

2008 MAR 27 AM 10:07

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Police Department
DATE: April, 8, 2008

RE: A Report And Recommendation From The Office Of Chief Of Police On The Development Of A Consent-To-Search Program For The City Of Oakland, Which Is A Gun Control Strategy Used In Other Cities Across The Country To Locate Guns That May Be In The Possession Of Juveniles, And May Have Been Used In The Commission Of Crimes In The City

SUMMARY

At the request of Council members Brooks and Kernighan, as approved by motion of the City Council meeting of February 19, 2008, staff has prepared a report detailing the development of a Consent-to-Search program for the Oakland Police Department.

FISCAL IMPACTS

The Consent-to-Search project will not require overtime expenditures during the six-month pilot program period. If the program is successful and considered for implementation by the Department, staff will return to the Council with a report containing fiscal implications for an expanded program prior to implementation.

BACKGROUND

In 1994, the St. Louis Police Department was facing ever increasing incidents of violent crimes. The Consent-to-Search program was an outgrowth of the national youth violence epidemic of the 1980's through the early 1990's. The City of St. Louis implemented this unique program to combat the high number of gun related incidents among youth. The program consisted of police officers knocking on doors in high risk crime areas and requesting permission from parents / guardians to search their homes for guns that juveniles may have stashed away. All firearms located were seized with no follow-up prosecution, and parents/guardians who requested were referred to community based organizations to provide the appropriate services.

The Consent-to-Search program was initially accepted and deemed a success, receiving numerous national awards. In the latter months of 1995, the situation changed when the Chief of Police resigned for unknown reasons. After two unsuccessful attempts to invigorate the program (each time with a different format and goal) St. Louis Police Department terminated Consent-to-Search in August of 1999.

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The original Consent-to-Search program was founded on standards of the community policing application of responding to the needs and direction of the community. The success was a direct result of the community's willingness to allow police to enter their homes for the greater good of a safer community. Neighborhood residents played a critical role in identifying those persons involved in criminal activity. In addition, the commitment made by the police to forego prosecution of those who participated was essential to the early success of the program.

KEY ISSUES AND IMPACTS

The success of a Consent-to-Search program is predicated on the community policing approach to problem solving. The Oakland community's buy-in to the program will enable police officers to target juveniles involved in crime. Information from citizen contacts, confidential informants, drug/gun hotlines and criminal investigations will allow the Police Department to better focus its efforts.

The Oakland Police Department must strictly adhere to the promise of amnesty (no prosecution). Removing firearms from the youth's possession is of greater importance than the potential for arrest and/or prosecution. The Consent-to-Search program allows for prosecution of individuals if the firearm seized is determined to have been involved in a shooting or a homicide. Other crimes of violence with the use of a firearm such as robbery and/or sexual assault would not be prosecuted, unless the gun was discharged during the crime.

Consent searches are voluntary and based on the consenter's agreement with terms of the search. In these searches, the terms are that (given certain conditions), amnesty is promised. Failure to abide by the aforementioned promise would render the search unconstitutional, resulting in evidence suppression and loss of community support and trust.

The process by which the Oakland Police Department will obtain the necessary information to focus on those minors believed to be involved in criminal activity is key. The St. Louis model was dependent on community input as the significant source of information; this proved successful in the initial phase of the program. A comprehensive approach to information gathering is imperative to ensure success. Buy-in from the community will provide a strong basis for the pilot-program. Staff will use the following sources to identify juvenile offenders for this program:

- Gun Hotline,
- Citizen contacts,
- Confidential informants,
- Shotspotter information,
- CID will provide reports of firearm related incidents for Consent-to-Search follow-ups, and
- Information from on-going criminal investigations.

How the Oakland Police Department will educate the community on the Consent-to-Search program is the most important part of the program. The Department will utilize Neighborhood Services Coordinators, Problem Solving Officers, Campus Life And Safety Section (CLASS)

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officers, and other community outreach personnel to get the message out. In addition, Youth & Family Services personnel will ensure information is disseminated to the Alameda County Probation Department, Oakland Unified School District, Youth UpRising!, and other referral programs currently partnered with the Oakland Police Department. The Department will provide information to local media outlets to educate the public of this program.

Officers involved in the Consent-to-Search program will receive refresher training in the areas of search and seizure by subject matter experts. This training will include search/seizure policy, and case law pertaining to consent searches and laws of arrest. In addition, officers will reaffirm the program's mission as a community policing approach to problem solving.

PROGRAM DESCRIPTION

The Consent-To-Search program will begin a pilot project 60 days after the acceptance of this report (approximately June 2008). The pilot program will last for a period of six months.

Campus Life and School Safety (CLASS) officers will staff the program on a bi-monthly basis during the initial phase of the pilot program. Officers assigned to CLASS will be given updated training prior to implementation. A target area will be determined so an accurate accounting of the program can be assessed.

CLASS personnel will be responsible for following up on firearm related information, conducting consent searches, documenting the incidents and providing feedback to supervisors monitoring the program.

An ongoing program evaluation will be conducted during the six month pilot program. The evaluation will include comparison of statistical data (number of consent searches, firearms recovered and youth referrals) from the target area, citizen surveys and impact of quality of life issues in the target areas.

The Consent-to Search would be expanded to a Department-wide basis should the pilot program prove effective in impacting gun related criminal activity involving youth.

SUSTAINABLE OPPORTUNITIES

Economic: Sustained efforts to reduce the number of violent crimes associated with firearms in Oakland will have significant impact on the quality of life for residents. Citizens will be more likely to reside and shop in Oakland, thereby stimulating economic growth for the City.

Environmental: There are no environmental opportunities associated with this report.

Social Equity: The Department's efforts to remove firearms possessed by youth, and/or used in the commission of a crime will help determine how they are getting into the hands of citizens and youth. This creates an opportunity to address the accessibility of firearms by Oakland youth. By bringing this information to a parents or guardian's attention, they become more accountable to the juvenile in their charge and the community as a whole.

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DISABILITY AND SENIOR CITIZEN ACCESS

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

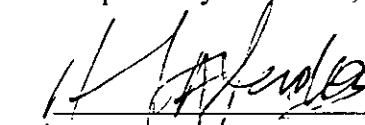
RECOMMENDATION AND RATIONALE

Staff recommends acceptance of this report. The Consent-to-Search program, to be implemented as a pilot project by the Oakland Police Department, is designed to remove firearms from youth thereby increasing public safety and public trust.

ACTION REQUESTED OF THE COUNCIL

Accept this report on the Police Department's plan to implement a six-month pilot Consent-to-Search program in the City of Oakland.

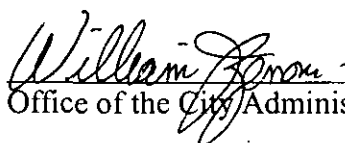
Respectfully submitted,


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Chief of Police.

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Bureau of Administration

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

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