

# POLICE OVERTIME:

Management is lax despite high overtime use

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P O R T L A N D  
C I T Y A U D I T O R  

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Audit Services



**Mary Hull Caballero, City Auditor**  
**Kari Guy, Audit Services Director**

**Audit Team**

Elizabeth Pape, Performance Auditor II  
Kristine Adams Wannberg, Performance Auditor II

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## **Police Overtime:**

Management is lax despite high overtime use

**Summary** Policing is unpredictable. It's impractical to have enough police on staff to manage every street brawl, shooting, or festival parade. Police working events like these usually work overtime.

But in Portland recently, the police say that the majority of overtime they work is not due to these kinds of events, and that most overtime is needed just to schedule enough officers for daily patrol because of a staffing shortage. That reasoning makes so much sense that the Bureau hardly questions that it spent \$15.7 million on overtime in Fiscal Year 2017-2018 and that officers worked nearly 250,000 extra hours. The reliance on overtime is costly and poses safety risks to officers and community members.

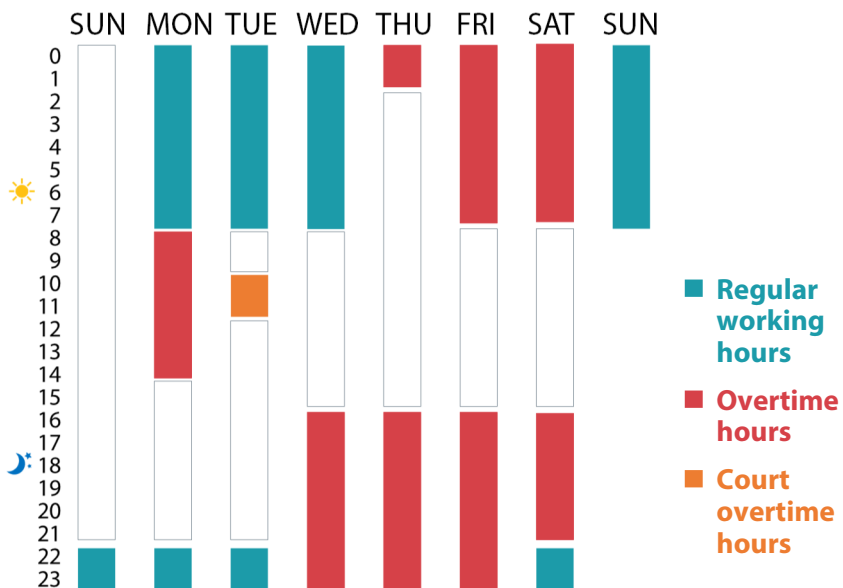
Within this context, some common-sense policies and procedures to limit overtime have fallen by the wayside or were never used in the first place. Using data and timely reports to manage staffing better, placing limits on the amount of overtime officers can work, and taking control of the time police work on contract for outside employers could all lessen the demand for overtime.

**Why audit overtime?**

97

hours Ninety-seven hours in one week.

That is the most hours a Portland Police Bureau patrol officer worked in 2018. He began by working his regular shift, from 10 o'clock at night to eight in the morning, and then picked up an overtime shift to fill a staffing shortage. Without a break, he worked another eight-hour shift, from eight in the morning to three in the afternoon. After a seven-hour break, he reported for duty for his regular shift at 10 o'clock that night. The next day, after his 10-hour shift, he had a two-hour break and then reported to the court house for two hours to testify in a case. After a 10-hour break, he reported for his regular shift again at 10 o'clock in the evening.



The next three days should have been the officer's days off, time to rest and recover from a demanding job. Maybe time to spend with friends, family, or neighbors, enjoying the community around him. Instead, after eight hours away from the job, the officer picked up more overtime shifts. He started these shifts at four in the afternoon. On the first day, he was relieved at two in the morning, but after 14 hours away from work, he started the next shift at four in the afternoon and worked until eight the next morning. Sixteen hours of patrol work, running from call to call. And he did this for three days in a row.

This is an extreme case but working substantial hours of overtime is not uncommon among patrol officers in the Bureau. In 2018, patrol officers worked more than 20 hours of overtime in one week 1,100 times.

Long work hours like these cause fatigue. Researchers have documented that officers who work excessive overtime:

- Were more prone to accidents and injuries on duty.
- Had a higher risk of injury or death in the line of duty.
- Had a higher incidence of burnout, which can lead to early retirement.
- Used sick time more often.
- Had increased time-management issues.
- Fell asleep more on duty.

The effects of fatigue have as much impact as drinking alcohol on the ability to drive a car. According to researchers, being awake for 17 to 19 hours can cause impairments similar to having a 0.05% blood alcohol content, and 24 consecutive hours may produce impairment equivalent to a 0.10% blood alcohol content, above the legal limit for driving a vehicle. Other researchers have shown that fatigue is four times more likely to cause workplace impairment than alcohol or drugs.

**“Fatigue’s impact ... may be akin to repeated micro-traumas that gradually erode police-community relations. A short-tempered, rude, or dismissive police officer provides a handy excuse for negatively stereotyping the officer, his or her department, and the profession.”**

- Bryan Vila, Gregory Morrison, and Dennis Kenney

“Improving Shift Schedule and Work-Hour Policies and Practices to Increase Officer Performance, Health, and Safety.”  
*Police Quarterly*, April 2002

Overtime and fatigue also negatively affect the relationship between police and the community. And it goes both ways. The community may have a poor opinion of, and less support for, overworked and fatigued police.

Conversely, working long hours can mean that officers have fewer opportunities for normal, everyday contact with the public and may begin to feel apart from the community they police.

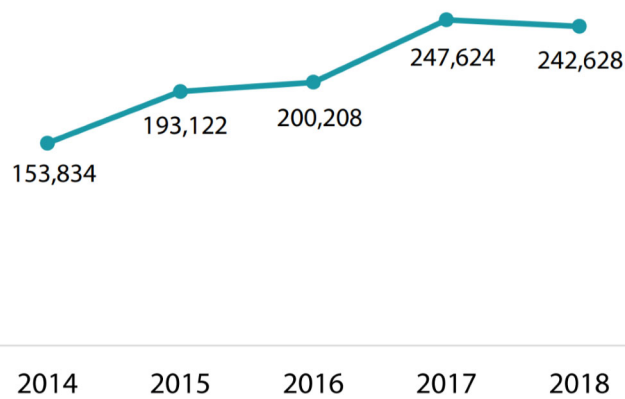
**“The primary effect for law enforcement professionals working long hours is reduced social interactions and isolation from traditional community and social support systems, resulting in the ‘us against them’ point of view.”**

- Dennis Lindsey

“Police Fatigue: An Accident Waiting to Happen.”  
*FBI Law Enforcement Bulletin*, August 2007

City Council has been concerned about the amount of overtime the Bureau uses. In the Fiscal Year 2018-2019 budget, after adding 49 new patrol officer positions to reduce the reliance on overtime, Council included a budget note directing the Bureau to provide an online dashboard that the Council could use to track overtime use. It also directed the Bureau to perform an annual evaluation of overtime to minimize its use. Even the officers themselves say they are beginning to feel overwhelmed by the amount of overtime they work. Some of the officers we interviewed said they feel pressure to work more overtime than they want to.

Police overtime was lower in 2018 than it was at its peak in 2017, but it is still high by historical standards:



In Fiscal Year 2017-2018, the Bureau spent \$15.7 million on overtime, which amounted to 8 percent of its overall spending of \$188 million.

Overtime pay is more expensive than regular pay because of federal requirements in the Fair Labor Standards Act. According to the law, the City must compensate officers with one- and one-half times their pay for any hours worked over 40 hours in one work week.

## Audit Results

We reviewed two areas of overtime in 2018 to determine whether the Police Bureau managed its use to limit financial costs to the City and officer fatigue: overtime for officers assigned to patrol a precinct and all officers and sergeants working secondary employment.

We found that inadequate data collection and reporting limited police supervisors' ability to effectively control overtime for patrol officers. The Police Bureau blames the majority of overtime on staffing shortages, but it could not verify that staffing shortages were the main driver of overtime.

The Bureau's secondary employment program, which allows officers to provide off-duty security for private entities, raises additional costs and safety concerns, but also could undermine the integrity of the police force. Private employers that request services of the Police Bureau by policy must provide "a benefit to the public," but inconsistent application of the approval criteria creates a risk that the Bureau could contribute to racial inequity and create the appearance of political favoritism.

### The Police Bureau did not effectively manage patrol overtime.

#### Overtime reporting is not adequate for supervision

Police supervisors, at both the command and front-line level, should manage overtime. Police Bureau rules on time and attendance task patrol sergeants with responsibility for the day-to-day decisions that can lead to excess overtime. For example, decisions such as whether to allow someone to stay late to finish a report or to approve vacation leave during a high-demand time of year such as summer vacation. Commanders, who manage precincts, are supposed to monitor reports to evaluate whether overtime is justified or could be minimized.

We found the Bureau did not produce reports for sergeants to comply with this required task and that commanders did not provide feedback to sergeants about overtime trends for the shifts they supervised.

**Sergeants did not have information to manage officers putting in excessive overtime.** In the absence of available reports, we used data from the time and attendance system to identify officers who fell outside of norms for different kinds of overtime:

- Officers worked fewer than 20 hours of overtime when assigned to patrol nearly 90 percent of the time. A few officers, however, consistently worked more than 20 hours of overtime. One worked more than 20 hours of overtime more often than he did not, clocking those extra hours for 27 weeks in 2018.
- More than 95 percent of officers worked overtime at the end of their shifts to finish a call fewer than 10 times in 2018. Five officers worked this kind of overtime more than 15 times.
- Nearly 90 percent of officers worked report-writing overtime fewer than 10 times. Five officers worked this type of overtime more than 30 times. The officer who worked it the most did so more than 40 times.

If sergeants had access to timely reports, they could have determined whether the unusual overtime was caused by operational needs or improper timekeeping. It could also have been a coaching opportunity to improve performance.

**Supervisors did not inform sergeants about overtime trends for their shifts.** Sometimes overtime occurred because sergeants approved too much leave for vacations. Our analysis showed some sergeants used more overtime because they approved more leave than they should have according to Bureau guidelines. The guidelines state that only 10 percent of officers assigned to a shift should be authorized for discretionary leave at a time. Approving too much leave at one time led to overtime in 18 percent of shifts overall. The North Precinct approved too much leave at the greatest rate which caused overtime for 41 percent of its afternoon shifts in 2018.

Supervisors could use overtime reports to identify those instances and work with sergeants to figure out options to possibly avoid it.



**No limits on the amount of overtime an officer can work**

Another management tool that could reduce overtime is to limit the amount of overtime officers can work. Portland did not cap overtime, allowing patrol officers to work more than 20 hours of overtime in a week almost 1,100 times in 2018. Other cities had limits:

- Denver, Colo., limits all hours worked to 64 in a week; capping overtime at 24 hours if officers worked a normal 40-hour week.
- San Francisco, Calif., limits overtime to 20 hours in one week.
- Seattle, Wash., limits all hours worked to 90 in one week, a cap so high it may not be useful to prevent officer fatigue.

Limits on overtime are necessary because the culture within police organizations can have a hard time recognizing the negative aspects of overtime. Fatigue is such a routine part of policing, that one study found that the assumption that officers are tired is hardly questioned. Researchers found managers appear to be comfortable with the idea that sleep loss is a normal part of policing, and in the article "Police Fatigue: An Accident Waiting to Happen", Dennis Lindsey stated that there is a set of "well entrenched unwritten rules that treat sleep in utmost disregard and disdain."

Overtime provides police managers with flexible staffing without the added cost of hiring full-time officers, and it tends to make their employees happy because officers like the extra income. An overtime limit could give sergeants an objective tool to make it easier to tell an officer that they have already worked too much overtime and need to let another officer pick up a shift.

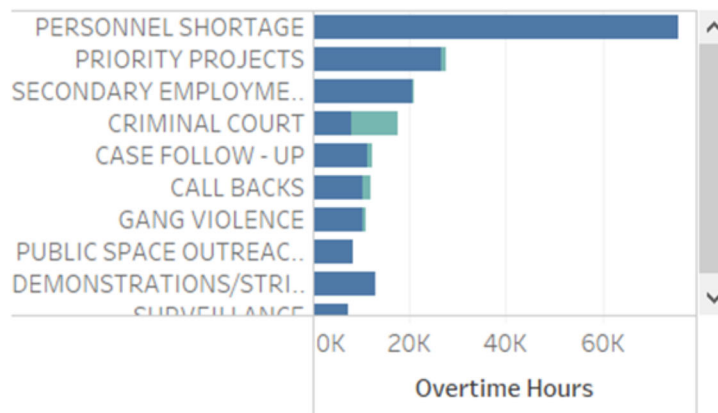
**Staff said looking for ways to limit overtime was futile**

Bureau staff at all levels said there was no sense in looking for ways to limit overtime because of the existing personnel shortage. We found that reasoning to be based on faulty assumptions that overtime data were reliable and management decisions about when to use it were sound.

**Bureau reports staffing shortage as the main cause of overtime**

Top 10 Overtime Activities

12/31/2017- 3/31/2019



Source: Bureau report to Council

These numbers come from the Bureau’s daily assignment roster information system, which tracks assignments, leave, and overtime. When officers submit overtime for approval in the system, they use a code to explain why they worked the overtime.

Officers working patrol overtime should use the personnel shortage code when the shift they are working does not have enough staff to meet the minimum number of officers needed. This number is called the shift minimum.

**Data supporting amount of personnel shortage overtime reported to Council unverifiable**

The numbers reported to Council for overtime caused by a personnel shortage is an incomplete and inaccurate story. Discretion about when to use overtime and technical problems with the time-keeping system were in play.

Sergeants said they asked officers to work patrol on overtime above shift minimums when they wanted extra people. A former Portland Police Commander confirmed the practice and said that police had intentionally decentralized the authority to staff shifts above the minimum when sergeants determined it was necessary. In some cases, there might be a legitimate need for extra staff such as a big Waterfront Park event. But these events were not documented, and the Bureau did not have any reports that could inform supervisors if some sergeants hired staff more frequently than others.

At least some portion of the overtime attributed to personnel shortage was instead the result of a problem with the daily assignment system. In June 2018, after some software updates, the system began randomly dropping officers who had signed up for overtime from the daily report that shows officers assigned to the shift. Without these officers in the report, sergeants thought their shifts were below the minimum staffing level and assigned additional officers on overtime. Both officers would show up for duty and work the shift, but only one was really needed. This went on for six months before the glitch was corrected. Bureau staff was unable to determine how many shifts were affected and how many overtime hours were incorrectly recorded. This was not the first time that the system malfunctioned so that daily reports indicated that shifts were below minimum when they were not; it happened in 2017 as well.

The Bureau could not determine how frequently the personnel shortage code was used in error, but we can show how it worked on one day. For example, on October 15, 2018, there were two shifts at the North Precinct that would have operated below shift minimum without overtime, the morning and afternoon shifts. The morning shift was two officers short, so we would expect to see two officers employed for overtime using the personnel shortage code. Instead, the precinct scheduled three officers for that shift. The afternoon shift was one officer short, but the precinct scheduled three. The Bureau reported the time for all six officers as personnel shortage when only three were needed.

Missing or inaccurate data made it impossible for the Bureau to verify whether personnel shortage overtime was only used in cases where shifts fell below minimums and which sergeants were responsible.

Missing Data	How it would help
Shift Assignments	The Bureau did not record which shift officers working personnel shortage overtime worked on the reporting form, so it was impossible for the Bureau to determine how many officers staffed each shift.
Days with Protests or Events	Patrol officers working a regular shift were often re-deployed to work protests or unexpected large events. These officers would then be replaced by others working overtime to backfill the redeployed officers. There was no way for the Bureau to determine how often events led to the need for personnel shortage overtime.
Discretionary Training	Yearly in-service training is mandatory, but there are other kinds of training that could affect the number of officers available for a shift. One Sergeant said that he approved discretionary training even if it brought the shift below minimum. The Bureau did not quantify how often discretionary training caused shifts to fall below minimum.
Authorizing Sergeant (pre-shift)	According to the rule on timekeeping, overtime requires pre-authorization. But sergeants said they frequently approved overtime they did not personally authorize. Including the name of the <i>authorizing</i> sergeant in the data would allow the <i>approving</i> sergeant to know who to contact with any questions or concerns.
Approving Sergeant (post-shift)	The approving sergeant is tracked in the system, but not in the data the Bureau uses for overtime reports to Council. The Bureau did not have management reports that would allow it to determine which sergeants were responsible for approving personnel shortage overtime on shifts above minimum or other unusual types of overtime approvals.

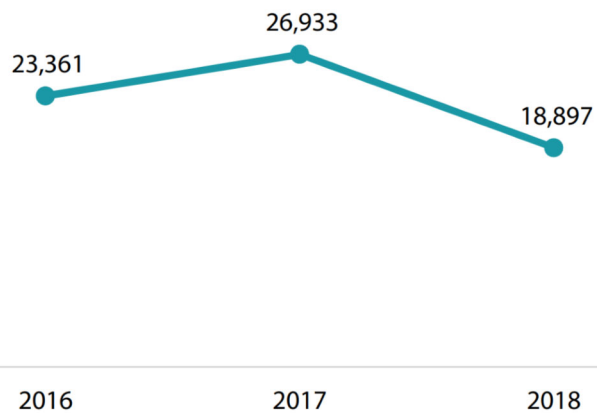
**Secondary employment may carry more risks than benefits.**

Secondary employment is another area where better management could reduce fatigue and expenses to the Bureau.

**Secondary employment is police work for private employers**

The Bureau allows officers and sergeants to work for private employers through a secondary employment program. Private employers make requests to the Bureau and sign contracts. Once the contracts are approved, the Portland Police Association (Union) schedules officers and sergeants to work for the private employers. The Bureau compensates officers and sergeants at the overtime rate and bills the private employers a set fee.

The number of hours police worked secondary employment increased slightly in 2017 but decreased by 30 percent in 2018:



In Fiscal Year 2017-2018 there were 89 private employers using the secondary employment program. Portland Arena Management was the largest user; it accounted for 29 percent of Bureau charges for secondary employment. Most of the other users sought contracts for concerts and sporting events, retail businesses, events and festivals, and religious activities. The Bureau charged customers a total of \$1.8 million for secondary employment in Fiscal Year 2017-2018.

**Directive 0210.70  
Secondary Employment:**

“contracted work must be a policing function that provides a benefit to the public, and is not focused solely on the interests of the business.”

The Bureau places limits on the types of businesses that can use the program. For example, commanders should consider whether a business has a history of criminal activity or has been involved in legal proceedings against the City when deciding to approve a contract. The Bureau requires that work provide “a benefit to the public” and have “a discernable impact on the safety of the community.”

**Risks associated with secondary employment**

We identified the following potential risks of secondary employment:

**It could de-legitimize the police force if it appeared that officer and sergeants placed the interest of the private employer above the interest of the community.** Staff said that sometimes business owners did not want police to arrest people and would not press charges when they did. They said owners mostly wanted police for visibility and that it was problematic when the public observed a uniformed police officer or sergeant who did not arrest someone committing a crime. One manager of a store that used secondary employment said that the store's interest was to handle thefts discretely and try to resolve them without pressing charges. Police staff shared an example of one case where there was not a security plan in place that defined roles for police versus other security staff.

**Potential for unequal treatment in the approval of contracts.** The Bureau approved a contract for security at an event hosted by the Southern Poverty Law Center even though the contract explicitly stated that it was a "private event intended for donors." In contrast, the Bureau denied a contract related to an event hosted by the Oregon Liberty Alliance, determining that it did not meet the public benefit criteria because it was political and largely for private security services.

**Some contract requests appeared to diverge from Bureau values regarding racial equity.** Commanders said they struggled at times to reconcile requests for police services with the Bureau's approach to racial equity. Staff seemed to appreciate the danger that private employers might request police to target people of color and had considered this risk in some of the requests that were denied. But, when specifically articulating the reason for denying contracts, they reverted to language about the prohibition on providing private security services. The criteria did not allow commanders to deny contracts for concerns about racial bias. Commanders did not discuss this concern for contracts they had approved.

**"I didn't want to hire out officers to police someone else's bias."**

- High-Ranking Police Employee

**Public benefit not consistently documented**

The risks associated with secondary employment may outweigh the public benefit if the Bureau is not consistent in applying criteria for selecting which contracts to approve. The Assistant Chief of Operations designated the three precinct commanders to review and approve secondary employment contracts, but the Bureau did not offer guidance to commanders making decisions about which contracts to approve. The Assistant Chief intended to use an annual review required by a Police Directive to ensure consistency, but the review was not conducted prior to January 2019.

Without guidance on which contracts to approve, commanders did not consistently apply the public benefit criteria. Command staff defined some of the criteria they used to determine whether contracts provided a public benefit, including events that involved heavy vehicle traffic or threats to public safety. They said police should be used for more than just providing security. However, the public benefit standard was not objective, and there was disagreement among commanders about the public benefit of some of the larger retail contracts.

All of the command staff we spoke to said that the Union played a prominent role in deciding which contracts were approved. One mentioned that there were times a commander would disapprove a contract and the Union would call the Chief to disagree, though they said that the Chief had not overruled commander decisions. Bureau management said that the underlying problem was that the Union served as a point of entry for all secondary employment contracts. However, the Labor Agreement between the City and the Union gives Bureau management a significant amount of discretion over secondary employment. It allows the Bureau to disapprove of “the type of outside employment,” states that outside employment “shall not pose a conflict of interest,” and that outside employment “shall not detract from an officer’s performance.”

Our review of a sample of contracts showed the public benefit of contracts was not always evident. The two largest retail store contracts stated that the police would regularly patrol the surrounding blocks, but none of the other contracts included that language, which could be characteristic of a public benefit.

**No public reports**

The Bureau could use visibility and accountability as tools to lessen the risk that the negative outcomes associated with secondary employment outweigh the benefits. But there was no public report of the amount or type of secondary employment police work. The Assistant Chief of the Operations documented findings after his 2019 review of secondary employment, but did not produce a public report.

The Bureau could also improve accountability by retaining and reviewing copies of denied requests and contracts. The Bureau did not keep copies of denied contracts. The Bureau could use these contracts to determine whether it consistently applied the public benefit criteria when denying contracts.

**Labor agreement requirements not enforced**

The Bureau recognized the risk of fatigue by including a limit of 20 hours per week of secondary employment in the labor agreement. But there was no Bureau report to flag the amount of overtime officers or sergeants worked. Our data analysis indicated that in 2018, 14 officers or sergeants violated the 20-hour limit on secondary employment 39 times. One person violated the limit 10 times.

The Bureau also took steps in the labor agreement to protect itself from subsidizing secondary employment by including a prohibition on compensation for secondary employment hours with time-off instead of money. We found 71 instances in 2018 where an officer or sergeant was compensated with time off for secondary employment. Time off at a future date instead of payment is problematic, because when patrol officers take time off, they can be backfilled with someone on overtime. The hour and a half of time off an officer received as compensation for working secondary employment could become 2.25 hours of compensation if an officer is needed to backfill the position. The Bureau pays the extra .75 hours with General Fund money.



**Potential drain on  
General Fund  
resources**

There are additional ways that secondary employment threatened to drain General Fund resources. In Fiscal Year 2017-2018, the Bureau billed secondary employment customers \$1.8 million, paid officers and sergeants \$1.4 million in overtime wages, with a difference of \$400,000. But overtime wages did not include all of the administrative costs of secondary employment, such as the time commanders spent reviewing and approving contracts, part of cost of the Union secretary for scheduling secondary employment, the time administrative staff spent processing payroll, or the time accounts receivable staff spent billing customers. It is possible those costs exceeded \$400,000.

The City Council included a note in the Fiscal Year 2017-2018 budget requiring the Bureau to achieve full cost recovery for secondary employment by Fiscal Year 2020-2021. In its most recent budget request, the Bureau proposed increasing the hourly rate for secondary employment by \$50 based on the indirect cost rate for federal grants. Command staff said that the Portland Police Association said the increase was not reasonable. Based on their concerns, the Bureau did not increase the rate by the full amount proposed and planned to conduct a more comprehensive cost analysis.

Another risk to the General Fund is that the Bureau might pay an officers or sergeants for secondary employment, but not bill the customer. We saw this happen in one case. We selected a sample of 100 overtime entries to review for back-up documentation. The staff responsible for billing had a difficult time retrieving contracts related to each of the overtime entries, and when they did find the contracts, they found one event for which they had not billed the customer. The Bureau also filed contracts by customer name, but did not have a field for the customer name in the system police used to record overtime for payroll.

## Conclusions

We found that despite the Bureau's staffing shortage, there were still opportunities to improve overtime management. Using accurate data to identify officers and sergeants with exceptional overtime use could lead to a reduction.

We also found that the Bureau did not consistently document the public benefit related to secondary employment contracts and did not publicly report on the program. With inconsistent documentation, risks associated with secondary employment, such as officer fatigue, racial inequity, and political favoritism, could outweigh the benefits.

Problems associated with police fatigue and excessive overtime are well researched and concerning. The risk that tired officers are more likely to hurt themselves, get into car accidents, or burn out should be weighed against any benefits, such as flexibility in staffing or providing officers with more income.

But, perhaps the greatest risk of excessive overtime is the risk to the relationship between the community and police when police are overtired, overworked, and have fewer opportunities to interact in non-police settings.

## Recommendations

To ensure that all personnel shortage overtime is accurately documented and to allow supervisors to better manage patrol overtime the Bureau should:

1. Improve overtime data collection to include the following:
  - a. The shift during which personnel shortage overtime was worked.
  - b. Whether personnel shortage overtime was used to back-fill positions vacated when scheduled officers worked protests or other events.
  - c. Whether training was discretionary.
  - d. The supervisor who authorized overtime.
  - e. The supervisor who approved overtime.

2. Provide useful reports about staff overtime to supervisors.
  - a. Reports about officers should include
    - i. Total hours of overtime within a relevant period such as day, week, pay-period, etc.
    - ii. Total hours and number of instances of report-writing overtime.
    - iii. Total hours and number of instances of late-call overtime.
  - b. Reports about patrol sergeants should include
    - i. Number of times personnel shortage overtime is used above shift minimums.
    - ii. Number of times leave is approved above the threshold.
    - iii. Number of times overtime is used to back-fill positions vacated for discretionary training.
3. Limit overtime as other departments have.

To ensure the public benefit of secondary employment outweighs the associated risks, the Bureau should:

4. Revise and document the contract approval process so that the Chief's Office conducts the primary review of contracts (instead of precinct commanders or the Union) to ensure consistency and that contracts meet standards.
5. Consult with the Bureau equity manager and add consideration of equity as a standard for approving secondary employment contracts.
6. Report publicly on contracts approved, hours worked, and finances.
7. Track contracts that were not approved and record the reason why.
8. Improve oversight of officers working secondary employment to ensure compliance with labor agreement requirements.
9. Create rationale for overhead charges that include the cost of payroll processing and billing.
10. Track customer name or number in the system officers used to record secondary employment overtime for payroll.

**Objective,  
Scope,  
and  
Methodology**

Our audit objectives were to determine whether the Bureau managed patrol overtime in a way that limited financial and personnel impacts. We reviewed overtime for officers assigned to patrol precincts and all officers and sergeants working secondary employment in 2018. Fiscal data is reported on a fiscal-year basis, but analysis of overtime supervision and compliance is on a calendar-year basis.

To accomplish our audit objectives, we:

- Reviewed police directives and labor agreement sections related to overtime and secondary employment.
- Researched literature related to the impacts of overtime on officer fatigue and risks associated with secondary employment.
- Interviewed officers, sergeants, and command staff about the process for approving and processing overtime requests.
- Interviewed commanders and administrative staff about the process for approving secondary employment contracts, approving overtime, and for issuing payments.
- Met with secondary employment customers.
- Reviewed overtime policies and procedures at peer cities (Denver, San Francisco, and Seattle).
- Analyzed data from the Bureau's Uniform Daily Assignment Roster, which is the Bureau's official record of entry for time keeping. We relied on reports generated by Bureau staff and did not verify their accuracy. We found problems related to the reliability of information and these problems are discussed in the report.

- When analyzing data, auditors used the following assumptions:
  - we used a Sunday to Saturday work week,
  - we made assumptions about which shifts officers were assigned to based on start times,
  - we assumed that any work or leave above five hours constituted a full day based on the ten-hour shift.
- Reviewed secondary employment contracts for ten customers for compliance with the directive on secondary employment. This sample was too small to project results to the entire population.
- Reviewed a random sample of 100 secondary employment 2018 payroll entries from a population of 870 entries which were related to general internal orders instead of internal orders that were related to a specific customer. We tested these to determine if there was a contract in place for each entry. We found one case in which the Bureau did not bill a customer. This result cannot be projected to the population, but shows that it is possible to pay an officer for secondary employment without billing the customer.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

# **RESPONSE TO THE AUDIT**



## CITY OF PORTLAND, OREGON



### Bureau of Police

Ted Wheeler, Mayor

Danielle M. Outlaw, Chief of Police

1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000

Integrity • Compassion • Accountability • Respect • Excellence • Service

September 23, 2019

Dear Auditor Hull-Caballero:

Thank you for the opportunity to review and respond your office's recent audit and recommendations regarding Police Overtime.

As I am sure you and your team are aware, the use of overtime has been a significant issue for the Bureau as our staffing levels have continued to decrease relative to demand for police service in a growing, major city. Prior to your audit, we worked closely with the Mayor's Office and the Bureau of Human Resources to examine our overtime management, and we are working on the strategies identified in that work. As stewards of public funds, the Portland Police Bureau is committed to ensuring the efficient use of our scarce public safety resources.

As we discussed with your staff, no discussion of police overtime is complete without recognizing the severe staffing constraints we are under. While we are always looking for ways to better manage the use of overtime, the bulk of our overtime expenditure is driven by personnel shortages, particularly at our three patrol precincts. We are currently in the process of changing our shift schedules and minimum staffing levels based upon demand for service and public safety needs, and will continue to evaluate how efficiently we are meeting these demands in the future.

Other steps we have taken to address the issue of overtime use are discussed in greater detail in the responses to the audit's recommendations. In most instances, the Bureau either has already or is in the process of implementing strategies along the lines of the suggestions put forth in the report. These strategies started in earnest in FY 2017-18 as the Bureau recognized the operational necessity of planning for a significant number of retirements without a corresponding number of newly hired and trained officers to replace them over the next 12 to 18 months. As a result, we saw a roughly 10,000 hour reduction in overtime use in FY 2018-19, despite a net decrease of 17 filled, sworn officer positions.

The following is our response to each of the audit's recommendations:

1. Improve overtime data collection to include the following:
  - a. The shift during which personnel shortage overtime was worked.  
**Response:** This currently exists and is a part of the bureau's internal dashboard for overtime hours worked. This was implemented in February, 2019.
  - b. Whether personnel shortage overtime was used to back-fill positions vacated when scheduled officers worked protests or other events.

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**Response:** This currently exists and is a part of the bureau's internal dashboard for overtime hours worked. This was implemented in February, 2019.

- c. Whether training was discretionary.

**Response:** The vast majority of training provided that results in increased backfill overtime is attributed to the Department of Public Safety Standards (DPSST) annual certifications and in-service requirements. In addition, this in-service training period provides the opportunity to train officers on recent legal changes and new bureau policies and procedures. We do send members to some training that is not mandatory, but is still beneficial to the City. We will develop a tracking mechanism to differentiate between the two.

- d. The supervisor who authorized overtime.

**Response:** We will add this information to the Overtime Record.

- e. The supervisor who approved overtime.

**Response:** This information is currently available and will be added to the internal management dashboards for overtime.

2. Provide useful reports about staff overtime to supervisors.

- a. Reports about officers should include

- i. Total hours of overtime within a relevant period such as day, week, pay-period, etc.
- ii. Total hours and number of instances of report-writing overtime.
- iii. Total hours and number of instances of late-call overtime.

- b. Reports about patrol sergeants should include

- i. Number of times personnel shortage overtime is used above shift minimums.
- ii. Number of times leave is approved above the threshold.
- iii. Number of times overtime is used to back-fill positions vacated for discretionary training.

**Response:** The bureau concurs with this recommendation. The majority of the items above are presently available in the internal dashboard. In addition, there is the ability to develop separate dashboards to specifically report details on staffing levels as it relates to minimum staffing requirements. There will need to be sufficient time to develop the dashboards and train members in their use, especially noting where there is contractual components to the authorization of overtime.

3. Limit overtime as other departments have.

**Response:** Any changes or additional caps to the amount of overtime that may be authorized is part of the collective bargaining process. This is a contractual issue, and we will work with the Bureau of Human Resources to include it in the next round of contract negotiations.



To ensure the public benefit of secondary employment outweighs the associated risks, the Bureau should:

4. Revise and document the contract approval process so that the Chief's Office conducts the primary review of contracts (instead of precinct commanders or the Union) to ensure consistency and that contracts meet standards.

**Response:** The Assistant Chief of Operations has begun reviewing all secondary employment contracts, instead of delegating this authority to the precincts. We implemented this on September 13, 2019.

5. Consult with the Bureau equity manager and add consideration of equity as a standard for approving secondary employment contracts.

**Response:** The Equity and Diversity Office is in the process of implementing an equity lens tool kit to assist with program evaluations. As such, this tool may be utilized for the contract review for secondary employment.

6. Report publicly on contracts approved, hours worked, and finances.

**Response:** We agree with this recommendation and will add features to the public facing dashboard to provide additional information by the end of 2019.

7. Track contracts that were not approved and record the reason why.

**Response:** We agree with this recommendation and will begin tracking this information.

8. Improve oversight of officers working secondary employment to ensure compliance with labor agreement requirements.

**Response:** We agree with this recommendation and this audit will be built into our payroll monitoring and our internal overtime dashboards by the end of 2019.

9. Create rationale for overhead charges that include the cost of payroll processing and billing.

**Response:** We agree with this recommendation, and plan to have this in place for FY 2020-21. Rates for 2019-20 are already set.

10. Track customer name or number in the system officers used to record secondary employment overtime for payroll.

**Response:** This level of tracking is possible, however it is worth noting that this additional level of administrative work is likely to increase overhead costs to maintain an every growing secondary employment list.

Again, thank you for your team's work on this audit. We look forward to working with your office in the future.

Sincerely,



Danielle Outlaw  
Chief of Police



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Report #524, October 2019

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