

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

To: Office of the City Administrator  
Attn: Deborah Edgerly  
From: Police Department  
Date: May 13, 2008

2008 MAY -1 PM 2:46

**Re: An Informational Report on the Number of Investigators Assigned to OPD's Special Victims Unit (SVU), the Number of Cases Assigned to Each Investigator, Including Historical Information Regarding OPD's Previous Staffing Levels, the Adverse Affect this Shortage has on Community Policing, Police Officers, and the Community; and OPD's Plans to Increase the Number of SVU Investigators**

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### SUMMARY

Staff has prepared an informational report detailing the Police Department's Special Victims Unit's (SVU), historical and current staffing levels, as well as the SVU 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 the backlog of child abuse and sexual assault investigations assigned to the SVU, and establish a system to maintain manageable caseload levels.

### FISCAL IMPACT

This is an informational report.

Since January 2008, the Department has expended approximately \$41,000 on sworn overtime to address the backlog of cases. It is estimated that, at this rate, the Department will spend upwards of \$165,000 for calendar year 2008 to continue this effort to reduce the backlog.

### BACKGROUND

#### *Organization*

The Special Victim's Unit is part of the Youth and Family Services Division and is responsible for the investigation of child physical and sexual abuse, and adult sexual assault cases. The SVU also oversees the Registered Sex Offenders Enforcement Team. Other sections in the Youth and Family Division are the Missing Persons Unit, the Vice & Child Exploitation Unit, and the Domestic Violence Unit; these units work closely as the nature of their cases often overlap.

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### ***Historical Background***

In 1996, the Department had a substantial backlog of approximately 2,200 child abuse cases. This backlog was created from a combination of the numbers of reports generated by OPD as well as mandated reports received from the State, as outlined in California Penal Code Section 11166.<sup>1</sup>

A system was put into place to eliminate this backlog of cases, which (by 2002) became the operational standard for the newly formed Special Victims Unit. It is important to note that 100% of all child abuse cases were reviewed and received some level of follow-up investigation.

By January 2006, the caseload for the Special Victim's Unit had again risen to near 2,000 open / active investigations (even though the authorized staffing level remained constant at 10 investigators).

Since January 2006, the SVU's caseload continued to increase, while staffing has decreased from 10 investigators to 4 to 6 at any one time. As of April 4, 2008, there are five assigned investigators working SVU related cases on a full-time basis.

At present, there are 3,295 cases open and/or pending SVU investigation. A break down is as follows:

*Adult Sexual Assaults – 593 or 18% of the total SVU caseload*  
*Child Sexual Assaults – 1,186 or 36% of the total SVU caseload*  
*Child Physical Abuse – 1,384 or 42% of the total SVU caseload*  
*DNA Cold Cases & Registered Sex Offender Cases – 132 or 4% of the total SVU caseload*

On average (if every case was assigned to an investigator) each SVU investigator would be responsible for approximately 659 investigations.

The above mentioned numbers include 1,009 mandatory reports (11166 PC) which, in the majority of instances, have not been assigned for investigation. Additionally, in most of these cases, preliminary investigations have yet to be conducted, which compounds the problem.

As a result, the Department has been unable to consistently provide adequate service to victims (mostly women and children) of sexual assault / abuse. In some cases victims are not

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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.

contacted or re-contacted by investigators for several months; in an isolated case, 18 months passed before contact was made with a victim.

## KEY ISSUES AND IMPACTS

### *Past Strategies and Efforts*

Over the past 12 years, the Police Department has implemented the following strategies / actions in response to the sexual assault / child abuse investigative backlogs:

- 1997-1999 Sought and obtained approval to use dedicated funds to pay investigators overtime to work after normal hours on child abuse/sexual assault cases;
- Established a screening and prioritization protocol which better evaluated cases to ensure the most appropriate level of investigation was conducted based upon the seriousness of the incident. This system included an “in-house” database that was managed by the unit supervisor;
- Enhanced relations with Alameda County Child Protective Services to improve joint investigations that would expedite the closure of child abuse cases;
- 1997 – 2002 The Department created and implemented its own state approved and POST certified Child Abuse/Sexual Assault Course<sup>2</sup> for investigators. This helped to expedite the training of investigative staff, and greatly enhanced their overall effectiveness and ability to complete special victim investigations in a timelier manner;
- 1997-2003 Established a Sexual Assault Case Tracking System (SMATS). From 1997 until 2003 nearly 16,000 case entries were made into this database. This database assisted supervisors in managing case work, while providing investigators with the ability to identify trends and/or patterns of criminal activity. As a result of the system not being maintained properly, it became nonfunctional;
- 1998 Established a two-person Child Exploitation Unit to address the more sophisticated and complex issue of child sexual exploitation which includes child pornography, child sex rings, internet crimes against children, and child prostitution. This unit provided assistance and relief to the Child Abuse Unit.

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<sup>2</sup> Per California State Penal Code Section 13516, investigators tasked to investigate sexual assault cases must, within 6-months of assignment, attend a POST Certified Sexual Assault Course. From 1997 until 2003, the SVU presented 5-such courses

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OPD was the first Alameda County law enforcement agency to form such a unit. Currently there are still two officers assigned to this unit;

2000 Expanded the Child Abuse Unit's duties to include the investigation of all sexual assaults (child and adult), consequently creating the Special Victims Unit. This afforded the Department the opportunity to be consistent in its sexual assault investigative efforts, while simultaneously streamlining its investigative efforts to a more effective process; Victims were no longer transferred around the Department in order to connect with an investigator. In addition, the formation of the SVU enhanced the Department's overall investigative base which produced a better case for the District Attorney's Office to review;

2001-2002 Established a Sex Registrant Enforcement Unit consisting of two officers whose duties included, but were not limited to, conducting registrant compliance checks on those individuals listed / mandated by state law to register. These officers also provided SVU investigators with crucial information on sex registrants living in the City. As a result, pools of potential suspects were identified which in some cases, lead to the arrest of a responsible offender;

May 2002 As a result of past strategies, the average open and active caseload for a SVU investigator was about 40-80 cases. While not an ideal caseload by industry standards<sup>3</sup> a far more manageable one than had been experienced just four to six years earlier;

2002-2006 An increase in cases compounded by a turn-over of personnel caused the SVU caseload to rise to an unmanageable level. With the demise of the original SMATS database, supervisors were unable to adequately track and supervise investigator caseloads. Further, the Child Exploitation Unit and the Registered Sex Offender Enforcement Team were both disbanded due to a reduction in staffing levels throughout the Department during this period; as a result, the gains from these investigative units were lost and the tracking of registered sex offenders and the prosecution of child predators (pimps) was brought to a near standstill. The crimes continued and the cases backed up;

Additionally, biological samples (DNA) from past sexual assaults were being returned to the SVU with "hits" on possible offenders. This meant that old cases had to be re-activated for further investigation, adding to the existing caseload

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<sup>3</sup> In a recent audit of CALEA Accredited Law Enforcement Agencies, only two organizations returned our calls/letters: Fresno and the Alameda County Sheriff's Office. Both stated that their SVU investigators average 10-15 cases per month

with no additional staff. In one case, an offender, who's DNA had been identified in an early 2004 case involving the sexual assault of a child, sexually assaulted a second child later in 2004, before it was determined that the two cases were linked.

### *Strategies and Efforts Since 2006*

As previously stated, the staffing for the SVU was 10 authorized/filled positions in 2006. As of the date of this report, only five of these positions are fully staffed. In an attempt to address the growing workload with a decreasing staff OPD has enacted the following strategies and efforts:

- An experienced sexual assault investigator is assigned as the new SVU supervisor and has used his experience and knowledge to assist investigators in better evaluating their cases. They are able to conduct more efficient investigations which has resulted in more arrests and prosecutions than in previous years.
- A DNA Tracking System has been established to monitor all DNA related SVU cases so that a repeat of the 2004 DNA incident does not occur. The Child Exploitation Unit has been re-instituted and staffed with (2) experienced investigators who previously worked in this assignment. This unit now handles all child sexual exploitation matters, which affords the SVU investigators more time to work their child abuse/adult sex crime cases.
- The Registered Sex Offenders Enforcement Team has been reorganized; these officers also handle child abuse/sexual assault cases. This team has tracked down and conducted numerous compliance checks in those areas in the City where the SVU has focused as being connected to possible "serial rape" cases. Leads are currently being pursued as a result.
- Eight annuitants (retired police officers) have been assigned to the SVU to assist with case reduction efforts; unfortunately, only one has prior investigative experience and can legally handle these cases, however the other annuitants perform important administrative duties which support the efforts of the investigative staff.
- In November of 2007, the SVU presented its own state approved and POST certified Child Abuse/Sexual Assault Course for investigators for the first time since 2002. The course expanded the knowledge base of existing investigators and qualified other OPD staff to join the SVU in the future.
- In working toward Commission on Accreditation for Law Enforcement Agencies (CALEA) Accreditation, the Department has begun to update training and assignment protocols which include the prioritization and evaluation of cases before they are assigned. Additionally, a new investigator worksheet was developed and is being used to prioritize cases as well as ensure proper investigations are conducted.

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- A new and improved sexual assault tracking system (database) has been designed and is currently being populated with all existing investigations. The system, which will assist in tying together sexual assault cases, has a two-fold purpose: 1) will assist in connecting cases with suspects so that that arrests can be made more quickly, and 2) will reduce the duplication of investigative efforts, saving the SVU time and resources. This system is on a Department server and backed up on a separate hard-drive for security and historical purposes.
- Funds from the Human Trafficking grant are being used to conduct weekly enforcement operations that assist investigators in solving open cases (mostly cases involving individuals who participate in high risk behaviors, e.g., prostitution).
- The Department has applied for and is awaiting notice on a federal grant to assist with processing sex offenders. This funding will further the effectiveness of the Registered Sex Offender Enforcement Team which provides vital information to SVU investigators. Staff is currently developing an aggressive compliance enforcement strategy, for which these funds will be used, to bring all registered sex offenders into full compliance.
- In January of 2008 it was determined that the SVU would *not* replace the OPD officer slated for the Alameda County Sexual Assault Felony Enforcement Task Force (SAFE) – instead, this officer would remain in the SVU to handle Oakland child abuse and sexual assault investigations.
- As part of the Department’s effort to reduce the backlog of sexual assault cases, Bay Area Women Against Rape (BAWAR) has agreed to aid investigators in re-contacting those victims who have not had investigative contacts for an extended period of time. This frees investigators from this task while ensuring that the victim is provided an advocate who can connect them to the appropriate service providers.

***Suggestions to Increase Investigators Assigned to the SVU***

In researching various options to increase the staffing of the SVU, the following options are being considered by OPD’s executive management team:

- Temporarily redeploy three Campus Life And School Security (CLASS) officers to the SVU effective the next watch change.
- Temporarily redeploy four CLASS officers during the summer months to SVU.
- Have “Measure Y” officers take over the duties and assignments of the CLASS officers. This would entail school security related duties falling under the scope and responsibility of problem solving officers.

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The chart below illustrates past SVU staffing levels, the current SVU staffing level, and the proposed SVU staffing level, along with the tasked caseload assignments by investigators:

	Authorized Investigative Positions	Filled Investigative Positions	Average Case Load per Investigator	Information
2006	10	10	216-432	During 2006, 1000 plus additional cases left by previous investigators had to be assigned
2007	10	6	281	2007 vacancies not filled
2008 Year to Date	10	5	658*	*This number represents all of the 11166 PC reports being assigned – along with the backlog of 2003-2007 cases
2008 Projected to May 2008	10	8	411	with the 3-CLASS Officers (pending transfer)
Ideal situation based upon industry standards	12	12	25+ cases	This is based upon 3,295 yearly cases – by 12 months – by 25 cases.

With the proposed increase in investigators it will be critical to also increase the supervisory position from one, to two SVU sergeants. This will ensure investigative performance is consistently monitored. These sergeants would also be available to conduct case investigations, making them stakeholders in this issue.

SVU staffing must be increased (and retained) if staff is to make progress in reducing the backlog of cases in the Unit. As previously stated, the industry standard for SVU related caseloads is about 10 to 15 per investigator. Knowing that the industry standard is not an achievable goal for the Oakland Police Department, staff believes a caseload of approximately 25 cases per investigator would make a significant difference in the rate at which these cases are closed.

***Domestic Violence Unit***

While efforts have been made to address the backlog of SVU positions, and elsewhere in the Division five (5) officers and one (1) sergeant were assigned to staff the newly re-opened Intake Desk, the Domestic Violence Unit (DVU) has been negatively impacted.

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In 2006, the DVU's six investigators reduced its backlog of cases (2,216) to approximately 300 cases. At present, there are only four full time DVU investigators and the Unit's caseload has reached nearly 4,000 cases. Adequate staffing levels must be re-established and maintained to ensure that caseloads do not continue to grow.

## **PROGRAM DESCRIPTION**

The strategies outlined in this report are designed to reduce the backlog of SVU 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. Further, the Department must ensure that only qualified and knowledgeable supervisory staff is put in charge of the SVU. Proper supervisory oversight, and the ability to fully understand the complexity of these cases, is key to ensuring the Department's success in effectively clearing these cases.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** With the reduction of child abuse and sexual assault 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 child abuse and sexual abuse, and apprehending and prosecuting those who have offended these survivors will improve public safety and the welfare of our community, especially our children, while making the City safer.

## **DISABILITY AND SENIOR ACCESS**

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



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**RECOMMENDATION / RATIONALE**

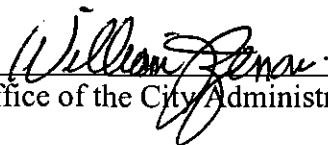
Staff recommends acceptance of this report.

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

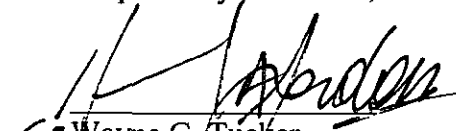
**ACTION REQUESTED OF COUNCIL**

This is an informational report; therefore no action is requested of the Council.

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

  
Office of the City Administrator

Respectfully submitted,

  
FOR Wayne G. Tucker  
Chief of Police

Prepared by:  
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