overtime Worked Requisitions (TF-455).
2. Bureau of Services and Bureau of Investigation members shall also enter deferred overtime in straight hours on their Time Reports.
3. Meal allowances cannot be deferred.

B. Deferred Overtime Payment

1. Deferred overtime payments are made on separate checks payable on the first Friday in December which is not a payday. Any remaining or unclaimed deferred overtime will be paid at the end of each fiscal year by separate check on the first Friday in July which is not a payday.
2. Members who wish to receive payment in December for deferred overtime accrued shall submit a memorandum to the Accounting Section by November 1. The memorandum shall include the following information:
 - a. Member's full name and serial number.
 - b. Unit of assignment.
 - c. The dollar amount to be paid.
2. Deferred overtime may not be carried forward from one fiscal year to the next.
3. Payments are made at the rate the deferred overtime was earned.

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

D-1

Rev.
2 Jul 99

Letter Code	Explanation of Use	Corresponding Project or Cost Center Numbers
	other unfunded activities conducted at the request of the Mayor or the City Manager.	
Z	Citizens' Police Review Board – Overtime for attendance at the Citizens' Police Review Board meeting or hearing.	None
U	Unspecified – Overtime that does not fit any of the above categories.	

- B. BFO personnel shall enter the letter code on every overtime form. Personnel in other Departmental Units shall enter the letter code on the overtime form and in the "DEPT SPEC" field on their weekly time sheets and circle the overtime hours to which the code(s) applies.
- C. Payroll clerks shall hold overtime requisitions submitted without the appropriate letter codes and notify the affected member or employee immediately. (In the absence of the member or employee, the payroll clerk may contact the designated bureau overtime auditor for the correct letter codes.)
- Corrected overtime forms will be entered the following week on payroll adjustment forms if they can no longer be posted/entered in the current pay week. Cost centers or project numbers shall also be used if one has been assigned for the overtime project.
- D. The RP&B Manager shall issue written instructions to all personnel whenever the codings and explanations under Part X, A, of this order change.

By order of

Joseph Samuels, Jr.
Chief of Police

GO46/D-1

-
- a. Complete a radio-dispatched assignment.
 - b. Complete an assignment provided by a supervisor (e.g. follow up to an incident that cannot wait until the next shift).
 - c. Self-dispatch to a required emergency response (e.g. an officer in need of immediate assistance).
 - d. Complete an on-view assignment that requires immediate and continuing police action (e.g., civil disturbances, serious traffic accidents, homicide investigations, etc.)
 - e. Attend a court session, judicial or administrative proceeding related to Departmental business in response to a subpoena or lawful order of a superior officer.
 - f. Fill unplanned vacancies in the Patrol, Communications, or Records Divisions that would bring the division under minimum staffing levels.

The above list does not apply to callback overtime. Callback overtime is addressed by Memoranda of Understanding.

2. Commander and Manager Fiscal Responsibilities

Commanders and managers are responsible for ensuring any approved overtime is within their approved budgets. In all instances when an org's overtime expenditures are expected to exceed – or actually exceed – budget, the commander or manager shall make every effort to monitor and minimize this overage.

Commanders and managers shall provide the following information in a written memo to their deputy chief or equivalent quarterly when there is a projected or actual overage in the commander's or manager's overtime budget in accordance with Attachment A. This memo shall include:

- a. The reason for the overage.
- b. A plan to get the overtime back within budget.

3. Correct Overtime Forms

- a. Members shall sign the mass overtime form (TF-3504) when working a special event, special enforcement, designated training assignment, or other assignment or event where a mass overtime form has been provided.

DEPARTMENT GENERAL ORDER D-01
OAKLAND POLICE DEPARTMENT

Effective Date
XX Mar 19

When Performing This Task	Use this Task Name
Interview of a victim, subject or witness	Administrative Investigation
General task for routine overtime performed by OCOP, OIG, Personnel, IT, Fiscal and PAS members	Agency-Wide Administration
General task for routine overtime performed by Communications members	Communications
General task for routine overtime performed by CID members	Criminal Investigation
General task for routine overtime performed by Crime Lab members	Criminalistics
General task for routine overtime performed by IAD members.	Internal Affairs
General task for routine patrol assignment	Patrol
General task for routine overtime performed by Records members	Police Records
General task for routine overtime performed by Training members	Police Training
General task for routine overtime performed by R&P members	Research & Planning
General task for routine overtime performed by Special Ops members	Special Operations
General task for routine overtime performed by Traffic Operations members	Traffic Operations
Overtime related to primary sergeant patrol backfill	Primary Sgt Backfill
An arrest late in the shift that caused the member to exceed their normal shift hours due to processing protocol by an outside agency (e.g. long line at Santa Rita and heavy vehicular traffic during return to the City of Oakland)	In-Custody Arrest
Transport of a victim, suspect or witness	Transport
Overtime caused by a UOF incident	Use Of Force
Overtime caused by a pursuit	Pursuit
Overtime related to a crime suppression plan (e.g. violence suppression or robbery suppression)	Crime Suppression
Critical incident such as an OIS, crime scene, in-custody death	Critical Incident
Overtime caused by retrieving and/or downloading videos, gathering witness statements, etc.	Con't Investigation
Hospital Guard not connected to shift	Hospital Guard

When overtime is related to multiple tasks, members shall select the task that initially triggered the overtime worked.

2. Using the Correct Pay Element

Pay Elements (Hours Type) allow the Department to appropriately categorize overtime. It is important that the overtime pay element used matches the type of overtime worked.

- a. **Backfill pay elements shall be used when filling an open shift (WODOP). Members shall not use Extension of Shift pay elements when working Backfill overtime.**

- c. BFO payroll clerks shall audit all overtime forms for accuracy and proper coding.

B – 3. Managing Overtime

1. OPD Fiscal Services shall provide detailed overtime reports on a regular basis to commanders and managers.
2. All commanders and managers are responsible for managing overtime.
3. Commanders and managers shall take measures, whenever reasonably possible, to reduce or limit the need for overtime. These measures include, but are not limited to, the following.
 - a. Confirming that the work needing to be performed cannot be performed on straight time.
 - b. Ensuring that all other resources have been assigned and cannot be shifted to mitigate the need for overtime. (e.g., confirming that no other patrol officers are available City-wide to fill an open beat).
 - c. Anticipating and managing workload to best utilize regular duty hours.
 - d. Managing and coordinating planned leave, training and special assignments to minimize the need for overtime.
 - e. Members shall have at least eight hours rest between work periods unless authorized by a commander or manager.
 - f. Members shall notify the authorizing commander or manager any time the member is projected to have less than eight hours rest between work periods.

B – 4. Overtime Corrections

1. To request overtime corrections, members shall complete Payroll Correction Forms (TF-2062) and submit them to their bureau commanders for approval via the assigned Payroll Coordinator. Approved correction forms shall be forwarded directly to the Personnel Section for processing.
2. The OPD Personnel Section is responsible for updating each member's unit of assignment (e.g., Organization Code, Fund, Project and/or Cost Center) and exemption status as he/she is hired, transferred, loaned, or promoted. This includes Departmental internal files and City personnel and payroll files.



FILED
OF THE CITY CLERK
OAKLAND

2019 APR -4 PM 4:42

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: Second Supplemental Quarterly Report on Police Overtime

DATE: March 4, 2019

City Administrator
Approval

Date

4/9/19

RECOMMENDATION

Staff Recommends That The City Council Receive This Second Supplemental Quarterly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies, Procedures, And Controls.

REASON FOR SUPPLEMENTAL

On February 26, 2019, City Council requested additional information from OPD:

- Additional information on advance budgetary approval for the \$18.7 million in overtime spent in the first two quarters of Fiscal Year (FY) 2018-19
- Clarification concerning advance departmental approval on overtime use in policy – what situations do require advance departmental approval
- Explanation of how much overtime is related to crime prevention, response, and investigation
- Analysis of overtime as it supports the mission of OPD, particularly as it is related to the time of day that crime occurs and whether shift changes create vulnerabilities in relation to crime occurring
- Explanation and information concerning special enforcement versus special events
- Additional information on special events, including the number of officers assigned to events; the cost of the event; the amount of overtime reimbursed; information on the reimbursement process from the Coliseum; and how the filling of overtime positions for special events impacts assigned schedules
- Additional explanation of which expenditures are reimbursed within the budget
- Information on Community Resource Officers (CROs) – whether Measure Z funds overtime for positions that are otherwise funded by Measure Z and when and how often CROs are being deployed in ways that are perceived as being unrelated to their primary duties
- Explanation of how overtime expenditures are forecasted for the budget process – is accurate forecasting being performed to provide appropriate overtime funding

Item: _____
Public Safety Committee
April 9, 2019

- b. Complete an assignment provided by a supervisor (e.g. follow up to an incident that cannot wait until the next shift).
- c. Self-dispatch to a required emergency response (e.g. an officer in need of immediate assistance).
- d. Complete an on-view assignment that requires immediate and continuing police action (e.g., civil disturbances, serious traffic accidents, homicide investigations, etc.)
- e. Attend a court session, judicial or administrative proceeding related to Departmental business in response to a subpoena or lawful order of a superior officer.
- f. Fill unplanned vacancies in the Patrol, Communications, or Records Divisions that would bring the division under minimum staffing levels.

The above list does not apply to callback overtime. Callback overtime is addressed by Memoranda of Understanding.

The above is intended to be a comprehensive list of reasons why advance approval from a commander or manager is not required for an individual employee to work overtime. The above list is intended to address the realities of police staffing and the impracticality of requiring approval before overtime is used. The below is a list of expected outcomes if advance approval for each item on the list is required before overtime is used:

- a. *Complete a radio-dispatched assignment.* If an OPD employee was required to obtain approval before working overtime to complete a radio-dispatched assignment, the involved employee would need to stop performing whatever interaction the employee is engaged in – such as interviewing the victim of a crime or attempting to locate a suspect in a crime – and request approval from their watch commander with sufficient time before the end of their normally scheduled shift. If the watch commander could not be contacted or approval obtained, the employee would be required to immediately desist from the action undertaken and return to the employee's respective work site with sufficient time to perform all end of shift functions.
- b. *Complete an assignment provided by a supervisor (e.g. follow up to an incident that cannot wait until the next shift).* If an OPD employee was required to obtain approval before completing an assignment provided by a supervisor (such as following up on an incident that cannot wait until the next shift), the employee might be placed in the position of being insubordinate to the employee's supervisor if the employee's commander or manager denied such request. Generally speaking, supervisors only provide important assignments to employees if overtime is required. In the example in the policy, an arrest may have been made and documentation may be legally required to keep an arrested individual in custody. Failure to complete the documentation may result in the arrested individual being released.

Item: _____
 Public Safety Committee
 April 9, 2019

Overtime Related to Crime Prevention, Response, and Investigation

In order to respond to the question about how much overtime OPD spends in efforts related to crime prevention, response, and investigation, it is important to understand how OPD classifies overtime expenditures. OPD uses 15 categories to assist in the monitoring and accountability of overtime. The below list was provided in **Attachment A** of the second supplemental overtime agenda report provided to the February 27, 2018 Public Safety Committee. In order to address the present question of how much overtime OPD spends on crime prevention, response, and investigation, the amount spent on each category has been added to the respective category. (These amounts were previously provided in **Attachment A** of the overtime agenda report to the February 29, 2019 Finance and Management Committee.)

- *Acting Higher Rank* overtime is paid to individuals who act in a higher rank on overtime, such as a Sergeant of Police serving as an acting Lieutenant of Police. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$307,867.
- *Administrative Investigation* overtime allows OPD to conduct investigations into potential misconduct or other malfeasance by a member of OPD. Such an investigation may result from a personnel complaint or other Internal Affairs matter. It is also used to perform use of force investigations. Failure to conduct – or complete – such investigations will result in increased mistrust in OPD, lack of compliance with the NSA, and a potential increase in misconduct or other malfeasance. This category is also used for other administrative functions. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$732,707.
- *Backfill* overtime allows OPD to fill a position during the absence of the regularly assigned person and meet minimum staffing levels in Patrol. Failure to meet minimum staffing levels in Patrol will result in even longer delays in responding to calls for service and an increased inability to take incident reports and perform preliminary investigations. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$3,347,640.
- *Callback* overtime allows OPD to request an employee return to work after completing his/her shift and leaving the work site. For example, an investigator may be called back to work to interview a suspect in custody. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$518,023.
- *Canine* overtime allows OPD to meet the requirements of the Memorandum of Understanding between the City of Oakland and the OPOA pursuant to Article III, Section G 1 c, hereof, Each employee regularly assigned and working as a Canine Handler is authorized to spend and shall be deemed to have spent fifteen (15) hours per month, over and above his/her regularly scheduled hours of work, in ordinary care and informal training of the assigned dog for such ordinary care and training that cannot be performed during regularly scheduled work hours. For those overtime hours incident to caring for the dog only, the employee shall receive overtime compensation at the rate of one and one-half (1 1/2) times the hourly rate of the State of California or City of

Item: _____
 Public Safety Committee
 April 9, 2019

ensure acceptable staffing levels. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$317,196.

- *Special Enforcement* overtime allows OPD to plan and participate in special actions such as violence suppression projects (such as those related to Ceasefire), special task forces, human trafficking operations, and crowd management events that are not covered by Special Events overtime. In FY 2017-18, Special Enforcement also includes many reimbursable special events. Special Events and Special Enforcement have been combined for FY 2018-19. The combined amount of overtime expended in these categories for July 1 to December 28, 2018 was \$6,658,867.
- *Special Events* overtime allows OPD to provide police services at sporting events and parades. Special Events are often captured in Special Enforcement. Special Events and Special Enforcement have been combined for FY 2018-19. The combined amount of overtime expended in these categories for July 1 to December 28, 2018 was \$6,658,867. As provided in the agenda report for the February 26, 2019 City Council meeting, the reimbursed amount for the period was \$4,304,789.
- *Training* overtime allows OPD to prepare or present a training course and prepare or participate in Police Academy critical incidents. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$1,185,605.

Relating Overtime to Department Mission and Deployment Scheduling

As provided in the 2016 OPD Strategic Plan¹, the OPD mission statement is:

The Oakland Police Department is committed to reducing crime and serving the community through fair, quality policing.

The language below concerning patrol deployment scheduling is from the supplemental agenda report on overtime policies, procedures, and controls presented to the January 9, 2018 Public Safety Committee:

OPD presently has 294 officer positions assigned to Patrol. 240 of these positions are assigned to provide 24-hour a day coverage in each of the 35 patrol beats. The additional patrol officer positions are assigned to supplement coverage during peak call times and times when certain resource-intensive incidents (such as shootings and sideshow) occur most frequently. The additional patrol officer positions are assigned to tactical squads and are also used to help reduce overtime by filling vacancies in the 35 patrol beats. Most of the additional patrol officer positions are currently vacant due to severe staffing shortages.

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

¹ <http://www2.oaklandnet.com/oakca1/groups/police/documents/webcontent/oak056503.pdf>

Sabrina B. Landreth, City Administrator
 Second Supplemental Quarterly Report on Police Overtime
 Date: March 4, 2019

Page 9

Day Shift	48 officers	48 officers	40 officers	40 officers	48 officers	48 officers	48 officers
Swing Shift	40 officers	40 officers	40 officers	40 officers	40 officers	40 officers	40 officers
Night Shift	48 officers	48 officers	40 officers	40 officers	48 officers	48 officers	48 officers

Italics indicate rotational day (only one group works at a time)

There are substantial and staggered overlaps between OPD patrol shifts. Due to these overlaps, officers are available to respond to calls 24 hours a day, seven days a week. The following is a list of overlaps between shifts:

- There is a one-hour overlap every morning between the night shift and day shift
- Night shift and day shift hours are staggered across patrol areas to effectively create a two-hour overlap within each field operations bureau
- There is a two- to three-hour overlap between each day shift and swing shift
- There is a four- to five-hour overlap between each swing shift and night shift

In addition to the above overlaps, OPD generally deploys patrol officers in tactical squads to provide additional coverage during hours associated with staff-intensive events such as shootings and sideshow. These tactical squads also provide overtime mitigation, as officers from tactical squads are assigned to fill vacancies created by shortages from regular police shifts. For 2019, patrol officers are assigned to the following tactical squads:

Area 1	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
6:00 pm-4:00 am				8 Officers	8 Officers	8 Officers	8 Officers
Area 5	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
6:00 pm-4:00 am	8 Officers	8 Officers	8 Officers				8 Officers

In addition to the above nighttime tactical squads, there is one daytime tactical squad that was created specifically to assist with overtime mitigation. This squad works the days and hours most affected by officers assigned to continuous professional training (CPT):

Area 5	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10:00 am-8:00 pm		8 Officers	8 Officers	8 Officers	8 Officers		

OPD had additional tactical squads assigned to patrol deployment staffing in 2017. Severe department staffing shortages have resulted in the removal of these squads from patrol.

Item: _____
 Public Safety Committee
 April 9, 2019

Sabrina B. Landreth, City Administrator
 Second Supplemental Quarterly Report on Police Overtime
 Date: March 4, 2019

Page 11

The customer has 30 days to pay the invoice. After 90 days, unpaid invoices are automatically sent to collections.

The language below concerning the filling of overtime positions for special events and its impact on patrol is from the supplemental agenda report on overtime policies, procedures, and controls presented to the June 26, 2018 Public Safety Committee:

At the April 24, 2018 Public Safety Committee meeting, the Committee expressed concern about the filling of overtime positions for special events impacting patrol overtime. There is no direct method to determine if filling overtime for special events impacts the ability of command staff to fill overtime openings in patrol. However, anecdotally, it does appear that it is much easier to fill openings for special events overtime than it is for patrol overtime. The reasons are fairly obvious; special events overtime generally involves officers being at a specific location performing duties associated with keeping an event secure and orderly. Patrol overtime requires officers to respond to a large number of calls throughout a geographic area. Special events overtime is usually for a limited number of hours whereas patrol overtime is often 10 or more hours.

OPD finds great value in staffing events with sworn personnel. The presence of sworn OPD personnel at an event – ranging from a small party to a large sporting event – provides an opportunity for OPD to prevent problems from occurring. If a problem at a special event does develop, OPD personnel assigned to the event on special event overtime can address the problem immediately and effectively without draining extremely limited patrol resources.

The Public Safety Committee recently expressed concern about negative impacts on the performance and conduct of individual officers who work large amounts of overtime. The July – September 2017 Quarterly Progress Report completed by the OPD Office of Inspector General (OIG) included an audit titled, "Oversight of Police Department Overtime Expenditures."² One of the observations from this audit was:

The [performance] records of the ten officers who worked an above average number of overtime hours during the audit period [July 16 through December 16, 2016] were reviewed. The PAS review did not indicate any adverse performance trends or patterns. Overtime hours worked did not appear to correlate with increases in potentially adverse performance.³

Overtime Reimbursement in Budget

The Department created an internal budget for overtime that takes into account reimbursable events. Special Operations Org, 107710, has an internal budget of \$4.65 million, which is

² <http://www2.oaklandnet.com/oakca1/groups/police/documents/webcontent/oak067719.pdf>

³ Ibid, p. 43

Item: _____
 Public Safety Committee
 April 9, 2019

As provided in the *Police Overtime Audit for Fiscal Year 2012-13*⁴ by the Oakland City Auditor's Office ("audit," published January 2015), "OPD should work with the Administration to develop an overtime budget to submit to the City Council that reflects realistic estimates of overtime costs, without reducing service levels." The City Administrator agreed and stated, in part, "The overtime budget recommendations will be presented in conjunction with OPD staffing and levels, to the City Council as part of the FY [20]15-17 biannual budget development process."

Overtime Costs

OPD has not received increases in overtime funding even though hourly overtime rates have substantially increased. The City of Oakland has provided a number of raises to members of OPD over the last several years. This has resulted in a higher per-hour overtime cost, but there has been no corresponding increase in the OPD overtime budget to match cost increases. In FY 2006-07, OPD used 505,214 hours of overtime (sworn and civilian) at a cost of \$28.55 million. In FY 2016-17, OPD used 390,033 hours (sworn and civilian), but spent \$29.05 million. **Even though OPD reduced the number of hours of overtime by more than 20 percent from FY 2006-07 to FY 2016-17, the cost has actually increased.**

The language below concerning budgetary overtime forecasting is from *Attachment A* of the supplemental agenda report on overtime policies, procedures, and controls presented to the February 27, 2018 Public Safety Committee:

Why OPD Continuously Exceeds Its Overtime Budget?

There are a number of reasons why OPD continuously exceeds its overtime budget:

- Despite actual yearly General-Purpose Fund (GPF) overtime expenditures from \$20 to nearly \$30 million, insufficient funds are budgeted for OPD each year.
- Despite frequent wage increases, OPD's overtime budget does not increase and it has actually decreased for the past three fiscal years – despite officers receiving step increases that result in higher hourly wages, OPD's overtime budget remains insufficient.
- Service level demands – including minimum staffing levels for patrol – incur overtime.
- Mandates, such as the Negotiated Settlement Agreement (NSA) and state-required training, result in overtime.
- Based on the amount of crime per officer, OPD continues to be the most understaffed large-city police department in the United States and relies on overtime to help meet a large number of competing demands.

⁴ <http://www.oaklandauditor.com/images/oakland/auditreports/policeot.pdf>

reducing service levels.”⁵ As part of this same audit, the City Administrator agreed and stated, in part, “The overtime budget recommendations will be presented in conjunction with OPD staffing and levels, to the City Council as part of the FY [20]15-17 biannual budget development process.”

Cost of Living Adjustments

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 2016-17, OPD used 390,033 hours (sworn and professional staff), but spent \$29.05M. Even though OPD reduced the number of hours of overtime by more than 20 percent from FY 2006-07 to FY 2016-17, the cost actually increased by \$.5M (\$500K).

⁵ *Police Overtime Audit for Fiscal Year 2012-13* by the Oakland City Auditor's Office (“audit,” published January 2015), <http://www.oaklandauditor.com/images/oakland/auditreports/policeot.pdf>

Sabrina B. Landreth, City Administrator
Second Supplemental Quarterly Report on Police Overtime
Date: March 4, 2019

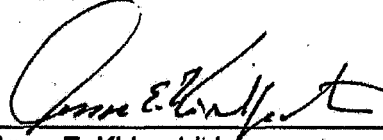
Page 16

ACTION REQUESTED OF THE FINANCE AND MANAGEMENT COMMITTEE

Staff Recommends That The City Council Receive This Second Supplemental Quarterly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies, Procedures, And Controls.

For questions regarding this report, please contact Timothy Birch, Police Services Manager I, at (510) 238-6443.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Prepared by:
Timothy Birch, Police Services Manager I
OPD, Training Division, Research and Planning

Shamika Shavies, Accountant III
OPD, Bureau of Services, Fiscal Section

D. Nell Wallington, Police Services Manager I
OPD, Bureau of Services, Fiscal Section

Attachments (1):

A – Detailed accounting of reimbursable Special Events/Special Operations overtime spent in the Oakland Police Department for the first and second quarters of FY 2018-19

Item: _____
Public Safety Committee
April 9, 2019

Event	Amount	# of Hours	# of Employees	Event	Amount	# of Hours	# of Employees
Jeff Lynne's ELO	\$13,830	156	22	A's vs. Blue Jays	\$9,497	121.5	17
Sam Smith Concert	\$13,713	155.75	24	A's vs. Rangers 8/20	\$9,429	107	18
A's vs. Rangers 9/07	\$13,711	155.25	21	Hilton Hotel	\$9,321	105.5	9
A's vs. Indians 7/01	\$13,650	159.5	22	Raiderville	\$9,073	114.5	6
Oakland Pride	\$13,564	170.5	17	Oakland Black Cowboy	\$8,185	105	20
AR Rahman	\$13,520	156.5	20	A's vs. Rangers 8/22	\$8,141	96.25	14
Warriors Open Practice	\$13,505	163	32	Oaktoberfest	\$7,978	100.25	12
A's vs. Tigers	\$13,481	161.75	21	Mike Epps	\$7,883	92.5	13
A's vs. Astros 8/17	\$13,310	153.5	19	5110 Broadway	\$7,718	98	11
Phil Collins	\$13,120	145.75	21	532 39th St	\$7,442	91	10
NA LCS 9/08	\$13,030	148.5	15	COPA Festival	\$7,125	87	8
A's vs. Angels 9/18	\$12,747	145.25	18	Bad Bunny	\$6,985	83.5	14
Kevin Hart	\$12,066	136.75	20	Raider Image	\$6,748	82.25	14
Art & Soul Fest	\$11,937	137.25	12	Oakland A's Watch Pa	\$5,956	67.25	9
Trans Siberian Orchestra	\$11,893	132.25	21	Oakland Turkey Trot	\$5,132	60	12
A's vs. Blue Jays	\$11,868	134	18	My Culture	\$5,104	68.5	6
A's vs. Mariners	\$11,831	141.5	18	BIG 3	\$4,942	56.75	7
J. Balvin Concert	\$11,586	136.25	18	Family Bridges	\$4,861	57	8
Hall & Oates and Train	\$11,482	130.5	17	Lady of Guadalupe	\$4,685	54	9
A's vs. Mariners	\$11,391	129.75	18	WWE Live Holld. Tour	\$4,295	49.25	8
A's vs. Tigers 8/05	\$11,360	133.5	19	Alameda Pt. Antique	\$3,879	45	8
A's vs. Padres 7/4	\$11,241	140	20	Warriors Practice	\$3,481	39	6
A's vs. Indians 6/29	\$11,097	130	20	All Day I Dream Fest	\$3,435	42.5	6
First Friday 10/05	\$11,041	172.5	15	Raider Escort	\$3,400	38	7
A's vs. Rangers 9/09	\$11,010	126	16	Burger Boogaloo	\$3,354	40.5	6
NA LCS 9/09	\$10,927	120.75	15	Siam Magazine	\$3,139	35	5
First Friday	\$10,861	158.25	15	Apple TV Show	\$2,949	33	4
A's vs. Rangers 8/21	\$10,608	119.75	18	1100 Broadway	\$2,931	37	4
A's vs. Rangers 9/08	\$10,595	124.25	16	John Legend	\$2,811	30	4
A's vs. Blue Jays	\$10,493	118.5	18	Brownies & Lemonade	\$2,768	30.5	4
First Friday	\$10,363	141	16	2126 MLK Jr. Way	\$2,719	33.5	4
A's vs. Angels 9/20	\$10,324	126.25	17	Oakland Grand Prix	\$2,604	29	4
A's vs. Mariners	\$10,254	127.5	19	Tenacious D	\$2,239	25.5	4
A's vs. Mariners	\$10,222	117.25	19	Oakland Fam Bam	\$2,058	24.5	3
Smashing Pumpkins	\$10,167	115	15	Myittar	\$1,881	25	2
A's vs. Mariners	\$10,014	115.5	18	CJ Group	\$1,784	19.5	3
Eat Real Festival	\$9,994	111	9	C.H Wines	\$1,756	23	2
A's vs. Angels 9/19	\$9,885	111.75	18	Niantic Labs Video	\$1,661	21	2
Chinatown Street Fes	\$9,649	120	11	FESTAC	\$1,499	16	2
Championship Boxing	\$9,649	114.25	13	ESPN MNF	\$1,450	16.5	3



CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND CA
2019 MAY 30 PM 6:13

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: Quarterly Report on Police Overtime
Supplemental #3

DATE: May 17, 2019

City Administrator
Approval

Date

5/30/19

RECOMMENDATION

Staff Recommends That The City Council Receive A Supplemental Quarterly Report From The Oakland Police Department (OPD) That Includes Overtime Policies, Procedures, and Controls.

REASON FOR SUPPLEMENTAL

The City Council at the April 9, 2019 meeting asked for a supplemental report to include the following information:

1. Additional information for which expenditures are reimbursed within the budget, including the net overtime spent;
2. Additional information related to the number of hours worked per year and the salary increases each year;
3. Additional information related to the Department's internal budget;
4. Additional information on the amount of overtime pre-approved by the Chief or supervisor and the amount of overtime that does not require advance approval;
5. Analysis of how much overtime by category can be managed in advance;
6. Analysis on how professional staff can be utilized more for special events;
7. Analysis of how police officers are assigned to Council meetings, community events, Neighborhood Crime Prevention Council meetings, etc;
8. Analysis of how special enforcement can be performed on regular time versus overtime (e.g. Ceasefire);
9. Additional information related to the minimum overtime amounts approved in the Oakland Police Officers Association Memorandum of Understanding (MOU) versus the actual number of hours worked; and
10. Explanation from the City Administrator's Office on why police overtime is budgeted at levels consistently lower than historical actual expenditures.

This report addresses the concerns raised by the City Council.

Item: _____
Public Safety Committee
June 11, 2019

Sabrina B. Landreth, City Administrator

Third Supplemental Quarterly Report on Police Overtime

Date: May 17, 2019

Page 3

Attachment A provides a list of all reimbursable overtime for the period of July 1, 2018 to March 31, 2019 and includes amount spent on overtime, number of hours claimed and the number of OPD employees assigned.

Historical Overtime

As mentioned in previous reports, past annual expenditures have not resulted in corresponding initial approved budget amounts. OPD has consistently spent over \$20 million every year on overtime since FY 2012-13 (see *Table 2*, below). Rather than receiving an overtime budget based on this consistent expenditure pattern (with increases based on employee raises), OPD continues to receive between \$12 million and \$16 million every fiscal year.

Table 2: OPD Overtime Adopted Budget, Actual Expenditures and Amount Invoiced

Fiscal Year	Adopted Budget	Actual	Amount Invoiced	Non-Reimbursed Overtime	(Over) / Under Adopted Budget*
2012-13	\$13,435,458	\$23,491,096	\$2,849,014	\$20,642,082	(7,206,624)
2013-14	\$13,435,548	\$26,112,356	\$2,884,679	\$23,227,677	(9,792,129)
2014-15	\$15,571,768	\$31,690,464	\$3,927,914	\$27,762,550	(12,190,782)
2015-16	\$12,935,458	\$27,779,646	\$4,449,479	\$23,330,167	(10,394,709)
2016-17	\$12,935,458	\$28,265,038	\$4,976,304	\$23,288,734	(10,353,276)
2017-18	\$12,435,458	\$28,515,402	\$7,373,866	\$21,141,536	(8,706,078)
2018-19**	\$12,335,458	\$36,166,883	\$8,628,414	\$27,538,469	(15,203,011)

*Does not include the adjusted overtime budget

**Projected as of 05 APR 19

Item: _____
Public Safety Committee
June 11, 2019

Sabrina B. Landreth, City Administrator

Third Supplemental Quarterly Report on Police Overtime

Date: May 17, 2019

Page 5

Table 3: Overtime Hours Worked

Fiscal Year	GPF	All Funds
FY 2012-13	351,247	362,044
FY 2013-14	382,930	399,917
FY 2014-15	457,905	459,228
FY 2015-16	388,810	395,849
FY 2016-17	373,977	382,410
FY 2017-18	350,432	376,271
FY 2018-19*	406,466	416,636

*projected as of April 5, 2019

The projected increases in overtime hours in FY2018-19 is associated with increase service level demands and enforcement (crime reduction strategies, downtown club detail, hospital guard, sideshow operations, homeless outreach, etc.).

Salary Increases

As mentioned in past reports, OPD has not received increases in overtime funding even though hourly overtime rates have substantially increased. The City of Oakland has provided a number of raises to members of OPD over the last several years. This has resulted in a higher per-hour overtime cost, but there has been no corresponding increase in the OPD overtime budget to match cost increases.

Table 4: Average Annual Overtime Rate for Police Officer to Lieutenant of Police

Classification	FY* 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Police Officer Step 1	\$50.51	\$50.51	\$52.04	\$55.34	\$56.68	\$59.88	\$62.92
Police Officer Step 2	\$58.94	\$58.94	\$60.73	\$64.58	\$66.14	\$69.88	\$73.42
Police Officer Step 3	\$61.20	\$61.20	\$63.05	\$67.05	\$68.67	\$72.55	\$76.23
Police Officer Step 4	\$63.22	\$63.22	\$65.13	\$69.26	\$70.94	\$74.95	\$78.75
Police Officer Step 5	\$65.48	\$65.48	\$67.45	\$71.74	\$73.47	\$77.63	\$81.56
Police Officer Step 6	\$70.74	\$70.74	\$72.88	\$77.50	\$79.38	\$83.86	\$88.11
Sergeant of Police	\$81.62	\$81.62	\$84.08	\$89.42	\$91.58	\$96.76	\$101.66
Lieutenant of Police	\$94.40	\$94.40	\$97.26	\$103.42	\$105.93	\$111.92	\$117.58

FY = Fiscal Year

Item: _____
Public Safety Committee
June 11, 2019

Sabrina B. Landreth, City Administrator

Third Supplemental Quarterly Report on Police Overtime

Date: May 17, 2019

Page 7

Pre-approved Overtime

The language below concerning internal OPD approval for overtime spent is from **Attachment A** of the supplemental agenda report on overtime policies, procedures, and controls presented to the February 27, 2018 Public Safety Committee:

Overtime Approval

Overtime in OPD can be approved by any commander or manager. This practice is in place due to the dynamic nature of police work. For example, a patrol officer may be in the process of obtaining a victim's statement when the officer's shift is nearing completion. Interrupting this process to obtain approval for the officer to obtain approval from a high-ranking member of the organization would be time-consuming and very insensitive to the victim's needs. Similarly, requiring high-level overtime approval for homicide investigators who are working an unfolding investigation could hinder their progress in identifying or apprehending a violent individual.

When a watch commander is faced with a last-minute unexpected vacancy, the watch commander must act very quickly to ensure that minimum staffing levels are met. To seek higher-level approval (often outside of business hours) would be time-consuming and impractical to the point of endangering public and officer safety.

Advance Approval for Overtime per Policy

The language below is from the draft OPD policy on overtime (Department General Order (DGO) D-01, provided as **Attachment C** to the agenda report to the February 26, 2019 Finance and Management Committee:

B. OVERTIME PROCEDURES**B – 1. Overtime Authorization****1. Approval Process**

Members shall obtain advance approval from a commander or manager before working overtime except when overtime is necessary to:

- a. Complete a radio-dispatched assignment.
- b. Complete an assignment provided by a supervisor (e.g. follow up to an incident that cannot wait until the next shift).
- c. Self-dispatch to a required emergency response (e.g. an officer in need of immediate assistance).

Item: _____
Public Safety Committee
June 11, 2019

Sabrina B. Landreth, City Administrator

Third Supplemental Quarterly Report on Police Overtime

Date: May 17, 2019

Page 9

Professional Staff for Special Events

OPD provides security services for special events at the request of event organizers. Professional staff cannot provide security services for most of the special events requests, however, there are some events that can have additional professional staff and less sworn personnel. The cost to provide the service with additional professional staff depends on the event. Generally, the cost would be the number of hours worked at top step for that classification.

The Department finds great value in staffing events with sworn personnel. The presence of sworn OPD personnel at an event – ranging from a small party to a large sporting event – provides an opportunity for OPD to prevent problems from occurring. If a problem at a special event does develop, OPD personnel assigned to the event on special event overtime can address the problem immediately and effectively without draining extremely limited patrol resources.

Members Assignments at Community Events

OPD Policy DGO B-7 states that “personnel shall receive all appearance requests that address a specific concern regarding police personnel or police practices, when made by representatives of established organizations that are active in the City of Oakland, community groups, and church groups.” OPD attempts to meet these requests within 60 days. The Negotiated Settlement Agreement (NSA) Task 47 requires that OPD host at least one (1) community meeting per quarter in each Patrol Service Area; OPD requires field personnel to attend one community meeting a quarter. In addition, CROs endeavor to attend every NCPC meeting. Attempts are made to not have multiple officers at the same meeting. However, meeting schedules and availability sometimes result in multiple officers at meetings.

On-duty foot patrol officers provide coverage at council meetings for additional security. Generally, there are no open beats created or overtime costs incurred with this assignment.

Item: _____
Public Safety Committee
June 11, 2019

Sabrina B. Landreth, City Administrator
Third Supplemental Quarterly Report on Police Overtime
Date: May 17, 2019

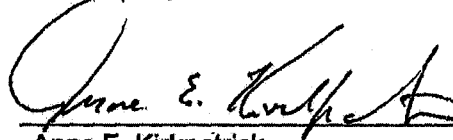
Page 10

ACTION REQUESTED OF THE FINANCE AND MANAGEMENT COMMITTEE

Staff Recommends That The City Council Receive This Third Supplemental Quarterly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies And Procedures.

For questions regarding this report, please contact D. Nell Wallington, Police Services Manager I, at (510) 238-3288.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Prepared by:
D. Nell Wallington, Police Services Manager I
OPD, Bureau of Services, Fiscal Section

Attachments (1):

A – List of reimbursable Special Events/Special Operations overtime spent in the Oakland Police Department for the first, second and third quarters of FY 2018-19

Item: _____
Public Safety Committee
June 11, 2019

Need Line

Attachment A

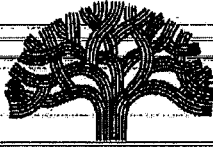
Event	Amount	# of Hours	# of Employees	Event	Amount	# of Hours	# of Employees
Wonder Woman Run	20,458	257.50	50	A's vs. Angels 9/18	12,747	145.25	18
PG&E Construction	20,331	251.00	10	Kevin Hart	12,697	144.00	21
A's vs. Twins 9/23	20,320	248.00	30	Art. & Soul Fest	11,937	137.25	12
Twenty One Pilots	20,293	236.25	28	Trans Siberian Orchestra	11,893	132.25	21
Warriors vs. Wizards	20,173	229.25	34	Oakland Pride	13,564	170.50	17
Warriors vs. Knicks	19,977	220.50	34	AR Rahman	13,520	156.50	20
Home Depot	19,916	248.50	19	Warriors Open Practice	13,505	163.00	32
Warriors vs. Suns	19,876	226.00	34	A's vs. Tigers	13,481	161.75	21
Travis Scott	19,699	228.50	31	A's vs. Astros 8/17	13,310	153.50	19
A's vs. Padres 7/3	19,333	229.50	31	Phil Collins	13,120	145.75	21
Warriors vs. Bucks	19,188	222.00	33	NA LCS 9/08	13,030	148.50	15
A's vs. Angels	19,124	227.50	28	A's vs. Blue Jays	11,868	134.00	18
Warriors vs. Nuggets	19,006	213.25	34	A's vs. Mariners	11,831	141.50	18
First Friday	18,718	246.00	36	J. Balvin Concert	11,586	136.25	18
A's vs. Angels	18,427	211.40	29	Hall & Oates and Train	11,482	130.50	17
Disney on Ice	18,372	209.50	17	A's vs. Mariners	11,391	129.75	18
Warriors vs. Pacers	18,298	202.65	35	A's vs. Tigers 8/05	11,360	133.50	19
Warriors vs. Mavericks	18,192	207.00	33	A's vs. Padres 7/4	11,241	140.00	20
Santa Cruz Warriors	18,036	199.50	32	A's vs. Indians 6/29	11,097	130.00	20
A's vs. Tigers	17,865	215.00	29	First Friday 10/05	11,041	172.50	15
A's vs. Astros 8/18	17,388	205.50	27	A's vs. Rangers 9/09	11,010	126.00	16
A's vs. Giants	17,311	196.00	32	NA LCS 9/09	10,927	120.75	15
First Friday	17,258	226.50	27	Oakland A's FanFest	10,917	120.00	18
Elton John	17,063	187.25	26	First Friday	10,861	158.25	15
Justin Timberlake	17,056	186.50	24	A's vs. Rangers 8/21	10,608	119.75	18
Panic at the Disco	16,594	179.75	24	A's vs. Rangers 9/08	10,595	124.25	16
A's vs. Yankees 9/05	16,482	194.25	29	A's vs. Blue Jays	10,493	118.50	18
Muse	16,467	183.75	24	First Friday	10,363	141.00	16
J. Cole Concert	16,092	181.75	23	A's vs. Angels 9/20	10,324	126.25	17
Childish Gambino	15,810	183.00	27	A's vs. Mariners	10,254	127.50	19
A's vs. Angels	15,795	180.00	26	A's vs. Mariners	10,222	117.25	19
Nick Cannon	15,490	174.50	24	Kelly Clarkson	10,209	113.00	15
385 14th St	14,677	182.00	16	Smashing Pumpkins	10,167	115.00	15
Hiero Day	14,595	178.00	17	MTC Comm. Parking	10,156	128.00	11
A's vs. Twins 9/21	14,073	166.00	21	The Phone	10,107	115.00	7
A's vs. Astros 8/19	13,999	162.00	20	Raiderville	10,102	124.75	7
A's vs. Mariners	13,912	164.50	22	A's vs. Mariners	10,014	115.50	18
Jeff Lynne's ELO	13,830	156.00	22	Eat Real Festival	9,994	111.00	9
Fleetwood Mac	13,738	155.00	23	A's vs. Angels 9/19	9,885	111.75	18
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A's vs. Indians 7/01	13,650	159.50	22	A's vs. Blue Jays	9,497	121.50	17

need live

Attachment A

Event	Amount	# of Hours	# of Employees	Event	Amount	# of Hours	# of Employees
Bishop O'Dowd HS	870	10.00	2	Raider Image	376	5.00	1
COPA Festival	856	11.00	1	A's vs. Angels 6/15	247	1.75	2
Nina Cried Power	798	11.00	1	A's vs. RAYS	115	1.50	3
Levi's	785	11.00	2	W. VS. CAV'S	87	1.00	1
Fitbit	754	9.50	2	AEG 602L Ops	75	1.00	1
A's vs. Indians 6/30	735	8.50	3	DIRTYBIRD BBQ	28	0.00	2
WARRIORS VS BULLS	720	7.00	1	Warriors vs. Spurs	25	0.25	1
Johnstone Moyer, Inc	717	9.00	1	A's vs. Astros 6/13	22	0.25	1
W VS. ROCKETS	714	8.00	1	Black Cowboy Parade	5	0.00	1
W VS. ROCKETS	696	8.00	1	A's vs. Angels 6/16	0	0.00	1
W VS. PELICANS	674	7.75	1	PINK Concert	-19	-0.25	1
Sorry To Bother You	622	8.00	1	BLURRY VISION MUSIC	-44	-0.50	1
PG&E Construction	609	7.00	1	Warriors Watch Party	-87	-1.00	2
Ridge Communications	520	7.00	1	A's vs. Royals 6/08	-87	-1.00	1
True Buddha Vijaya	479	5.50	1	WARRIORS W. PARTY	-87	-1.00	1
Warriors Watch Party	452	4.50	1	Oakland Zoo Traffic	-339	-4.50	1
Feed Oakland	452	6.00	1	Oakland Zoo Traffic	-464	-6.00	2
KD Fantasy Expo	435	5.00	1	First Friday	-502	-5.00	1
Uber Driver Ambition	435	5.00	1	W VS. PELICANS	-827	-9.50	1
Oversize Load	435	5.00	1	AC Transit Project	-847	-9.50	1
The Connected Car	389	5.00	1	First Friday	-954	-9.50	1
Total					\$5,916,916		

STAFFING REPORTS



CITY OF OAKLAND

 FILED
 OFFICE OF THE CITY CLERK
 OAKLAND

2019 MAY -2 PM 6:53

AGENDA REPORT

TO: Sabrina B. Landreth
 City Administrator

FROM: Anne E. Kirkpatrick
 Chief of Police

SUBJECT: Quarterly Police Staffing Report

DATE: April 15, 2019

City Administrator Approval

Date:

5/1/19

RECOMMENDATION

Staff Recommends That The City Council Receive The Oakland Police Department's (OPD) Quarterly Informational Report On Recruiting And Sworn Staffing Levels As Of March 31, 2019.

EXECUTIVE SUMMARY

This informational report provides data on the demographics and staffing levels of OPD sworn and professional staff and recruiting and hiring data as of March 31, 2019.

BACKGROUND/LEGISLATIVE HISTORY

In 2009, the City Council requested a report on staffing levels from OPD to address current staffing for both sworn and professional staff. OPD previously provided this information on a monthly basis; however, effective 2019, the information is being provided on a quarterly basis. This report addresses recruitment activities and assignments for both sworn and professional staff positions.

ANALYSIS AND POLICY ALTERNATIVES

Overview

Over an eleven-year timespan, OPD sworn staffing levels have gone from a high of 830 officers in 2009 to a low of 613 officers in 2013. The department has been building its numbers since 2013, and as of January 1, 2019, the Department had 749 sworn officers. Table 1 below, provides the sworn staffing data numerically, and Figure 1 below, does so visually.

 Item: _____
 Public Safety Committee
 May 14, 2019

Sabrina B. Landreth, City Administrator
 Subject: Quarterly Police Staffing Report
 Date: April 15, 2019

Figure 2: Residency by County and City of Oakland, of Sworn OPD Members

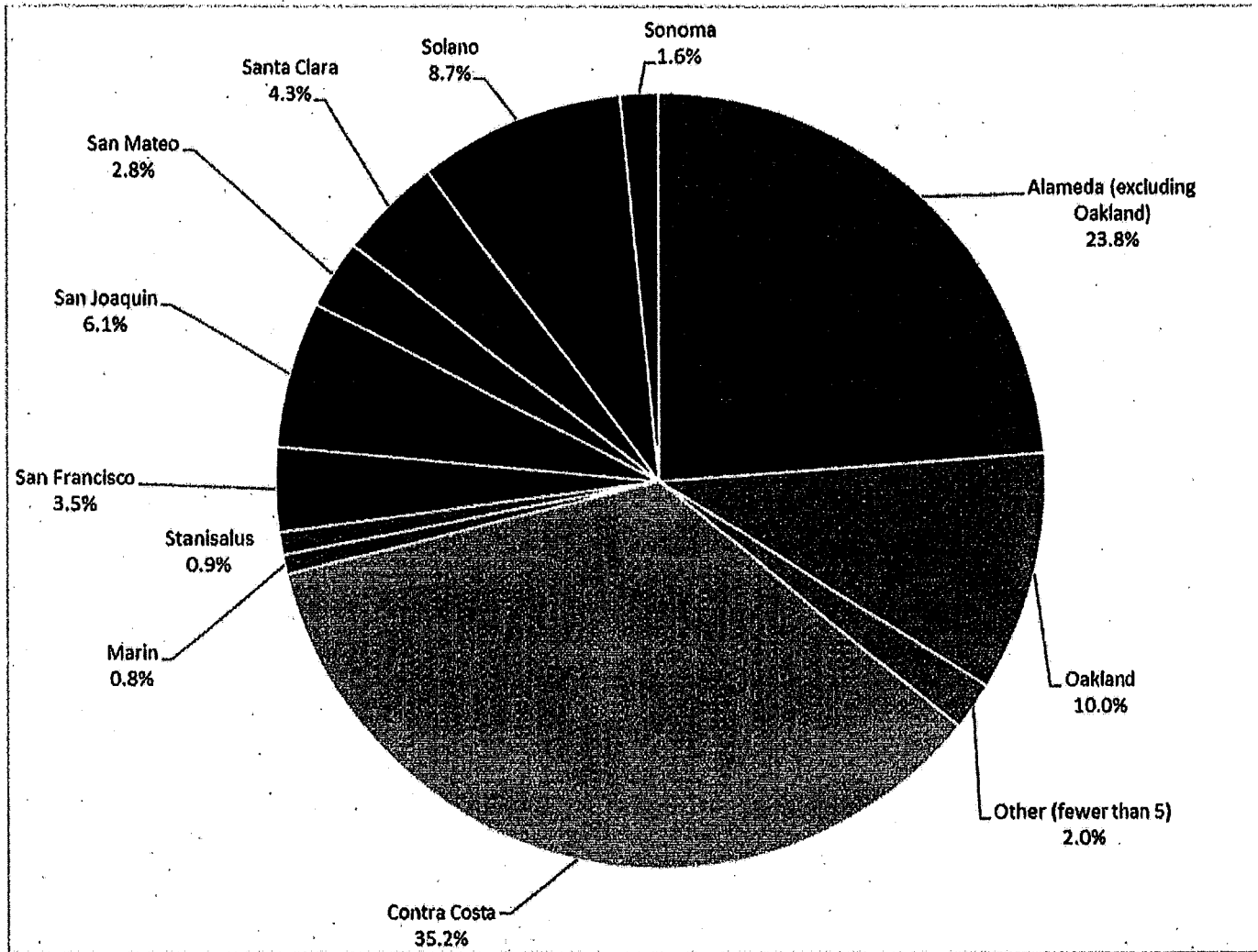


Table 2: Residency by Top 10 Cities, of Sworn OPD Members

City	Count	Department Percentage	City	Count	Department Percentage
Oakland	74	10.3%	San Francisco	26	3.52%
Concord	31	4.2%	Brentwood	25	3.39%
Castro Valley	30	4.07%	Hayward	23	3.12%
San Leandro	29	3.93%	Dublin	22	2.98%
Oakley	27	3.66%	Vallejo	22	2.98%
Total	309	41.87%			

Item: _____
 Public Safety Committee
 May 14, 2019

Sabrina B. Landreth, City Administrator
 Subject: Quarterly Police Staffing Report
 Date: April 15, 2019

Page 5

Table 6 shows the gender breakdown and provides a national comparison.

Table 6: OPD Gender Percentages by Year Compared With 2007 National Percentage¹

Gender	National Percentage, 2007	OPD 2016	OPD 2017	OPD 2018	*OPD 2019
Female	14.3%	13.0%	13.0%	13.0%	13.6%
Male	85.7%	87.0%	87.0%	87.0%	86.4%

*2019 figure shows all OPD sworn staff as of March 31, 2019

Actual and Projected Sworn Staffing

On December 10, 2013, the Oakland City Council passed Resolution No. 84767 C.M.S., which requires the OPD staffing report to contain an analysis of any deviations between the expected and actual staffing levels, the expected hiring methods, and alternative hiring options for achieving budgeted staffing as quickly as possible. Table 7 below provides actual and projected sworn staffing for a twelve-month period. This data is accurate as of March 31, 2019.

Table 7: Actual Sworn Staffing (as of March 31, 2019) and Sworn Staffing Projections

Year	2018		2019									
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Authorized	792	792	792	792	792	792	792	792	792	792	792	792
Filled	731	729	750	749	747	742	763	758	753	748	768	763
Attrition	(2)	(1)	(1)	(2)	(5)	(4)	(5)	(5)	(5)	(5)	(5)	(5)
Hires	0	22	0	0	0	25	0	0	0	25	0	0
Ending Filled**	729	760	749	747	742	763	758	753	748	768	763	758
Over (Under) Authorized	(63)	(42)	(43)	(45)	(50)	(29)	(34)	(39)	(44)	(24)	(29)	(34)
New POT Hiring Pipeline	180th Academy (ends Dec 2018 = 24 POTs)		181st Academy (ends Mar 2019 = 30 POTs)									

** Numbers in the "Ending Filled" row provide actual sworn staffing numbers at the close of each month.

¹ 2007 data: gender ratio of police officers in the U.S. (Source: U.S. Department of Justice, *Office of Justice Programs Bureau of Justice Statistics, Local Police Departments, 2007*)

Item: _____
 Public Safety Committee
 May 14, 2019

Sabrina B. Landreth, City Administrator
 Subject: Quarterly Police Staffing Report
 Date: April 15, 2019

Page 7

Table 10 provides additional information on the reasons for sworn separations.

Table 10: Sworn Attrition Analysis April 1, 2018 through March 31, 2019

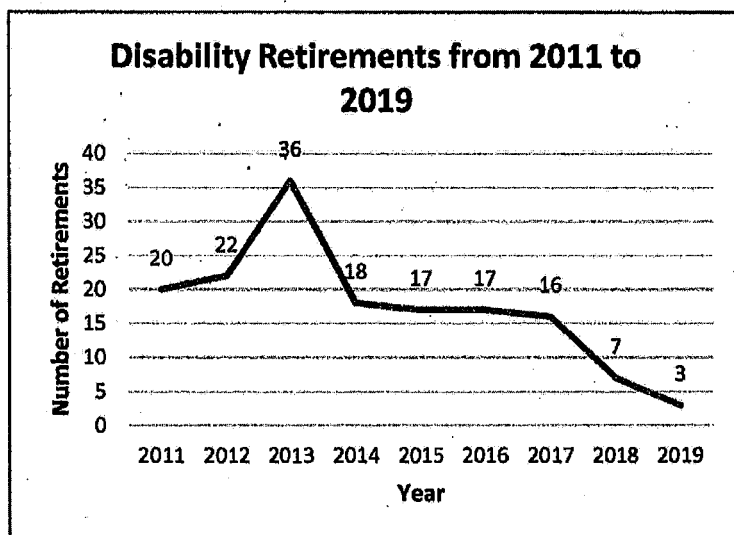
Reason for Separation	Average Age at Separation	Number of Separations
Disability Retirement	49.5	7
Resignation (not during Field Training)	33.7	8
Resignation (during Field Training)	31.0	3
Resignation - Other Agency	30.6	4
Service Retirement	51.3	17
Termination	35.2	2
Release from Probation during Field Training	28.7	4

Disability/Retirement

Officers who experience on-duty injuries may be placed on disability leave or on modified work assignments. Some of these officers eventually retire. Officers may retire from disability leave because their injuries do not allow them to return to their prior non-injury type of assignment. Officers on injury leave may also choose a service retirement rather than returning to regular assignments, because they do not wish to return to a modified assignment or for any number of personal reasons.

Figure 3 below shows data on disability retirements between 2011 and 2019. The data shows that in 2013, annual disability retirements rose to 36 from a prior average of approximately 21. Since 2013, they have decreased to approximately 15 per year. The peak in 2013 was a result of the resolution of outstanding on-assignment injury claims.

Figure 3: Disability Retirements from 2011 to March 31, 2019



Item: _____
 Public Safety Committee
 May 14, 2019

Sabrina B. Landreth, City Administrator
 Subject: Quarterly Police Staffing Report
 Date: April 15, 2019

Page 9

20-Mar-19	Merritt College Cadet Presentation	Merritt College 12500 Canyon Oaks Dr. Oakland, CA	30	POT 7 Cadet 9 Explorer 0
21-Mar-19	Association for Criminal Justice Research CA Conference	Center for Healthy Communities 2000 Franklin St. Oakland, CA	100	POT 1 Cadet 0 Explorer 0
24-Mar-19	Oakland Marathon	3200 Blk Lakeshore Ave. Oakland, CA	10,000	POT 9 Cadet 2 Explorer 1
27-Mar-19	Government and Policy Careers POP-UP (University of San Francisco)	University of San Francisco 2335 Golden Gate Ave. San Francisco, CA	150	POT 14 Cadet 1 Explorer 0
31-Mar-19	Oral Board Workshop	Police Administration Bldg. 455 7th St. Oakland, CA	45	POT 45 Cadet 0 Explorer 0

Table 12: OPD Recruitment Data – 179th Academy

Police Hiring Steps: 179 th Academy	Testing/ Time Frame	Total	Percent of Total	Percent Not Advanced	Number of Oakland Residents	Oakland Residents	Oakland Residents Not Advanced
Applications Received	3/7/2017- 6/9/2017	1198	100%	0%	176	15%	0%
Invited to PAT*		480	40%	60%	160	13%	9%
Attended PAT	5/13/2017- 7/8/2017	280	23%	77%	44	4%	75%
Invited to Written Exam		270	23%	77%	33	3%	81%
Attended Written Exam	5/13/2017- 7/8/2017	270	23%	7%	33	3%	81%
Invited to Oral Interview		208	17%	83%	21	2%	88%
Attended Oral Interview	6/6/2017- 8/1/2017	159	13%	87%	19	2%	89%
Referred to OPD on Eligibility List	6/27/2017- 8/17/2017	104	9%	91%	10	1%	94%
Invited to Academy	1/8/2018	24	2%	8%	3	0.25%	98%
Graduated Academy	7/27/2018	14	1%	99%	1	0.21%	99%

Item: _____
 Public Safety Committee
 May 14, 2019

Sabrina B. Landreth, City Administrator
 Subject: Quarterly Police Staffing Report
 Date: April 15, 2019

Page 11

Table 15: OPD Recruitment Data – 182nd Academy

Police Hiring Steps: 182 nd Academy	Testing/ Time Frame	Total	Percent of Total	Percent Not Advanced	Number of Oakland Residents	Oakland Residents	Oakland Residents Not Advanced
Applications Received	6/8/2018- 12/14/2018	1703	100%	0%	249	15%	0%
Invited to PAT*		646	38%	-62%	70	4%	-72%
Attended PAT	9/8/2018- 1/12/2019	400	23%	-77%	53	3%	-79%
Invited to Written Exam		646	38%	-62%	51	3%	-80%
Attended Written Exam	9/8/2018- 1/12/2019	128	8%	-92%	51	3%	-80%
Invited to Oral Interview		356	21%	-79%	44	3%	-82%
Attended Oral Interview	10/12/2018- 2/5/2019	428	25%	-75%	37	2%	-85%
Referred to OPD on Eligibility List	11/1/2018- 3/24/2019	186	11%	-89%	27	2%	-89%
Invited to Academy	3/25/2019	39	2%	-98%	4	0.23%	-98%
Graduated Academy	9/20/2019	TBD	TBD	TBD	TBD	TBD	TBD

Item: _____
 Public Safety Committee
 May 14, 2019

Sabrina B. Landreth, City Administrator
 Subject: Quarterly Police Staffing Report
 Date: April 15, 2019

Page 13

Table 17, below, shows professional staff vacancies and the status of work being done to fill those vacancies. Please note, DHRM stands for Department of Human Resource Management.

Table 17: Professional Staff Vacancies in OPD

Classification	Vacancies	FTE Authorized	Date Assigned to DHRM for Hiring	Status
Account Clerk II	1	4	12/31/18	OPD – Interview scheduled for 04 Apr 19.
Accountant II	1	2	3/16/16	OPD – Pre-recruitment documents to hiring manager on 28 Mar 19 and pre-recruitment meeting scheduled for 02 Apr 19.
Administrative Analyst II	1	16	9/24/18	OPD – Start date 22 Apr 19.
Administrative Assistant I	1	2	06/07/18	OPD – One (1) candidate referred to background the week of 06 Aug 18.
Crime Analyst (18 Month Duration)	1	2	4/11/16	OPD – A request was made on 21 Mar 19 to ensure the end date for these positions is 30 Jun 19. Fiscal is waiting for a response from Budget.
Criminalist I (Grant Funded)	1	1	8/23/17	OPD - Hiring manager decided to leave position unfilled until January 2020, and will use the remaining funding to purchase acceptable items per the grant.
Criminalist II	1	14	8/4/18	HRM - Waiting for analyst to be assigned.
Criminalist III (Forensic Chemistry)	1	5	7/7/17	OPD – Start date is 06 Apr 19.
Crossing Guard (PPT)	1	2	Various	OPD - Analyst will work to convert positions into FTE once the add/delete moratorium is lifted.
Crossing Guard (PT)	3	17	Various	OPD - Eight (8) candidates in background.

Item: _____
 Public Safety Committee
 May 14, 2019

Sabrina B. Landreth, City Administrator

Subject: Quarterly Police Staffing Report

Date: April 15, 2019

Page 15

Police Performance Auditor	1	3	10/2/18	OPD – On 29 Mar 19 analyst asked HRM if there is another classification that will satisfy this vacancy. Waiting for a response.
Police Personnel Operations Specialist	2	3	Not Assigned	OPD – Two (2) candidates to start 20 Apr 19.
Police Program and Audit Supervisor (PAS Unit)	1	2	1/20/17	OPD – As of 29 Mar 19, four (4) candidates have submitted applications.
Police Property Specialist	1	5	9/17/15	OPD – Candidate to background on 03 Apr 19.
Police Records Specialist (One position selective cert. Chinese)	10	53	Various	OPD – Eight (8) in background on various dates.
Police Records Specialist (18 Months Duration)	1	1	Various	OPD – on 21 Mar 19 OPD analyst reached out to Fiscal. Fiscal to get confirmation on the status of the position from Budget to ensure that the position is either general funded or remain ELDE position.
Police Services Manager I	1	5	3/11/19	HRM – Announcement posted to the City website on 22 Mar 19 and will close on 05 Apr 19.
Police Services Technician II	11	59	Not Assigned	OPD – Waiting for interview dates.
Project Manager II (Ceasefire)	1	1	12/27/18	HRM – As of 29 Mar 19 six (6) candidates submitted applications.
Project Manager III	1	1	Not Assigned	HRM – Waiting for analyst to be assigned.

Sworn Staffing by Area and Patrol Detail

Tables 18 and 19 provide information on beats by area and patrol data.

Table 18: Beats by Area

Area	Beat
Area 1	Beats 1-7
Area 2	Beats 8-14
Area 3	Beats 15-22
Area 4	Beats 23-28
Area 5	Beats 29-35

Item: _____
Public Safety Committee
May 14, 2019

Sabrina B. Landreth, City Administrator

Subject: Quarterly Police Staffing Report

Date: April 15, 2019

Page 17

FISCAL IMPACT

This report is for informational purposes only and does not have a direct fiscal impact or cost. However, decisions to fund additional sworn or non-sworn positions beyond levels approved in the Policy Budget will require additional funding through a budget process.

PUBLIC OUTREACH / INTEREST

OPD continues to actively recruit candidates for the positions of police officer trainee and lateral police officers. Recruitment efforts focus on selective language candidates, diversity, and Oakland residency throughout the testing and selection process.

Staff continues to seek input from community members. Staff is also researching targeted marketing strategies that will assist in ensuring the public is aware of opportunities within the organization. Staff continues to work with community organizations to conduct hiring workshops and obtain input on how to remain visible and available within the community.

COORDINATION

This report was reviewed by the Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

Social Equity: This report provides valuable information to the residents and visitors of Oakland regarding OPD personnel. The Oakland Police Department strives to increase the diversity of its workforce.

Item: _____
Public Safety Committee
May 14, 2019



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	OPD Policy on the Deployment of the BearCat and Other Militarized Weapons
Date:	June 7, 2019
Requested by:	Police Commission Chair
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	Richard Luna, Assistant to the City Administrator

Action Requested:

That the Police Commission receive a presentation from OPD on the use of the BearCat and the deployment of militarized weapons. The Commission may act on OPD's request for a purchase of a second BearCat. The Commission may also vote to appoint an Ad Hoc Committee on Equipment Acquisition and Use Policy.

Background:

At the Public Safety Committee meeting on May 14, 2019 meeting, the Committee suggested that the City Council may want to work with the Police Commission regarding OPD's policy on the deployment of the Bearcat and other militarized weapons.

A representative from American Friends Service Committee, whose work statewide has focused extensively on police militarization, has reached out to Chair Jackson and has offered to assist the Commission in addressing policy. They have co-sponsored state legislation (AB 3131) last year on processes for acquisition of militarized equipment, and have conducted considerable research on precedents in other jurisdictions for police acquisition of equipment, including Bearcats and other armored vehicles.

Attachments:

OPD Informational Report: Overview of Armored Vehicle Use

Oakland Police Commission
 Subject: Armored Vehicles
 Date: June 6, 2019

Page 3

After Action

A commander who authorizes the deployment of an armored vehicle shall email notification to all OPD commanders. The email shall include a brief synopsis of the incident along with at least the following details:

- Date, time, and location
- Report and incident numbers
- Incident commander and tactical commander (if applicable)
- Scene supervisor(s)
- Which armored vehicle(s) were used
- Justification for deployment of the armored vehicle(s)
- Other specialized resources used (e.g. helicopter, canine)
- Presence or absence of media
- Whether there were injuries, uses of force, complaints, and/or property damage

The commander of the Special Operations Section shall maintain a record of the deployments and ensure information about the deployments is include in the division's Annual Management Report.

Proposal to Acquire a Second Armored Vehicle

OPD currently has only one BearCat armored vehicle, which is now twelve (12) years old. As with any motor vehicle, the lifespan of the BearCat depends on how frequently it is used. As an older vehicle that is used regularly, it is out of service for maintenance and repairs more frequently. Purchasing a second BearCat will have benefits such as:

- Ability to properly respond to critical incidents. Most critical incidents require at least two pieces of reliable cover such as that provided by the BearCat. A single BearCat is insufficient to block in a vehicle; a vehicle blocked at the front can simply drive away in reverse. A single BearCat can provide protection for a team at the front door where a suspect has barricaded himself, but a second BearCat is frequently needed to provide cover at the back door to prevent the suspect's escape.
- Increases the likelihood at least one BearCat is always available even if the other one is out of service.
- Decreases the wear and tear on only a single vehicle, which extends its longevity and usefulness.
- Reduces the response time to critical incidents and reduces the miles driven by each vehicle as one BearCat can be stationed at the PAB and one at Eastmont.
- Ability to respond to simultaneous critical incidents. There are times where the safety of the public and officers would be increased by the deployment of the BearCat at two critical incidents, but currently only one is available.
- Ability to cover larger areas. Most events where the BearCat is deployed have several points of ingress/egress and the safety of the public is increased when more points can be protected.

Item: _____
 Public Safety Committee
 May 14, 2019



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	OPD Towing Policy Regarding Victims of Crime
Date:	June 7, 2019
Requested by:	Police Commission Chair
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	Richard Luna, Assistant to the City Administrator

Action Requested:

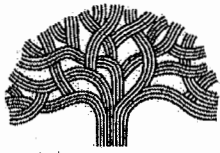
That the Police Commission receive a presentation from OPD on the Department's policy regarding the towing of the cars of victims of crime.

Background:

At the Public Safety Committee meeting on May 14, 2019 meeting, the Committee suggested that the City Council may want to work with the Commission regarding OPD's policy on the towing of the cars of victims of crime.

Attachments:

OPD Agenda Report: Towing Vehicles of Crime Victims



CITY OF OAKLAND

AGENDA REPORT

TO: Oakland Police Commission**FROM:** Anne E. Kirkpatrick
Chief of Police**SUBJECT:** Towing Vehicles of Crime Victims**DATE:** June 5, 2019**Overview**

The City of Oakland has had a contract with Auto Plus Towing (APT) since July 1, 2016. The contract is in place until June 30, 2021. A copy of the January 13, 2016 agenda report related to its approval accompanies this report.

The contract has two provisions to waive fees. One provision provides for tow waivers if a vehicle has been towed in error.

“The City shall be allowed to waive tow and storage fees on up to forty (40) vehicles annually without cost. Any fee waivers in excess of forty (40) vehicles shall be billed to the City at the regular tow and storage rate.”

In addition to the forty fee waivers, the contract allows for victim assistance for Oakland residents whose vehicles have been stolen and then recovered by the department. Per the contract:

“The Contractor shall waive the first forty-eight (48) hours of storage fees for recovered stolen vehicles belonging to Oakland residents, unless fees are paid by a third party (i.e. insurance company, lien holder). The City shall be responsible for determining residency.”

These provisions to waive or minimize tow fees do not directly address the issue of tow fees for victims of violent crimes. The City Council President's proposed amendments for the upcoming budget includes \$200,000 funding in the City Department of Transportation (DOT) for a pilot program of fee waivers for crime victims. (Fund 1010, Item #49). OPD supports this funding and will work with DOT and our partnership with Youth Alive to connect violent crime victims with this service.

OPD policy states that vehicles should be processed to eliminate unnecessary tows and to minimize towing and storage costs when possible. A copy of OPD General Order J-3 “Towing Procedures” accompanies this report.

Respectfully submitted,

Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Prepared by:

Kiona Suttle, Personnel Manager
Oakland Police Department

Item: _____
Police Commission
June 13, 2019



AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Sean C. Whent
Chief of Police

SUBJECT: Towing Services Contract

DATE: January 13, 2016

City Administrator Approval

Date:

1/14/16

RECOMMENDATION

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator To: 1) Negotiate And Enter Into A Towing Services Contract With Auto Plus Towing (APT) For The Period July 1, 2016 To June 30, 2021, With An Option To Extend The Contract For One Additional Five-Year Term, For Towing And Storage Of Vehicles, Collection And Administration Of Administrative Towing Fees, Lien Sale By Public Auction Of Abandoned Vehicles And Various Administrative Services Related To Towing Operations; 2) Accept And Appropriately An Annual Payment Estimated At One Hundred Seventy Two Thousand Dollars (\$172,000), As Annually Adjusted Based On The Consumer Price Index (CPI), Plus A Referral Fee Of Fifty-Four Dollars (\$54) Per Towed Vehicles Annually Adjusted By The CPI, And Plus A Percentage Of Gross Revenue Received By APT In Conducting Tow Services For The City Of Oakland/Oakland Police Department (OPD) From APT For Payment Of Administrative And Other Costs

EXECUTIVE SUMMARY

The Oakland Police Department (OPD) has concluded a Request for Proposal (RFP) process. Auto Plus Towing (APT) is the only bidder who: 1) responded to the RFP; 2) met the requirements outlined for tow management and auction services; and 3) is prepared to both install a Tow Vehicle Management System (TVMS) to provide detailed records of service in an electronic format, and provide tow management and auction services. The City has begun discussions with APT and is now seeking City Council approval to execute a contract. OPD requires a contract with a towing service firm so that the City's critical towing service needs are maintained without disruption.

BACKGROUND / LEGISLATIVE HISTORY

The City of Oakland is required by state law (*see Attachment A*) to provide vehicle towing and storage services in connection with crime and traffic related vehicle impounds and vehicle abandonment. Vehicles must be towed by properly trained, equipped, licensed and insured tow operators to safe and secure storage facilities. Towing operations are location-specific and service operators must have access to sufficient land and buildings to provide all needed

Item: _____
Public Safety Committee
January 26, 2016

Sabrina B. Landreth, City Administrator
 Subject: Towing Services Contract
 Date: January 13, 2016

Page 3

terms of a new towing services contract, subject to City Council approval. The major items agreed upon by both APT and the City are as follows:

- The City will recommend an initial contract term of five years, with the administrative authority to extend the contract one time for an additional five year term. At the end of the initial five year term, if the City chooses to exercise the additional five year contract extension, the Contract Administration Fee and Gross Revenue Percentage Fee associated with this contract are subject to renegotiation.
- APT will pay the City a Contract Administration Fee in the amount of \$172,000 annually to cover the cost of 1.0 Full Time Employee (FTE) Police Services Technician II and 0.25 FTE Police Services Manager I as a cost for the administration of the contract. This fee will be subject to an annual adjustment based on the Consumer Price Index (CPI).
- APT will pay the City a referral fee in the amount of \$54 per towed vehicle. This fee will be subject to an annual adjustment based on the CPI.
- APT will pay the City a Gross Revenue Percentage Fee beginning at two percent in year one of the contract and increasing incrementally by one-half percent each year thereafter, for a total of four percent in year five of the contract.
- A TVMS will be purchased, installed, and maintained by APT at no cost to the City.
- APT will be open for vehicle release Monday through Friday from 8:00 a.m. to 5:00 p.m. and Saturday and Sunday from 8:00 a.m. to 3:30 p.m.
- Tow rates will go into effect July 1, 2016, as long as the rates have been approved by the California Highway Patrol (CHP).
- The City will be allowed 40 error tows per fiscal year at no cost to the City. Anything exceeding 40 error tows will be billed to the City at prescribed rates, as long as the rates have been approved by CHP. An error tow is a vehicle towed by the OPD when law or policy is not followed by Departmental personnel.
- APT will remove at no cost to the City any City owned/leased disabled vehicle with a 100 mile radius from the City Corporation Yards (7101 Edgewater Drive or 5050 Coliseum Way for heavy equipment).
- APT will waive the first 48 hours of storage for Oakland residents on all recovered stolen vehicles towed in Oakland.
- APT will be in compliance with all CVC requirements related to debris clean up and the operation and maintenance of tow trucks as well as the operation of its business as outlined in CVC Section 27700 – Required Equipment.

Approval of this resolution will authorize the City Administrator or designee to negotiate and execute a contract with APT for a period of five years, commencing July 1, 2016 and ending

Item: _____
 Public Safety Committee
 January 26, 2016

Sabrina B. Landreth, City Administrator
 Subject: Towing Services Contract
 Date: January 13, 2016

Page 5

administrative (release) fees. With respect to Tow Charges, the cost would be about \$500,000 annually to waive this cost for both Oakland residents and non-residents. With respect to Vehicle Storage, as mentioned above, APT will waive the first 48 hours of storage for Oakland residents on all recovered stolen vehicles towed in Oakland. If the city were to waive the first 48 hours storage fee for non-residents, the cost would be up to \$372,600 annually.

As proposed, an Oakland resident who has had their stolen vehicle towed would at a minimum pay \$198 to get one's stolen vehicle back. (If administrative fees were not covered by the city, the cost would be \$379 minimum.) For a non-Oakland resident, one would at a minimum pay \$198 to get one's stolen vehicle back plus \$75/day for storage fees.

PUBLIC OUTREACH / INTEREST

OPD issued two RFPs in order to identify qualified Contractors for this service. No other outreach was deemed necessary for the proposed action beyond the standard City Council agenda noticing procedures.

COORDINATION

The Contracts and Compliance Division, the Revenue Office, and the City Administrator's Office were consulted in the preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic: No economic opportunities are associated with the contract.

Environmental: Maintaining a towing service in Oakland will help the City limit its carbon emissions associated with required vehicle towing. Removing non-running and otherwise abandoned vehicles from Oakland city streets also has positive environmental impacts.

Social Equity: This contract will assist with maintaining an important service that benefits all Oakland residents who are impacted by the need to remove vehicles from City streets.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator To: 1) Negotiate And Enter Into A Towing Services Contract With Auto Plus Towing (APT) For The Period July 1, 2016 To June 30, 2021, With An Option To Extend The Contract For One Additional Five-Year Term, For Towing And Storage Of Vehicles, Collection And Administration Of Administrative Towing Fees, Lien Sale By Public Auction Of Abandoned Vehicles And Various Administrative Services Related To Towing Operations; 2) Accept And Appropriate An Annual Payment Estimated At One Hundred Seventy Two Thousand Dollars (\$172,000), As Annually Adjusted Based On The Consumer Price Index (CPI), Plus A Referral Fee Of Fifty-Four Dollars (\$54) Per Towed Vehicles Annually Adjusted By The CPI, And Plus A

Item: _____
 Public Safety Committee
 January 26, 2016

Attachment A
California Vehicle Code Section: 22651

22651.

A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or a regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act, under the following circumstances:

(a) When a vehicle is left unattended upon a bridge, viaduct, or causeway or in a tube or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When a vehicle is parked or left standing upon a highway in a position so as to obstruct the normal movement of traffic or in a condition so as to create a hazard to other traffic upon the highway.

(c) When a vehicle is found upon a highway or public land and a report has previously been made that the vehicle is stolen or a complaint has been filed and a warrant thereon is issued charging that the vehicle was embezzled.

(d) When a vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move the vehicle from in front of the driveway to another point on the highway.

(e) When a vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move the vehicle from in front of the fire hydrant to another point on the highway.

(f) When a vehicle, except highway maintenance or construction equipment, is stopped, parked, or left standing for more than four hours upon the right-of-way of a freeway that has full control of access and no crossings at grade and the driver, if present, cannot move the vehicle under its own power.

(g) When the person in charge of a vehicle upon a highway or public land is, by reason of physical injuries or illness, incapacitated to an extent so as to be unable to provide for its custody or removal.

(h) (1) When an officer arrests a person driving or in control of a vehicle for an alleged offense and the officer is, by this code or other law, required or permitted to take, and does take, the person into custody.

(2) When an officer serves a notice of an order of suspension or revocation pursuant to Section 13388 or 13389.

(i) (1) When a vehicle, other than a rented vehicle, is found upon a highway or public land, or is removed pursuant to this code, and it is known that the vehicle has been issued five or more notices of parking violations to which the owner or person in control of the vehicle has not responded within 21 calendar days of notice of citation issuance or citation issuance or 14 calendar days of the mailing of a notice of delinquent parking violation to the agency responsible for processing notices of parking violations, or the registered owner of the vehicle is known to have been issued five or more notices for failure to pay or failure to appear in court for traffic violations for which a certificate has not been issued by the magistrate or clerk of the court hearing the case showing that the case has been adjudicated or concerning which the registered owner's record has not been cleared pursuant to Chapter 6 (commencing with Section 41500) of Division 17, the vehicle may be impounded until that person furnishes to the impounding law enforcement agency all of the following:

(A) Evidence of his or her identity.

(B) An address within this state at which he or she can be located.

Item: _____
 Public Safety Committee
 January 26, 2016

or movement, and signs giving notice that the vehicle may be removed are erected or placed at least 24 hours prior to the removal by a local authority pursuant to the Ordinance.

(n) Whenever a vehicle is parked or left standing where local authorities, by resolution or ordinance, have prohibited parking and have authorized the removal of vehicles. Except as provided in subdivisions (v) and (w), a vehicle shall not be removed unless signs are posted giving notice of the removal.

(o) (1) When a vehicle is found or operated upon a highway, public land, or an off-street parking facility under the following circumstances:

(A) With a registration expiration date in excess of six months before the date it is found or operated on the highway, public lands, or the off-street parking facility.

(B) Displaying in, or upon, the vehicle, a registration card, identification card, temporary receipt, license plate, special plate, registration sticker, device issued pursuant to Section 4853, or permit that was not issued for that vehicle, or is not otherwise lawfully used on that vehicle under this code.

(C) Displaying in, or upon, the vehicle, an altered, forged, counterfeit, or falsified registration card, identification card, temporary receipt, license plate, special plate, registration sticker, device issued pursuant to Section 4853, or permit. (2) When a vehicle described in paragraph (1) is occupied, only a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may remove the vehicle.

(3) For the purposes of this subdivision, the vehicle shall be released under either of the following circumstances:

(A) To the registered owner or person in control of the vehicle only after the owner or person furnishes the storing law enforcement agency with proof of current registration and a currently valid driver's license to operate the vehicle.

(B) To the legal owner or the legal owner's agency, without payment of any fees, fines, or penalties for parking tickets or registration and without proof of current registration, if the vehicle will only be transported pursuant to the exemption specified in Section 4022 and if the legal owner does all of the following:

(i) Pays the cost of towing and storing the vehicle.

(ii) Completes an affidavit in a form acceptable to the impounding law enforcement agency stating that the vehicle was not in possession of the legal owner at the time of occurrence of an offense relating to standing or parking. A vehicle released to a legal owner under this subdivision is a repossessed vehicle for purposes of disposition or sale. The impounding agency has a lien on any surplus that remains upon sale of the vehicle to which the registered owner is or may be entitled, as security for the full amount of parking penalties for any notices of parking violations issued for the vehicle and for all local administrative charges imposed pursuant to Section 22850.5. Upon receipt of any surplus, the legal owner shall promptly remit to, and deposit with, the agency responsible for processing notices of parking violations from that surplus, the full amount of the parking penalties for all notices of parking violations issued for the vehicle and for all local administrative charges imposed pursuant to Section 22850.5.

(4) The impounding agency that has a lien on the surplus that remains upon the sale of a vehicle to which a registered owner is entitled has a deficiency claim against the registered owner for the full amount of parking penalties for any notices of parking violations issued for the vehicle and for all local administrative charges imposed pursuant to Section 22850.5, less the amount received from the sale of the vehicle.

(5) As used in this subdivision, "off-street parking facility" means an off-street facility held open for use by the public for parking vehicles and includes a publicly owned facility for off-street parking, and a privately owned facility for off street parking if a fee is not charged for the privilege to park and it is held open for the common public use of retail customers.

Item: _____
Public Safety Committee
January 26, 2016

county is not required to provide further notice for a subsequent violation prior to the enforcement of penalties for a violation of the ordinance.

Item: _____
Public Safety Committee
January 26, 2016

WHEREAS, the City of Oakland received two valid responses to the second RFP; one for each component . APT responded to the Tow Management and Auction Service component, and Dispatch and Tracking Solutions responded to the TMVS component; and

WHEREAS, the City of Oakland carefully reviewed both responses to the RFP and determined that APT is prepared to meet both the Tow Management and Auction Services and TVMS components of the proposed tow contract needs; and

WHEREAS, the initial term of the agreement will be five years, for the period of July 1, 2016 to June 30, 2021, with an option to extend the agreement for one additional five-year term; and

WHEREAS, APT will provide the City of Oakland with a reimbursement of services fee in the amount of \$172,000 annually, subject to an annual adjustment based on the Consumer Price Index (CPI), to cover related policing and administrative costs; and

WHEREAS, APT will provide the City of Oakland with a referral fee of \$54 per vehicle towed, subject to an annual adjustment based on the CPI, to cover related policing and administrative costs ; and

WHEREAS, APT will provide the City of Oakland with a percentage of their gross revenue (Gross Revenue Percentage Fee) associated with conducting tow services for the City, to cover related policing and administrative costs of two percent (2%) per year in the first year of the contract and increase this fee by one-half percent per year to reach four percent in the fifth year of the contract; and

WHEREAS, revenue from the Contractor will be received in General Purpose Fund (1010), Treasury Division Org (08721), Miscellaneous Service Charges Account (45729), Financial Management Program (IP59); and

WHEREAS, revenue received from the Vehicle Release Fee, which is charged to vehicle owners to cover related policing and administrative costs, will be received in the General Purpose Fund (1010), Records and Warrants Organization Code (103242), Miscellaneous Service Charges Account (45729), Police Records Program (PS07); now, therefore be it

RESOLVED: That the Oakland City Council, hereby authorizes the City Administrator, or designee, to negotiate and enter into an agreement for towing and storage services with APT; and be it

FURTHER RESOLVED: That the proposed contract term shall include the following provisions:

contract terms as to form and legality; and be it

FURTHER RESOLVED: That the City Administrator or designee shall place a copy of the fully executed Agreement with APT on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council of the
City of Oakland, California

**OPD GENERAL ORDER J-3
TOWING PROCEDURES**



DEPARTMENTAL
GENERAL
ORDER

Rev.
7 Apr 00

Ref: CALEA
Standard 42.2.1;
61.4.2-3

J-3

Index as:

Abandoned Vehicles
Appraising Towed Vehicles
Citations, Tow Related
Disabled Motorists
Evidence Holds
Holds, Evidence
Holds, Release
Towing Procedures

TOWING PROCEDURES

The purpose of this order is to set forth Departmental policy and procedures for towing vehicles. Procedures for completing reports and citations mentioned in this order are found in Departmental Report Writing Manual Insert T-19, TOWING PROCEDURES. The towing of Departmental vehicles is covered by Departmental General Order I-2, ASSIGNMENT, SERVICING, REPAIR OF POLICE VEHICLES. This order applies to motor vehicles including motor-driven cycles, motorized bicycles and "mopeds."

I. TOW REQUESTS

A. Departmental Tows

1. A Departmental tow may be ordered by a member or employee:
 - a) Pursuant to a Vehicle Code section.
 - b) For evidentiary purposes, upon supervisory approval.
 - c) Special tow projects require advance notification to the Communications and Records Divisions to ensure adequate staff is available to handle the increased work load.

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

J-3

Rev.
7 Apr 00

2. The owner/operator will be asked for his/her preference in tow companies and that preference honored when the tow is ordered. If the owner/ operator has no preference, a tow company under contract to the City will be dispatched.
3. An owner/operator requested tow shall not be ordered unless the owner/operator, or other person designated by the operator, remains with the vehicle until the tow arrives.

C. Abandoned Vehicle Tows on Public Property

1. Responsibility for Marking and Towing
 - a) Members and employees regularly assigned to the Abandoned Vehicle Unit shall mark and tow autos abandoned within City limits.
 - b) All other members shall mark and tow abandoned vehicles within their area of assignment as time allows.
2. Towing Procedures
 - a) Members and employees shall:
 - (1) Attach a warning sticker securely on the windshield no less than 72 hours prior to the actual tow.
 - (2) Record mileage of the abandoned vehicle on the Assignment Report (236-253).
 - (3) Place an alignment mark on tire and pavement and indicate the marking on the Assignment Report.
 - b) Abandoned Vehicle Unit's members and employees shall also:

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

J-3

Rev.
7 Apr 00

(TF-3005) on the vehicle, and listing the removal date (10 days from the date marked).

- c) Only personnel assigned to the Vehicle Abatement Unit shall tow abandoned vehicles from private property in accordance with existing policies.

II. VEHICLE HOLDS

A. Holds for Investigative Units

1. No unnecessary holds shall be placed on towed vehicles.
2. No vehicle shall be towed with a hold for Vice/Narcotics Section without the specific approval of a Vice/Narcotics Section supervisor or investigator.
3. Separable evidence in the vehicle shall be removed and turned in to the Property Section.
4. Only one hold shall be placed on any vehicle. If another investigative unit has evidentiary interest in the vehicle, copies of the report shall be directed to the interested unit(s) and the reasons stated in the report narrative.
5. A hold shall be placed on a vehicle only where there is evidentiary value in the vehicle itself or for some other compelling reason (e.g., search warrant, disputed title, altered VIN plate or an investigator's prior request for a hold).
6. Members shall get the approval of a supervisory or command officer prior to placing a hold on a vehicle. This approval shall be documented in the report narrative.
7. If an unoccupied vehicle displaying false registration is to be towed, a Vehicle Report (536-254) shall be completed and the seized license plates (or other false evidence of registration) shall be turned in to the Property Section. No hold on the vehicle itself is necessary.

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

J-3

Rev.
7 Apr 00

3. VC 22651(p) holds may or may not require a 30-day hold. The 30-day hold, if authorized by statute, must be placed by the towing officer. The name of the driver shall be documented on the report.
 4. Hit-and-run tows and 10851 tows for "prints only" shall expire 48 hours after the tow unless the vehicle is released sooner or the hold is extended by the investigator.
 5. All other holds shall expire 72 hours after the tow unless the vehicle is released sooner or the hold is extended by the investigator. All extensions shall include an estimated release date.
 6. Any request for a hold extension shall be confirmed in writing with the tow company within 48 hours of a telephonic request.
- D. Vehicles towed pursuant to 10.28.24 OMC may be released to the owner by the tow company without clearance from Records Division if the vehicle is claimed before midnight on the day it was towed.
- E. Records Division personnel shall release vehicles held only for technician processing when notified by the technician that the work has been completed.
- F. Records Division supervisors can release a technician hold on a recovered stolen vehicle if no other crimes are involved after confirming with the Communications Division that the technician call is not "stacked" on the Computer Assisted Dispatch System's (CAD) technician screen.
- G. Report Reproducing Unit Responsibilities

Employees of the Report Reproducing Unit shall forward copies of all reports containing tow information to the Records Division Fleet/Tow Coordinator and any unit for which a hold was placed.

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

J-3

Rev.
7 Apr 00

VI. ERROR TOWS

- A. Vehicles erroneously towed or left in storage are charged to the City. Members and employees shall ensure that vehicles are towed under the proper authority.
- B. Allegations of improper tows shall be referred to the Fleet/Tow Coordinator.

VII. LATE TOWS

- A. Tow trucks are allotted 30 minutes to arrive at a tow site (45 minutes for big rigs) in accordance with the provisions of the current tow contract.
- B. Members and employees shall advise the Communications Division if there is any delay in excess of the allotted time.
- C. The Communications Division shall forward the CAD printout, as necessary, to the Records Division Fleet/Tow Coordinator and Records Division Manager advising them of any delay in response by the tow company.

VIII. ASSISTANCE TO DISABLED MOTORISTS

- A. Uniformed on-duty members and employees who observe disabled motorists within the City limits shall stop and render appropriate assistance. Such assistance may include, but is not limited to, placing flares, arranging for private transportation, and calling for road or tow service.
- B. If a uniformed member or employee observes a disabled motorist while enroute to an assignment that cannot be delayed, he/she shall advise the Communications Division on the service channel of the location of the incident so that another unit may be dispatched to provide appropriate assistance as soon as circumstances permit.
- C. On-duty plainclothes officers should stop and assist disabled motorists if doing so will not compromise their assignment and can be done with

Request for Reconsideration:

A request for reconsideration of CPRA's findings will only be granted in very narrow circumstances: (1) to accommodate an intervening change in controlling law; (2) to account for substantial new evidence not available during the investigative process; or (3) to correct a clear error of law. A request for reconsideration may not be heard due to complainant's mere disagreement with the CPRA's ruling as this provision is not intended to give the complainant a second bite at the apple.

Mechanism:

For cases previously decided, a complainant may send a letter to the Chair indicating that the complainant wishes to have his or her matter reconsidered. The letter must indicate whether there has been either: (1) an intervening change in controlling law; (2) significant new evidence not available during the investigative process; or (3) a clear error of law. For those matters involving the allegation of new evidence, it should be noted if the significant new evidence that has been discovered is likely to affect the outcome of the prior investigation; whether the evidence could not reasonably have been discovered in the normal course of investigation without resorting to extraordinary measures by CPRA; and whether the evidence resulted from the officer's pre-disciplinary response or procedure.

The letter must clearly explain and provide any evidence, documents or other materials demonstrating one or more of the three above requirements. No investigation will be undertaken by the Commission. All materials must be provided by the complainant.

Within twenty days of the receipt of the letter, the Chair must create an ad hoc committee to discuss and consider the materials provided by the complainant to consider whether any of the three requirements exist based on a preponderance of evidence standard. The ad hoc committee will have thirty (30) days to complete its review of the letter and materials and report its conclusion to the Commission. The ad hoc committee will only report whether the request for reconsideration should be granted or denied.

In the event that the request for reconsideration is granted, the Chair shall create a three-person ad hoc committee (of three different commissioners than the initial two-person ad hoc committee) to review the options available in the case. Options to be considered include, but are not limited to, re-investigation by CPRA, re-investigation by an independent entity, reconsideration by the previous CPRA investigator without any re-investigation, etc. Any options considered shall be mindful of various prospective and past deadlines such as California Government Code Section 3304.

Upon the Commission's establishment of the Office of the Inspector General, this process will sunset and the policy will be revised to reflect the power and duties of the Office of the Inspector General.



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Bey Case Review
Date:	June 7, 2019
Requested by:	Police Commission Vice Chair
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	Mike Nisperos, CPRA Interim Executive Director

Action Requested:

That the Police Commission review the names of several potential investigators to consider the Bey case – Henry Gage, III; Amy Oppenheimer; Michael Thompson.

Background:

Vice Chair Harris has requested this item be added to the agenda. Below is information submitted by Mr. Bey to Vice Chair Harris and Chair Jackson.

Greetings,

Hon. Chair Jackson and Hon. Vice Chair Harris:

Independent Investigation Job description:

Potential new evidence of OPD Department General Order [DGO] violations have been exposed by civil complaint Discovery, produced by the City of Oakland in Bey v. Oakland currently in San Francisco Northern California District Federal Court [14-cv-01626-jsc] relating to OPD IAD and City Administration CPRB complaints 07-0538, 13-1062, and 16-0147, as such the Oakland Police Commission voted to retain the services of a business licensed to conduct an independent investigation of the above cases for said violations related to complaints of of racial and religious profiling as mandated in Measure LL.

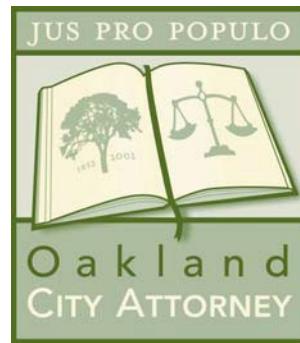
Scope of work summary:

Independently investigate OPD employees and supervision for Manual Of Rules [MOR] violations related to California Penal Code 13519.4[e] and DGO M-19 prohibitions against Racial and Religious Profiling under color of law. Investigate and document OPD employees and OPD management for any and all systemic workplace discrimination, and analyze its ramifications on broader systemic discrimination in the Profiled communities, in part based upon; OPD Policy, culture, promotion, supervisor complicity related to systemic failures to resolve entrenched OPD discriminatory practices, based in part on lack of training, willful ignorance, racial and religious specific animus, systemic explicit and implicit bias based community policing practices, and culturalized historic racism.

Investigator responsibilities:

The lead investigator shall work with the Adhoc committee, through the Chair and report to the Chair Ginale Harris, to include updates, preliminary findings, and recommendations to be reported by the Adhoc Chair to the Commission as needed. Investigator will work with all Adhoc committee identified and approved resources to aid investigator in producing a comprehensive "living" report on OPD racial and religious compliance with Department General Order M-19. This "living" report shall be used by the Oakland Police Commission to track, contribute, and enforce OPD M-19 and discrimination through compliance.

Investigator shall detail any and all discovered systemic and culturalized Profiling discrimination of any type by OPD, make progress reports to Adhoc on a schedule as agreed, and produce detailed findings, provide professional analysis, and produce detailed recommendations, for the shortest path to Department wide DGO M-19 profiling and racial and religious discrimination compliance. Investigator's recommendations should include but not be limited to, identifying immediate areas of attention and racial and religious Department training needed to bring OPD into DGO M-19 anti Profiling compliance. Investigate and Report on any related OPD DGO violations and workplace related discrimination violations exposed by said independent investigation.



CITY OF OAKLAND
OFFICE OF THE CITY ATTORNEY
BARBARA J. PARKER, CITY ATTORNEY

REQUEST FOR QUALIFICATIONS
FOR THE LEGAL SERVICES:

Outside Counsel for Oakland Police Commission

Please respond by June 15, 2019

Contact Person: Mark Forte
Phone Number: (510) 238-2960
E-mail Address: mforte@oaklandcityattorney.org

Issued: May 2, 2019

TABLE OF CONTENTS

INTRODUCTION/ SCOPE OF SERVICE	1
REQUESTED INFORMATION (FIRM DATA & INFORMATION)	2
FEE STRUCTURE	3
REVIEW OF SUBMISSIONS	3
RESPONDENT'S PERSONNEL	4
CONFIDENTIALITY OF PROPOSAL / INFORMATION WAIVER	4
CITY'S RESERVATION OF RIGHTS	5
STATEMENT OF INTEREST & QUALIFICATIONS (SOQ)	5
OUTSIDE COUNSEL POLICY	6

INTRODUCTION

In November 2016, Oakland voters overwhelmingly passed Measure LL, an amendment to the Oakland City Charter which established an Oakland Police Commission (“Commission”) consisting of seven regular and two alternate members and a Community Police Review Agency (“CPRA”). The Office of the Oakland City Attorney is responsible for providing all legal services for the Commission and is responsible for engaging outside counsel to advise the Commission in conjunction with the City Attorney’s Office.

The Commission oversees the Oakland Police Department (“OPD”). The Commission is charged with reviewing, proposing changes to, and holding annual public hearings on OPD’s policies and procedures. The Commission also must report annually to the Mayor, the City Council, and to the public regarding the Commission’s business.

The CPRA investigates all public complaints against OPD officers involving use of force, in-custody deaths, profiling and public assemblies, and other possible misconduct as directed by the Commission. The CPRA’s Director reports to and may be terminated by the Commission. The Commission, as a body or by committee, reviews certain CPRA cases and provides direction to the Director on case closure, sustained findings and/or the imposition discipline. The Commission meets in closed session to discuss the CPRA Director’s performance.

The City Attorney wishes to retain outside counsel to the City Attorney to advise the Commission and provide periodic training on Brown Act compliance, parliamentary procedure, and other matters as assigned. Outside counsel must be available to sit at the dais during the Commission’s regular and special meetings. Regular meetings are held the second and fourth Thursdays of each month at 6:30 p.m. in Oakland City Hall. The City Attorney requests detailed information regarding the qualifications of attorneys or law firms interested in providing legal services to the Commission to make this appointment and to establish a list of qualified attorneys or law firms from which future outside counsel may be selected.

In general, the City Attorney is interested in hiring a diverse group of firms/individuals that will provide high-quality services while containing legal costs. We seek to build ongoing relationships with firms that share our commitment to quality and to cost containment, as well as expand and strengthen our relationships with Oakland-based firms that are committed to diversity.

Selection of outside counsel for all matters is based on the quality of their work, commitment to controlling costs, adherence to budgets, and commitment to providing equal opportunities for people of color and women, persons with disabilities and regardless of sexual orientation or other protected class status. We encourage innovative approaches to billing proposals, such as fixed rate per project, blended hourly rate per project, discounted rates, contingency fees, or some other methodology. When we select a firm to represent the City of Oakland we decide which attorneys will be working on our matters, and we require advance approval of any changes in assignments.

All firms that we retain must enter into Oakland’s standard Professional Services Agreement (PSA), and complete and provide the following schedules and documentation.

- Combined Schedules: C-1: Declaration of Compliance with the American Disabilities Act, Schedule P: Nuclear Free Zone Disclosure, Schedule U: Compliance Commitment Agreement, Schedule V: Affidavit of Non-Disciplinary or Investigatory Action, Schedule;
- Schedule B-2: Arizona Resolution
- Schedule D: Ownership Ethnicity and Gender Questionnaire;
- Schedule E: Project Consultant Team;
- Schedule N: Declaration of Compliance for the City’s Living Wage Ordinance;
- Schedule N-1: Equal Benefits Declaration of Nondiscrimination,;
- Schedule O: Contractor Acknowledgment of City of Oakland Campaign Contribution Limits;
- Proof of Insurance on the ACORD form showing the types and amounts of and insurance coverage required in Schedule Q, Insurance Requirements; and
- Current Oakland Business Tax certificate or application in progress.

In addition to the PSA, selected firms will be required to enter into a Scope of Service/Retention Agreement for each specific matter. Each Scope of Service / Retention Agreement includes a written work plan or case handling plan, a capped “not to exceed” amount and the names of the individuals in the law firm assigned to work on the matter and their hourly rates. The Scope of Service / Retention Agreement becomes a part of the overall agreement and cannot be modified without the advance written approval of the City Attorney, a Chief Assistant City Attorney or a Special Counsel. The Office of the City Attorney will not approve bills/invoices that are in excess of budget, absent prior approval. All invoices must set forth the billing amount, the cap, and the amount remaining on the contract. The documents listed above are included as an attachment.

Selected firms must be current on the payment of Oakland business taxes. This tax is based on income from work the firm performs in Oakland. Selected firms must have or obtain an Oakland Business Tax Certificate regardless of where the firm is located. See the attached Outside Counsel Policy Guide for more information.

REQUESTED INFORMATION (FIRM DATA & INFORMATION)

Respondents should provide the following background information for each attorney in the firm who wishes to be qualified to provide advice or assist in providing advice to the Commission. Please provide two copies of the responses and please identify the partner or shareholder who would be in charge of the representation. For purposes of providing background information, “peace officers” include all law enforcement officers, including but not limited to police officers, deputy sheriffs, highway patrol officers, and corrections officers.

1. Describe your professional experience in the areas of public meetings / hearings and parliamentary procedure.
2. Describe your professional experience in the areas of oversight and policy development for a peace-officer department or agency.
3. Describe your professional experience in the area of public-employee misconduct and discipline.
4. Have you ever represented a client in a claim or lawsuit against a peace-officer department or agency? If so, please describe the timing and nature of the representation(s).
5. Have you ever represented a peace-officer department or agency in a law suit? If so, please describe the timing and nature of the representation(s).

6. Have you ever represented a peace officer in a civil or criminal matter for alleged on-the-job misconduct? If so, please describe the timing and nature of the representation(s).
7. Have you ever represented a peace officer or a peace officer employee association in a discipline matter or collective bargaining dispute? If so, please describe the timing and nature of the representation(s).

In addition, Respondents should include the following information:

1. Your office's availability to work as outside counsel to the Commission, including number of hours per week/month the lead attorney can personally commit, availability of attorneys for Commission meetings, any regular time constraints or competing commitments, and availability of associate attorneys to advise the Commission in the absence of the lead attorney.
2. The diversity of the firm in terms of women, minorities, persons with disabilities, sexual orientation (LGBT), etc..
3. A description of the nature and scope of specific projects handled by each qualified attorney, or significant matters that may be relevant to representation of the City of Oakland in such disputes.
4. An agreement not to engage in litigation against the City of Oakland or represent clients that have interests that are directly adverse to the City of Oakland without first informing the Office of the City Attorney and obtaining written permission from City to do so.
5. A firm resume or brochure.

FEE STRUCTURE

Respondents should provide hourly rates for each attorney seeking qualification, as well as paralegals and other professionals who will assist in the representation.

The quote hourly rate should include all salary and compensation, and all overhead expenses, profits and other employee costs, including but not limited to clerical and word processing expenses. Respondents should list all expenses they propose to bill in addition to legal fees and the basis for such expenses. The contract will provide for usual and customary reimbursement of third party costs based on the actual expense. The City does not reimburse for additional overhead on third party costs.

If rates the firm/attorney proposes to adjust rates during the course of representation, please describe the method for such adjustment. Respondents should include alternatives to hourly billing, including fixed price representation and contingency fee arrangements. The City Attorney will establish with selected firms legal fees and expense budgets for each assigned matter. Please see the attached Outside Counsel Policy Guide for more information.

REVIEW OF SUBMISSIONS

The City Attorney's Office will develop a list of firms to conduct work on behalf of the Office based upon its evaluation of the responses to this Request for Qualifications. Price will not be the controlling factor in selecting firms for the list, but price will be a factor in making work assignments. A firm is not entitled to be placed on the list or entitled to work solely on the basis of submission of a low price quotation. The City Attorney will evaluate the responses in the areas of Scope of Service / Scope of Representation, Firm Data and Information and Fee Structure.

Once the list is established, specific firms and individual attorneys may be selected from the list for execution of the PSA, required schedules and Scope of Service / Retention Agreement as the need for legal services arises or in anticipation of the need for such services. Execution of the PSA and related documents will not guarantee that any case or matter or the number of cases or matters will be assigned to outside counsel. The City will make the decision to retain outside counsel on a case-by-case or matter-by-matter basis. Contracts will remain in effect for a period of not less than one year from the date of execution thereof unless they are terminated before expiration by providing written notice, or unless they are renewed or extended. Fee structures should take this time period into account.

RESPONDENT'S PERSONNEL

The City Attorney intends to reserve the right to designate a specific attorney(s) in a contracting law firm to work on a specific case or matter as lead counsel or as associate lead counsel for the services rendered pursuant to any contract, and further intends to reserve the right to terminate the contract if the lead counsel leaves employment of the firm.

CONFIDENTIALITY OF PROPOSAL INFORMATION WAIVER

Respondents specifically and categorically agree that, as a condition for the opening and review of their responsive submittals, the information relating to fees and fee structure submitted by every other respondent is confidential and proprietary information insofar as such Respondent is concerned.

Respondents are further advised that upon execution of an agreement, all the terms and conditions, including fees and fee structures, forming part of such agreement shall become a public record of the City and be subject to full disclosure; and each Respondent waives any right to object to any such disclosure.

CITY'S RESERVATION OF RIGHTS

This Request for Qualifications does not constitute a commitment by the Office of the City Attorney or by the City Attorney to enter into any agreement or contract, or to pay any costs associated with the preparation of responses, submittals or other documents or any related-work by any Respondent. The City Attorney reserves the right to enter into agreements for legal services with persons or firms who do not respond. The City Attorney further reserves the right to waive responses to any part of this request if, in her/his sole judgment, s/he determines that it is in the best interests of the City to do so. The City Attorney may require any Respondent to participate in negotiations and to submit such other information or documentation as it may deem necessary as conditions of awarding a contract. The City Attorney reserves the right to vary or waive requirements for different Respondents as shall fit the City's needs.

STATEMENT OF INTEREST AND QUALIFICATIONS (SOQ)

Submit Proposal to:

City of Oakland, Office of the City Attorney
One Frank H Ogawa Plaza, 6th Floor Oakland, CA 94612

2 copies of the SOQ must be enclosed in a sealed package and marked as follows:

Confidential Documents / Attn: Mark Forte

For questions concerning this SOQ contact mforte@oaklandcityattorney.org

CITY OF OAKLAND OUTSIDE COUNSEL POLICY

The Office of the Oakland City Attorney (OCA) brings affirmative litigation to protect the civil and human rights of Oakland residents. The City Attorney retains outside counsel for three types of matters or cases: (1) cases that require specialized expertise that our office does not have in-house; (2) cases that present conflict of interest issues; and, (3) cases that we cannot handle due to lack of capacity due to reductions to the City Attorney's Office budget. The City of Oakland engages Outside Counsel only through the Office of the City Attorney.

SELECTION OF COUNSEL

The goal is to establish a list of qualified firms and individuals in a variety of practice areas for work that we may need during a fiscal year. We are interested in hiring a diverse group of firms/individuals that will provide high-quality services and that are dedicated to containing legal costs. We seek to build ongoing relationships with firms that share our commitment to quality and cost containment, as well as expand and strengthen our relationships with Oakland-based firms, small firms and firms that are committed to diversity.

Selection of outside counsel for all matters - large and small - is based on the quality of their work, commitment to controlling costs, adherence to budgets and commitment to providing opportunities for minorities, women, and persons with disabilities, regardless of sexual orientation. We encourage innovative approaches to billing, fixed rate per project, blended hourly rate per project, discounted rates, contingency fee arrangements, etc.

When we select a firm to represent the City we decide which attorneys will be working on our matters, and we require advance approval of any changes in assignments.

GENERAL EXPECTATIONS

It is the policy of OCA that the City Attorney has the ultimate responsibility for managing every legal matter affecting the City of Oakland. All strategic and tactical decisions must be approved in advance by the responsible in-house attorney. It is expected that firms hired as outside counsel observe the highest ethical standards when they represent the City and that the firms discuss potential conflicts with OCA as soon as they recognize them. Outside counsel must fully understand the objectives to be achieved and their role in achieving them. This includes participation in establishing a strategy and a budget.

Outside counsel must keep OCA advised of significant developments as they occur, and obtain the approval of the City Attorney, Chief Assistant City Attorneys or Special Counsel before they perform services that would cause the contractual budget to be exceeded. Further, outside counsel must avoid overstaffing, rotating the attorneys assigned to the City's matters, and multiple representation at meetings, depositions, hearings and court appearances. We discourage changes in the individual attorneys who are working on our matters and we must be consulted in advance of any proposed changes.

Drafts of all briefs and submissions to courts and agencies should be provided to the responsible in-house attorney. It is important that OCA receive drafts sufficiently in advance of the due date to provide adequate time for review and comment. OCA also expects to receive the final version of briefs, filings and legal memos.

CONFLICTS OF INTEREST

We expect that OCA will be notified immediately if outside counsel becomes aware of an actual or potential conflict. OCA recognizes that on occasion outside counsel will be asked to represent clients whose interests are inconsistent with the City's, and that outside counsel may even be asked to represent parties whose interests are in direct conflict with the City. OCA will generally waive conflicts when no issues of significant City policy are involved and when there is no connection between matters in which outside counsel has represented the City and matters in which outside counsel has been retained by other clients. Whenever OCA waives a conflict, the waiver will be conditioned on written agreement by the other client that it will not object to outside counsel representing the City in any pending or future matter. OCA generally will **not** waive a conflict if the matter is related to a matter in which outside counsel has represented the City, or if your firm has access to relevant confidential information of the City, or if your representation of the other client involves issues of important City of Oakland policy.

ASSIGNMENT OF ATTORNEY

Before OCA contracts with outside counsel, OCA expects a commitment with respect to the attorneys who will be representing the City. If subsequently it becomes necessary to substitute an attorney or add additional attorneys, outside counsel must receive prior approval before doing so. Significant roles should not be given to other attorneys without OCA's prior concurrence.

While OCA expects senior attorneys to perform those tasks that require substantial experience, OCA expects that outside counsel will attempt to minimize legal expenses by relying on junior attorneys and paralegals for less demanding tasks.

STRATEGY AND BUDGET

For every new matter outside counsel and the responsible in-house attorney must prepare a strategy and a budget. The budget should estimate total fees and expenses to see the matter to its conclusion. If outside counsel anticipates a change in the budget after the agreement is executed outside counsel must discuss it with the City Attorney, Special Counsel or an Assistant City Attorney before the work is done or the expense is incurred. OCA will not approve bills/invoices that are in excess of budget absent prior approval.

Litigation strategy should identify alternate methods of disposing of the case, including ADR (Alternative Dispute Resolution) and settlement. An outline should be made of the proposed course of litigation, including dispositive pretrial motions, the scope of discovery and the trial strategy. If it appears that a case will go to trial, an estimate of costs should be sent to the responsible in-house attorney no later than the close of discovery, if possible. The detail of all plans (litigation and otherwise) will be dictated by the significance of the matter.

LITIGATION

Advance approval from the City Attorney, Special Counsel or an Assistant City Attorneys is required before:

- Preparing pretrial motions;
- Preparing a cross-complaint which adds new parties to the action; Selecting and retaining expert witnesses;
- Preparing motions during trial, post-trial motions or appeals;
- Undertaking any unusual activity, such as a major research memorandum;
- Agreeing to alternative dispute resolution processes;
- Agreeing to settlement.

Outside counsel must consult with the in-house attorney concerning the strategy for taking depositions and other discovery. The deposition plan should include a brief explanation of the proposed deponent's location, his or her involvement in the matter, and the purpose of the deposition.

Outside counsel must exercise restraint in discovery and legal research conducted in routine small matters. We will not return to a firm that allows costs to approach - much less exceed- the City's exposure or potential recovery.

Litigation counsel must evaluate ADR as a substitute for full-scale litigation. OCA expects that ADR techniques will be given active consideration from the commencement of litigation. OCA does not view ADR as an alternative to be considered only when trial is imminent and after months or years of costly discovery and pretrial battles.

RATE STRUCTURE

Billing rates will be established at the outset of each matter. In establishing the billing rates it is expected that outside counsel will consider the competitive climate in the practice of law and the fact that OCA assures prompt payment.

OCA must provide advance consent of changes in billing rates and the existing agreement will need to be amended. OCA assumes that the rates agreed upon are as low as those offered to any other government/public agency client; if any other clients enjoy more favorable billing rates, OCA expects to be told how to qualify for similar billing treatment.

If the billing method is hourly rates, the rates should contain all overhead and internal charges associated with outside counsel's practice, such as administration, secretarial, docket, word processing, accounting, library and other clerical time. If outside counsel customarily makes separate charges for any of these functions; the billing arrangement must be specifically approved in advance by the responsible in-house attorney and the amount must be factored into the overall budget. OCA expects that the hourly rates of outside counsel who bill separately for secretarial or other services will be less than those of competitive firms that include all overhead in their billing rates.

BILLING/INVOICING

Separate bills/invoices are required for each specific matter. Absent an express agreement to the contrary, bills/invoices must be submitted monthly, unless another arrangement is agreed to in advance, or unless the matter is inactive.

All bills/invoices should include hours spent (to nearest fraction), a brief description of the services rendered and the individual who provided the services. A summary of the total hours by individual with his/her billing rate also should be included.

All bills/invoices for services and disbursements must conform to the format of the budget per the Scope of Service Agreement, i.e., the bill/invoice must be in a form that will enable the Office of the City Attorney to compare the items that made up the budget with the items that appear on the bill/invoice.

All bills/invoices must include an accounting showing the original budget amount per the Scope of Service Agreement the billed/invoiced amounts to date and the amount remaining on the original budget. Bills not including this accounting will be returned unpaid.

OCA will not approve bills/invoices that are in excess of budget absent prior approval.

If travel time is devoted to working for one or more clients in addition to the City, OCA should not be billed for the time devoted to other clients. Billing for time spent in transit should not include time that would be spent in normal commute to your office unless agreed to in advance, OCA should not be billed for time away from home or the office, which is not in transit or spent performing legal services.

Any travel that requires an overnight stay or transportation by an airline must be approved in advance. If an overnight stay is necessary, OCA has the right to approve the accommodations. Reimbursement for meals will be made at the City's per diem rate (Breakfast \$11.00, Lunch \$16.00 and Dinner \$29.00 or \$56.00 per day). If airline travel is necessary, the OCA will reimburse at the coach rate.

As noted above, bills/invoices for disbursements must be detailed and must reflect only the amounts that were paid.

If outside counsel charges separately for fax services, duplicating, computer-assisted research, for a special word-processing project that was approved in advance, the bill/invoice must show the way in which the charge was developed (for example, in the case of fax and duplicating charges, the bill/invoice must show the number of pages and the per-page charge; in the case of Westlaw or Lexis research the bill/invoice must show the amount that was charged to outside counsel).

All disbursement charges must be accompanied by a copy of the invoice or statement to verify the charges. OCA will not pay charges that exceed the market rate for any service such as messengers, depositions, expert witness, etc.

COMMUNICATION

Outside counsel must contact the responsible in-house attorney if any issue arises that is not covered by this policy, or if outside counsel wishes to deviate from any of the stated policies.

Retainer Agreement for Pro Bono Attorney Services

Identification of Parties

By this agreement, the Oakland Police Commission (OPC/Commission) retains Henry Gage III (Pro Bono Counsel) as Pro Bono Counsel and legal advisor to the Oakland Police Commission.

Affirmation of Pro Bono Representation

Pro Bono Counsel agrees to undertake this representation on a pro bono basis. Pro Bono Counsel will not charge the OPC for attorney or paralegal hours expended. Pro Bono Counsel will not seek attorneys' fees from the OPC for services provided pursuant to this agreement.

Agreements Concerning Representation

Pro Bono Counsel agrees to:

- (a) Provide legal opinions and legal services to the OPC as directed by the Chair, or by majority vote of the OPC.
- (b) Keep the OPC informed as to the status of assigned tasks, and to exercise due diligence in the performance of duties under this agreement.
- (c) Keep all sensitive information provided by the OPC confidential unless authorized by the Client to disclose it. Pro Bono Counsel may share information with other attorneys or staff working under the direction of Pro Bono Counsel or otherwise assisting with representation, provided that such individuals agree to maintain confidentiality.

Conflicts of Interest

Pro Bono Counsel agrees to notify the OPC immediately if Pro Bono Counsel becomes aware of an actual or potential conflict of interest. Pursuant to such notification, the OPC shall determine whether the actual or potential conflict shall be waived. Waivers of any such actual or potential conflicts shall be memorialized in writing.

Termination of Agreement

The OPC and Pro Bono Counsel may end this agreement at any time for any reason. Notice of Termination of this agreement shall be delivered in writing. Upon termination of this agreement, Pro Bono Counsel agrees to return all original documents furnished by the OPC.

Signatures & Further Affirmations

This writing represents the entire agreement between the parties and cannot be amended or modified except by a writing signed by the parties.

Oakland Police Commission

Date

Pro Bono Counsel

Date

Mobile – [REDACTED]

Email – [REDACTED]

Mail – [REDACTED]

EDUCATION:

Santa Clara University School of Law, Santa Clara, CA (Graduated – May 2015, CA Bar #306106)

Juris Doctor, with certified studies in High Tech Law, and Corporate Law

Witkin Award for Academic Excellence in Securities Regulation

President (2014-2015) Secretary (2013-2014) and Class Representative (2012-2013), Student Bar Association

Associate, *Santa Clara Law Review: Vol. 54*

Alumni Relations Chair (2014-2015), Black Law Students Association

Edwin A. Heafey Scholarship Recipient

Law Faculty Scholarship Recipient

Santa Clara University, Santa Clara, CA (Graduated – June 2011)

Bachelor of Arts, English, with an emphasis in Creative Writing

Related Coursework: Conflict Resolution, Technology & Communications, Argumentation, Public Speaking, and Business Ethics

Continuing Education:

Continuing legal education has included coursework in a wide variety of subjects, including:

- Employment Investigations & Interviewing
- Gender Identity, Sexual Orientation & The Creation of Inclusive Workplaces
- Advanced Litigation Skills
- Ethics for Criminal Law Attorneys
- Admission of Evidence & Evidentiary Foundations
- Prosecutorial Misconduct
- Social Media & Legal Ethics

EXPERIENCE:

Richard, Thorson, Graves & Royer LLP, Oakland, CA (November 2015 – Present)

Associate Attorney & Of Counsel

Manager, Summer Associate Program

Represents public agency clients in litigation set before Workers' Compensation Appeals Boards throughout California, with specific experience in the investigation and defense of claims filed by public safety officers. Duties involve overlapping work in the areas of Civil Subrogation, Disability & Employment Law, and Business & Government Tort Claims. Case file litigation experience includes a variety of litigation-related investigatory duties, such as taking and defending depositions, supervision of investigative staff, review and analysis of investigative reporting, and aggregate file reviews with client supervisors that are conducted to audit and analyze the effectiveness of internal controls and multi-matter litigation strategies. These reviews are often supplemented with statistical analysis regarding the effectiveness of comparative litigation strategies to help ensure that litigation reserves are used efficiently and effectively. Litigation experience includes extensive appearances before administrative law judges for oral arguments, motion practice, and trial. Supervisory and management experience has included involvement with Firm hiring and recruitment for associate attorneys, responsibility for the oversight of non-attorney staff, and the planning, creation, and supervision of the Firm's Summer Associate Program.

Coalition for Police Accountability, Oakland, CA (January 2016 – Present)

Member, Steering Committee

Chair, Policy Committee

The Coalition for Police Accountability is a community-driven, volunteer-based, non-profit advocacy group formed to address the persistent policy and political challenges of the Oakland Police Department. The Coalition advocates for progressive public safety policies and works in support of the Oakland City Council, the Council Public Safety Committee, the Community Police Advisory Board (CPAB), the Police Commission, and other related agencies. Members of the Coalition's Steering Committee provide executive direction for the work of the Coalition, and have been intimately involved in the creation of the Police Commission, the CPAB, and legacy oversight authorities. Steering Committee members regularly appear before policymakers to provide subject matter expertise and independent legal analysis of pressing public safety issues. In my role as Chair of the Coalition Policy Committee I am presently engaged in an ongoing review of all reports issued regarding the Negotiated Settlement Agreement. I possess a detailed understanding of related provisions of the Oakland City Charter, related City Ordinances, OPD Strategic Plans, OPD Department General Orders, OPD Training Bulletins, and OPD Organizational Structures.

Santa Clara University Board of Trustees, Santa Clara, CA (June 2016 – Present)

Young Alumnus Trustee

Member, Student Life & Athletics Committee

In accordance with the University Charter, granted by the State of California in 1855, the Board of Trustees holds full legal power and responsibility for the operation of the University, including the supervision of the ~2,000 members of the University's faculty and staff. The Student Life & Athletics Committee (SLAC) holds primary responsibility for the oversight of the Office of Student Life, which includes administrative units such as Campus Safety & Emergency Medical Services, Health & Counseling Services,

and the Office for Multicultural Learning, among others. The investigation and adjudication of discipline, including oversight of the University's Title IX Coordinator, falls under SLAC jurisdiction.

United States Attorney's Office, Civil Division, San Jose, CA (September 2014 – November 2014)

Law Clerk (Limited-Term Appointment)

Provided litigation support for three Assistant United States Attorneys by drafting briefs, motions, and memoranda for cases argued in the Northern District of California, and the Ninth Circuit Court of Appeals. Worked closely with supervising attorneys to assist in preparation for hearings and conferences.

Juniper Networks Inc., Sunnyvale, CA (May 2014-August 2014)

Legal Intern (Limited-Term Appointment)

Worked alongside attorneys reporting to the IP, Corporate, Compliance, Finance, and Operations business units on assignments that touched nearly every aspect of the business. Assignments included review and audit of vendor and supplier contracts, trade compliance agreements, and conflict minerals reporting, as well as various litigation and transactional projects.

Cypress Semiconductor Corporation, San Jose, CA (Jan 2014 – May 2014)

Legal Intern (Limited-Term Appointment)

Provided litigation support to the Patent Litigation Group by conducting antitrust law research in preparation for pending action, drafting motions and memoranda for the in-house litigation team, and conducting statistical analysis of the active docket as part of a targeted IP litigation strategy.

Altera Corporation, San Jose, CA (May 2013 – August 2013)

Legal Intern (Limited-Term Appointment)

Worked alongside attorneys from the Corporate and Patent litigation groups on a wide range of assignments, including contract review and audit, contract negotiation, internal strategic planning, and patent litigation management. Projects included assisting business units with conflict minerals reporting compliance and audits, training foreign distributors about FCPA liability, and research on international patent exhaustion issues affecting foreign product lines.

Fragomen, Del Rey, Bernsen & Loewy, Santa Clara, CA (February 2012 – August 2012)

Project Assistant

Tasked with ensuring that clients followed Department of Labor guidelines concerning employment eligibility, and worked with supervisors to create protocols for the hiring and vetting of foreign nationals. Responsible for organizing and managing a large-scale document review project designed to digitize, categorize, and proofread client documents.

ADDITIONAL EXPERIENCE & CREDENTIALS:

National Association for the Civilian Oversight of Law Enforcement

Associate Member

NACOLE is a non-profit organization that works to enhance accountability and transparency in policing, and build community trust through civilian oversight of police agencies. NACOLE members are afforded access to a variety of training materials, such as guidebooks for the implementation of new or revitalized police oversight, core competency analyses, recommended trainings, and webinars that address topics such as Predictive Policing, Crisis Intervention Programs, and Community Engagement Through Data, among others.

Oakland Police Department Community Police Academy

Graduate

The Community Police Academy is an intensive 14-week program that provides community members with a detailed overview of OPD functions, organizations, and capacity. The program provides attendees with the opportunity to learn from and engage with members of the department at all levels, from Patrol, to Specialized Units, to Academy staff and Command Officers. Attendees additionally participate in a ride-along, and graduates associated with the Community Police Academy Alumni Association meet regularly to assist with subsequent classes, and volunteer on behalf of the department.

California State Bar – Specialization Examination (Completed Prerequisite)

The State Bar certifies attorneys as specialists who have gone beyond the standard requirements for licensing as an attorney. A key prerequisite before an application for certification can be submitted requires candidates to sit for and pass a written examination in the legal specialty area. I sat for and passed the Legal Specialization Examination for Workers' Compensation Specialists in October 2017.

CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Police Commission

May 20, 2019

Oakland City Council

Via e-mail: Sasanchez@oaklandca.gov

Dear Councilmembers,

This is a tardy communication regarding the Oakland Police Commissions discussion of Dr. Palmertree's contract renewal. The Police Commission as well as the community had an extensive conversation on this subject.

Below are our concerns:

- Dr. Palmertree's credentials do not seem to demonstrate expertise in the specialized subject matter of trauma for police officers;
- He is also not certified in CADAC (California Drug and Alcohol Certification).

We also are concerned that there seems to be a lack of competitive applications for consideration in this specified counseling arena.

Sincerely,

Regina Jackson

Regina Jackson
Chair, Oakland Police Commission



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Police Commission

June 5, 2019

Oakland City Council

Via e-mail: Council President Rebecca Kaplan, President Pro Tempore Dan Kalb, Vice Mayor Larry Reid, Nikki Fortunato Bas, Noel Gallo, Lynette Gibson McElhaney, Loren Taylor, Sheng Thao

Honorable Council President Kaplan and Members of the Oakland City Council,

On Thursday, May 23, the Oakland Police Commission heard a presentation by Jacob Savage describing an innovative program under way in Eugene, Oregon. The program CAHOOTS (Crisis Assistance Helping Out On The Streets) seeks to remedy the skill mismatch and wasted expense when police officers and EMS personnel respond to non-emergency mental health and health related crisis calls. Since implementing the program in 2014, Eugene has seen both a cost savings and improved outcomes for clients.

The program was brought to the Commission's attention by Anne Janks of the Coalition for Police Accountability.

After hearing Mr. Savage's presentation and reading the accompanying materials, the members of the Police Commission voted unanimously to support efforts within the City Council to fund exploration of whether Oakland can and should implement a similar program.

We look forward to a partnership with the City Council as we consider this community engaged, creative approach to serve the people of Oakland.

Sincerely,

Regina Jackson

Regina Jackson
Chair, Oakland Police Commission

Celebrating NACOLE at 25 – Courage, Collaboration & Community

25th Annual NACOLE Conference | Detroit, Michigan | September 22 – 26, 2019

DAILY SCHEDULE

Sunday, September 22nd

12:30 p.m. – 1:30 p.m.	<i>Principles of Civilian Oversight and Effective Practices</i>
1:30 p.m. – 2:45 p.m.	<i>Hearing Multiple Voices: Town Hall Meetings in a Volatile Environment</i>
3:00 p.m. – 4:00 p.m.	<i>Conducting and Reviewing Investigations Workshop</i>
4:00 p.m. – 5:00 p.m.	<i>Creating a Trauma-Informed Culture Within Civilian Oversight</i>
5:15 p.m. – 6:15 p.m.	<i>Evening Forum: New and Emerging Oversight – A Roundtable Discussion</i>
6:30 p.m. – 8:30 p.m.	<i>Opening Reception: Join fellow attendees at the Detroit Marriott at Renaissance Center as we kick off the 25th Annual Conference and Celebration!</i>

Monday, September 23rd

8:30 a.m. – 9:30 a.m.	A Welcome to this year’s conference: <i>Celebrating NACOLE at 25 - Courage, Collaboration & Community</i>	
9:30 a.m. – 10:15 a.m.	Opening Keynote Speaker (TBA)	
	TRACK I Training	
10:30 a.m. – 11:45 a.m.	<i>Recalling the Origins of Oversight: Incidents, Tragedies, and Public Demands for Change</i>	
12:00 p.m. – 1:30 p.m.	Lunch on Your Own	
	TRACK I Training (Concurrent Session)	TRACK II Community Trust (Concurrent Session)
1:30 p.m. – 3:00 p.m.	<i>The Importance of Policy Recommendations: The Role of Civilian Oversight in Long Term Reform</i>	<i>Driving Change Forward: Vehicles for Reform in a Time of Declining Checks and Balances</i>
3:15 p.m. – 4:45 p.m.	<i>Unmasking the Truth Behind Video-Driven Investigations</i>	<i>Data-Driven Policing: How the Gathering of Data by Law Enforcement Impacts the Public</i>
5:00 p.m. – 6:00 p.m.	Evening Forum: <i>TBD</i>	
6:30 p.m. – 9:30 p.m.	<i>Annual Scholarship Fundraiser: Attendees will enjoy dinner and good times with friends and colleagues while supporting the current and future leaders in the field of civilian oversight of law enforcement.</i>	

Tuesday, September 24th

	TRACK I Training (Concurrent Session)	TRACK II Community Trust (Concurrent Session)	TRACK III Institutional Culture and Correctional Oversight (Concurrent Session)
8:30 a.m. – 10:00 a.m.	<i>The Detroit Evolution</i>		
10:15 a.m. – 11:45 a.m.	<i>Addressing Use-of-Force Reform in the New Orleans Police Department</i>	<i>Rethinking Oversight: Developing New Approaches to Fulfill Our Missions</i>	<i>Building Juvenile Correctional Oversight</i>
12:00 p.m. – 1:00 p.m.	Keynote Luncheon and Awards Ceremony		
1:00 p.m. – 2:15 p.m.	<i>The Next Frontier: Body Worn Cameras and Civilian Oversight</i>	<i>Challenging Stigmas: Policing and the Muslim Community</i>	<i>Beyond Collaboration: Making Impact with State Corrections Agencies Through Civilian Oversight</i>
2:30 p.m. – 3:45 p.m.	<i>The Role of Independent Counsel for Civilian Oversight</i>	<i>Youth and Law Enforcement</i>	<i>Improving Grievance Procedures in Correctional Settings</i>
4:00 p.m. – 5:15 p.m.	<i>Oversight and Correctional Leadership</i>		
5:30 p.m. – 6:30 p.m.	Evening Forum: <i>A Crisis in Confidence – When Trust Breaks Down in the Correctional System</i>		

Wednesday, September 25th

	TRACK I Training (Concurrent Session)	TRACK II Community Trust (Concurrent Session)	TRACK IV Collaboration (Concurrent Session)
8:30 a.m. – 10:00 a.m.	<i>Investigating Sexual Misconduct</i>	<i>Why Are They Always Calling the Cops on Me?</i>	<i>Chicago Oversight: Collaboration and Challenges in Practice</i>
10:15 a.m. – 11:45 a.m.	<i>Building Momentum in Use-of-Force Reform</i>	<i>Community-Police Mediation</i>	<i>Oversight from a Law Enforcement Perspective</i>
12:00 p.m. – 1:30 p.m.	Lunch on Your Own		
1:30 p.m. – 3:00 p.m.	<i>Auditing the Health and Safety Impacts of Officer Overtime</i>	<i>How to Analyze Awful but Lawful Police Shootings</i>	<i>Peril at the Top: Civilian Oversight's Role in Ensuring Command Staff Accountability</i>
3:15 p.m. – 5:00 p.m.	NACOLE Annual Membership Meeting and Elections		
6:30 p.m. – 8:30 p.m.	Sankofa Reception: A Celebration of 25 Years		

Thursday, September 26th

TRACK IV Collaboration	
8:30 a.m. – 10:00 a.m.	<i>Building Relationships with Law Enforcement While Maintaining Independence</i>
10:15 a.m. – 11:45 a.m.	<i>The Kerner Commission and Policing 50 Years Later</i>
11:45 a.m. – 12:00 p.m.	Closing Remarks

Please note this schedule is subject to change without notice



Color Legend:

	Training for Oversight
	Community Trust
	Institutional Culture and Correctional Oversight
	Collaboration



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Pending Agenda Matters List
Date:	June 7, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	Richard Luna, Assistant to the City Administrator

Action Requested:

Review Pending Agenda Matters List and decide on which, if any, to include in upcoming agendas.

Background:

The following exhaustive list was begun in early 2018 and includes items submitted for consideration on future agendas. Community members may suggest agenda items by completing and submitting the Agenda Matter Submission Form found on the Commission's webpage.

Attachment:

Pending Agenda Matters List (10 pages)

**Police Commission
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
OPD's Towing of the Vehicles of Crime Victims	5/16/2019		This was mentioned at the Public Safety meeting on May 14, and the City Council may want to work with the Commission on this.	High		6/13/2019	
OPD's Use of the Bearcat and the Deployment of Militarized Weapons	5/16/2019		This was mentioned at the Public Safety meeting on May 14, and the City Council may want to work with the Commission on this.	High		6/13/2019	
Commissioner Training, Part 1	1/1/2018	Complete the training described in section 2.45.190(A) through (H)	The training described in subsections (G) and (H) must be done in open session. The 1 year deadline only applies to the first group of Commissioners and alternates; all other Commissions must complete this training within six months of appointment.	High	10/17/2018		Ahmad, Dorado
Commissioner Training, Part 2	1/1/2018	Complete the training described in section 2.45.190(I) through (M)	The 18 month deadline only applies to first group of Commissioners and alternates; all other Commissioners must complete this training within 12 months of appointment.	High	4/17/2019		Ahmad, Dorado
Confirming the Process to Hire Staff for the Inspector General's Office	5/17/2019	When the Inspector General (IG) is hired, there is to be a Policy Analyst in of the office of the IG. This is to confirm the process of hiring for that position.	This will require information presented from the City Administrator's Office.	High			
Desk Audit of CPRA Staff by Human Resources	5/17/2019	The Commission would like to request that Human Resources do a desk audit for every job position in the CPRA.	This will enable the Police Commission to engage in a reorganization of the CPRA.	High			
Finalize hiring of CPRA full-time Executive Director			Decide on 2-3 candidates to submit to City Administrator.	High			Personnel Committee
Hire Inspector General (IG)	1/14/2019	Hire IG once the job is officially posted	HR staff is completing a compensation study for the position. Since this position is new to the City's Salary Ordinance, this step is required so the IG can be properly funded. Concurrently, HR staff has been conforming the IG job description approved by the Police Commission to fit a class specification for the position. HR staff anticipates this work to be completed in the coming weeks. The next two immediate steps are: 1) The Civil Service Board will need to approve the class specification, which staff anticipates will happen in February; and 2) The salary ordinance will then need to be approved by the City Council. The IG position will become open after these two steps are completed.	High			Personnel Committee

**Police Commission
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Notification of OPD Chief Regarding Requirements of Annual Report	1/1/2018	Commission must notify the Chief regarding what information will be required in the Chief's annual report	<p>The Chief's report shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. The number of complaints submitted to the Department's Internal Affairs Division (IAD) together with a brief description of the nature of the complaints; 2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated; 3. The number of investigations completed by IAD, and the results of the investigations; 4. The number of training sessions provided to Department sworn employees, and the subject matter of the training sessions; 5. Revisions made to Department policies; 6. The number and location of Department sworn employee-involved shootings; 7. The number of Executive Force Review Board or Force Review Board hearings and the results; 8. A summary of the Department's monthly Use of Force Reports; 9. The number of Department sworn employees disciplined and the level of discipline imposed; and 10. The number of closed investigations which did not result in discipline of the Subject Officer. <p>The Chief's annual report shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code section 832.7</p>	High	June 14, 2018 and June 14 of each subsequent year		Dorado
Performance Reviews of CPRA Director and OPD Chief	1/1/2018	Conduct performance reviews of the Agency Director and the Chief	The Commission must determine the performance criteria for evaluating the Chief and the Agency Director, and communicate those criteria to the Chief and the Agency Director one full year before conducting the evaluation. The Commission may, in its discretion decide to solicit and consider, as part of its evaluation, comments and observations from the City Administrator and other City staff who are familiar with the Agency Director's or the Chiefs job performance. Responses to the Commission's requests for comments and observations shall be strictly voluntary.	High	Annually; Criteria for evaluation due 1 year prior to review		
Stop Data and Racial Impact Report	1/1/2018		Need regular reporting on stop data and racial profiling directly from research, and coordinate from NSA team with IG for data and policy recommendations. Do a deep dive on racial profiling.	High			Jackson
Public Hearing on OPD Budget	1/1/2018	Conduct at least one public hearing on the Police Department's budget	Tentative release date of Mayor's proposed budget is May 1st of each year.	Medium	Biennial, per budget cycle	Fall, 2019	

**Police Commission
Pending Agenda Matters List**

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Ad-Hoc Discipline Committees for Each Discipline or Termination Case	1/1/2018	Discipline Committees may not decide disputes until the following training is completed: * Department operations, policies and procedures, including but not limited to discipline procedures for Misconduct, and * Training described in section 2.45.190(A) through (F) of the enabling ordinance	Establish on an as-needed basis	Medium			
Brian Hoefler case: review video	10/11/2018		Response to allegation was officer was Just and Honorable, when allegations were the officer was untrue. All of the issues, despite what the officer said, was a deportation matter. Chief stated that people were charged with crimes, when they were not.	Medium			
Community Policing Task Force/Summit	1/24/2019			Medium			Dorado
CPAB Report			Oakland Municipal Code §2.45.070 (O) Receive any and all reports prepared by the Community Policing Advisory Board (hereinafter referred to as "CPAB") and consider acting upon any of the CPAB's recommendations for promoting community policing efforts and developing solutions for promoting and sustaining a relationship of trust and cooperation between the Department and the community.	Medium			
De-escalation Policy	1/1/2018		Review existing policy (if any) and take testimony/evidence from experts and community about best practices for de-escalation. Draft policy changes as needed.	Medium			
Finalize Bylaws and Rules	1/24/2019			Medium			Prather
Follow up on Najiri Smith Case	10/10/2018		Community members representing Najiri claim the officer lied re. the time of interaction, which makes the citation (loud music after 10pm) invalid. They claimed he was engaged by OPD around 9.10pm.	Medium			

**Police Commission
Pending Agenda Matters List**

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Need for an easy to read process to determine if Commission can open or re-open an investigation	10/2/2018		We've been hearing a lot from community members about concerns about what the commission's power actually is. We've passed a few motions to ask for legal advice on whether we have the authority to open an investigation, but an easy to read flow chart or checklist format might be easier to digest by the community. We are suggesting a flow chart for what our parameters are and resources for where we can send people if we can't help them.	Medium			
Offsite Meetings	1/1/2018	Meet in locations other than City Hall	The offsite meetings must include an agenda item titled "Community Roundtable" or something similar, and the Commission must consider inviting individuals and groups familiar with the issues involved in building and maintaining trust between the community and the Department. (OMC § 2.45.090(B).)	Medium	Annually; at least twice each year		Ahmad, Dorado, Jackson
Public Hearing on Use of Excessive Force	4/22/2019		Work with Coalition on Police Accountability on presenting a public hearing on use of excessive force.	Medium			
Report Regarding OPD Chief's Report	1/1/2018	Submit a report to the Mayor, City Council and the public regarding the Chief's report in addition to other matters relevant to the functions and duties of the Commission	The Chief's report needs to be completed first.	Medium	Annually; once per year		
Reports from OPD on such issues as response times, murder case closure rates, hiring and discipline status report (general number for public hearing), any comp stat data they are using, privacy issues, human trafficking work, use of force stats, homelessness issues, towing cars of people who sleep in their vehicles	10/6/2018			Medium			

**Police Commission
Pending Agenda Matters List**

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Review budget and resources of IAD	10/10/2018		In our discipline training we learned that many "lower level" investigations are outsourced to direct supervisors and sergeants. We spoke with leaders in IAD ad they agreed that it would be helpful to double investigators and stop outsourcing to supervisors/sgts. Commissioners have also wondered about an increase civilian investigators. Do we have jurisdiction over this?	Medium			
Review Commission's Agenda Setting Policy	4/25/2019			Medium			
Review Commission's Code of Conduct Policy	4/25/2019			Medium			Prather
Review Commission's Outreach Policy	4/25/2019			Medium			
Review taser policy per outcome of Marcellus Toney	10/10/2018		In the report we were given, we were told that officers have choice as to where to deploy a taser. Commission to review these policies and make recommendations and/or find if there is connection	Medium			
Revise employment contracts with CPRA and Commission legal counsels	10/10/2018		The employment contract posted on the Commission's website does not comport with the specifications of the Ordinance. As it stands, the Commission counsel reports directly to the City	Medium			
Supervision policies	10/2/2018		Review existing policy (if any) and take testimony/evidence from experts and community about best practices for supervisory accountability. Draft policy changes as needed. In addition, IG should conduct study of supervisor discipline practices. In other words, how often are supervisors held accountable for the misconduct of their subordinates.	Medium			
What are the outstanding issues in meet and confer and what is the status of the M&C on the disciplinary reports?	10/6/2018		Need report from police chief and city attorney. Also need status report about collective bargaining process that is expected to begin soon.	Medium			

**Police Commission
Pending Agenda Matters List**

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Amendment of DGO C-1 (Grooming & Appearance Policy)	10/10/2018		DGO C-1 is an OPD policy that outlines standards for personal appearance. This policy should be amended to use more inclusive language, and to avoid promoting appearance requirements that are merely aesthetic concerns, rather than defensible business needs of the police department.	Low			
Annual Report	1/1/2018	Submit Commission's first annual report to the Mayor, City Council and the public		Low	4/17/2020		Prather, Smith
Assessing responsiveness capabilities	10/6/2018		Review OPD policies or training regarding how to assess if an individual whom police encounter may have a disability that impairs the ability to respond to their commands.	Low			
Consider creating a list of ways to be engaged with OPD so that Commission can clearly state what issues should be addressed.	2/6/2019			Low			
CPRA report on app usage	10/10/2018		Report from staff on usage of app.	Low			
Creation of Form Regarding Inspector General's Job Performance	1/1/2018	Create a form for Commissioners to use in providing annual comments, observations and assessments to the City Administrator regarding the Inspector General's job performance. Each Commissioner shall complete the form individually and submit his or her completed form to the City Administrator confidentially.	To be done once Inspector General position is filled.	Low			
Discipline: based on review of MOU	10/6/2018		How often is Civil Service used v. arbitration? How long does each process take? What are the contributing factors for the length of the process? How often are timelines not met at every level? How often is conflict resolution process used? How long is it taking to get through it? Is there a permanent arbitration list? What is contemplated if there's no permanent list? How often are settlement discussions held at step 5? How many cases settle? Is there a panel for Immediate dispute resolution? How many Caloca appeals? How many are granted? What happened to the recommendations in the Second Swanson report?	Low			

**Police Commission
Pending Agenda Matters List**

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Discipline: Second Swanson Report recommendations – have these been implemented?	10/6/2018		<p>Supervisor discipline</p> <p>Process for recommending improvements to policies, procedures and training, and to track and implement recommendations</p> <p>Tracking officer training and the content of training</p> <p>Comparable discipline imposed – database of discipline imposed, demonstrate following guidelines</p> <p>IAD civilian oversight for continuity in IAD</p> <p>Improved discovery processes</p> <p>Permanent arbitration panel implemented from MOU</p> <p>OPD internal counsel</p> <p>Two attorneys in OCA that support OPD disciplines and arbitration (why not use CPRA attorney who knows the detailed investigation and is already paid for?)</p> <p>Reports on how OCA is supporting OPD in discipline matters and reports on arbitration</p> <p>Public report on police discipline from mayor's office (Why not from CPRA? The history is that it was included in the annual CPRB report provided to City Council.)</p> <p>OIG audit includes key metrics on standards of discipline</p>	Low			
Do Not Call list issues – cops whose untruthfulness prevents them from testifying	10/6/2018		This is impacted by SB1421 and will require legal analysis.	Low			
Feedback from Youth on CPRA app	10/10/2018		We want to get some feedback from youth as to what ideas, concerns, questions they have about its usability. We've already cleared a process with CPRA, just wanted to get this on the list of items to calendar in the future (ideally early 2019)	Low			
Modify Code of Conduct from Ethics Commission for Police Commission	10/2/2018		On code of conduct for commissioners there is currently a code that was developed by the Ethics Commission. It is pretty solid, so perhaps we should use portions of it and add a process for engagement with city staff and community.	Low			
OPD Data and Reporting			Oakland Municipal Code §2.45.070(P) Review and comment on the Department's police and/or practice of publishing Department data sets and reports regarding various Department activities, submit its comments to the Chief, and request the Chief to consider its recommendations and respond to the comments in writing.	Low			

**Police Commission
Pending Agenda Matters List**

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Outreach Committee: work with Mayor's Office and City Admin to publicize app	10/10/2018			Low			
Outreach Plan Discussion, including use of social media	10/6/2018			Low			
Overtime Usage by OPD (cost and impact on personnel health + moonlighting for AC Transit)	1/1/2018		Request Office of Inspector General conduct study of overtime usage and "moonlighting" practices.	Low			
Policy on Tasers			Policy on the discretion of tasers, review with Cunningham	Low			
Process to review allegations of misconduct by a commissioner	10/2/2018		Maureen Benson has named concerns/allegations about a sitting commissioner since early in 2018, but no process exists which allows for transparency or a way to have those concerns reviewed. It was suggested to hold a hearing where anyone making allegations presents evidence, the person named has an opportunity to respond and then the commission decides if there's sanctions or not. *Suggestion from Regina Jackson: we should design a form...check box for the allegation...provide narrative to explain..hearing within 4 weeks?	Low			Jackson
Promotions of officers who have committed crimes	10/6/2018			Low			
Proposal For Staff Positions for Commission and CPRA	1/1/2018	Provide the City Administrator with its proposal for staff positions needed for Commission and Agency to fulfill its functions and duties		Low	Ongoing as appropriate		

**Police Commission
Pending Agenda Matters List**

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Proposed Budget re: OPD Training and Education for Sworn Employees on Management of Job-Related Stress	1/1/2018	Prepare for submission to the Mayor a proposed budget regarding training and education for Department sworn employees regarding management of job-related stress. (See Trauma Informed Policing Plan)	Review and comment on the education and training the Department provides its sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of posttraumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. The Commission shall provide any recommendations for more or different education and training to the Chief who shall respond in writing consistent with section 604(b)(6) of the Oakland City Charter. Prepare and deliver to the Mayor, the City Administrator and the Chief by April 15 of each year, or such other date as set by the Mayor, a proposed budget for providing the education and training identified in subsection (C) above.	Low	4/15/2020		
Protocol on how OPC handles serious incidents	10/6/2018			Low			
Protocol on how to handle issues that are non-critical	10/6/2018			Low			
Public Hearings on OPD Policies, Rules, Practices, Customs, General Orders	1/1/2018	Conduct public hearings on Department policies, rules, practices, customs, and General Orders; CPRA suggests reviewing Body Camera Policy	Coalition for Police Accountability is helping with this.	Low	Annually; at least once per year		Dorado
Recommendations for increasing communication between CPRA and IAD (ensure prompt forwarding of complaints from IAD to CPRA and prompt data sharing)	10/6/2018		Review of existing communication practices and information sharing protocols between departments, need recommendations from stakeholders about whether a policy is needed.	Low			

**Police Commission
Pending Agenda Matters List**

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Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	<p>Oakland Municipal Code 2.45.070(I). Request the City Attorney submit semi-annual reports to the Commission and City Council which shall include a listing and summary of:</p> <ol style="list-style-type: none"> 1. To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration; 2. Arbitration decisions or other related results; 3. The ways in which it has supported the police discipline process; and 4. Significant recent developments in police discipline. <p>The City Attorney's semi-annual reports shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code 832.7</p>	Low	Semi-annually		Smith
Select Topics and Facilitators for Retreat				Low			