

Memorandum

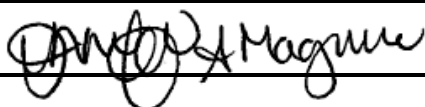
TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Anthony Mata
Chief of Police

**SUBJECT: FEASIBILITY OF CONVERTING
POLICE DEPARTMENT OVERTIME
BUDGET TO FULL-TIME
SWORN POSITIONS**

DATE: June 2, 2021

Approved



Date: 6/4/2021

BACKGROUND

During the discussion of the City Auditor's report on Police Staffing, Expenditures, and Workload audit on March 16, 2021¹, the Mayor and several City Councilmembers asked the Administration to analyze the feasibility of adding sworn Police Officers offset by a reduction to the Police Department's overtime budget. The memorandum provides the requested feasibility analysis.

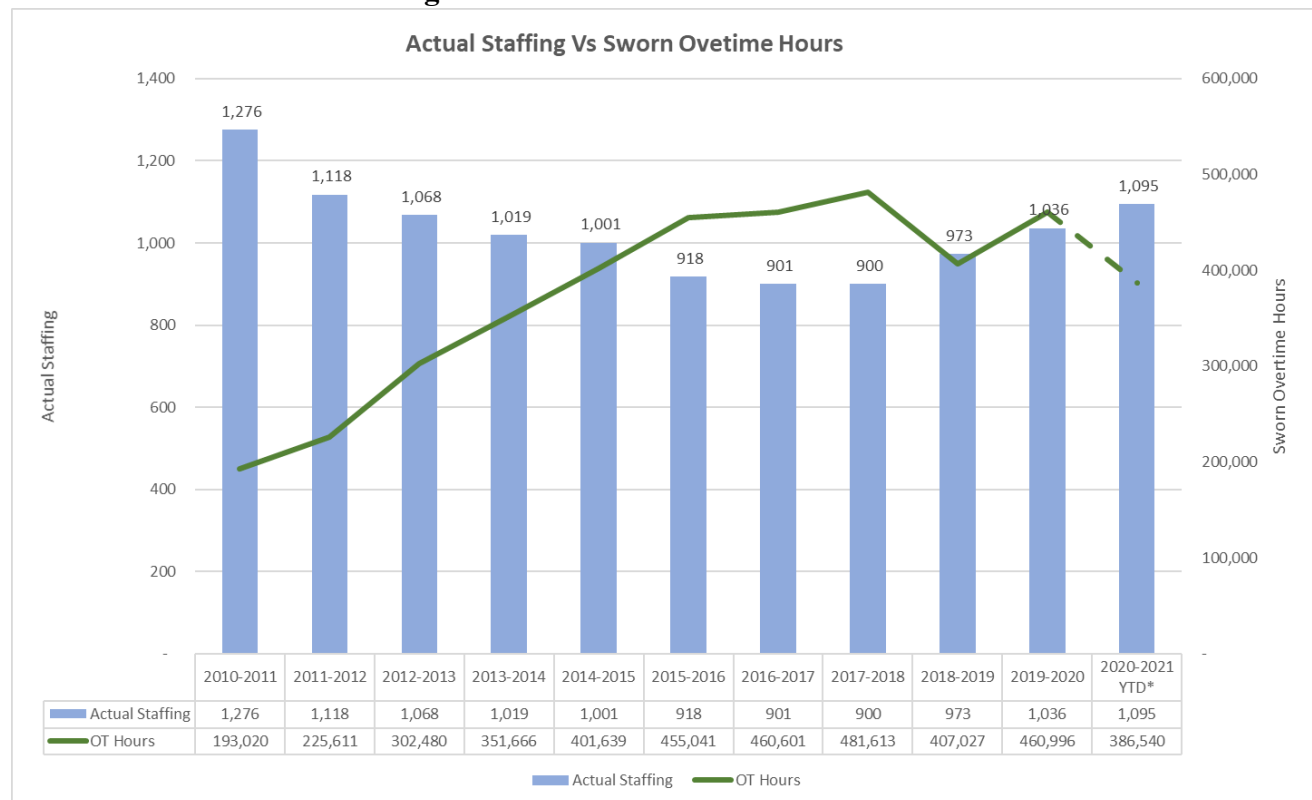
The audit accepted by the City Council included ten recommendations, of which four addressed issues related to overtime (both for pay and compensatory time). The Department agrees with and is committed to implementing these recommendations, as reducing the currently high overtime levels is good for both the City and our officers. It is also important to note that overtime plays an important role in Police Department operations. Prior to the analysis of converting overtime budget to sworn staff, this memorandum also provides a historical overview of overtime use and its central role in facilitating timely and effective policing.

In public safety, overtime is not totally discretionary, nor can it be completely eliminated. Police service demands are based on community needs, criminal activity, unpredictable events, and natural disasters. Overtime is primarily used to address calls for service, to conduct field investigations of critical incidents in progress, unforeseen events such as protests or natural disasters, and follow-up on investigations, critical cases, and high-profile cases. Overtime is also used for planned activities, such as special events, special operational pay cars, and to maintain adequate patrol staffing as needed. While there needs to be a balance between the use of overtime and the service level at which police services are delivered, the Department has relied more and more on overtime to meet day-to-day service demands due to the staffing issues over recent years. Staff unavailable for duty due to vacancies, not street-ready, on modified duty, or on leave has an impact on the Department's ability to respond to calls for service and has significantly contributed to an increased use of overtime.

¹ Link to audit report: <https://www.sanjoseca.gov/home/showpublisheddocument?id=70064>

As of May 21, 2021, the Department has 26 actual sworn vacancies. However, operationally, the Department is managing with approximately 212 sworn operational vacancies, as 121 personnel are currently in training, and an additional 65 sworn staff are on modified duty, leave of absence, or otherwise not available for duty. With an authorized level of 1,159 sworn positions, this level of vacancies causes the Department to rely more heavily on overtime to backfill where necessary and maintain effective staffing levels to provide service to the community. Below is a chart of actual sworn staffing levels compared to all overtime hours worked. As actual sworn staffing levels dropped from 2010, the number of overtime hours used has increased steadily but has dropped slightly as staffing numbers have slowly increased.

Chart 1: Actual Sworn Staffing versus Sworn Overtime Hours¹



*Staffing levels are effective June 1st of each year; 2020-2021 overtime hours through 5/15/21 only

¹ Overtime hours includes all overtime hours worked including overtime worked for pay and compensatory time.

The City of San José has one of the lowest staffing ratios in the nation; and as a result, the City has relied on overtime to address the demand for police services. Responding to calls for service is one of our primary goals. As such, sworn staffing in patrol has also been a priority, leaving many sworn vacancies throughout all Bureaus in the Department, including Investigations. With the increase in calls for service, reductions in sworn staffing levels in recent years, and current vacancies, response times have fallen below the Police Department’s targets, proactivity has declined, and patrol officers are going from one call to the next. Staffing levels in patrol have a direct impact on response times. In order to have officers available for calls during their shift, there has been an increase in overtime for report writing at the end of an officer’s shift. In other areas of the Department, the high level of vacancies causes a reliance on overtime to keep up with the demands, including investigations.

In addition, to compensate for less officers available on the streets, the Department has relied on overtime to address specific needs in the community. Overtime used for crime suppression, gang suppression, prostitution, foot patrols, street racing, and other quality of life issues, provide enforcement in high needs areas to address specific crimes and spikes in crimes. There is reasonable justification for utilizing overtime for these and other special needs in the short-term, as we can direct focus on specific issues at the most needed/peak times versus a regular shift in patrol that is focused first on responding to calls for service. With low staffing in patrol, there is limited time for proactive policing or time to address some of these special needs; until staffing in patrol is restored to more optimal levels, officers continue to focus on our primary goal of responding to calls for service. Similarly, detectives will continue to rely on high levels of overtime to follow up and investigate crimes as operational vacancies remain high.

Overtime has allowed us to direct enforcement and proactivity in specific high need areas at peak times during the day. However, addressing these issues in the long-term with overtime is not a sustainable solution. In addition to having a budget impact, this reliance on overtime can impact the health and welfare of our officers. Relying on our officers to work overtime for an extended period can lead to fatigue and increased risk for injury. More officers on the street will allow the Department to address these quality of life issues proactively through high visibility, quicker response times, availability to conduct follow up investigations, and in general giving us more resources to combat these issues within our community.

ANALYSIS

With this background, the following analysis specifically addresses the City Council question on the conversion of budgeted overtime funding to permanent sworn staffing. However, it is important to note that, primarily to backfill for the high number of sworn operational vacancies, the Police Department significantly exceeds its base overtime budget and has historically experienced year-over-year compensatory time increases. The following analysis is helpful to understand the implications of converting the overtime budget to full-time positions once both vacancies and actual overtime costs are significantly reduced.

Assumptions, Budgets and Costs

Entry-Level Police Officer Cost. For purposes of the analysis, we assume that the annual cost of adding an entry-level Police Officer at Step 1, and as a Tier 2 member of the Police Retirement System, is \$167,400. For purposes of this memorandum, this assumption provides the most favorable analysis for the conversion of overtime budget to full-time positions. Eventually, the cost of the Police Officers would increase as they proceed from Step 1 to Step 7.

Annual Working Hours. When accounting for training, vacation, sick, and other time off, the number of deployed working hours for an officer is approximately 1,870 hours of the total 2,080 budgeted hours.

Cost of Working Solely on Overtime. The cost of an existing Police Officer at Step 3 working solely on overtime for the entire year is \$177,300 (1,870 hours X \$94.80/hour). The cost of a top-step Police Officer working solely on overtime for the entire year is \$220,100 (1,870 hours X \$117.70/hour).

Overtime Budget and Actuals. The Police Department's overtime budget in the 2021-2022 Proposed Operating Budget is \$22.9 million, of which \$21.4 million is ongoing. The Police Department's actual overtime costs in 2018-2019 and 2019-2020 averaged \$43.3 million. However, the Adopted Budget for those years averaged \$20.6 million. The additional funding used to pay for the actual overtime expenditures was generated primarily from position vacancy savings as the Police Department worked through filling positions, while retaining services to the extent possible.

Comparisons and Considerations

Converting the Overtime Budget to Police Officers. Converting the entire 2021-2022 overtime budget to entry level Police Department positions would yield 137 positions. As noted above in the Background section, the Department currently has 212 sworn operational vacancies. While the number of operational vacancies will shift throughout the year, it will take time before the number of sworn operational positions would be low enough to warrant the conversion of overtime to full-time budgeted positions.

Use of Overtime Hours vs. Full-Time Positions. The 2021-2022 overtime budget effectively allows for 129 full-time equivalent Police Officers at Step 3 or 104 positions at top step. While these figures are less than the number of entry-level officers that could be generated by converting overtime funding, the number of positions understates the flexibility provided by overtime. A patrol officer is scheduled for 4 10-hour shifts a week for a total of 40 hours per week. They are assigned to a specific area to patrol in the City and will primarily respond to calls for service in that area. Overtime can be scheduled for less than a 10-hour shift and focus on a specific problem in the City, at peak times, as needed. This allows us to address high crime areas, or specific quality of life issues based on data trends or other information, like street racing or prostitution.

For example, the City Council-approved Mayor's March Budget Message for Fiscal Year 2021-2022 directs the funding of \$750,000 for citywide foot patrols, which includes \$250,000 specifically for Downtown. \$750,000 is equivalent to approximately 7,900 hours of overtime (Police Officer Step 3). This level of funding allows for part-time coverage in certain high-needs areas at various times/days of the week. If this overtime budget was converted to entry-level full-time positions, this would be equivalent to approximately four full-time officer positions and funding would have to be available ongoing. The four positions would be added to the patrol structure and assigned a specific area to patrol. These four positions would not have the same impact as the overtime funding, at least not until additional positions are also added in future years so that more officers are available to respond to calls for service, spreading the workload and eventually allowing officers more proactive time in their beat assignments to enhance community policing efforts like walking beats.

CONCLUSION

As noted above, while the Department is committed to reducing overtime levels, overtime does provide flexible and practical uses to address community needs. We also need to be mindful not to rely on overtime to complete functions that should be a normal part of police services; finding the right balance of permanent staffing and overtime needs is key to maintaining police services to the community while keeping our officers safe.

While the important work of the Reimagining Public Safety process is ongoing and the Police Department supports this effort, prioritizing and allocating sworn staffing to address the most critical public safety issues facing the community is necessary to work towards better response times and reduce crime. Additionally, more officers in patrol will allow officers more time for community policing efforts, being visible in their community, and making positive contacts in their assigned areas.

Once sworn operational vacancies have decreased and actual overtime expenditures are closer to the ongoing budget allocation, the City will carefully consider the potential of converting overtime to new, ongoing sworn positions. Once we get to that point, what is the right level of staffing and overtime? This is a difficult question to answer, but we can look at our history of expenses and staffing as a starting point. Looking at Chart 1, in 2010-2011 actual sworn staffing levels were at 1,276 positions and overtime usage was under 200,000 hours for the fiscal year; compared to today's levels of 1,139 and more than double the overtime hours. However, many things have changed in the City and police services since 2010. The Department has created new units to address specific needs, like the Burglary Prevention Unit and Special Victims Unit, and have created pilot programs like the Mobile Crisis Assessment Team (MCAT); there are new laws and mandates; increased technology to help with police work; and increased population and greater demands on services, including increased calls for service. These changes make it challenging to compare past staffing and overtime usage to today's levels. However, the trend does show that as staffing levels increase, the reliance on overtime decreases. Additional positions in patrol will allow for better response times and theoretically lower overtime usage as more officers will be available to respond, spreading the work over more officers. More officers on patrol allows for increases in proactivity and community policing efforts, which is what we want to achieve. More officers in other areas of the Department, such as Investigations, will reduce the reliance of overtime to maintain service levels.

Overtime is necessary for the type of work that the Police Department performs and can be effective to address specific issues in the community; however, relying on overtime to perform ongoing police services in the long term is not sustainable. As we add resources to the Police Department, the reliance on overtime can diminish, but cannot be eliminated. It should be noted that new positions would only be added when budget is available and once the Department is able to fill the existing vacancies. Given the current status of the General Fund, it is anticipated that, at least in the short term, new revenue sources would need to be identified and/or expenditure savings would need to be realized to support additional staffing to avoid any impacts on other service areas.

HONORABLE MAYOR AND CITY COUNCIL

June 2, 2021

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COORDINATION

This memorandum has been coordinated with the City Manager's Budget Office.

/s/

Anthony Mata
Chief of Police

For questions, please contact the Assistant Chief Paul Joseph at 408.277.4214.