

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

To: Office of the City Administrator
Attn: Dan Lindheim
From: Police Department
Date: June 30, 2009

Re: **Supplemental Information to a Discussion and Possible Action on a Report
Discussing the City's Fleet Status**

As requested by the Finance and Management Committee on June 23, 2009, staff has prepared responses to the Committee's questions concerning Police Department take-home vehicles, and the possibility of officers being financially responsible for repairs made to vehicles wrecked on duty.

Police Take Home Vehicles

Position	Number of Cars
Chief of Police	1
Assistant Chief of Police	1
Deputy Chief of Police	3
Captain of Police	10
Intelligence Officers	7
Intelligence Sergeant	1
Homicide Lieutenant	1
IAD Investigative Lieutenant	1
Tactical Team Commander	3
Tactical Team Leader	5
Hostage Negotiator Team Leader	1
Sniper Team Leader	1
Total	35

This current list has been reduced by three vehicles that were presented in the original Fleet Report last week; 1) Public Information Officer, 2) Chief of Staff, and 3) Interim Deputy Director.

- *Chief of Police, Assistant, Deputy Chiefs and Captains of Police (15)*
 - Respond to critical and major incidents as directed by Chief;
 - Are responsible for Incident Command System and National Incident Management System;
 - Need to arrive on scene immediately; and
 - Do not receive overtime compensation.

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- *Intelligence Section (8)*
 - The OPD Intelligence Unit has been provided take-home vehicles for over 20 years. The unit is responsible for conducting special investigations on behalf of the Chief of Police, gathering intelligence on violent crime groups, and conducting protection details for VIP's ranging from the President of the United States to visiting foreign dignitaries and other public figures.
 - The Intelligence Unit is the primary point of contact for federal agencies wishing to conduct investigations that impact the City of Oakland. These agencies include the DEA, FBI, IRS and Secret Service. When working with these agencies it is expected that members of the unit are available 24 hours a day and able to respond from home. Members of the unit are not compensated for stand-by or on-call status. It is common for these investigations to take place in other cities and a rapid response time is often critical to the investigation.
 - As a result of the unit's participation in these investigations, seized monies are provided to the City in the form of asset seizure funds. On average, asset seizures generate revenue for the City in excess of \$100,000 annually as a result of a result of the unit's participation in these investigations. The City's allotment of seized funds is directly related to the level of participation the unit is able to provide during these investigations. Removal of the unit's take-home vehicle status will inhibit its ability to effectively participate in these investigations.
- *Homicide Commander (1)*
 - Responds to homicide and officer involved shooting scenes and assesses scene for additional investigative resources. Officer involved shootings are monitored as a result of the NSA; the coordination of the investigation and proper notifications are critical to compliance.
- *IAD Investigative Lieutenant (1)*
 - Responds to officer involved shooting scenes and IAD callouts and assesses scene for additional investigative resources. Officer involved shootings and IAD callouts are also monitored as a result of the NSA; the coordination of the investigation and proper notifications are critical to compliance.
- *Tactical Commander and Tactical Team Leaders (10)*
 - Responds to in-progress critical incidents, which decreases the risk to officers and citizens with quick response and specialized team leadership to assess and command/supervise high risk incident; this also includes the Hostage Negotiation Team Leader. An independent Board of Inquiry into the LAPD's SWAT team

recommended take home cars for all "on call" SWAT team members to improve response time to critical incidents. Our entire Tactical Team is on call 24/7.

Analysis and Justification


Police vehicles have code 3 (lights and siren) driving capabilities for quicker response to the City, and radios which allow for earlier monitoring and communication while en route from home. Intel officers often respond to work in the field directly from home (including operations that occur outside of the City.) Having Intel officers respond to work to pick up a car prior to responding to another location outside of the City will significantly reduce their effectiveness in the field. This same issue is true with commanders, who will have to report to police headquarters, obtain a car and equipment, then respond to the scene; this delay in response has the potential to cause catastrophic results during major and critical incidents.

Commanders and tactical team leaders need to arrive as quickly as possible to take command and control of a scene when a call out situation occurs. Any delay could lead to chaos and potential injuries to both officers and citizens. There is also a potential officer safety issue as some commanders and supervisors may respond directly to the scene of an incident in their personal vehicles. This type of response exposes their vehicle's description and license plates to the public, which could in turn allow citizens to track/locate an officer's residence. Additionally, personal vehicles do not have the ability to block off streets (emergency equipment recognized as law enforcement) nor clearly identify personnel as officers when driven directly to the scene. Personal vehicles do not allow for the transport of persons by command officers when needed; it should not be expected that personal cars will be used to transport criminally oriented (or otherwise) witnesses.

Officer Financial Liability for Vehicle Repairs

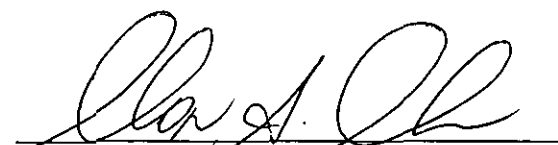
The Department's current discipline policy does include the option to administer fines as a form of discipline; however, the Department does not assess fines when the officer is not at fault (which is determined by investigative review board.) There have been incidents when fines were assessed in lieu of suspension. Some officers have written checks (to the City) to pay the fines, others have reduced vacation and comp time leave balances to make up the fines. Fines assessed are equivalent to any pay the officer would lose in suspension (i.e., 1 day suspension = 1 day of pay in fines.)

Respectfully submitted,


Howard A. Jordan
Acting Chief of Police

D. Kozick
for

APPROVED AND FORWARDED TO
THE CITY COUNCIL:


Office of the City Administrator

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