

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2009 NOV 18 PM 5:57

**To:** Office of the City Administrator  
**Attn:** Dan Lindheim  
**From:** Oakland Police Department  
**Date:** December 1, 2009

**Re: An Informational Report from the Oakland Police Department Detailing the Number of Domestic Violence Related Incidents Reported, Caseload of Investigators, Staffing of Investigators, the Status of Domestic Violence Services in Oakland, And The Number of Domestic Violence Related Homicides Compared to Data From 2008**

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## **SUMMARY**

Staff has prepared an informational report detailing the Police Department's Domestic Violence Unit's (DVU) historical and current staffing levels, as well as the DVU caseload situation and the impact it is having on community policing and those investigators tasked with handling these cases. This report also discusses past efforts and current strategies and recommendations to eliminate/reduce the backlog of domestic violence and ancillary investigations assigned to the DVU, and establish a system to maintain manageable caseload levels.

## **FISCAL IMPACT**

Since January 2009, the Department has not expended any sworn or non-sworn overtime funding to address the backlog of cases. All work conducted on the clearance of the backlogged cases is carried out by staff during regular business hours.

## **BACKGROUND**

### ***Organization***

The Domestic Violence Unit is part of the Youth and Family Services Division, Investigative Services Section. Other sections in the Youth and Family Division are the Special Victims' Unit 1 and 2, and the Vice & Child Exploitation Unit. These units often work closely together as the nature of their cases sometime cause the investigations to often overlap.

The DVU is responsible for the investigation of all domestic violence-related criminal cases, physical elder abuse, and all violations of domestic violence and non-domestic violence court restraining orders. The domestic violence-related cases range from felony physical assaults to misdemeanor spousal battery, thefts, harassing phone calls, and threats. In summary, *any and all criminal offenses* (with the exception of homicide) occurring in the

Item: \_\_\_\_\_  
Public Safety Committee  
December 1, 2009

City of Oakland, which qualifies as domestic violence, or involves any court restraining order is investigated by the DVU. With respect to caseloads, DVU is one of the highest volume investigative units in the Department.

The Departmental Subject Matter Expert (SME) is often called upon to give presentations on the subject of domestic violence by various organizations seeking information on the issue. Additionally, ongoing and update training is provided to members of the Department.

### ***Family Justice Center***

The DVU is stationed in a dedicated office on the third floor of the Alameda County Family Justice Center (FJC), located at 470-27<sup>th</sup> St., in the City of Oakland. There are 27 agencies within FJC that work in partnership to prevent, educate, and assist victims of domestic violence. The DVU shares the floor with the District Attorney's Office, and the Family Violence Law Center (FVLC). The Unit works closely in collaboration with the DA's office in charging and conducting investigative follow up. The DVU also refers reports and victims to the FVLC who provides advocate services to victims, and coordinates resources and social services for them as well.

### ***Caseload***

There are approximately 1,800 open and active DV cases; an absolute number is difficult to present due to the range of reported crimes involving some form of domestic violence, or threat of domestic violence. As previously stated, it is not uncommon to receive drive-by shootings, robberies, and auto thefts that possess an element of domestic violence. According to the Department's records management system (LRMS) there were over 5,800 reported DV-related crimes for 2008, as compared to over 5,400 in 2007. Consequently the DVU receives an average of approximately 500-600 incoming reports per month.

In February 2009, the DVU had a substantial backlog of approximately 2,500 unassigned domestic violence cases. This backlog was created from a combination of the reports generated through OPD and those received from the State of California and caregivers, as outlined in California Penal Code Section 11166<sup>1</sup>, which mandates that health care providers and care facilities make formal notification to law enforcement agencies when they suspect, or receive notice of physical abuse regarding domestic violence, child abuse, and elder abuse. This backlog was compounded by a former lack of adequate staffing in DVU in 2008 and early 2009.

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<sup>1</sup> 11166 PC outlines the mandatory reporting laws of California. This section identifies agencies and/or individuals who are considered "mandatory reporters" and who must make verbal and written notification to their local police departments whenever they become aware of any incident that may be deemed child abuse.

### *Staffing*

By April of 2009, DVU staffing was increased from seven to ten full-time investigators averaging 200-400 open and assigned cases each. The DVU also has one full-time Police Records Specialist (PRS), whose responsibilities range from office manager to processing domestic dispute reports. The increase in DVU staffing has allowed investigators to fully investigate priority cases, as well as cases that may not have received the amount of attention due to previous resource issues. Additionally, the Unit is able to investigate complex cases involving search warrants, and has had success in completing multiple cases charged against a repeat offender. The investigators are also able to work a manageable caseload; where, in the past investigators were forced to work on in-custody or priority violent felony cases only, due to the volume of incoming cases and the extreme lack of adequate staffing.

### **KEY ISSUES AND IMPACTS**

In an effort to reduce the backlog of cases, and continue the effective and efficient investigation of priority cases, staff implemented a number of processes by which this goal could be accomplished, which include the following:

- In June 2009, a case assignment “triage” system was implemented (which is now the operational standard for the Unit) to help with eliminating the backlog of cases;
- Rotating dedicated charging (in custody) teams were created for efficiency and accountability. In some instances, the case does not warrant a criminal investigation and is referred to the FVLC domestic violence advocates for other solutions.;
- DVU investigators prioritize their own individual caseload. Violent felony cases receive immediate follow up, whereas some misdemeanor incidents, such as vandalism and thefts, receive some delayed follow up due to lack of resources. It should be noted that 100% of cases are reviewed and receive some follow up, either through the DVU, FVLC advocates, or another Family Justice Center agency.

By August 2009, the backlog for DVU had been reduced from 2,500 unassigned cases to 300 cases. However, the DVU averaged over 2,000 open / active investigations at any given time even though the authorized staffing level remained constant at 10 investigators.

As of October 2009, the DVU receives approximately 600 DV related reports per month. The DVU completes/closes an average of 400-600 total cases per month; approximately 200 of which are non-criminal domestic disputes.

The Department has knowledge of eight DV related homicides this year, as compared to seven last year. Two of the incidents in 2009 homicides occurred over a two day period in October.

Item: \_\_\_\_\_  
Public Safety Committee  
December 1, 2009

The DVU must maintain its staffing to continue effective and efficient investigation of DV cases, and to reduce the backlog of older cases. Only through proper staffing of the DVU can OPD ensure that victims of domestic violence receive adequate services, which has been a significant challenge. The lack of proper staffing has historically led to a decline in case clearance and service to the public.

Efforts are currently underway between the OPD, the Alameda County District Attorney's Office and the City Attorney's Office to update and revise the Departmental policy on domestic violence, making Department policies more applicable, practical, and consistent with "industry standards."

In July 2009, the DVU conducted a domestic violence felony warrant sweep with the Police and Corrections Team. The purpose of the operation was to arrest violent offenders, and provide victims with the opportunity to escape from their batterers and obtain social services. Furthermore, many of the arrestees were repeat offenders and had multiple cases with investigators.

The Department has applied for and is awaiting notice on a federal grant to assist with DV cases involving children. Historically, children who have been exposed to domestic violence often become batterers or victims as adults.

## **PROGRAM DESCRIPTION**

The strategies outlined in this report are designed to reduce the backlog of DVU cases to a manageable level that is more in line with industry standards, while ensuring that complete, accurate, and victim-centered investigations are conducted. The strategic goal is to provide appropriate police services to victims, connect them to the appropriate service providers, and apprehend and prosecute offenders.

### ***Plan for Ongoing Operations and Maintenance***

The Department has already begun to implement some of the strategies outlined in this report; however, these new systems cannot be maintained without adequate staffing. Once the backlog has been reduced to a manageable level, it will be crucial to ensure staffing levels are not reduced.

## SUSTAINABLE OPPORTUNITIES

**Economic:** With the reduction of domestic violence cases, and the subsequent apprehension and prosecution of offenders, the physical atmosphere and the reputation of Oakland will improve, affording the City an opportunity for further financial growth.

**Environmental:** There are no environmental concerns associated with this report.

**Social Equity:** Fully addressing those incidences of domestic violence, and apprehending and prosecuting those who have offended will improve public safety and the welfare of our community, especially our children, thereby making the City safer.


## DISABILITY AND SENIOR ACCESS

There are no ADA or senior citizen access issues identified in this report.

## RECOMMENDATION / RATIONALE

Staff recommends acceptance of this report. The Department has experienced past successes in providing better police service to the community, and is confident that a manageable caseload for investigators can be achieved. However, this issue must remain a priority for the Department and the City.

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

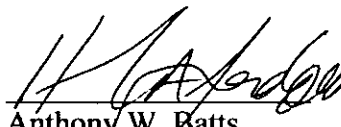


Office of the City Administrator

Attachments:

1. 2007/2008 Domestic Violence Statistics
2. Domestic Violence Forum Information

Respectfully submitted,

*FOR*   
Anthony W. Batts  
Chief of Police

Prepared by:  
Robert Chan  
Sergeant of Police  
Youth and Family Services Division

Reviewed by:  
Ms. Cynthia P. Perkins  
Legislative Analyst  
Oakland Police Department

Item: \_\_\_\_\_  
Public Safety Committee  
December 1, 2009



ARRESTEE STATS 2007

RACE	VIOLATION	F	M	U	Blank	Total
AMERICAN INDIAN	PC243 (E)(1)		1			1
ASIAN INDIAN	PC243 (E)(1)	2				2
	PC273.6(A)		2			2
BLACK	PC243 (E)	2	3			5
	PC243 (E)(1)	151	574			725
	PC273.6(A)	19	89			108
	PC273.6(B)		3			3
	PC273.6(D)		3			3
	PC273.65(A)	1	9			10
	PC646.9(A)	1	4			5
	PC653 M(A)	1	2			3
CAMBODIAN	PC243 (E)(1)		1			1
CHINESE	PC243 (E)(1)	1	7			8
FILIPINO	PC243 (E)(1)		5			5
	PC273.6(A)		1			1
	PC273.6(D)		1			1
HISPANIC	PC243 (E)	1	1			2
	PC243 (E)(1)	28	183			211
	PC273.6(A)	2	15			17
	PC273.6(B)		1			1
	PC273.6(D)		2			2
	PC273.65(A)		2			2
	PC646.9(A)		1			1
	PC653 M(A)		1			1
KOREAN	PC243 (E)(1)	1				1
LAOTIAN	PC243 (E)(1)		2			2
OTHER	PC243 (E)(1)	2	8			10
	PC273.6(A)		1			1
	PC273.6(A)		2			2
OTHER ASIAN	PC243 (E)(1)	6	26			32
	PC273.6(A)	1	1			2
	PC646.9(A)		1			1
	PC653 M(B)		1			1
PACIFIC ISLANDER	PC243 (E)(1)	1	1			2
UNKNOWN	PC243 (E)(1)			1		1
VIETNAMESE	PC243 (E)(1)	2	4			6
WHITE	PC273.6(A)		1			1
	PC243 (C)(1)	1				1
	PC243 (E)		1			1
	PC243 (E)(1)	24	58			82
	PC273.6(A)	3	13			16
	PC273.65(A)	1				1
TOTALS		251	1031	1		1283



ARRESTEE STATS 2008

RACE	VIOLATION	F	M	U	BLANK	Total
AMERICAN INDIAN	PC243 (E)(1)		1			1
	PC273.6(A)	1				1
BLACK	PC166 (C) (4)		1			1
	PC166 (C)(1)	2	6			8
	PC166(C)(4)		3			3
	PC243 (E)	4	2		1	7
	PC243 (E)(1)	152	645			797
	PC273.6(A)	21	104			125
	PC273.6(B)	1	3			4
	PC273.6(D)	1	13			14
	PC273.65(A)	1	3			4
	PC646.9(A)		4			4
	PC646.9(B)		1			1
PC653 M(A)		3			3	
CAMBODIAN	PC243 (E)(1)		1			1
	PC273.6(A)		1			1
CHINESE	PC243 (E)(1)		3			3
FILIPINO	PC243 (E)(1)	2	1			3
	PC273.6(A)		1			1
	PC273.6(D)		1			1
GUAMANIAN	PC243 (E)(1)	1				1
HISPANIC	PC166 (C) (4)		1			1
	PC166 (C)(1)		1			1
	PC243 (E)(1)	23	199	1		223
	PC273.6(A)	2	26			28
	PC273.6(D)		1			1
	PC273.65(A)		1			1
PC653 M(A)		1			1	
KOREAN	PC243 (E)(1)	1				1
LAOTIAN	PC243 (E)(1)		2			2
OTHER	PC243 (E)(1)	1	1			2
	PC243 (E)(1)	3	3			6
OTHER ASIAN	PC243 (E)(1)	4	14			18
	PC273.6(A)	1				1
	PC273.6(D)		1			1
PACIFIC ISLANDER	PC243 (E)(1)	1	2			3
SAMOAN	PC243 (E)(1)	2	3			5
VIETNAMESE	PC243 (E)(1)	4	5			9
WHITE	PC166 (C) (4)	1				1
	PC166 (C)(1)		1			1
	PC243 (E)(1)	26	51			77
	PC273.6(A)	2	7			9
	PC273.6(D)	1				1
PC273.65(A)		3			3	
Totals		258	1120	1	1	1380

OAKLAND POLICE DEPARTMENT Domestic Violence Stats 2007-2008

The following are included but are NOT penal codes specific to domestic violence related incidents; however, our Special Victims Unit advises that these types of incidents are virtually all DV related. This means that we cannot attest that each one of these is a DV incident.

- PC646.9(A) STALKING-FEL
- PC646.9(B) STALKING:TEMPORARY RESTRAINING ORDER/ETC
- PC653 M(A) ANNOYING TELEPHONE CALL:OBSCENE/THREATENING
- PC653 M(B) ANNOYING REPEATED PHONE CALLS:RESIDENCE

**CALLS FOR SERVICE 2007**

VIOLATION	DESCRIPTION	COUNT
166	CONTEMPT OF COURT ORDER: VIOLATE PROTECTIVE ORDER	10
243_4	SEXUAL BATTERY	44
243E	BATTERY ON CO-HABITANT	3956
273_5	INFLECT INJURY ON SPOUSE	135
273_6	VIOLATION OF COURT ODER TO PREVENT DOMESTIC VIOLENCE	1273
646_9	STALKING	161
653M	ANNOYING TELEPHONE CALL: OBSCENE/THREATENING	58
Total		5637

**CALLS FOR SERVICE 2008**

VIOLATION	DESCRIPTION	COUNT
166	CONTEMPT OF COURT ORDER: VIOLATE PROTECTIVE ORDER	6
243_4	SEXUAL BATTERY	41
243E	BATTERY ON CO-HABITANT	3803
273_5	INFLECT INJURY ON SPOUSE	141
273_6	VIOLATION OF COURT ODER TO PREVENT DOMESTIC VIOLENCE	1172
646_9	STALKING	121
653M	ANNOYING TELEPHONE CALL: OBSCENE/THREATENING	106
Total		5390



OAKLAND POLICE DEPARTMENT Domestic Violence Stats 2007-2008

**REPORTED CRIMES 2007**

VIOLATION	DESCRIPTION	COUNT
PC166 (C) (4)	VIOLATE PROTECTIVE ORDER:DOMESTIC VIOLENCE:W/PRIOR	1
PC166 (C)(1)	CONTEMPT OF COURT:VIOLATE PROTECTIVE ORDER/ETC	21
PC243 (D)	BATTERY W/SERIOUS BODILY INJURY	200
PC243 (E)	BATTERY:SPOUSE/ETC	30
PC243 (E)(1)	BATTERY:SPOUSE/EX SPOUSE/DATE/ETC	2795
PC273.5	INFLICT CRPL INJ SP/COHAB	138
PC273.5(A)	INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT	382
PC273.5(E)	INF CRPL INJ:SPS/ETC W/PR	3
PC273.55	INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT:W/SPEC PRIOR	7
PC273.6(A)	VIOLATE COURT ORDER TO PREVENT DOMESTIC VIOLENCE	686
PC273.6(B)	VIOL COURT ORDER TO PREVENT DOMESTIC VIOL W/PHYSICAL INJ	29
PC273.6(C)	VIOLATE COURT ORDER TO PREVENT DOMESTIC VIOL W/PR (AMENDED)	6
PC273.6(D)	VIO CRT ORD DOM VIO W/PR	17
	VIOLATE COURT ORDER TO PREVENT DOMESTIC VIOLENCE W/PR	21
PC273.65(A)	VOL PROTECTIVE ORDER:MNR	63
PC422	CRIMINAL THREATS THREATED CRIME W/INTENT TO TERRORIZE	676
PC646.9(A)	STALKING-FEL	23
	STALKING-MISD	37
PC653 M(A)	ANNOYING TELEPHONE CALL:OBSCENE/THREATENING	305
PC653 M(C)(2)	ANNOYING SPOUSE/ETC AT WORK WITH TEN OR MORE TELEPHONE CALL	3
SC646.9	SC STALKING	2
Total		5445

**REPORTED CRIMES 2008**

VIOLATION	DESCRIPTION	COUNT
PC166 (C) (4)	VIOLATE PROTECTIVE ORDER:DOMESTIC VIOLENCE:W/PRIOR	3
PC166 (C)(1)	CONTEMPT OF COURT:VIOLATE PROTECTIVE ORDER/ETC	37
PC166(C)(4)	VIO PROT ORDER:DOMES:W/PR	3
PC243 (D)	BATTERY W/SERIOUS BODILY INJURY	218
PC243 (E)	BATTERY:SPOUSE/ETC	32
PC243 (E)(1)	BATTERY:SPOUSE/EX SPOUSE/DATE/ETC	2814
PC273.5	INFLICT CRPL INJ SP/COHAB	111
PC273.5(A)	INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT	438
PC273.5(E)	INF CRPL INJ:SPS/ETC W/PR	1
PC273.55	INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT:W/SPEC PRIOR	4
PC273.6(A)	VIOLATE COURT ORDER TO PREVENT DOMESTIC VIOLENCE	698
PC273.6(B)	VIOL COURT ORDER TO PREVENT DOMESTIC VIOL W/PHYSICAL INJ	26
PC273.6(C)	VIOLATE COURT ORDER TO PREVENT DOMESTIC VIOL W/PR (AMENDED)	1
PC273.6(D)	VIO CRT ORD DOM VIO W/PR	15
	VIOLATE COURT ORDER TO PREVENT DOMESTIC VIOLENCE W/PR	44
PC273.65(A)	VOL PROTECTIVE ORDER:MNR	32
PC422	CRIMINAL THREATS THREATED CRIME W/INTENT TO TERRORIZE	978
PC646.9(A)	STALKING-FEL	10
	STALKING-MISD	20
PC646.9(B)	STALKING:TEMPORARY RESTRAINING ORDER/ETC	8
PC653 M(A)	ANNOYING TELEPHONE CALL:OBSCENE/THREATENING	310
PC653 M(C)(2)	ANNOYING SPOUSE/ETC AT WORK WITH TEN OR MORE TELEPHONE CALL	6
SC646.9	SC STALKING	2
Total		5811

**ARREST NUMBERS 2007**

VIOLATION	DESCRIPTION	COUNT
PC166 (C)(1)	CONTEMPT OF COURT:VIOLATE PROTECTIVE ORDER/ETC	2
PC243 (E)	BATTERY:SPOUSE/ETC	9
PC243 (E)(1)	BATTERY:SPOUSE/EX SPOUSE/DATE/ETC	1094
PC273.6(A)	VIOLATE COURT ORDER TO PREVENT DOMESTIC VIOLENCE	150
PC273.6(B)	VIOL COURT ORDER TO PREVENT DOMESTIC VIOL W/PHYSICAL INJ	4
PC273.6(D)	VIO CRT ORD DOM VIO W/PR	4
	VIOLATE COURT ORDER TO PREVENT DOMESTIC VIOLENCE W/PR	2
PC273.65(A)	VOL PROTECTIVE ORDER:MNR	13
PC646.9(A)	STALKING-FEL	5
	STALKING-MISD	2
PC653 M(A)	ANNOYING TELEPHONE CALL:OBSCENE/THREATENING	4
Total		1289

**ARREST NUMBERS 2008**

VIOLATION	DESCRIPTION	COUNT
PC166 (C) (4)	VIOLATE PROTECTIVE ORDER:DOMESTIC VIOLENCE:W/PRIOR	3
PC166 (C)(1)	CONTEMPT OF COURT:VIOLATE PROTECTIVE ORDER/ETC	10
PC166(C)(4)	VIO PROT ORDER:DOMES:W/PR	3
PC243 (E)	BATTERY:SPOUSE/ETC	9
PC243 (E)(1)	BATTERY:SPOUSE/EX SPOUSE/DATE/ETC	1153
PC273.6(A)	VIOLATE COURT ORDER TO PREVENT DOMESTIC VIOLENCE	166
PC273.6(B)	VIOL COURT ORDER TO PREVENT DOMESTIC VIOL W/PHYSICAL INJ	4
PC273.6(D)	VIO CRT ORD DOM VIO W/PR	2
	VIOLATE COURT ORDER TO PREVENT DOMESTIC VIOLENCE W/PR	16
PC273.65(A)	VOL PROTECTIVE ORDER:MNR	9
PC646.9(A)	STALKING-FEL	2
	STALKING-MISD	2
PC646.9(B)	STALKING:TEMPORARY RESTRAINING ORDER/ETC	1
PC653 M(B)	ANNOYING REPEATED PHONE CALLS:RESIDENCE	1
Total		1381

# Outcomes to Date

Dramatic reduction in DV homicides (from 31 in 2001 to 7 in 2007) due to improved interagency collaboration.

Provided over 25,000 coordinated clients services since opening.

20% reduction in DV case dismissals

Less recantation & more victim support

Improved provider/front liner morale

Close to \$1mil savings to County

# Economic Crisis Impact on Domestic Violence

## The Trends We Are Seeing

- Increase in severity of violence
- Economic stress forces more victims to stay
- Increase in cases involving drugs and alcohol
- Common thread in many cases...someone gets laid-off and violence escalates.