

CITY OF OAKLAND

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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: OPD Investigative Capacity Report

DATE: January 15, 2020

City Administrator Approval

Date:

1/30/2020

RECOMMENDATION

Staff Recommends That The City Council Receive a Report And Recommendations From The Oakland Police Department (OPD) Regarding The State Of The Department's Investigative Capacity, Including, But Not Limited To, Staffing Levels And Resources, Percentage Of Serious Crimes Investigated, And Crime Lab Issues.

EXECUTIVE SUMMARY

As requested by Council Member Dan Kalb, this report addresses:

- Staffing levels and resources for OPD's Criminal Investigation Division (CID);
- A comparison of CID's caseload to that of other law enforcement agencies;
- The percentage of serious crimes investigated by CID;
- Crime Lab issues; and
- Recommendations to address the identified Crime Lab issues.

BACKGROUND / LEGISLATIVE HISTORY

The City Council last received an Investigative Capacity Report in 2015.

OPD's Bureau of Investigations comprises the Criminal Investigation Division (CID) and the Criminalistics Laboratory (Crime Lab or Laboratory). CID conducts follow-up investigations of non-traffic-related crimes committed in the City of Oakland.¹ The Division is led by a Captain of Police, who supervises four Lieutenants of Police. Each Lieutenant oversees one of the following sections:

- Homicide Section
- Robbery and Burglary Section
- Felony Assault/General Crimes/Task Forces Section
- Special Victims Section

¹ The Traffic Section of the Support Operations Division investigates incidents involving hit-and-run and Driving Under the Influence offenses.

OPD's Laboratory provides forensic services for OPD and makes services available to the Alameda County District Attorney's Office as well as other law enforcement agencies. The Laboratory is currently accredited by the ANSI² National Accreditation Board (ANAB). The Laboratory Manager has six supervisor direct reports. The Laboratory consists of a quality system (one supervisor) and four units:

- Drug Analysis
- Firearms
- Forensic Biology (two supervisors)
- Latent Prints

The CID Captain and the Laboratory Manager report to the Deputy Chief of the Bureau of Investigations.

ANALYSIS / POLICY ALTERNATIVES

Investigations of Serious Crimes

Table 1 below provides the percentage of reported crimes assigned to investigators in 2018

Table 1: Percentage of Serious Reported Offenses Assigned to Investigators (2018)

Crime Type	Percentage Assigned to an Investigator
Homicide	100%
Robbery	55%
Burglary	9%
Aggravated Assault	23%
Domestic Violence	100% ³
Sexual Assault and Child Abuse	100%
Vice/Child Exploitation	100%

² ANSI = American National Standards Institute

³ Approximately 10% of Domestic Violence cases are assigned to Alameda County District Attorney Inspectors who are co-located with OPD investigators at the Family Justice Center.

Staffing Levels of Sworn Investigators

Table 2 below provides CID staffing level data.

Table 2: Approved and Actual Staffing Levels for Sworn Investigators (as of December 31, 2018)

Section	Sergeants		Officers	
	Approved	Actual	Approved	Actual
Homicide	6	4	8	8
Robbery and Burglary	3	2	16	15
Felony Assault/General Crimes/Task Forces	4	2	27	24
Special Victims	6	5	42	40

Homicide Section

In 2018, the Police Executive Research Forum (PERF) published “Promising Strategies for Strengthening Homicide Investigations.” This report, on page 42, notes that “research has found that a homicide unit is optimally staffed when each detective is the lead investigator on an average of three to four new homicide cases per year.”⁴ The Oakland Police Department currently has 12 investigators. There were 75 homicides (including 67 murders) in 2018, resulting in an average caseload of 6.25 per investigator. **Attachment A**, which compares Oakland to similarly sized cities in California, shows that OPD’s Homicide investigators have a 50% higher caseload than their counterparts at the other agencies. **Table 3** below outlines the Homicide Section’s clearance rate over the past five years.

Table 3: Homicide Section Clearance Rate (2015-2019)

	2015	2016	2017	2018	2019
UCR Clearance Rate⁵	57%	56%	71%	51%	64%

Robbery and Burglary Section

There are no equivalent optimal-caseload guidelines for Robbery and Burglary Investigations. However, comparisons can be useful. **Attachment A** provides a detailed comparison of the City of Oakland to five other similarly sized cities in California. By using 2018 Federal Bureau of Investigations (FBI) Uniform Crime Report (UCR) information and the number of specialized investigators assigned for each city, **Table 4** below outlines ratios of reported offenses to investigator:

⁴ <https://www.bja.gov/Publications/promising-strategies-for-strengthening-homicide-investigations.pdf>

⁵ Solved murders do not include liberally interpreted clearances such as DA refusing to file charges, as some Departments claim. For OPD, solved murders include only: (1) murders resulting in arrest and prosecution; and (2) death of offender when the UCR, DA charging standards and our investigative standards are met.

Table 4: Ratio of Robbery and Burglary Investigators: Oakland Compared to Anaheim, Bakersfield, Fresno, Long Beach, Sacramento

	Robbery	Burglary
Oakland	262:1 ⁶	479:1
Average <i>including</i> Oakland	158:1	345:1
Average <i>excluding</i> Oakland	126:1	337:1

As Table 4 demonstrates, OPD's CID has a higher ratio of crimes to investigators for both categories.

Felony Assault/General Crimes/Task Forces Section

The Felony Assault Unit is responsible for investigating all non-fatal shootings and other aggravated assaults. **Attachment A**, which compares Oakland to similarly sized cities in California, shows that OPD's Felony Assault investigators generally have a significantly higher caseload than their counterparts at the other agencies.

Investigators assigned to the General Crimes Unit conduct follow-up investigations on a wide range of crimes, including: fraud, embezzlement, identify theft, forgery, elder financial abuse, grand theft, petty theft, auto theft, assault and battery, criminal threats, vandalism, court order violations, and narcotics offenses. The General Crimes Unit managed the following cases in 2018:

Table 5: General Crimes Unit cases (2018)

Crime Type	Amount
Grand Theft	1,800
Petty Theft	4,667
Auto Theft/Attempted Auto Theft	6,493
Vandalism	4,637
Assaults/Batteries	4,782
Threats	1,578
Court Order Violations - 166PC (Non-Domestic)	661
Fraud, ID Theft, Elder Financial Abuse	2,361
Possession of Stolen Property	243
Possession of Burglary Tools	159
Weapons Violations	1,604
CopLogic (Online Reporting System)	21,926
Total	50,911

The Task Forces Unit includes the Fugitive Detail and all Federal/County/Regional task forces.

⁶ It should be noted that this is an improvement from the 419:1 ratio in 2014.

Special Victims Section

The Special Victim Sections is mainly composed of the Domestic Violence Unit (DVU), the Special Victims Unit (SVU), and the Vice and Child Exploitation Unit (VCEU). The Domestic Violence Unit investigates incidents of domestic violence and physical elder abuse while partnering with support services advocates housed at the Alameda County Family Justice Center. The Special Victims Unit investigates incidents of sexual assault and child abuse and provides families with social services to address trauma. The Vice and Child Exploitation Unit is responsible for investigating vice-crime related incidents as well as child exploitation, internet crimes against children, child sexual exploitation networks, and human trafficking. Again, while there are no optimal-caseload guidelines for these Units' investigations, comparisons to other cities can be useful. **Attachment B**, which contains a comparison of Oakland to similarly sized cities in California, shows that OPD's DVU and SVU investigators carry substantially higher caseloads than their counterparts at other agencies. For example, Long Beach PD has ten DVU investigators who investigated 2,857 cases in 2018, as compared to OPD's eight DVU investigators who investigated 9,562 cases.

Laboratory Issues

OPD Laboratory Caseload

The Criminalists and Latent Print Examiners in the Laboratory have consistently published over 1,750 reports per year for stakeholders such as CID Investigators and Alameda County District Attorneys. In an accredited environment, this means that at least 3,500 quality check reviews occurred, and in some disciplines, verifications also occur – bringing the total work events to over 6,000. **Attachment C** displays a snapshot for the 2019 OPD caseload numbers. The caseload per analyst statistic illustrates on par or higher than average workload of OPD criminalists for many disciplines; in particular, the Firearms Unit carries a much larger caseload per analyst than other agencies and is discussed in more detail below.

Drug Analysis Unit

The Drug Analysis Unit's caseload has been reduced over the past decade due to several factors. Since 2010, when the City laid off 80 officers, cancelled a police academy class, and the passage of Proposition 47 in 2014 (which reclassified many felonious drug-possession charges to misdemeanors), has led to a decrease in drug case submissions. This provides an enormous opportunity for the Laboratory. With the promotion of a new Unit Supervisor in April 2019, efforts are underway to research the expansion of the Unit's capabilities to fill much-needed forensic chemistry gaps by adding Canine Training, Fire Debris, Gunshot Residue, Toxicology and other analytical chemistry disciplines that Alameda County no longer provides.

Firearms Unit

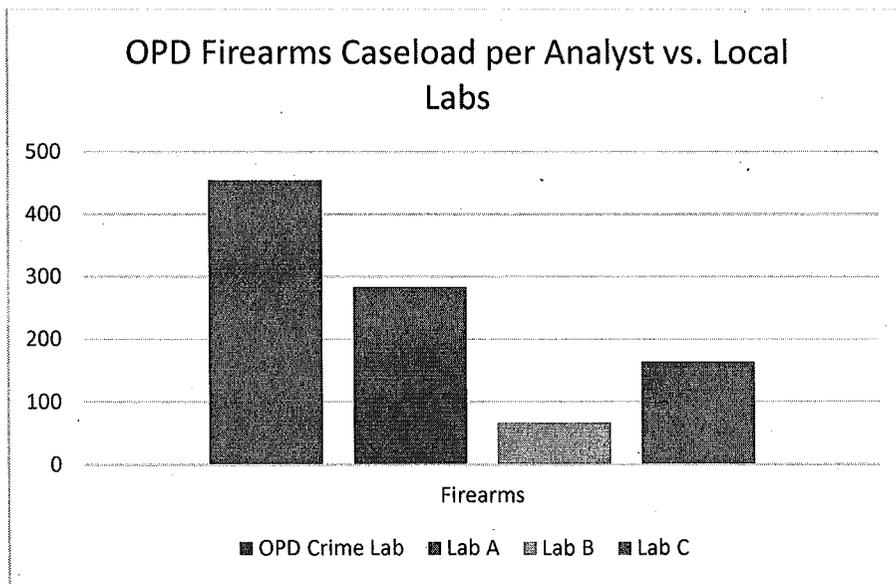
The Firearms Unit provides investigative leads for shooting incidents where the same firearms are being linked to multiple shootings. Some firearms are found to be used in serial shootings and some recovered firearms are linked to homicides that would otherwise not be associated. The Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which funds the NIBIN (National Integrated Ballistics Information Network) program, has been pressing for faster turn-around times for provision of investigative leads. Two ultimate goals mandated by ATF are

48-hour turn-around and comprehensive collection of all cartridge cases. In a recent meeting with NIBIN partners, the ATF announced that, if agencies are unable to meet turn-around deadlines and cartridge case submission goals, ATF-provided NIBIN equipment may be recalled. This recall of ATF gun tracing equipment would end the NIBIN program at OPD and would be a loss of an extremely valuable investigative tool. OPD's Ceasefire Division, which holds weekly shooting reviews, has also begun to expect and demand faster turn-around times, and it would be highly desirable, at a minimum, to have all NIBIN leads available before each meeting so the information can be more effectively disseminated. Comprehensive collection naturally increases caseload; indeed, after a pilot program of comprehensive collection launched in January 2019, the case requests received in 2019 increased 48% relative to 2018.

The Firearms unit – with current staffing (1 Criminalist III, 1 Criminalist II firearms examiner, and a Police Evidence Technician (PET) on loan from Patrol for Integrated Ballistic Identification System [IBIS] entries) – the Laboratory has difficulty meeting the turn-around goals. At present, NIBIN investigative leads are provided on average two weeks after a shooting incident.

Currently, OPD Firearms Unit staff carry twice the caseload of their counterparts at other local laboratories.

Figure 1: Firearms Caseload as Compared to Three Local Laboratories



Staff shortages in the Firearms Unit create a high risk of (1) an increased Firearms backlog, (2) a consequent degradation in the capacity to meet federally mandated turn-around times, and (3)

the possible removal of ATF-provided NIBIN equipment. Staff is working expeditiously to fill the vacant positions.

Forensic Biology Unit

Successful recruitments to the Forensic Biology Unit have occurred and the Unit is waiting for background checks of the individuals to be completed. Despite shortages, the Unit was able to complete four validations of (1) software dealing with DNA analysis; (2) blood testing cards; (3) CaseworkDirect DNA analysis kits; and (4) PowerQuant DNA analysis kits. Especially notable was that case throughput, though lower, allowed the unit to maintain within the legislatively mandated turn-around time for sexual assault kit analysis.

The Unit has managed over \$383,000 in grant funds to purchase supplies and expensive instrumentation to keep the technology current in line with FBI standards.

The Combined DNA Index System (CODIS) program continues to be successful. In 2019, 73% of OPD hits were to named individuals.

Latent Print Unit

The Latent Print Unit (LPU) has one current vacancy for which an active recruitment is occurring. The Unit is productive and received praise from an FBI assessor of the laboratory for its way of color-coding points of potential interest for comparison of two latent prints. The Unit is experiencing a moderately rising backlog, but the incoming additional staff member should be sufficient to reverse the trend.

Budget Summary and Implications

The Laboratory leadership and personnel strive to efficiently utilize taxpayer funding for maximal forensic analysis. Every order is scrutinized by three levels of supervisory and fiscal approval for necessity, quality, and cost. The Laboratory supplements its budgeted Operations and Maintenance (O&M) funds (not including salary) with more than three times that amount in grant funds; these grants are found and written by Laboratory staff above and beyond their daily forensic duties. This funding model, unfortunately, leaves OPD's Laboratory highly exposed to the variability implicit in the decisions of federal grantors; grant guidelines may also change in ways that the Laboratory cannot meet. Therefore, it is imperative that the Laboratory receive an increase to its O&M budget to weather such periods of uncertainty.

Historical Fiscal Picture

The Laboratory experienced an increase in its non-salary O&M budget from 1986 through 2000 as it grew in size from 10 analysts to 16 analysts. During the mid-year budget cycle, these concerns will be discussed, and viable solutions will be determined. In addition, the Laboratory budget has decreased in inflation-adjusted dollars in more recent years.

Since 2000, the lab's staff has doubled to 32 analysts while the O&M budget shrank to 39% of the 2000 funding.

OPD Laboratory Size

Table 6: Number of Laboratory Analysts and Square Footage Available per Analyst

	Oakland / OPD Lab	Local Lab A	Local Lab B	Local Lab C
Analysts	32	52	86	34
Square feet per analyst	222	769	924	529

Industry standard ranges from 700-1000 square feet of building space per analyst.⁷ The current laboratory space is not at the recommended minimum. The Laboratory has been at its current site since 1962 and a new facility is under review.

Laboratory Recommendations

- Firearms Unit staffing.
 - OPD will continue to collaborate with the Department of Human Resources and Management, as these hires will provide faster service on violent gun crime investigation, meaningfully address the growing backlog, ease the burden on existing staff, and meet ATF federally mandated turn-around times and mitigate the risk of losing access to NIBIN.
- Continue to address OPD Crime Laboratory funding challenges.
 - All economic⁸ and forensic studies⁹ show that the Return on Investment for laboratory work is nearly two orders of magnitude for each dollar spent. Reliance on grant funds is not sustainable and indeed could become problematic based on federal changes to grant scopes or eligibility for the funds.
- Develop a plan to build a new Laboratory
 - A new Laboratory would provide multiple benefits to Oakland. Firstly, a new, larger Laboratory would serve to enhance forensic analysis capacity as described throughout this report. Secondly, the Laboratory is well regarded within the community as evidenced by the many organizations requesting tours (e.g., Advocacy Centers for Children against sexual abuse and exploitation (including Alameda's Child Abuse, Listening, Interviewing and Coordination Center—CALICO) and a Zambian forensic justice group).

⁷ US Department of Justice, Office of Justice Programs, National Institute of Justice "Forensic Laboratories: Handbook for Facility Planning, Design, Construction and Moving" April 1998.

⁸ Speaker, P.J. (2019). The Jurisdictional Return on Investment for DNA Database. *Forensic Science International: Synergy*, 1(S1). S13-S14.

⁹ Wang and Wein (2018) *Journal of Forensic Sciences*, Analyzing Approaches to the Backlog of Untested Sexual Assault Kits in the USA, July 2018, Vol. 63, No. 4, pp. 1110-1121.

Conclusion

As the Report "Number of UCR Part 1 Violent Crimes per Officer – 2018" (see **Attachment D**) demonstrates, the Oakland Police Department has the highest number of violent crimes per officer in the United States. While the City of Oakland has succeeded in reducing the number of violent crimes per officer from 9.66 in 2014 to 7.50 in 2018 (a reduction of 22%), OPD still handled 50% more violent crime per officer in 2018 than the next highest California city (Sacramento, ranked 9th nationally). Until this number changes significantly (with lower crime, more officers, or both), it will be difficult to increase OPD's investigative capacity without either increasing overtime expenditures or having a deleterious impact on other essential elements of OPD's overall crime-fighting strategy.

PUBLIC OUTREACH / INTEREST

No public outreach was required in the production of this report.

FISCAL IMPACT

There is no fiscal impact associated with this report. However, this report does illustrate funding challenges that would need to be addressed as part of the budget process.

COORDINATION

OPD did not consult with other departments in the preparation of this informational report.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

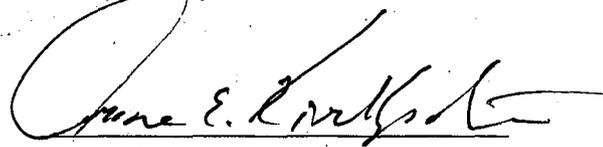
Race and Equity: OPD's CID and Laboratory are dedicated to solving violent crime in Oakland. Violent crime often impacts disadvantaged communities at a greater frequency than more advantaged communities in Oakland. Efforts to enhance OPD's CID and Laboratory will have a direct impact on communities most exposed to violent crime. Furthermore, all Oakland residents and visitors benefit from efforts to solve violent crime that occurs in the City.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends that the Public Safety Committee Receive a Report And Recommendations From The Oakland Police Department Regarding The State Of The Department's Investigative Capacity, Including, But Not Limited To, Staffing Levels And Resources; Percentage Of Serious Crimes Investigated, And Crime Lab Issues.

For questions regarding this report, please contact James Bassett, Captain of Police, Criminal Investigation Division, at (510) 238-6093.

Respectfully submitted,



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Attachments (4)

A: *Ratio of Investigators to Selected Offenses for Six Large California Cities*

B: *2018 Domestic Violence Unit and Special Victims Unit Statistics Compared to Six Large California Cities*

C: *Cases per Analyst by Laboratory and Forensic Discipline*

D: *Number of UCR Part 1. Violent Crimes per Officer – 2018*

2018 Ratio of Investigators to Selected Offenses for Six California Cities

City	Population ¹	Sworn Personnel ²	Homicide			Robbery			Burglary			Aggravated Assault		
			Offenses	Invest-igators	Ratio	Offenses	Invest-igators	Ratio	Offenses	Invest-igators	Ratio	Offenses	Invest-igators	Ratio
Anaheim	352,005	419	7	9	0.8:1	407	9	45:1	1,408	11	128:1	636	6	106:1
Bakersfield	385,579	398	31	5	6.2:1	811	5	162:1	4,025	5	805:1	940	5	188:1
Fresno	530,093	811	32	12	2.7:1	909	4	227:1	2,949	5	590:1	1842	8	230:1
Long Beach	467,354	824	30	15	2:1	979	6	163:1	2,328	13	179:1	2056	19	108:1
Oakland	429,082	731	70	12	5.8:1	2624	10	262:1	2,394	5	489:1	2338	8	299:1
Sacramento	508,529	651	36	15	2.4:1	1052	9	117:1	2,751	6	456:1	2139	7	306:1

¹ US Census Bureau estimates (1Jul18).

² 2018 UCR Police Employee Data.

2018 Ratio of Investigators to Selected Offenses for Seven California Cities

City	Population ¹	Sworn Personnel ²	Special Victims			Domestic Violence		
			Offenses	Investigators	Ratio	Offenses	Investigators	Ratio
Anaheim	352,005	419	1800	7	257:1	5000	6	833:1
Bakersfield	385,579	398	258	4	65:1	1728	4	432:1
Fresno	530,093	811	1370	15	91:1	4585	8	573:1
Long Beach	467,354	824	348	5	70:1	2857	10	286:1
Oakland	429,082	731	2455	6	409:1	9562	8	1195:1
Sacramento	508,529	651	262	9	29:1	2801	4	700:1
Santa Ana	332,725	313	440	7	63:1	440	3	147:1

¹ US Census Bureau estimates (1Jul18).

² 2018 UCR Police Employee Data.

Cases per Analyst by Laboratory and Forensic Discipline

	OPD Lab			Local Lab A			Local Lab B			Local Lab C		
	Analyst*	Caseload	C/A	Analyst	Caseload	C/A	Analyst	Caseload	C/A	Analyst	Caseload	C/A
Drug Analysis	2 (4)	372	186	2.75 (3)	1245	452	5 (6)	6812	1362	x	x	x
Firearms	2 (3)	909	454	5.18 (7)	1467	283	4 (4.5)	266	66	6 (7)	981	164
Forensic Biology (DNA)	8 (9)	408	51	9.1 (12)	1268	139	18 (21)	1009	56	10 (14)	1326	133
Latent Print	4 (5)	208	52	3.45 (5)	1305	378	4 (4.5)	395	99	x	x	x

*Analysts conducting casework
 (Total current staffing with Supervisors)
 C/A = Caseload per Analyst



OAKLAND POLICE DEPARTMENT

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CRIME ANALYSIS

Number of UCR Part 1 Violent Crimes per Officer — 2018

	City	Population	Number of Officers	Total Violent Crimes	Violent Crimes per Officer
1	Oakland, CA	430,230	731	5,480	7.50
2	Wichita, KS	391,726	648	4,622	7.13
3	Memphis, TN	652,226	1,995	12,674	6.35
4	Kansas City, MO	493,115	1,299	7,842	6.04
5	Detroit, MI	671,275	2,398	13,478	5.62
6	Nashville Metro, TN	686,492	1,435	7,641	5.32
7	Tulsa, OK	403,147	807	4,294	5.32
8	Oklahoma City, OK	652,936	1,102	5,663	5.14
9	Sacramento, CA	507,037	651	3,329	5.11
10	Tucson, AZ	537,392	807	3,958	4.90
11	Bakersfield, CA	385,609	398	1,895	4.76
12	Houston, TX	2,344,966	5,229	24,062	4.60
13	Milwaukee, WI	595,619	1,851	8,416	4.55
14	Baltimore, MD	605,436	2,488	11,100	4.46
15	Indianapolis, IN	877,584	2,616	11,170	4.27
16	Phoenix, AZ	1,653,080	2,919	12,110	4.15
17	San Antonio, TX	1,539,328	2,352	9,647	4.10
18	Minneapolis, MN	428,261	849	3,395	4.00
19	San Jose, CA	1,047,305	1,113	4,444	3.99
20	Long Beach, CA	470,445	824	3,284	3.99
21	Cleveland, OH	384,666	1,462	5,576	3.81
22	New Orleans, LA	396,374	1,209	4,611	3.81
23	Colorado Springs, CO	471,124	702	2,617	3.73
24	Portland, OR	657,260	922	3,418	3.71
25	Fresno, CA	531,818	811	2,953	3.64
26	Seattle, WA	742,759	1,420	5,052	3.56
27	Denver, CO	720,745	1,517	5,262	3.47
28	Dallas, TX	1,362,465	3,007	10,422	3.47
29	Las Vegas Metro, NV	1,644,390	2,962	9,949	3.36
30	Jacksonville, FL	903,213	1,724	5,381	3.12
31	San Diego, CA	1,436,495	1,731	5,360	3.10
32	Los Angeles, CA	4,029,741	9,974	30,126	3.02
33	Omaha, NE	469,351	879	2,628	2.99
34	San Francisco, CA	889,282	2,306	6,144	2.66
35	Arlington, VA	400,920	673	1,784	2.65
36	Fort Worth, TX	893,756	1,694	4,482	2.65
37	Atlanta, GA	496,106	1,535	3,814	2.48
38	Columbus, OH	892,576	1,870	4,416	2.36
39	Mesa, AZ	504,873	779	1,837	2.36
40	El Paso, TX	688,442	1,103	2,554	2.32
41	Miami, FL	473,047	1,309	2,978	2.28
42	Philadelphia, PA	1,586,916	6,577	14,420	2.19
43	Chicago, IL	2,719,151	13,138	27,357	2.08
44	Boston, MA	694,673	2,122	4,324	2.04
45	Austin, TX	973,344	1,851	3,720	2.01
46	Washington DC	702,455	3,841	6,613	1.72
47	Tampa, FL	392,945	946	1,598	1.69
48	New York, NY	8,523,171	36,134	46,113	1.28
49	Honolulu, HI	982,019	1,942	2,451	1.26
50	Virginia Beach, VA	451,001	778	528	0.68

Calculations are based on the 50 largest cities nationwide that submitted both crime and personnel data to the FBI's UCR program.