

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY VICE MAYOR KAPLAN

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**RESOLUTION AMENDING RESOLUTION NO. 88174 C.M.S., WHICH ADOPTED THE FISCAL YEAR 2020-21 MID-CYCLE BUDGET ADJUSTMENTS, TO:**

- 1. DELETE 1.00 FULL TIME EQUIVALENT (FTE) PUBLIC INFORMATION OFFICER I POSITION IN THE OAKLAND POLICE DEPARTMENT (OPD) PUBLIC INFORMATION OFFICE AND ADD 1.00 FTE PUBLIC INFORMATION OFFICER I POSITION IN THE OPD MISSING PERSONS UNIT;**
- 2. DELETE 1.00 FTE POLICE SERVICES TECHNICIAN II POSITION IN THE OPD SPECIAL VICTIMS SECTION AND ADD 1.00 FTE POLICE SERVICES TECHNICIAN II POSITION IN THE OPD MISSING PERSONS UNIT; AND**
- 3. DELETE 1.00 FTE POLICE EVIDENCE TECHNICIAN POSITION IN THE OPD CRIMINAL INVESTIGATION DIVISION AND ADD 1.00 FTE POLICE EVIDENCE TECHNICIAN POSITION IN THE OPD MISSING PERSON UNIT.**

**WHEREAS**, on June 23, 2020, City Council passed Resolution No. 88174, which adopted the Fiscal Year 2020-21 mid-cycle budget adjustments to the City of Oakland's Fiscal Year 2019-2021 Biennial Budget; and

**WHEREAS**, there is a public outcry to solve cold cases, in particular missing persons cases, that are still pending in the City of Oakland. The families are left in distress and upheaval from the loss of a loved one with insufficient assistance made available to them; and

**WHEREAS**, in the case of Jonathan Bandabaila, on May 7, 2019, he was reported missing by his family members, who called the Oakland Police Department (OPD). During the course of the investigation, OPD and the Missing Persons Unit (MPU) never took custody of Jonathan's 1998 Honda Accord that was left on the bridge, which was evidence of a missing person, and potentially, a criminal activity case; and

**WHEREAS**, once OPD were advised that Jonathan's vehicle was towed by CHP, OPD did not take custody of the vehicle with its contents for forensic processing by a properly trained

Crime Scene Technician, nor was the vehicle relocated to an OPD secured lot to bag-up the property inside Jonathan's vehicle for evidence to be placed into evidence, and

**WHEREAS**, the Bandabaila family stated the MPU unit did not contact them during the first two weeks of the investigation. The family made several calls to the MPU, but were not able to leave voicemail messages due to the voicemail being full; and

**WHEREAS**, the MPU Unit did not use social media bulletins and media advisories in Jonathan's missing person's case. OPD Media Relations Office utilized the department's social media platform to share twenty-nine (29) posts in a week about the protests, but no media post was created for Jonathan Bandabaila or any other missing person cases; and

**WHEREAS**, the 2020 Missing Person's Report documents the MPU is responsible for investigating missing and abducted persons cases. Currently, the MPU is staffed with two sworn investigators, once professional staff investigator, and one sergeant; and

**WHEREAS**, the Sergeant is also responsible for supervising the Juvenile Intake Unit (JIU). The JIU is responsible for screening and processing at-risk juveniles and connects them with appropriate services, ensures compliance with DOJ requirements for handling of detained juveniles; and

**WHEREAS**, these conditions and responsibilities confirm the Missing Persons Unit (MPU), which coordinates resources for investigations of missing persons, is mostly run by one (1) professional staff investigator; and

**WHEREAS**, from 2019-2020, one (1) Professional Staff Investigator received approximately 1,523 missing person calls. A total of 3,188 new cases were reported to OPD from January 1, 2015 to December 31, 2019. The MPU currently has 88 open cases involving adults who were reported missing from January 1, 2015 through December 31, 2019;<sup>1</sup>and

**WHEREAS**, The Special Victim Section (SVS) which oversees the Missing Persons Unit (MPU) has a trend of not providing adequate staffing and funding levels. In OPD's 2016 Annual Report, it outlined the SVS Division challenges were "the lack of adequate staffing to address increasing caseloads;"<sup>2</sup> and

**WHEREAS**, In OPD's 2017 Annual Report outlined, the SVS Division challenges were "staffing has been very challenging for the Crime Analysis Section. A number of the staff have been loaned to other entities within OPD;"<sup>3</sup> and

**WHEREAS**, In OPD's 2018 Annual Report outlined, the SVS Division challenges are "the lack of adequate staffing to address increasing caseloads; the fatigue of staff due to caseloads and nature of investigations; and the learning curve for new investigators given the caseloads and complexity of the cases;"<sup>4</sup> and

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<sup>1</sup> Susan E. Manheimer, Chief of Police. OPD Mission Persons Report, Oakland Police Department. April 7, 2020.

<sup>2</sup> OPD Annual Report 2016. [oak066735.pdf \(oaklandnet.com\)](#)

<sup>3</sup> OPD Annual Report 2017. [Oakland-Police-Department-Annual-Report-2017.pdf \(documentcloud.org\)](#)

<sup>4</sup> OPD Annual Report 2018. [OPD-2018-Annual-Report-10.14.19-NC-AB-V11-Final-12.26.19.pdf \(cao94612.s3.amazonaws.com\)](#)

**WHEREAS**, on July 15, 2020, OPD distributed its Memorandum on OPD Budget & Operations, which documented of \$9,500,000 appropriated to the Special Victims Unit (SVU), only four percent (4%) of the SVC Budget was allocated to the Missing Persons Unit (MPU) in the amount of \$400,000; and

**WHEREAS**, in light of the above information, the City Council wishes to increase staffing in the Missing Persons Unit; now, therefore, be it

**RESOLVED:** That the City Council hereby amends Resolution No. 88174 C.M.S., which adopted the Fiscal Year 2020-21 mid-cycle budget adjustments, to:

- 1) delete 1.00 full time equivalent (FTE) Public Information Officer I position in the Oakland Police Department (OPD) Public Information Office and add 1.00 FTE Public Information Officer I position in the OPD Missing Persons Unit;
- 2) delete 1.00 FTE Police Services Technician II position in the OPD Special Victims Section and add 1.00 FTE Police Services Technician II position in the OPD Missing Persons Unit; and
- 3) delete 1.00 FTE Police Evidence Technician position in the OPD Criminal Investigation Division and add 1.00 FTE Police Evidence Technician position in the OPD Missing Person Unit.

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IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
Acting City Clerk and Clerk of the Council of  
the City of Oakland, California