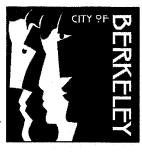
# COMPLAINT DEADLINES REPORT

				3	OMPLAINT IN	COMPLAINT INVESTIGATIONS				
NO.	Complainant	Filed Date	Incident Date	Notice of Allegations Due (20 Bus, Day)	Notice of Allegations Issued	BOI Packet (80 days)	BOI Packet Issued	BOI Findings Report Goal (105 days)	120 Days	STATUS
2419		06/14/17	Jun-17	07/12/17	06/19/17	09/02/17		21/27/60	10/17/17	subject ofc. out to 4/3/18
2429		10/20/17	Aug-17	11/17/17	10/27/17	tbd		tbd	tbd	On hold; active criminal case
2432		11/17/17	Nov-17	12/15/17		02/05/18		03/02/18		Allegations/Interview due
2434		11/21/17	Nov-17	12/19/17	11/28/17	02/09/18	02/06/18	03/06/18	03/21/18	BOI 2-22; Findings Due 3-6
2437		01/04/18	Oct-17	02/01/18	01/16/18	03/25/18		04/19/18	05/04/18	Investigation
2438		01/24/18	Sep-17	02/21/18	01/26/18	04/14/18		05/09/18	05/24/18	Investigation
2439		01/31/18	Jan-18	02/28/18	02/05/18	04/21/18		05/16/18	05/31/18	Investigation
2417		02/14/18	Jan-17	03/14/18		05/04/18		05/30/18	06/14/18	Allegations due

	•				POLICY COMPLAINTS	MPLAINTS			
NO.	Complainant	Filed Date	Notice of Filed Date Complaint to BPD	Due to Comm (30 days or next mtg.)	Initial Commission Meeting Date	Commission Approval Date	Commission Resolved? y/n	Policy Issue	STATUS
2433	2433 GUERRA, GLORIA	11/27/17	11/27/17 12/7/17	12/27/17	12/13/17				action postponed to 2-28-18

•



Office of the City Auditor Ann-Marie Hogan, City Auditor

COUNCIL INFORMATION April 30, 2002

To:

Honorable Mayor and

Members of the City Council

From:

Ann-Marie Hogan, City Auditor

Subject:

**POLICE STAFFING AUDIT** 

### STATUS:

At the request of the City Manager, an audit of Police Department staffing was added to the City Auditor's audit plan for the year ending June 30, 2002. In a series of planning meetings with the City Manager, Chief of Police, and their deputies, the following concerns and requests for information and recommendations were put forward:

- Anticipated shortages of Police staff, especially because of the large number of officers expected to retire in the next year
- The progress made in the implementation of Community Involved Policing since its inception in the early nineties, and
- Evaluation of alternatives for the optimization of Police Department resources and improved service to the Berkeley community.

# The auditors were asked to determine:

- 1. If Community Service Officers (CSOs) can perform tasks currently performed by sworn Berkeley Police Officers on a temporary or long-term basis to alleviate the sworn police staffing shortage.
- 2. If a civilian can effectively perform specific tasks currently held by five sworn Berkeley Police officers: Support Services Lieutenant (primarily information technology tasks), Bureau of Inspection and Control Lieutenant (budgetary tasks), Communications Center Lieutenant (supervises civilian dispatchers), Crime Scene Unit Sergeant (supervises civilian crime technicians), and Jail Sergeant (supervises civilian jail staff).

The answer to both of these questions is yes. Accordingly, the auditors recommend that the City open a recruitment for Community Services Officers and begin working with Human Resources to clarify the skills and new employee job classifications needed in order to allow performance of some of the duties of these Sergeants and Lieutenants by "civilians."

Additionally, the auditors recommend that other administrative or technical tasks in the Department, currently performed by sworn officers, be evaluated for possible re-assignment. We further recommend that the City Manager strongly consider creating a civilian Business Manager position, in order to effectively implement these recommendations.

A number of our recommendations were previously suggested by Police Executive Research Forum (PERF), in a report presented to Council in 1994. The Police Chief has suggested that this report should be re-studied as part of the implementation of the audit recommendations. Accordingly, the auditors have attached the 1994 report, as well as associated Council items, as an appendix to this report. The auditors have reviewed the PERF report, but do not express on opinion on the current relevance of the specific recommendations of the 1994 report.

As part of our audit work, we contacted PERF in order to obtain an opinion on whether non-sworn personnel could perform duties currently performed by lieutenants and sergeants in the five positions we studied. Their response stated that civilians could perform the duties, but also identified areas to be considered in making the determination. This letter is also included as an appendix.

In performing audit work related to the recommendation regarding the Communications Center, the auditors noted some potential for improvement, in the Police Department and Citywide, in the area of reporting on and managing sick leave usage and workers' compensation claims. Accordingly, we have included recommendations that the City more vigorously address these issues.

Service Implications

Police managers in other jurisdictions, as well as some of the City of Berkeley staff interviewed, felt strongly that significantly increasing the number of CSOs, and replacing certain other sworn positions with civilian specialists, could significantly enhance Police presence in the community, as well as overall quality of service.

Barriers to Implementation of our Recommendations

Significant barriers to effective deployment of civilians in the Department were revealed in the interviews and are documented in this report.

The feasibility of implementing our recommendations is dependent on how successful the City is in addressing the problem of tension between sworn and non-sworn employees in the Department. We recommend that this problem be addressed throughout the Department. We also recommend consideration of creation of a non-sworn Business Manager, reporting to the Chief of Police, as one step in creating a workplace where sworn and non-sworn employees can work together to most effectively deliver Police services to the Berkeley community.

In addition, the cost of the implementation of our recommendations depends on the number of budgeted and available sworn officers. If existing vacancies and other savings are not sufficient to fund the new positions, then the question of how many sworn officers should be budgeted once non-sworn employees are performing more routine duties, must be addressed by Council and the City Manager.

Due to the complexity of planning for implementation of some of the audit recommendations, the City Manager has developed a timeline for studying the issues. He has agreed to submit the first interim report back to Council by June 30, 2002, and a second report by December 31, 2002.

### **FINANCIAL IMPLICATIONS:**

The cost of a patrol officer is nearly twice the cost of a CSO. The cost of professional staff in information systems and accounting/budget management, and of experienced civilian managers for the Communications Center, Crime Scene Unit, and Jail, appears to range between about 60% and 70% of the cost of each incumbent.

At the time the auditors worked with the Police Chief and the City Manager to finalize the audit objectives, it appeared that significant shortages of officers would continue for four or five years. If these conditions continue, hiring a large number of CSOs, as well as replacing sworn managers with civilian professionals, would be funded by the position vacancies in the short term.

If these conditions do not continue, the City would need to decide how to fund the new positions. Eliminating some vacant sworn officer positions, or reducing other expenses would be among the alternatives. Some of the potential funding alternatives may raise meet and confer obligations with the affected bargaining units.

# **CONTACT PERSON:**

Ann-Marie Hogan, City Auditor (510) 981-6750

Approved:

Ann-Marie Hogan, City Auditor



# INFORMATION CALENDAR May 29, 2012

To:

Honorable Mayor and Members of the City Council

From: ( )

Christine Daniel, Interim City Manager

Submitted by:

Michael K. Meehan, Chief of Police

Subject:

Status Report: Police Staffing Audit

### INTRODUCTION

The Auditor's Office presented the Police Staffing Audit report to City Council on April 30, 2002. The purpose of the audit was to:

- Determine if Community Service Officers (CSOs) could perform tasks currently performed by sworn Berkeley Police Officers on a temporary or long-term basis to alleviate the sworn police staffing shortage.
- Determine if non-sworn employees could effectively fill five positions held by five sworn Berkeley Police officers.

The complete Police Staffing audit report can be found on the City's website at: <a href="http://www.cityofberkeley.info/ContentDisplay.aspx?id=7236">http://www.cityofberkeley.info/ContentDisplay.aspx?id=7236</a>

This report provides the final status of the implementation of recommendations previously reported as not having yet been fully implemented. To date, 9 of the 11 audit recommendations have been implemented. The remaining two will not be implemented. Previous status reports were provided to City Council on March 25, 2003, June 14, 2005, June 13, 2006 and November 18, 2008.

### <u>CURRENT SITUATION AND ITS EFFECTS</u>

This information item summarizes the status of the pending audit recommendations.

Recommendation 1: Recruitment of Community Service Officers (CSO)

**Auditor's Recommendation**: The Police Department should open recruitment for Community Service Officers. The number to be hired, and the decision as to whether to hire them as temporary, or as permanent employees, should be made by the City Manager after joint evaluations are prepared by Human Resources, the Police Department, and the Budget Office.

Status Report: Police Staffing Audit

Staff recommend that once additional CSOs are hired, and after a reasonable period of time, perhaps two years, and the use of CSOs be evaluated to determine whether they were used effectively by the Police Department. Staff further recommend that after the two-year period the number of CSOs to be hired or maintained be evaluated to optimize their effective integration into the Police Department.

# City Manager's Response: Will Not Implement.

The Police Department did not hire additional CSOs, and therefore did not evaluate whether such action was successful. Staff did, however, merge the civilian classifications of PSA (jail staff) and CSO, thereby eliminating the PSAs and increasing the number of CSOs. The Police Department recognizes that CSOs are a valuable asset to support the organization; however, since the Police Staffing Audit was issued, the City has endured a significant economic downturn. The recommendation was written at the time that the Department was staffed with 204 sworn positions of which 155 were police officers and 49 were sergeants and above. This level of staffing was intended to enable the department to conduct patrol, investigations, traffic, and have the ability to respond to significant events. Budget reductions over the last ten years have eliminated 28 sworn positions forcing us to leave line level vacancies in traffic enforcement, investigations, and bicycle patrol. None of the duties associated with those vacancies can be fulfilled by a Community Services Officers as each requires police powers as specified in Penal Code 832. The routine tasks previously filled by patrol officers that CSO's fulfilled, taking non-emergency police calls, staffing Neighborhood Watch meetings, website development, parking violations, or other administrative tasks have already been absorbed into other civilian or professional staff positions - public safety dispatchers, parking enforcement officers, office specialists or have ceased to be services provided by the department, e.g., Citizen's Academy, full time TRT (Taking Reports Telephonically) positions and the annual dumpster program.

Budget constraints for Fiscal Years 2012 and 2013 biannual budgets eliminate an additional five sworn and eight professional staff positions, including two CSOs. The last conversion was in September 2010 when a vacant non-sworn crime scene technician position was converted to a Community Service Officer.

In the original report, the Auditor noted police departments which had converted police officer positions to Community Service Officer positions. In preparing this report, a status review of the California agencies which contributed to the original 2002 audit was conducted. Many departments have experienced economic downturns similar to what the City of Berkeley is now realizing. The majority of the departments that reduced sworn line level officer positions have also reduced Community Services Officers.

The following California police departments were included in the 2002 Audit report. This table reflects the staffing level changes over the past four budget years for those departments.

		2008-09	2009-10	2010-11	2011-12	Cumulative	Percentage
Chico	Officer	76	73	71	69	-7	-9%
	CSO	13	13	11	10	-3	-23%
Emeryville	Officer	31	30	26	26	-5	-16%
	CSO	13	13	13	13	0	. 0%
Fremont	Officer	152	144	144	144	-8	-5%
	CSO	14	13	13	13	-1	-7%
Hayward	Officer	140	141	140	149	9	6%
	CSO	26	26	22	19	-7	-27%
Livermore	Officer	72	72	72	72	0	0%
	CSO	6.5	5.5	5.5	5.5	-1	-15%
Long Beach	Officer	n/a	800	760	696	-104	-13%
	CSO	n/a	25	26	25	-1	-4%
Modesto	Officer	n/a	173	169	165	-8	-5%
	CSO	n/a	23	23	23	0	0%
Oakland	Officer	626	626	626	640	14	2%
	CSO	48	46	46	46	-2	-4%
Redding	Officer	n/a	92	77	75	-17	-18%
	CSO	n/a	15	. 1	4	-11	-73%
Roseville	Officer	104	106	104	105	1	.1%
	CSO	17	11	10	10	-7	-41%
San Bruno	Officer	36	- 33	.32	32	-4	-11%
	CSO	4	4	3	3	-1	-25%
San Jose	Officer	1085	1073	921	848	-237	-22%
1	CSO	5	7	7	9	4	80%
Stockton	Officer	358	358	262	287	-71	-20%
	CSO	29	36	32	32	3	10%
Sum Officer R	eductions:					-389	-15%
Sum CSO Red	uctions:					-27	-15%

The Berkeley Police Department has not been as severely affected by staffing reductions as the comparison cities. By averaging the thirteen cities above that specified line level police officer staffing, the benchmark cities reduced significantly more officers than The Berkeley Police Department has in the last four years. Additionally, staff were able to actually add one CSO position while most departments reduced their CSO staffing.

	2008-09	2009-10	2010-11	2011-12	Cumulative	Percentage
Berkeley Police Officers*	140	140	138	133	-7	-5.00%
Berkeley CSO	17	17	. 17	18	+1	+5.88%

\*Police Officer positions only. Authorized sworn staffing for Fiscal Year 12 is 176.

Currently 18 employees serve as CSO and 4 as Supervising CSOs in the Jail, Property and Evidence and Crime Scene Units. Several of our current police officers began their

Status Report: Police Staffing Audit

careers with the Berkeley Police Department as CSO's and were later hired into sworn positions. In recognition of the value of that expertise, the recruitment screening has evolved from hiring career CSOs to hiring individuals who also may wish to gain experience prior to applying for sworn law enforcement positions.

The Department, in concert with the Human Resources and the Budget Office, will continue to assess the viability and safety of having police services delivered at lower cost.

# Recommendation 3: Administrative Work Assignment/Restructuring Study

**Auditor's Recommendation**: Work with Human Resources and the Budget Office to review job descriptions and tasks performed throughout the department, in order to target areas, including those that extend beyond the five positions under review, where work may be assigned more appropriately and more economically.

City Manager's Response: <u>Will Not Implement.</u> Staff did not work with HR and Budget to comprehensively review job descriptions and tasks performed throughout the department. However, staff determined that other conversions would benefit operations and worked with the Human Resources Department to implement the following:

- 2006 Crime Analyst replaced Police Officers
- 2008 Office Specialist II converted to Community Service Officer
- 2010 Public Safety Business Manager assumed Support Services Division command traditionally held by a Captain

Since issuance of the Police Staffing Audit status report, the Police Department evaluated a number of positions and completed four out of five of the recommended conversions identified in the original audit:

- 2003 Information Technology Department staff replaced Support Services Lieutenant
- 2003 Crime Scene Supervisor replaced Crime Scene Unit Sergeant
- 2007 Public Safety Business Manager replaced Lieutenant
- 2011 Communications Center Manager replaced Lieutenant

The fifth position recommended for conversion was to replace the Jail Sergeant with a civilian warden. The department has determined that this conversion cannot occur as the Jail Sergeant is currently overseeing the Property/Evidence Unit, Court Liaison and Warrant Detail functions as well as managing the jail facilities. In light of the multiplicity of experience critical to the performance of all three functions, the needs of the department are better served with a sergeant directing those groups. The sergeant position has the experience and knowledge of a law enforcement officer which is essential for dealing with the outside clients, (judges, district attorneys, defense attorneys and other law enforcement agency personnel).

Status Report: Police Staffing Audit

In addition, the department worked with Human Resources to create a midmanagement position to oversee Parking Enforcement services. Interviews were conducted in April to fill this position. Previously, three Parking Enforcement Officer Supervisors reported directly to the lieutenant responsible for Traffic Enforcement. With savings from the elimination of the lieutenant assigned to the Communications Center and one PEO Supervisor, staff has created a Parking Enforcement Manager position to be the partner to the Traffic Bureau Sergeant and manage parking enforcement operations. This position will free the Traffic Enforcement lieutenant from some administrative tasks and benefit the department by allowing the lieutenant to play a greater role in direct field supervision.

# Recommendation 7: Communications Center: Preparing to Civilianize

**Auditor's Recommendation:** The Department should prepare to civilianize the Communications Center management with a skilled, experienced, non-sworn employee. As a first step, work with Human Resources to clarify the skills, knowledge, and abilities needed for the position.

In order to facilitate potential hiring from within, the two departments should consider whether changes should be made to job duties and responsibilities in order to provide more opportunities for growth, and should explore a program of non-sworn staff training.

In order to address perceived problems with patrol officers and their sergeants, this employee should report to a high-level police department manager, possibly a civilian business manager, and be fully empowered to monitor and resolve dispatcher and patrol officer conflict.

City Manager's Response: Implemented. Nine years after the auditor's recommendation, the Police Department has converted management of the Communications Center from a Police Lieutenant to a highly skilled and experienced non-sworn Manager. The Communications Center Manager reports to the non-sworn head of the Support Services Division (the Public Safety Business Manager) completing the civilianization of the support functions.

# **FUTURE ACTION**

As part of the biannual budgeting process, police management, including the Public Safety Business Manager, will continue to evaluate the use of non-sworn positions for improving the effectiveness and efficiency of operations.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION None at this time.

# **CONTACT PERSONS**

Michael K. Meehan, Chief of Police, 981-5700 David W. Hodgkins, Director of Human Resources, 981-6800 )(

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# I. Executive Summary

At the request of the City Manager, an audit of Police Department staffing was added to the City Auditor's audit plan for the year ending June 30, 2002. In a series of planning meetings with the City Manager, Chief of Police, and their deputies, the following concerns and requests for information and recommendations were put forward:

- Anticipated shortages of Police staff, especially because of the large number of officers expected to retire in the next year
- The progress made in the implementation of Community Involved Policing since its inception in the early nineties, and
- Evaluation of alternatives for the optimization of Police Department resources and improved service to the Berkeley community.

The auditors were asked to determine:

- 1. If Community Service Officers (CSOs) can perform tasks currently performed by sworn Berkeley Police Officers on a temporary or long-term basis to alleviate the sworn police staffing shortage
- 2. If a civilian can effectively perform specific tasks currently held by sworn Berkeley Police officers. The specific positions chosen were the Support Services Lieutenant (who performs primarily information technology tasks), the Bureau of Inspection and Control Lieutenant (who performs budgetary tasks), the Communications Center Lieutenant (who supervisors civilian dispatchers in the Communications Center), the Crime Scene Unit Sergeant (who supervises civilian crime technicians), and the Jail Sergeant (who supervises civilian jail staff).

The answer to both of these questions is yes.

Civilian Community Service Officers (CSO's) can perform many of the duties currently performed by patrol officers. Other jurisdictions report extensive and highly satisfactory experience with implementation of similar programs. Significant cost reduction as well as improved service delivery were noted.

Civilians with the appropriate knowledge and experience can also perform many of the tasks currently being performed by Sergeants, Lieutenants, and Captains in the Berkeley Police Department. For many of the equivalent positions studied, police management in other jurisdictions felt that the tasks were performed more effectively by civilians, as well as at a lower cost.

Most jurisdictions contacted report that they have successfully replaced sworn officers performing information technology and budget duties with non-sworn employees possessing the appropriate professional qualifications. They also reported success with placing experienced civilians in charge of Communications Centers, as well as crime scene/lab/i.d. units. While some jurisdictions also had civilianized jail management, the small number of jurisdictions identified with comparable jails resulted in less clear-cut guidance from other cities regarding the jail management position.

# **Service Implications**

Police managers in other jurisdictions, as well as some of the City of Berkeley staff interviewed, felt strongly that significantly increasing the number of CSOs, and replacing certain other sworn positions with civilian specialists, could significantly enhance Police presence in the community, and overall quality of service.

# **Budgetary Implications**

At the time the auditors worked with the Police Chief and the City Manager to finalize the audit objectives, it appeared that significant shortages of officers would continue for four or five years. If these conditions continue, hiring a large number of CSOs, as well as replacing sworn managers with civilian professionals, would be funded by the position vacancies.

If these conditions do not continue, the City would need to decide how to fund the new positions. Eliminating some vacant sworn officer positions, or reducing other expenses, would be among the alternatives.

The cost of a patrol officer is nearly twice the cost of a CSO. Accordingly, ten (10) entry-level patrol officer vacancies could, for example, fund the temporary or permanent hire of eighteen (18) entry-level CSOs who could relieve the sworn officers of certain types of routine duties.

The cost of professional staff in information systems and accounting/budget management, and the cost of experienced civilian managers for the Communications Center, appear to range between about 60% and 70% of the cost of each incumbent. It is not known whether the lieutenant positions would remain vacant, or be re-allocated to other work in the community. If the latter, about 4.5 patrol officer vacancies could cover the cost of hiring five civilians to cover these duties, while reassigning, instead of cutting, the Lieutenant positions.

# **Barriers to Implementation of our Recommendations**

Significant barriers to effective deployment of civilians in the Department were revealed in the interviews and are documented in this report.

The cost of the implementation of our recommendations is closely linked to the number of budgeted and available sworn officers. If existing vacancies and other savings are not sufficient to fund the new positions, then the question of how many sworn officers should be budgeted once non-sworn employees are performing more routine duties, must be addressed by Council and the City Manager.

The feasibility of implementing our recommendations is also dependent on how successful the City is in addressing the problem of tension between sworn and non-sworn employees in the department.

There is a significant barrier in the attitude and perception about the skills, talents, and actual or potential disrespectful or uncooperative behavior of sworn vs. non-sworn employees in the workplace. Numerous statements supporting the existence of this problem were made by staff in the Department.

The auditors recognize that Berkeley is not the only police department to experience this problem. We also recognize that the police Department has engaged in actions aimed at improving relations between sworn and non-sworn employees over the years. However, we found substantial evidence of continuing problems in our research. Issues of perception, recognition, and

respect for the capabilities and points of view of others remain an area where increased efforts are needed.

We recommend that these issues be addressed throughout the Department. We also recommend consideration of creation of a non-sworn Business Manager, reporting to the Chief of Police, as one step in creating a workplace where sworn and non-sworn employees can work together to most effectively deliver Police services to the Berkeley community.

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# BERKELEY POLICE DEPARTMENT

2100 Martin Luther King, Jr. Way, Berkeley, CA 94704

TEL: (510) 981-5900, TDD: (510) 981-5799, FAX: (510) 981-5744

EMAIL: police@cityofberkeley.info

# Case # 2017-00004494

# ARREST REPORT

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Ì	ARREST DETAILS				
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18		ation: Misdemeanor			Committed 1
19	SECTION STATUTE DESCRIPTION	cs paraphernalia			Committed 1
20	JUVENILE PROCESSING		H. Washington Springer		
21	PARENT GUARDIAN RESPONSIBLE PERSON	RELATIONSHIP	ADDRESS		·
22	PARENT : GUARDIAN NOTIFIED	RELATIONSHIP	NOTIFICATION OFFICER		NOTIFY DATE AND TIME
23	JUVENILE RELEASED TO	RELATIONSHIP	releasing officer		RELEASE DATE AND TIME
34	FINGERPRINTS PHOTO PROCESSED BY REASON	IF NOT PROCESSED	JUVENILE PHONE CALL ≟i	JUVENILE PHONE C'ALL =2	JUVENILE PHONE CALL#3
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# BERKELEY

# BERKELEY POLICE DEPARTMENT

2100 Martin Luther King, Jr. Way, Berkeley, CA 94704 TEL: (510) 981-5900, TDD: (510) 981-5799, FAX: (510) 981-5744 EMAIL: police@cityofberkeley.info Case # 2017-00004356

# ARREST REPORT

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2 484 (A) Petty Theft STATUTE DESCRIPTION				Committed 1
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