

[Signature]
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 MAR 31 PM 4:52 OAKLAND CITY COUNCIL

RESOLUTION No. 86156 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE DEPARTMENT OF HOMELAND SECURITY (DHS), OFFICE OF HOMELAND SECURITY INVESTIGATIONS (HSI) FOR THE PURPOSE OF ALLOWING PARTICULAR OAKLAND POLICE DEPARTMENT (OPD) OFFICERS TO BE DESIGNATED AS UNITED STATES CUSTOMS TITLE 19 TASK FORCE OFFICERS (TFOS), WITHOUT ADDITIONAL COMPENSATION, UNTIL THE EXPIRATION DATE OF THE AGREEMENT, UNLESS REVOKED AT AN EARLIER DATE BY EITHER OPD OR HSI

WHEREAS, the Oakland Police Department (OPD) is committed to reducing crime and serving the community through fair, quality policing; and

WHEREAS, OPD officers and leadership are tasked with investigating many crimes including violent, gang-related and human trafficking crimes, due to the high level criminal activity that occurs each year in the City of Oakland; and

WHEREAS, many violent, gang-related and human trafficking crimes that occur each year in Oakland are connected to criminal groups whose networks bypass the geographic boundaries of Oakland and extend into other cities, states and even beyond the U.S. borders; and

WHEREAS, OPD can more effectively investigate such crimes when provided with additional resources and the sharing of data and technology; and

WHEREAS, HSI supports local agencies like OPD by collaborating in effective ways to create dramatically increased outcomes, otherwise known as a force multiplier approach, to investigations; and

WHEREAS, as part of that force multiplier collaborative approach, HSI is authorized under Title 19, section 1401 of the U.S. Code to cross-designate other federal, state and local law enforcement officers, henceforth known as Task Force Officers (TFO), to investigate and enforce customs laws; and

WHEREAS, OPD will benefit greatly from this partnership with DHS HSI because of the additional resources which will support OPD investigations of violent, gang-related and human trafficking crimes, including better forensics capabilities, a greater network for crime-related data sharing, and funding support through HSI's State Local Over Time (SLOT) funding for OPD officers to be paid for overtime hours; and

WHEREAS, OPD, in conjunction with officers working as TFOs, will be better placed to support federal prosecutions of violent, gang-related and human trafficking crimes through more successful criminal investigations; and

WHEREAS, only particular officers working in OPD's Criminal Investigations Division (CID) and involved in particular investigations, will each sign particular agreements for all provisions of this MOU, and will be designated as a Title 19 TFO and serve as a TFO without additional compensation, until the expiration date of the agreement unless revoked at an earlier date by either OPD or HSI; and

WHEREAS, all OPD officers designated by HSI as TFOs will first have to be trained so as to comply with firearms and other policing laws of different relevant jurisdictions, and be subject to guidelines and directives of HSI; and

WHEREAS, all training required by HIS of OPD officers serving as TFOs shall be conducted and paid for by HIS, at no cost whatsoever to OPD or the City of Oakland; and

WHEREAS, in accordance with 19 U.S.C. § 1589a, as Customs Officers, HSI Special Agents (SAs) and Title 19 TFOs are authorized to enforce the full range of federal offenses but HSI does not convey the authority to enforce administrative violations of immigration law; now, therefore, be it

RESOLVED: That the City Council authorizes the City Administrator or Designee to enter into a MOU with DHS/HSI for the purpose of allowing particular OPD officers to be designated as a United States Customs Title 19 TFO, without additional compensation, until the expiration date of the agreement unless revoked at an earlier date by either OPD or HSI; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator or designee to accept and appropriate funds from HSI's SLOT funding to cover TFOs overtime cost for joint investigations; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to conduct all negotiations, applications, agreements, and related actions which may be necessary to administer the aforementioned program.

MAY 03 2016

IN COUNCIL, OAKLAND, CALIFORNIA, _____

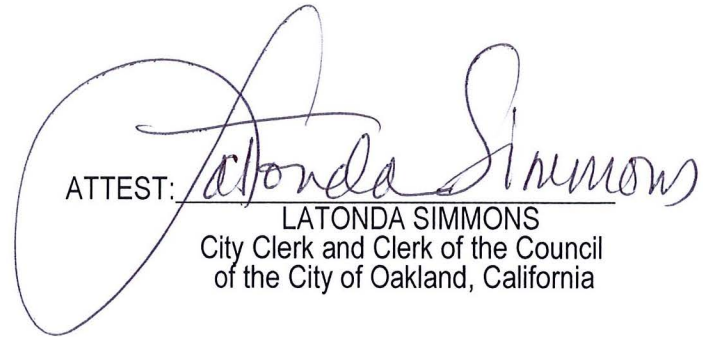
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, ~~KAPLAN~~, REID AND PRESIDENT
GIBSON MCELHANEY - 7

NOES - Kaplan - 1

ABSENT - 0

ABSTENTION - 0

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California