

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 MAR 27 PM 5:40

To: Office of the City Administrator
Attn: Deborah Edgerly
From: Police Department
Date: April 8, 2008

Re: An Informational Report From The Chief Of Police Updating the Status of Investigators Assigned to the Criminal Investigation Division, Outlining The Department's Plan To Fully Staff Each Patrol Beat Throughout The City, Publish A Weekly Report Of Patrol Staffing Levels On The City's Website, And Disseminate Said Information To The Council Offices And PSA Yahoo Groups

SUMMARY

As requested by the Rules and Legislation Committee on February 28, 2008, this informational report outlines the Police Department's current patrol deployment strategy, and plans to improve patrol staffing assignments. Additionally, the Department's plan to disseminate patrol staffing information through the City's website, City Council Offices, and PSA Yahoo Groups is contained in this report.

FISCAL IMPACT

The Department does not have sufficient staffing to fill all patrol beats on every shift and still accomplish other required functions. The Department uses a system of voluntary overtime to fill patrol assignments. Prior to the reorganization of the patrol function (January 12, 2008), the cost of overtime to backfill vacancies in patrol averaged approximately \$72,256 a week. Since the reorganization, overtime used to backfill for assignments (Department-wide) has dropped 8%¹. The majority of this reduction is due to the more efficient patrol staffing model and the elimination of mandatory overtime. An increase in staff (who perform patrol duties) above 281 officers will result in overtime cost savings.

BACKGROUND

The Department performs a variety of law enforcement functions within the City of Oakland. One of the most basic and fundamental responsibilities is the staffing of patrol officers; these officers perform general police duties most of which result from calls for service. In October

¹ The reorganization resulted in new organization codes being assigned to the divisions in the Bureau of Field Operations. These new codes are based on the area command structure and do not allow the differentiation between backfill overtime for patrol assignments versus backfill overtime in other assignments.

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2007, officers assigned to patrol duties were also given the responsibility of engaging in patrol-based problem solving projects. This new requirement has been tied to their annual evaluations and pay step increases.

Prior to January 12, 2008, patrol officers were assigned to three shifts or "watches," and worked four, 10 hour days per week. As the result of a much publicized and widely reported arbitrator's decision, the Department reorganized its patrol function and 10-hour shift structure. The new structure was designed to increase accountability by organizing the patrol function within a system of "geographic command." The system deploys patrol officers to one of three areas of the City; each area under the command of a Captain of Police.

KEY ISSUES AND IMPACTS

Current Patrol Staffing Strategy

Under this new command system, the Department continues to use the 35-beat system to assign officers. Absent other more critical assignments, area commanders are instructed to make every effort to assign a patrol officer to the beats. Commanders typically assign officers from the core shifts of 5:00 AM, 11:00 AM; 5:00 PM, and 11:00 PM to the beats. Vacancies are filled by officers assigned to the "power shifts" that start at 8:00 AM; 1:00 PM; and 3:00 PM. "Extra" officers are deployed in a variety of ways including, but not limited to:

- Supplemental beat officers assigned to high stressor beats;
- Area-wide supplemental or tactical officers; and
- Special assignments such as robbery suppression or targeted "Sideshow" enforcement.

The process by which officers are assigned to teams within an area is governed by the Negotiated Settlement Agreement (NSA). The NSA mandates that (absent special consideration and specific command approval) the Department maintain a span of control ratio not greater than 1:8. This too has an impact on the assignment of officers by requiring that officers be spread out throughout the day in order to ensure adequate supervision. For example, it may be more efficient to assign 10 officers to one of the core shifts, and 6 officers to a power squad; however, span of control requirement directs that officers be dispersed evenly at 8 per team.

The Bureau of Field Operations does not have enough officers assigned to fill all of the beats all of the time. As noted above, there are times when a beat may have three officers assigned and times when a beat may have zero officers assigned. Area commanders make assignment decisions based on workload, stressors (i.e., calls for service, crime, specific problems), and the availability of personnel.

Under the new shift schedule the patrol staffing is increased to match workload. Staffing is conversely reduced at times of the day when work is lightest. This allows the Department to

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more effectively respond to problems that occur in the late afternoon and evening. Vacancies are intentionally situated at times when call volume is the lowest (early morning). Under this deployment model, there are times when beats are left without an assigned officer. Since the reorganization, the average number of beats left "open" for a period of five or more hours in a week is 18.

Patrol Staffing Challenges

The Department endeavors to assign a patrol officer to each of the 35 beats all the time; however, competing priorities and opportunities impact this effort. These competing interests include, but are not limited to, the following factors:

- The assignment of personnel to compliance duties related to the NSA and internal affairs investigations;
- Measure Y funded Problem Solving Officer positions;
- Other funded positions including the Oakland Redevelopment Agency (ORA) Neighborhood Enhancement Team;
- Vital and necessary specialized assignments such as Crime Reductions Teams, the Gang Unit, Traffic Enforcement Units, the Police and Corrections Team²;
- Positions in the Bureau of Investigations such as the Special Victims Unit;
- Tasks related to the recruiting, hiring, and training of new personnel; and
- Mandated training opportunities to comply with federal, state, Departmental, and NSA generated requirements.

It should be noted that like the patrol function, most specialized assignments are not staffed to authorized strength.

Officer Leave Options

Beat vacancy rates are also impacted by the various forms of leaves allowed to officers, which includes: vacation, compensatory time, training, pregnancy, illness, and injury. Much has been made of a reported 39% vacancy rate that was used in the *Etico Solutions* report on patrol staffing and the subsequent arbitrator's decision on the implementation of 12-hour shifts. However, a critical evaluation of the method used to calculate this rate yields that it actually presented a worse case scenario. For example the vacancy rate based on vacation was set at an average of four weeks (entitlement to four weeks of vacation requires 20 years of service). The average patrol officer has five years of service, entitling them to only three weeks vacation.

² Over the past three years, the shifts of specialized assignments in BFO have been modified to improve staffing at nights and on weekends to better respond to emerging crime trends and citywide problems.

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The report also factored a *daily* absentee rate of 23 (due to injury) and a *total* average of people off injured of 40. There are a total of 20 patrol officers off work due to an injury. Given the structure of the 12-hour shift schedule, the average would be 10 per day, or less than half of the figure used in the calculation. The patrol staffing level for the calculation was set at 256. The actual current staffing of the patrol function is 269 plus 24 officers in the Field Training Program, or 293. The rate was based on a less efficient 4-10 schedule and allowed for a higher rate of compensatory time use than is currently allowed.

While it is too early to have conclusive results, it is noted that sick leave has improved since the reorganization. An analysis of the sick leave use by patrol officers, before and after the reorganization, shows that officers used 237 hours less sick leave in the first 6 weeks. This time period included two weeks where a serious influenza outbreak struck the workforce. The current absentee rate is just under 19%. The patrol absenteeism rate is considered within the "normal range" for police agencies³.

Criminal Investigation Division (CID)

CID serves as the formal investigative division of the Department and is divided into four separate sections. Each section is commanded by a lieutenant and is comprised of investigators and support staff. Each section is assigned specific tasks/responsibilities that contribute to the overall mission of the Oakland Police Department, which includes homicide, robbery, assault, and theft. Due to staffing shortages, one lieutenant currently commands both the Robbery and Assault Sections.

CID personnel investigate criminal cases that are referred by the Patrol Division, answer citizen complaints, and respond to crime scenes.

The primary duties of an investigator include:

- Identification and apprehension of offenders;
- Recovery of property;
- Preparation of cases for court prosecutions; and
- Presentation of evidence in court cases.

Cases are assigned to investigators for follow-up after being reviewed for solvability factors, and based on the type of crime. Members of the Division conduct interviews and lawful searches during an investigation to gather information or evidence that is useful in reconstructing the occurrence or circumstances of an illegal act.

The following Units assist and support CID with its investigative efforts:

1. Targeted Enforcement Task Force;

³ Pg 14, Staffing Study Results for the Bureau of Field Operations, Oakland Police Department, *Etico Solutions Inc.*, Spring 2007

2. Arson;
3. Field Support Unit;
 - a. Fugitive Detail,
 - b. Vice,
 - c. Weapons,
 - d. Alameda County Narcotics Task Force (ACNTF), and
 - e. FBI Task Force.

Additionally, retired officers (annuitants) assist in investigations in CID. The Department also works with the following law enforcement agencies to investigate specific crimes in the City of Oakland.

1. Secret Service;
2. Federal Bureau of Investigations (FBI);
3. Drug Enforcement Agency (DEA);
4. Alameda County Narcotics Task Force (ACNTF);
5. California State Department of Justice; and
6. Alameda County District Attorney's Office.

The Department is implementing a program where Problem Solving Officers (PSO) will receive the necessary training to investigate misdemeanor crimes under the auspices of CID. This will allow the PSOs to investigate the misdemeanor crimes in his/her area of assignment, from identification of suspects to prosecutions. If successful, this will allow CID to focus more on violent crimes and crime trends. Additionally, this will ensure that future investigators assigned to CID have already received some basic investigative training.

CID Staffing

Recently, six investigators were assigned to CID to bolster its overall staffing. The assignments are as follows:

- One investigator to the Robbery Section;
- One investigator to the Assault Section; and
- One investigator to the Theft Section.

The other three investigators will be assigned to CID on May 3, 2008, to coincide with the release of the recently graduated officers from the Field Training Program.

The pending assignments are as follows:

- Two investigators to the Theft Section; and
- One investigator to the Domestic Violence Unit.

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Currently, there are 40 primary investigators assigned to CID to investigate the vast amount of criminal cases.

CID STAFFING 2008			
SECTION	CURRENT	AUTHORIZED	VACANCIES
Homicide	10	11	-1
Assault	9	12	-3
Robbery	10	12	-2
Theft	11	13	-2
TOTAL	40	48	-8

CID's limited staffing hampers the Department's ability to effectively investigate crimes in the City of Oakland. For example, during 2007, there were only 11 investigators available to investigate a total of 127 homicides:

Police Department	Number of Homicides	Total Investigators
Oakland	127	11
San Jose	36	12
San Diego	58	16
San Francisco	98	19
Fresno	52	12

Additionally, during 2007, there were only 11 theft investigators available to investigate 3,641 cases that were actually assigned based on readily apparent solvability factors.

Reports received	Cases assigned to Investigators	# Charged by DA
28,621	3,641	2,765

During 2007, staffing limitations impacted the Department's ability to conduct follow-up investigations. Staffing levels decreased to the point where, with the exception of homicide cases, only in-custody cases are presented to the District Attorney's Office for review, along with a limited number of out-of-custody cases (cold cases) assigned for follow-up. These cold cases are screened for investigative leads which would provide a follow-up investigator a high probability to solve the case. Additionally, cases are assigned if they are identified as a trend, series, or are egregious in nature.

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PROGRAM DESCRIPTION

Using a 20% absenteeism rate, a fully staffed patrol function that allowed officers no free time outside of responding to calls for service would have 281 officers assigned. A deployment model that allowed officers 10 minutes of unoccupied time every hour would have 341 officers assigned based on the current 3/12 staffing model (Attachment A). The Department would like to attain patrol staffing within the 281-341 range by the start of July 2009. Below is the patrol deployment schedule as of March 4, 2008*.

Area One

Line Up Time	Squad A	Blocked ⁴	Open ⁵	Squad B	Blocked	Open
500	7	0	1	7	0	0
800	8	2	0	8	1	0
1100	8	0	1	8	0	1
1300	6	1	1	6	1	1
1500	8	2	2	8	2	0
1700	8	1	1	8	2	1
2300	8	0	0	8	0	0
	53	6	6	53	6	3

Area Two

Line Up time	Squad A	Blocked	Open	Squad B	Blocked	Open
500	7	1	0	7	1	0
800	6	1	0	6	2	0
1100	7	1	1	6	0	0
1300	5	0	0	5	0	0
1500	5	0	0	5	0	1
1700	8	1	1	8	2	1
2300	6	0	0	6	0	0
	44	4	2	43	5	2

⁴ Blocked: An open position patrol officers were not allowed to select during the annual patrol draw.

⁵ Open: An open position that was not filled due to short staffing.

Area Three

Line Up Time	Squad A	Blocked	Open	Squad B	Blocked	Open
500	8	0	1	8	0	0
800	7	2	0	8	2	0
1100	6	0	0	5	0	0
1300	8	1	0	8	2	0
1500	7	1	0	7	2	0
1700	8	2	0	8	1	0
2300	8	0	0	8	0	0
	52	6	1	52	7	0

Area One Totals

A Squad	53	Total A1	106
B Squad	53		
Open	9		
Blocked	12		

Area Two Totals

A Squad	44	Total A2	87
B Squad	43		
Open	4		
Blocked	9		

Area Three Totals

A Squad	52	Total A3	104
B Squad	52		
Open	1		
Blocked	13		

Total Patrol Deployment as Configured	297
Blocked Beats	34
Open Beats	14
Total Patrol Deployment as of March 4, 2008	249

*Does not include injuries, desk officers, sworn technicians, or K-9 units.

If the Department is successful in recruiting and hiring enough officers to reach its authorized strength, the patrol function will be fully staffed with 63 additional trained officers at the start of July 2009. Until that time, the Department will continue to assign officers to patrol duties as they complete the Field Training Program.

The redeployment of officers assigned to most of the specialized units in BFO to patrol duties will start in November 2008. This strategy will provide the Department with the necessary capacity to train the large numbers of new officers being brought in as a result of the accelerated recruiting and hiring initiative.

Weekly Report of Patrol Staffing

The Department is capable of forwarding weekly informational, patrol staffing reports to the City's webmaster, City Council, and PSA Yahoo News groups on a weekly basis, in aggregate form, two weeks after the deployment; however, given the shortage of non-sworn office staff, the report will require the use of dedicated sworn staff time on an overtime basis. The Department does not believe that the current situation requires the use of staff time for this purpose and recommends that information on patrol staffing be included in the monthly Measure Y staffing or monthly crime stats reports already provided to the City Council's Public Safety Committee.

SUSTAINABLE OPPORTUNITIES

Economic: A fully staffed patrol function can result in improved crime prevention and response to calls for service. This can result in less loss due to theft, a reduction in the perception of crime, and an overall improvement in the economic climate of the City.

Environmental: Improved patrol staffing would allow officers more unoccupied time to engage in problem solving and enforcement activity related to environmental issues such as littering, illegal dumping, and traffic enforcement related to noise and pollution.

Social Equity: Improved patrol staffing could allow for the more equitable deployment of officers to areas of the city that may be deprived of services.

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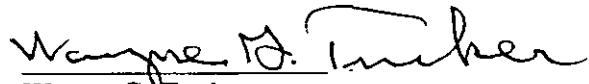
DISABILITY AND SENIOR CITIZEN ACCESS

There are no ADA issues associated with this report.


RECOMMENDATION / ACTION REQUESTED OF THE COUNCIL

Staff recommends acceptance of this informational report, and requests no action of the Council.

Respectfully submitted,


Wayne G. Tucker
Chief of Police

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

Prepared by:
David Kozicki
Deputy Chief of Police

And

Steven Tull
Captain of Police
Criminal Investigation Division

Attachment: Free Time Ratios

ATTACHMENT A

Minutes of free time	Officers/Day on a 4/10	4/10-Staffing 20% Absenteeism	Officer/Day on a 3/12
0	124	295	117
1	126	300	119
2	128	306	121
3	130	311	123
4	133	316	126
5	135	322	128
6	138	328	131
7	140	334	133
8	143	341	136
9	146	348	139
10	149	354	142
11	152	362	145
12	155	369	148
13	158	377	151
14	162	385	155
15	165	393	158
16	169	403	162
17	173	412	166
18	177	422	170
19	181	432	174
20	186	443	179
21	191	454	184
22	196	466	189
23	201	479	194
24	206	492	199
25	212	506	205
26	219	521	212
27	225	537	218
28	232	554	225
29	240	572	233
30	248	591	241

12 Staffing 20% Absenteeism	12 Staffing 25% Absenteeism	12 Staffing 30% Absenteeism	12 Staffing 35% Absenteeism	12 Staffing 39% Absenteeism
281	293	304	316	325
286	298	309	321	331
290	303	315	327	336
295	308	320	332	342
302	315	328	340	350
307	320	333	346	356
314	328	341	354	364
319	333	346	359	370
326	340	354	367	378
334	348	361	375	386
341	355	369	383	395
348	363	377	392	403
355	370	385	400	411
362	378	393	408	420
372	388	403	419	431
379	395	411	427	439
389	405	421	437	450
398	415	432	448	461
408	425	442	459	473
418	435	452	470	484
430	448	465	483	498
442	460	478	497	512
454	473	491	510	525
466	485	504	524	539
478	498	517	537	553
492	513	533	554	570
509	530	551	572	589
523	545	567	589	606
540	563	585	608	626
559	583	606	629	648
578	603	627	651	670