

Council Memorandum

REPORT TO: Honorable Mayor and Council

FROM: Chief St. John

DATE: January 25, 2024

SUBJECT: Council Initiative Follow-Up on Family Violence Investigative Unit (CM Owens)

AGENDA ITEM TYPE: Work Session Discussion

ACRONYMS

ATL Attempt to Locate
BPD Billings Police Department
CFS Calls for Service
CSO Community Service Officer
DCI Division of Criminal Investigation
DVI Domestic violence investigator
FJC Family Justice Center
FTE Full Time Employee
FTO Field Training Officer
FV Family violence
FVIU Family Violence Investigative Unit
IACP International Chiefs of Police
LE Law enforcement
MCA Montana Code Annotated
MLEA Montana Law Enforcement Academy
PFMA Partner/family member assault (Aggravated and non)
ROI Return on investment
TFO Task force officer
TRO Temporary Restraining Order
YTD Year to Date

ISSUE

Domestic and family violence are the most prevalent acts of violence in the City of Billings, resulting in well over 1000 investigations annually. Offenses consist of all manners of violence ranging from disorderly conduct to criminal homicide. These cases involve all types of relationships ranging from

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dating, cohabitation, to marriage and family and often have a traumatic effect on our most vulnerable population, children.

Domestic and family violence is one of the most common crimes to which officers respond and is a long term challenge for law enforcement. There is significant negative impact on victims, responding officers, and department workload. As such, it is important that the BPD is appropriately staffed and trained to manage the problem and provided with comprehensive support to strengthen our capacity to serve victims.

Currently, the BPD operates a multi-faceted approach to DV/FV, all essentially reactive and all focused on enforcement. Although not the focus of this council initiative, it is worth mentioning that what is lacking is the establishment **and sustainment** (emphasis added) of a Family Justice Center that provides collocated services for victims and their children. In one consolidated location, DV/FV can access support services offered by prosecutors, LE, clergy, and social services. Such a facility would provide a safe haven and efficient means of coordinating resources.

For Council's information, the current DVI staff and community partners are preparing for the "Start Small" phase of the FJC, which will see both DVIs moving to the YWCA campus, along with office space to house rotating members of the City Attorney's contingent and a County Clerk to help with filing orders of protection. There is momentum and sentiment that the FJC is imminent. Sustainment will be a key factor.

BPD statistics from 2018 through 2023¹ show an average of 1059 DV/FV incidents a year compared to an average of 712 incidents of all other violent crime. Combining all violent crime numbers for this period, the BPD responded to 10633 incidents. The 6358 DV incidents represents 59% of all violent incidents.² These numbers demonstrate the prevalence of DV/FV that is often viewed by the community as a personal issue that takes place in the home. Conversely, a spate of overt and egregious acts of violence has shocked the community and resulted in fully justified demands for decisive action. However, the holistic view shows the DV/FV numbers are significant and beginning to generate public interest and concern. As a correlation, statistical and empirical evidence show that juveniles who join gangs and/or commit such violent acts almost certainly witnessed violence in their homes. As such, robustly addressing DV/FV at all phases³ will help break the cyclical violence.

The BPD does a good job responding to these calls and taking appropriate action. However, the requisite follow-up requirements are enormous and the department has only two detectives assigned, primarily working misdemeanor PFMA cases. Although there are other department assets supporting the DV/FV mission, our DVI's are overwhelmed which causes inefficiencies and decreased effectiveness. That, in turn, affects how victims are supported and offenders held accountable.

To increase the BPD's effectiveness and capacity in this area, a council initiative was passed directing staff to look at the creation of a stand-alone FVIU.

BACKGROUND

¹ At the time of this report, not all 2023 statistics were available.

² DV referenced only includes misdemeanor, aggravated, and strangulation cases. It does not include stalking, OOP violations, or other family related physical or sexual violence.

³ Phases refers to prevention, intervention, and enforcement.

BPD core policy 4-3, provides guidance on DV response. Policy is further supported by requirements in M.C.A. Specifically, officers responding to domestic disturbances shall make an arrest when probable causes exists when a partner or family member has been injured or the use of, or threat of the use of a weapon has been made. Officers shall make an arrest when a violation of an order of protection has been made or if the suspect creates a situation that may present imminent danger to the partner or family member.

All DV calls are initially handled by patrol officers. This will not change even if additional DVI's are created. Contemporary DVI work is follow-up in nature. Patrol officers respond to 911 calls and DVI's do follow-up work. Pursuant to policy, they (patrol) are expected to respond safely and in a timely manner to intervene. As stated previously, if a primary aggressor is identified, an arrest is required. If no primary aggressor is identified and no arrest made, M.C.A. and BPD policy requires a report be written explaining why no arrest action was taken. Regardless of disposition on scene, the officer(s) are required to conduct a thorough investigation contacting victims, suspects, witnesses, and collecting evidence. In most situations, the case is forwarded to the city attorney's office (misdemeanor) or county attorney's (aggravated) for review.

Prior to council initiative, the BPD and City Attorney's Office recognized the magnitude of the situation and took steps to mitigate. Going back several years, the BPD assigned two full time DVI's and the City Attorney's Office assigned three (3) prosecutors, three (3) assistants, and one (1) in support. Montana's DCI assigned one (1) agent who was collocated with city personnel. The DCI agent primarily handled follow-up cases from the county attorney's office as well as other major cases as assigned by her supervisor. That agent has transferred out and the position is currently vacant and pending a replacement.

Additionally, the BPD fields a specially trained DVI team of patrol officers and CSO's who work DV cases on a grant funded overtime basis.⁴ Currently, the two DVI's and DVI team are carrying 60 cases. YTD, the DVI program has worked approximately 700 cases, the majority referred by the City Attorney's Office.

The grant funded DVI team deals mostly with ATL's for victims who have stopped communicating with prosecutors and suspects with active DV related warrants and/or TRO's needing to be served. This is an important function as patrol officers are too busy to actively look for people due to daily CFS. Some of these individuals are extremely dangerous and need to be located and picked up.

Suffice to say, DV/FV response is labor intensive for the BPD both on the initial response and follow-up sides. The issue is widely recognized as a precursor to other crime to include homicide, mass shootings, cyclical FV. While the BPD dedicates resources to DV/FV, additional investigators and support would be beneficial keeping in mind there are needs in other PD areas as well.

The department has access to a range of training in this area, both in-house and from external sources. MLEA and the FTOs train on basic response; general courses on interviewing and crime scene processing

⁴ The current (FY'24) DVI grant allows for **\$30,418 toward OT shifts**. Using the average. OT rate of \$57/hour, that equates to approx. 533 staff-hours for the year or **0.25 FTE**. Provided by DVI Detective Katie Nash.

can be applied to DV investigations. Other specialized training would need to be brought in or we would have to send officers. Training consists of anywhere from basic response to advanced interviewing techniques. Similarly, prosecutors have access to specialized training. Currently, the BPD's FY24 budget, excluding specialties and firearms, allots approximately \$110,000 for all department training. The BPD can do a better job providing timely in-service and topic specific training.⁵

ALTERNATIVES FOR CONSIDERATION

1. Status Quo

- Pros
 - No adverse impact on current staffing.
 - No adverse impact on other specialty assignments.
 - Maintain current level of services.
 - Opportunities to engage other partners.
- Cons
 - Large and increasing case load.
 - Officer frustration and burn out.
 - Not able to handle all cases in timely or efficient manner.
 - Not providing best service for victims.
 - Lack of offender accountability may lead to increased violence.

2. Redirect Assets

- Pros
 - Identifies DV/FJ as department priority.
 - Increased capacity to handle DV/FV cases.
 - Smaller case load and better service for victims.
 - More cases for prosecution allows for offender accountability.
 - Opportunities to engage other partners.
- Cons
 - Other crime deemed not as important. Property, traffic, drugs, e.g.
 - Reassigning personnel from Specialized Unit will diminish abilities and capabilities of affected unit.
 - Reassigning personnel from Operations or Investigations will reduce available staffing and adversely affect responses.
 - Potentially adversely affect task force relationships and benefits.
 - Increased OT depending where personnel come from – same amount of work, fewer officers.

3. New FTE's and Restructure

- Pros
 - New FTE's will allow for expansion of DV/FV program.
 - Increased capacity for follow-up of DV/FJ cases.
 - Increased efficiency and effectiveness.

⁵ Other DV-specific trainings are generally funded by the DVI grant, and therefore not something the BPD seeks out or is responsible for.

- Better service for victims.
- Better able to hold offenders accountable – reduce reoccurring DV/FJ incidents and other violent crime.
- Cons
 - No budget for additional FTE's or requisite equipment
 - Not to be considered in this initiative
 - Part of a larger discussion on staffing – Operations, Investigations, Clerical.

ANALYSIS

The BPD fully understands the magnitude of the problem and the damage done, not only to victims, but to the community as well. “DV/FV is a long-term challenge for law enforcement that leaves deeply scarred victims in its wake, emotionally taxing for officers, presents unique officer safety concerns, and requires a significant amount of resources” (IACP). To that point, the BPD has committed modest resources in the form of a DVI team consisting of two FTE's and part-time officers who are 100% reliant on grant funding (footnote 4). Current DVI's want a direct supervisor. A detective supervisor has been more involved than others in the past, but still has other supervisory duties. Current DVI's report they get not additional support beyond what patrol officers receive. Each DVI handles their own case management. Nobody in the clerical staff is dedicated to DVI and overall staffing issues are at a critical level.⁶ Similarly, the City Attorney's Office has dedicated resources as well⁷, though probably not as robust as desired.

Both the BPD and City Attorney's Office wants to provide the very best service for DV/FV victims. Additionally, no one in either office downplays or diminishes the seriousness of these cases. However, the lack of resources and necessity to deal with other equally problematic issues requires balance and prioritization. The BPD wants to support all enforcement efforts of specialized and non-specialized units, to include DVI. However, the BPD is limited by a hard-cap budget, authorized strength limit, staffing issues, and few avenues to generate revenue.

Redirecting assets to DVI is the easiest thing to do internally but will adversely affect other areas. Simply stated, the work remains, but there are fewer officers, detectives, or TFO's to do the work. Conversely, the DVI's would get relief and able to provide better services as mentioned previously. It is the proverbial “robbing Peter to pay Paul.”

For example, moving personnel from patrol will reduce the number of available officers and potentially result in a minimum staffing situation or increase response times. Moving a sergeant from either patrol or investigations will provide direct and narrow supervision to the DVI's but increase the span of control for other sergeants. Moving an officer from a task force will adversely affect their respective operation. Again, redirecting assets is easy with little or no budget impact.

Similar scenarios exist with reassignment of a volunteer and CSO. The CSO program was developed to reduce the call load on patrol and free them for more urgent calls. To date, the CSO's have handled over 3000 calls. Reassigning one would diminish their impact on patrol while positively impacting the DVI's. To reiterate, CSO's already work DV/FJ cases on a part-time basis. However, they operate with limited scope in that they cannot investigate crimes against persons. Currently, they are restricted to

⁶ Clerical staff down 3 FTE's. Rocky Mountain HIDTA has one (1) grant funded support position. None other in PD.

⁷ City Attorney's team of seven (7) fulfilled through Public Safety Levy.

jail-call investigations. Ideally, case management and grant writing could be off-loaded to a civilian. Additionally, a civilian position could work with data analysis to help identify high lethality projections.⁸

As council can see, there is great potential to create a robust DV/FV investigations unit. Unfortunately, given the department's current status, coupled with the stipulation of "no new FTE's", raises the question to council of "what do you not want us to do?" Without additional resources, something has to give. Currently, I have the department focused on overt gang violence. While fully justified, it is understood that DV/FJ is a problem as well. The BPD and City Attorney's Office have stepped up and addressed the issue. Unfortunately, the work is overwhelming both departments' capacity.

Although not in the scope of review, adding additional resources to the BPD in general is a discussion that needs to take place. This would not only allow us to grow the DVI program, but others as well. Internal analysis shows that the patrol division needs between 15-20 officers and investigations another six (6). On top of that, the BPD is required to provide a second court officer. An internal request from Street Crimes is for two (2) additional to work gangs. Additionally, School District #2 wants four (4) SRO's if their safety levy passes. We would like to accommodate all requests but are faced with finite resources.

Specific to DV/FV and per the initiative which includes crimes against children, the Investigations Division has proposed adding six (6) new FTE's and changing the division's model. When full, the division would dedicate ten (10) investigators to DV/FV/Crimes against children and fourteen (14) to major crimes. Both would be supervised respectively by existing sergeants. This would significantly improve effectiveness and efficiency for investigations across the board. If positions were added to patrol, it would help facilitate increasing specialized positions, to include DVI.

CSOs are currently used on a part-time grant funded basis and help primarily with jail calls. Picking up evidence is helpful but within their normal duties. Use of volunteers needs to be researched as to where they could be productive. DV/FJ cases are very sensitive and may not be a good fit for a volunteer. Additionally, volunteers do not provide the reliability and stability needed.

Currently, the fully staffed CSO program is engaged with community outreach, victim contact, accident management, and accident enforcement. Again, we would be pulling an asset and reassigning. We continue to partner with DCI and they are trying to fill the vacancy. When filled, the department's DVI stands at three (3) full time investigators, six (6) part-time grant funded investigators⁹, and one (1) part-time supervisor.

DEPARTMENT REVIEW

BPD Administrative Staff
BPD Operations Staff
BPD Investigations Staff
DVI
Support Services/Records

⁸ The PD currently uses interns for analytics in support of Project Safe Neighborhood and other department projects.

⁹ Reiterate that "part time" = **0.25FTE**.

FINANCIAL IMPACT

1 FTE \$30.39 hourly	\$87,000/year salary and benefits
O/M for new officer	\$18,000 equipment
Fully equipped patrol car	\$100,000 (approx.)
Detective car	\$29,000

RECOMMENDATIONS

IMMEDIATE

Maintain status quo until staffing numbers increase (down 6 with 7 in background).
Recruit additional part-time DVI and CSO team members to increase qualified pool.
Explore reassignment of grant application and management process.¹⁰
Explore modifying scope of grant in coordination with DVI.
Request DCI expedite filling DVI/major crimes vacancy.
Identify contemporary DV/FV training for patrol and detectives.¹¹
Identify specialty training (forensic interviewing, e.g.) for DVI's.¹²

PHASED

Review and assess all positions in consideration for transfer DVI.
Explore use of patrol officers for DV/FV follow-up when shift(s) are sufficiently staffed.¹³
Develop additional partners (public/private) to expedite FJC.

**Top recommendation by staff - increased FTE's.

ESTIMATED EXPENSE FOR INVESTIGATIONS MODEL

6 FTE's @ \$87,000 each. ¹⁴	\$522,000
Officer equipment x 6 @ \$18,000 each.	\$108,000
3 Detective Cars (initial) @ \$29,000 each.	\$117,000
TOTAL	\$747,000

¹⁰ City grants writer.

¹¹ BPD budget.

¹² BPD budget.

¹³ Currently, extra patrol officers over minimum of nine (9) are assigned to work traffic, double a beat, work warrants, or special projects. In this scenario, they would be assigned to work DV/FV follow up.

¹⁴ Addition of FTE's can be phased on over a period of years. Two (2) per year for example.