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To: Chairperson Reid and Members of the Public Safety Committee
From: Councilmember Jane Brunner
Date: June 8, 2006
Re: Memo from the Community Policing Advisory Board

Please accept the attached memo for your consideration under Item 4. CPAB Co-Chair Don Link, who is one of my constituents, requested that I submit it. For your information, it solely represents the views of the Community Policing Advisory Board. I am simply submitting it as a courtesy.

If you have any questions about the attached memo or need any additional information, please contact Mr. Link directly.

Thank you.

CITY OF OAKLAND

COMMUNITY POLICING ADVISORY BOARD

TO: Mayor Jerry Brown, the City Council, the Public Safety Committee, City Administrator Deborah Edgerly, and Police Chief Wayne Tucker
FROM The Community Policing Advisory Board
DATE June 13, 2006
SUBJECT Supplemental Report to the City Council on the State of Community Policing in Oakland during the first half of 2006

SUMMARY

The Oakland Police Department has once again reassigned community policing staff to patrol and other non-community policing duties. What is different this time is the attempt to disguise this redeployment as an enhancement of community policing and, in effect, to redefine community policing to include activities specifically disallowed by legislation implementing Oakland's community policing system. The CPAB condemns these efforts and recommends that OPD level with the public about the need for Patrol Officers to meet its calls for service responsibilities. This can and should be done without changing the character and structure of community policing, and the CPAB lays out a plan that would meet OPD's patrol needs without drastically changing community policing in the process.

FISCAL IMPACT

None

BACKGROUND

In his "Vision and Plan of Action to Reduce and Improve Accountability" delivered in March of this year, Police Chief Tucker summed up the problem community policing has faced in Oakland since its inception in the mid-1990s:

The Department has tried unsuccessfully for over a decade to implement community policing citywide. Over the years, chronic staffing shortages have forced the Department to continually redeploy community policing officers to patrol duties to address crime hot-spots. (page 4)

Each time a situation requiring additional staffing has arisen, OPD has reached into its pool of community policing staff to meet those needs. It happened in the reorganization of 2002 when all community policing officers were returned to patrol and every patrol officer was redefined as a "community policing officer." That experiment lasted about 6 months until it became apparent that the change was in name only and not backed up by the resources necessary to make it a reality. Only a few patrol officers in the city embraced the new conception of duty, and they had to resort to some ingenious acrobatics to make it work in practice.

In late 2003, patrol management returned to time-of-day watch command and PSOs were appointed to perform community policing duties and assigned to a new Neighborhood Services Division. The addition of Crime Reduction teams for tactical support led to significant improvements in the effectiveness of community policing at dealing with hot spots and emerging crime trends.

The city's hiring freeze and failure to authorize police academies created a predicted staffing crisis in 2005. Late that year, OPD began assigning PSOs to rotating patrol duty and CRTs to sideshow and violent hot spot suppression. A rise in armed robberies, murders, and gang killings led to significant structural changes in Oakland's community policing delivery system.

The Beat Health unit was dissolved in late 2005 and Beat Health duties were transferred to the PSOs. Finally, the Neighborhood Services Division was taken out of the Bureau of Field Operations, assigned to a new commander known for his tactical skills and expertise, and reorganized into the Strategic Area Command – a highly mobile division that concentrates on identified hot spots and emerging crime trends citywide.

Today, OPD's community policing resources answer to a command that also includes special operations, the swat team, traffic, ABAT, special events, etc., and are deployed in a coordinated fashion to achieve this command's goals of tactical deployment in real time to suppress violence and disrupt emerging crime trends.

KEY ISSUES AND IMPACTS

Community Policing in Oakland is in serious trouble. We assumed that the difficulties caused by the budget freeze of 2002 and subsequent flurry of reorganizations would begin to subside with the passage of Measure Y. But a year and half after the voters raised their taxes to shore up Community Policing, we find it has all but disappeared. Consider recent developments:

- The arrival of the first 4 Measure Y officers was announced with much fanfare last September. But most of last fall, PSOs were put on rotations through patrol, pulling them out of their beats for weeks at a time. This spring, all 4 Measure Y PSOs were reassigned to the patrol division for two months.
- Although 25 officers are listed on the roster as PSOs, several do not perform PSO duties. 3 are on medical leave, 1 is on administrative leave, and 1 is working in Internal Affairs. That leaves 20 who are actually available to perform Community Policing duties.
- Those 20 PSOs perform Community Policing duties only part time. They work 1 shift per week on patrol. They become walking officers for the last half of each non-patrol shift, but often in hot spots outside their beat, and with no input from the local NCPC. Beat Health was dismantled. Beat Health duties were shifted to the PSOs, who are required to turn in at least 1 Beat Health project per month. PSOs provide security at the Oakland Coliseum. PSOs work from 6:00 PM to 2:00 AM on Saturdays to be available to respond to the sideshow.
- Oakland citizens expect 25 PSOs to deliver 1000 hours per week of Community Policing work. With reassignments and the part-time nature of the positions, we are getting 320 hours per week at best – that's about 8 PSOs. When PSOs handle Beat Health, Coliseum and sideshow duties, we get even less.
- The Neighborhood Services Division has been dissolved and Community Policing personnel moved to the Strategic Area Command. This is a tactical division that reacts to emergencies and hot spots throughout the city. It is not geographically focused. It does not work closely with the community. It does not concentrate on long term problem solving. Strategic Area Command is an unsuitable home for Community Policing.
- The CRTs, the teams that provide tactical enforcement for PSO projects, are regularly pulled out of their PSAs for extended periods.

Recent deployment practices in OPD do not comply with the Community Policing legislation:

- Resolution 72727 (paragraph 7.2) states that PSOs "... shall not be routinely reassigned to 911 patrol or other non-Community Policing duties." The current deployment does not comply with 72727.
- Section 3 of Measure Y requires that Measure Y funds be used for officers performing particular types of duties in particular geographic areas -- "... each Community Policing beat shall have at least one neighborhood officer assigned solely to serve the residents of that beat..." With Measure Y officers regularly performing duties outside the scope of their assigned position and outside their beat, the current deployment does not comply with Measure Y spending restrictions.

Some practices in OPD make us wonder whether the department intends to deliver real Community Policing as approved by the voters and council, or merely a facsimile that creates the appearance of Community Policing without delivering its core services.

- The partnership between the police and the community is at the core of Community Policing. Yet PSOs currently get their marching orders solely from the command staff in SAC. They are reassigned to patrol duty by the command staff. They are told to walk in particular hot spots identified by the command staff. They are assigned projects by the command staff. The community has disappeared from the equation.
- All 6 PSA Lieutenant positions are filled. But each Lieutenant has significant responsibilities outside Community Policing. For example, one manages the Eastmont station, one manages ABAT, and one manages SWAT. The Lieutenants have little time left over for their PSOs or Community Policing.
- OPD command staff has closely examined the text of 72727 and Measure Y looking for loopholes that will allow them to redefine Community Policing and deploy PSOs to duties completely unrelated to Community Policing. Today, as in years past, the department treats the PSOs as a pool of officers it can reassign at will to the crisis of the moment.
- We have learned that OPD command staff has issued a gag order to officers prohibiting them from speaking freely with the community. In the past, the officers have had an open and constructive dialogue with the community about their deployments and the resources they could dedicate to Community Policing activities. Now officers refuse to discuss these issues and refer all questions to the Lieutenants. There is a conscious effort to conceal the fact that PSOs are unable to respond to community priorities. This game of hide and seek is antithetical to the Community Policing partnership, and has led to anger, mistrust and confusion among community members and OPD officers. OPD should recognize and address the low morale of officers and citizens.
- Resolution 72727 paragraph 5.7 states "... the Oakland Police Department will discuss with the [Community Policing Advisory] Board before implementing policy, operational or organizational changes that will affect the functioning and operation of Community Policing..." The CPAB learned of the CRT reassignments after the fact. The CPAB learned of the PSO assignments to patrol after the fact. The CPAB learned of the dissolution of the Neighborhood Services Division and relocation of Community Policing to SAC after the fact. The CPAB learned of most of the troubling developments described in this report after the fact.

RECOMMENDATIONS

The CPAB ardently supports Community Policing. We have long been a tough-love ally of OPD, working closely with the department to further the goals of Community Policing. But we cannot support the current policies and direction with regards to community policing.

The city and department must be straightforward with the people of Oakland about Community Policing. Reviewing recent events, we are forced to conclude that the department is playing games with the deployments, the policies and the numbers. They are hanging the Community Policing moniker on enforcement activities that have nothing to do with Community Policing. The public is not interested in the illusion of Community Policing, and is quite frankly dismayed by the deception.

We recommend the following:

1. Immediately eliminate PSO assignments to patrol.
2. OPD has a severe staffing shortage. The city must make a difficult decision about how many PSOs it can support, and deploy that number of officers as real, full time PSOs with proper support and supervision. With current sworn staff below 700, we recommend dropping back to 18 PSOs and 2 PSO Sergeants.
3. As academies graduate, all new sworn positions should go to patrol until the sworn staff reaches 720 officers. Positions 721 through 727 should go to Community Policing bringing us to 24 PSOs and 3 Sergeants. Positions 728 through 739 should go to patrol. Positions 740 through 748 should go to Community Policing bringing us to 32 PSOs and 4 Sergeants. Positions 749 through 759 should go to patrol. Positions 760 through 768 should go to Community Policing bringing us to 40 PSOs and 5 Sergeants. Positions 769 through 802 can fill all remaining positions in the order the department deems best. To summarize:

Sworn Count	New Positions
694 – 720	Patrol
721 – 727	Community Policing (24 + 3)
728 – 739	Patrol
740 – 748	Community Policing (32 + 4)
749 – 759	Patrol
760 – 768	Community Policing (40 + 5)
769 – 802	both

4. PSOs and PSO Sergeants must work full time in Community Policing. As specified in Resolution 72727, they should not be assigned to Internal Affairs, tactical units, patrol or any other non-community policing duties. Their duties must conform to the principals of community policing:
 - Geographic focus – PSOs must work in their beats.
 - Community focus – PSOs must work with the community and become experts about the concerns of their assigned beat(s).
 - Problem solving – from Resolution 72727 paragraph 7.2, “Community Police Officers shall focus their efforts on problem-solving and quality of life improvement on their community policing beat.”

- NCPCs – from Resolution 72727 paragraph 7.5, “Community Police Officers assigned to each beat shall work with any assigned Neighborhood Council and Neighborhood Services Coordinator in that beat to carry out the objectives established by the Neighborhood Council.”

5. Pull Community Policing out of the Strategic Area Command and put it back in the Neighborhood Services Division under the Bureau of Field Operations where it belongs. Include the PSA Lieutenants, PSO Sergeants, PSOs, CRTs, NSCs, ABAT and foot patrols in this move.
6. As we have demonstrated in this document, the citizens of Oakland have had no real Measure Y PSOs to date, and are unlikely to have any before the end of 2006. Set aside the 2005 and 2006 Measure Y PSO funds, and put them in a separate account. Hold these funds, and shift them to the end of the Measure Y time period. Give the voters the 10 years of Community Policing officers they voted for. Make those years 2007 – 2016 instead of 2005 – 2014.
7. Perform a thorough, formal audit of OPD’s use of Measure Y funds to ensure that expenditures comply with the requirements of the legislation.
8. Remove the gag order and reestablish the cooperative relationship between the community and the police department.
9. Ask the City Attorney for a formal ruling on the use of Measure Y funds. In particular determine whether one patrol shift per week, or other routine assignments to patrol, is a legal use of those funds.
10. Discuss changes that will affect the function and operation of Community Policing with the CPAB before they are implemented as required by 72727.

SUSTAINABLE OPPORTUNITIES

Economic

Delivering effective, sustained community policing services to Oakland’s neighborhoods will make them more desirable places to live and increase property values and therefore city revenues from transfer taxes collected from real estate sales.

Environmental

There are no known environmental opportunities associated with this report

DISABILITY AND SENIOR CITIZEN ACCESS

There are no known Americans with Disabilities Act or senior access issues associated with this report.

Respectfully submitted



Don Link, Chair



Colleen Brown, Vice Chair