

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

To: 2011 MAR 29 PM 4:56
Office of the City Administrator
Attn: Dan Lindheim
From: Police Department
Date: April 12, 2011

Re: **A Report and Proposed Resolution Authorizing the City Administrator, On Behalf of the City of Oakland, to Accept and Appropriate Grant Funds in an Amount Not to Exceed One Hundred Thousand Dollars (\$100,000) from the State of California, Department of Alcoholic Beverage Control (ABC), Grant Assistance Program (GAP), For the Federal Fiscal Year 2012 Implementation of the Alcohol Control Enforcement Program Within the Police Department**

SUMMARY

A resolution has been prepared authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate grant funds in an amount not to exceed \$100,000 from the State of California, Department of Alcoholic Beverage Control (ABC), Grant Assistance Program (GAP), for the Federal fiscal year implementation of the alcohol control enforcement project in the Police Department. The proposed program period is July 1, 2011 through June 30, 2012.

The Alcoholic Beverage Control grant program is specifically designated to provide financial resources to law enforcement agencies throughout the State of California to expand their efforts in addressing alcohol-related problems through a comprehensive alcohol beverage control program. The primary goal of the Police Department's initiative is to increase the Department's ability to identify and prevent the unlawful sale of alcoholic beverages, including illegal alcohol sales to minors.

FISCAL IMPACT

Approval of the proposed resolution will authorize the Police Department to apply for, accept and appropriate grant funds in an amount not to exceed \$100,000 for the enactment of its 2011/2012 Alcohol Control Enforcement Project. Revenues and appropriations will be allocated in the State of California Grant Fund: 2159; Alcoholic Beverage Action Team (ABAT) Org.: 107710; Special Operations Program: PS13, in a Project Account to be determined. The funds will be allocated in keeping with the following spending plan:

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Description and Use of Funds	Amount
Personnel Charges (Sworn and Professional Staff Overtime)	\$94,878
Minor Decoy Operations (Program Coordination, Buy Monies for Decoy and Shoulder Tap Operations ¹)	\$2,000
Equipment	\$2,500
Travel	\$622
TOTAL	\$100,000

Central Services Overhead (CSO) charges associated with the \$94,878 in salary and wages equals \$12,941, based on a 13.64% calculation rate. However, the granting agency specifically disallows indirect costs (CSO). Therefore, the Department requests a waiver for applicable Central Services Overhead charges.

BACKGROUND

Alcoholic Beverage Action Team

The Oakland Police Department's Alcoholic Beverage Action Team focuses on the regulation of alcohol licensees and falls under the Special Operations Division within the Bureau of Field Operations. In August 1993, the Oakland City Council adopted a "Deemed Approved" program (Ordinance No. 11624 C.M.S.) designed to improve enforcement against problem alcoholic beverage sale establishments through the cooperative efforts of the OPD, the Office of Planning and Building and the State of California - Department of Alcoholic Beverage Control. The program levies an annual fee on alcohol outlets, which offsets a portion of the expenses incurred

¹ Shoulder tap operations are conducted using the services of youth decoy participants. Youths are positioned outside of alcohol outlets and subsequently petition the assistance of adult patrons to purchase alcoholic beverages on their behalf. Once the adult has purchased the alcohol and delivers it back to the youth decoy, the adult is cited for the offense by a police officer.

by the Alcohol Beverage Action Team (ABAT) as well as costs associated with a full-time Attorney.

The Deemed Approved program not only subjects alcoholic beverage establishments within Oakland to specific performance standards, it also provides education, monitoring and enforcement to licensees and is designed to work as an administrative abatement mechanism. A Deemed Approved Advisory Committee (DAAC), consisting of six licensees and six community members meets monthly. The DAAC (assisted by OPD staff) produces an anti-loitering manual and develops strategies, which help to evaluate alcohol control enforcement efforts.

KEY ISSUES AND IMPACTS

The primary goal of the OPD's Alcohol Control Enforcement Project is to enhance and expand ABAT's ability to identify disruptive and disorderly retail liquor outlets and focus Oakland's limited resources to implement fast-track enforcement actions to remedy or eliminate problematic operations. The City of Oakland has implemented a practical system for tracking and documenting actions taken on nuisance alcohol establishments. However, ABAT's shortfall has been the lack of resources to implement expanded, citywide alcohol enforcement operations. In order to address the problems associated with disruptive and disorderly retail liquor outlets in Oakland, and to direct personnel and other resources in a more efficient and effective way, the ABAT Unit has identified the following goals and objectives:

Goals:

1. Reduce the number of illegal alcohol sales to minors by 20%.
2. Increase the number of narcotics enforcement operations conducted by the ABAT Unit by 75%. Scope of operations will include counterfeit/piracy and prostitution enforcement and other compliance operations.
3. Identify and target ABC licensed establishments dealing in stolen property, EBT fraud, illegal gambling, and target underserved, high-crime neighborhoods as defined by crime statistics.
4. Reduce the number of incidents of loitering and nuisance in and around liquor store outlets by 20%.
5. Reduce the percentage of crimes, inclusive of narcotics sales related to liquor store outlets by 20%.

Objectives:

1. Identify, target, and abate problematic ABC licensed establishments.
2. Identify, target and abate narcotic sales and stolen goods type activities in “hot zones” throughout Oakland; inclusive of alcoholic beverage compliance in targeted California Urban Cities Collaborative (CUCC) areas.
3. Expand trainings for OPD Officers in ABC enforcement procedures, including conducting Informed Merchants Preventing Alcohol-Related Crime Tendencies IMPACT inspections, minor decoy and shoulder tap operations, as well as fortifying outreach, education, and other resources offered to community and merchant organizations.
4. Expand additional collaborative efforts with ABC personnel and other public safety agencies to ensure increased and enhanced enforcement strategies associated with problem alcohol outlets.
5. Expand collaborative efforts with Oakland’s ABC office, the Oakland Fire Marshal Investigative Unit, and the Alameda County Public Health Department to ensure liquor outlet compliance with ABC compliance codes.

To accomplish these programmatic goals and objectives, the ABAT Unit will implement the following:

1. Conduct no less than 1 Warrant Sweep by June 30, 2012.
2. Conduct no less than 1 LEAD² Training by June 30, 2012.
3. Conduct no less than 50 IMPACT³/ROSTF⁴ inspections by June 30, 2012.
4. Conduct no less than 20 Minor Decoy/Shoulder Tap Operations by June 30, 2012.

² License Education on Alcohol and Drugs (LEAD).

³ Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT).

⁴ Retail Operating Standards Task Force (ROSTF).

5. Conduct no less than 5 Bar Check inspections by June 30, 2012.
6. Conduct no less than 5 Anti-Loitering operations by June 30, 2012.
7. Conduct no less than 5 Stolen Property/EBT Fraud operations by June 30, 2012.
8. Conduct no less than 5 Buy/Bust and/or Counterfeit Operations by June 30, 2012.

SUSTAINABLE OPPORTUNITIES

Economic

All programmatic supplies and/or equipment will be purchased locally. The possible reduction in the amount of sales tax collected from alcohol products is offset by the improved opportunities for economic growth in areas where liquor stores are known as “problem” stores.

Environmental

ABAT inspections lead to reduced amounts of litter around liquor store locations.

Equity

Grant funds and other resources associated with the proposed initiative are directed towards achieving increased service levels and long-term benefits for communities throughout Oakland.

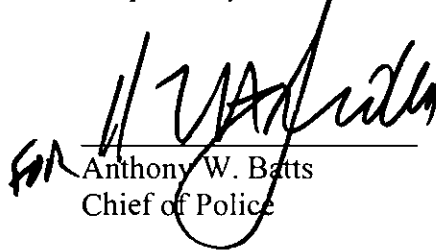
DISABILITY AND SENIOR CITIZEN ACCESS

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

RECOMMENDATION

The Oakland Police Department recommends that the City Council authorize the City Administrator to accept grant funds in an amount not to exceed \$100,000 from the State of California, Department of Alcoholic Beverage Control, and appropriate said funds to the Police Department.

Respectfully Submitted,



for Anthony W. Batts
Chief of Police

Prepared by: Sgt. Pedro Espinoza
Alcohol Beverage Action Team Unit
Special Operations Section
Bureau of Field Operations

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:



Office of the City Administrator

Item: _____
Public Safety Committee
April 12, 2011

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION NO. _____ C.M.S.

2011 MAR 29 PM 4:57

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000) FROM THE STATE OF CALIFORNIA, DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC), GRANT ASSISTANCE PROGRAM (GAP), FOR THE FEDERAL FISCAL YEAR 2012 IMPLEMENTATION OF THE ALCOHOL CONTROL ENFORCEMENT PROGRAM WITHIN THE POLICE DEPARTMENT

WHEREAS, it is anticipated that grant funds in an amount not to exceed one hundred thousand dollars (\$100,000) will be received from the State of California, Department of Alcoholic Beverage Control (ABC), Grant Assistance Program (GAP), for the Federal fiscal year 2012 implementation of the Alcohol Control Enforcement Project within the Police Department; and

WHEREAS, these State of California grant funds are to be used to expand law enforcement efforts to address alcohol-related problems through a comprehensive alcohol beverage control program within the City of Oakland; and

WHEREAS, the Police Department's primary goal through the Alcohol Control Enforcement Project is to identify and prevent the unlawful sale of alcoholic beverages and the illegal sale of alcohol to minors; and

WHEREAS, the proposed grant does not allow for indirect costs (Central Services Overhead) charges in the amount of \$12,941, and the Department has requested a waiver of said charges; and

WHEREAS, the City Council previously authorized acceptance of similar grant funds by Resolution No. 82872 C.M.S. dated July 6, 2010, Resolution No. 82212 C.M.S. dated July 21, 2009, Resolution No. 79276 dated June 7, 2005, and Resolution No. 78554 C.M.S. dated May 18, 2004; now, therefore be h

RESOLVED: That the City Council hereby authorizes the City Administrator or his designee to accept up to \$100,000 in grant funds from the State of California, Department of Alcoholic Beverage Control and appropriate said funds to the Police Department; and be h

FURTHER RESOLVED: That the funds shall be maintained in the State of California Grant Fund: 2159; Alcoholic Beverage Action Team (ABAT) Org.: 107710; Special Operations Division Program PS13; with a Project Number to be established; and be it

FURTHER RESOLVED: That Central Services Overhead costs of \$12,941 (13.64%) are hereby waived; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the grant award.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the
Council of the City of Oakland, California