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CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 88607 C.M.S.

INTRODUCED BY COUNCILMEMBER CARROLL FIFE
AND COUNCIL PRESIDENT NIKKI FORTUNATO BAS

**ADOPT A RESOLUTION PRIORITIZING RECOMMENDATIONS FROM THE
REIMAGINING PUBLIC SAFETY TASK FORCE FOR CONSIDERATION IN
THE FISCAL YEAR 2021-2023 BUDGET**

WHEREAS, On July 28, 2020, the City Council adopted a resolution creating the Reimagining Public Safety Task Force ("Task Force") to transform public safety by shifting resources from enforcement and punishment to non-law enforcement responses to calls for assistance, and investment in programs that address the root causes of violence and crime; and

WHEREAS, the Task Force was convened on September 16, 2020, Co-Chaired by Councilmembers Nikki Fortunato Bas and Loren Taylor and comprised of 17 members, including one representative from each Council district, an At-Large appointment, Mayoral appointment, a member of the Community Policing Advisory Board, Safety Services Oversight Commission, Police Commission, and Budget Advisory Commission, two members of the Youth Advisory Commission, and two co-chair appointees; and

WHEREAS, the Task Force established the Alternative Responses and Services Advisory Board, Budget and Data Advisory Board, Legal Barriers and Opportunities Advisory Board, and Oakland Police Department (OPD) Organization and Culture, and Youth Advisory Board; and

WHEREAS, the Task Force also engaged with impacted communities directly to gather ideas, perspectives, and feedback on Task Force recommendations through a process that included surveys, town halls, social media campaigns, and listening sessions conducted by Young Women's Freedom Center, OneLife Institute, Urban Peace Movement, Youth Alive, Anti Police-Terror Project, Oakland Rising, Black Women Organized for Political Action, Black Cultural Zone, El Timpano, and Community & Youth Outreach; and

WHEREAS, the guiding framework for the Task Force was to identify activities and functions that can be removed from OPD's jurisdiction; specific activities OPD should continue to do and where officers' time is best spent; community-based services or other government

agency programs as an alternative to reduced or eliminated police services; community services and assets to help create neighborhood safety, peace, and healing; improvements and reforms to OPD; and

WHEREAS, OPD has been under a Negotiated Settlement Agreement (NSA) for the past 18 years, requiring police reforms in several areas, including internal affairs, supervision of officers, police use of force, training, personnel practices, and community policing; and

WHEREAS, some reforms have been made as outlined in the NSA but there continues to be major issues, including officer misconduct, most notably the sexual exploitation of an underage young woman in 2015 by several OPD officers and the killing of Joshua Pawlik in 2018; and

WHEREAS, a 2019 report from the OPD's Office of the Inspector General found that cases of use of force were routinely underreported and that officers were much more likely to use force on Black and Latinx individuals; and

WHEREAS, OPD's failure to fully comply with the NSA has cost the City of Oakland at least \$17 million and this is in addition to the millions the City has had to pay in order to settle lawsuits stemming from OPD officer incidents; and

WHEREAS, the OPD budget for FY 2020-21 exceeded \$330 million, which makes up 44% of the General Purpose Fund (GPF), and OPD spent \$19 million over this budget on overtime, making OPD the highest contributor to the City's growing budget deficit; and

WHEREAS, despite its significant GPF-funded budget, which is greater than the combined GPF expenditures of the Offices of Parks, Recreation and Youth Development, Public Works, Human Services, Housing and Community Development, Economic and Workforce Development, Public Library, and Violence Prevention, the services and response times by OPD have not been adequate and the ways OPD conducts its operations do not always contribute to the safety of some community members, including Black and Brown people, unhoused individuals, and those facing mental health challenges; and

WHEREAS, the militarization of OPD and excessive response to peaceful protests against social injustices, including the extrajudicial murder of Black and Brown people, has contributed the community's growing fear and mistrust of law enforcement; and

WHEREAS, in response to these concerns, the City of Oakland has taken, or is in the process of taking, certain actions to reform our public safety system; and

WHEREAS, on July 21, 2020, the Council voted to remove the Special Events function from OPD's purview to a civilian function under the City Administrator's Office; and

WHEREAS, the Neighborhood Services Division has also been moved from OPD to the City Administrator's Office; and

WHEREAS, the Council has agreed to invest in community ambassadors programs in each Council district as discussed at the April 12, 2021, Special City Council meeting; and

WHEREAS, there is a proposal for a Militarized Equipment Ordinance allowing the Police Commission and City Council to review and approve OPD requests for military-grade acquisitions, and mandating OPD to submit use policies for equipment already in the possession of department; and

WHEREAS, the Task Force's work, while affirming these efforts, seeks to further shift the public safety paradigm from policing to resourcing communities to address the root causes of violence; and

WHEREAS, in March 2021, the Task Force Advisory Board produced more than 100 recommendations, and the Task Force adopted a total of 88 recommendations to forward for the City Council's consideration, which the Task Force further consolidated into 44 recommendations; and

WHEREAS, on April 13, 2021, at a meeting of the Public Safety Committee, the Task Force presented these recommendations that the City Council can act on immediately; now, therefore be it

RESOLVED: That the City Council prioritizes the following Task Force recommendations for staff analysis, costing, and serious consideration in the Fiscal Year 2021-2023 Budget:

I. Invest long-term into Mobile Assistance Community Responders of Oakland (MACRO) by scaling up the pilot program over the next three years (at an estimated cost of \$25 million) as put forth by recommendation 57, allowing police to shift resources to address violent crimes, while keeping vulnerable members of our community safe by limiting the possibility of escalation and use of force;

II. Invest in alternative crisis response programs, including creating crisis hotlines outside of the 911 emergency system as put forth by recommendation 58 (with an approximate cost of \$750,000 per year to be distributed by RFP process), which will allow the City to meet the needs of members of our community who may not feel safe seeking assistance through the current emergency response system that centers law enforcement;

III. Increase gender-based violence services by investing (an additional \$1.35 million annually) in funding to the Department of Violence Prevention (DVP) as put forth by recommendation 72; invest (\$1 million) annually to expand flexible funding for survivors of gender-based violence per recommendation 73; and invest (\$2.5 million) annually for gender-based violence prevention as highlighted in recommendation 74 with an average of 6,000 911 calls related to domestic violence per year in Alameda County and Oakland accounting for the highest rate of calls at 25.2 per 100,000 residents, it is critical to allocate the necessary funds towards preventative and supportive measures;

IV. Pending changes in California State law, Move most traffic enforcement out of the Oakland Police Department (OPD) and into the Oakland Department of Transportation as put forth by recommendation 59; most traffic stops are non-violent and do not require the presence of law enforcement and should be handled by unarmed civil servants and with Black residents being stopped at significantly higher rates than any other group, this is a necessary first step to addressing the racial disparities in traffic enforcement;

V. Enact and implement Police Commission's proposed "Militarized Controlled Equipment Policy" and seek to demilitarize the Oakland Police Department (OPD), which includes, but is not limited to, eliminating the BearCAT armored vehicles as put forth by to further the spirit of recommendations 38 and 43; the militarization of police departments has no significant impact on crime reduction but serves to further deteriorate police community relations and establishing a regulatory framework on the purchase and use of militarized equipment by OPD is a necessary step towards a more community-centric approach to safety;

VI. Build a restorative justice web of support, including providing more comprehensive reentry support and expanding restorative justice diversion for youth and young adults (with an estimated annual cost of \$1,700,000-3,000,000), as put forth by recommendations 67, 68, 69, and 70; working with restorative justice centers, community organizations, service providers, school restorative justice hubs and community healing spaces, we can create non-punitive structures to addressing harm and preventing violence;

VII. Increase general purpose fund (GPF) allocation and available grants for Department of Violence Prevention strategies, invest in Community Outreach Workers and Violence Interrupters, and provide financial support to individuals at risk of engaging in crime or violence (in the amount of \$150,000-\$175,000 annually per community outreach worker total), as put forth by recommendations 144 and 149, which will allow communities to build capacity to address their own needs while creating opportunities where they may not exist and limiting reliance on law enforcement;

VIII. Increase investment and alignment in the Oakland Youth Advisory Commission and the Oakland Police & Community Youth Leadership Council to enable effective resourcing for recruitment, planning, and coordination needed to center and legitimize youth voices related to improving community safety at scale, (at an annual cost of \$532,200), as put forth in recommendation 122.

IX. As part of the Council's priority efforts to create more affordable housing and to reduce homelessness, create immediate housing solutions, including, but not limited to, purchasing motels and/or hotels for housing, providing rental assistance, and expanding supportive services to include the needs of the working-class and unhoused populations as put forth in recommendation 77; investment in social services, including stable housing is essential to eliminating crime and violence;

X. In line with recommendation 47, commit to working with government, private, and philanthropic partners to allocate funding towards a second phase of Reimagining Public Safety; ensuring that facilitation of the second phase is rooted in community practice, such as being trauma-informed to interrupt sexism and racism, so that the process does not perpetuate the harm we seek to undo, as amended by the Task Force on March 17, 2021; and be it

XI. Explore possible transfer, no earlier than July 2022, of most of the Internal Affairs Division of OPD to the Community Police Review Agency (CPRA) and reorganizing OPDs internal structure in alignment with recommendations 31, 41, and 84;

XII. In line with Recommendation 148, commit to creating a framework for a new Department of Children, Youth, and Families (DCYF) and allocate the necessary funds toward the creation and staffing of the DCYF; and be it

FURTHER RESOLVED, that the dollar amounts outlined in this Resolution are initial task force estimates and the Council is not obligating itself to those amounts in the final FY 2021-23 Budget; and be it

FURTHER RESOLVED: That the City shall seek funding and partnerships with government, private, and philanthropic partners to resource and implement these recommendations

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

MAY 03 2021

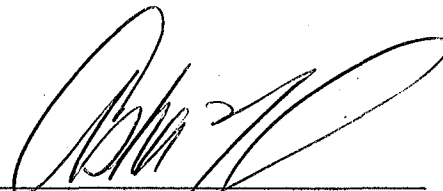
AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST



ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California