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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Approved as to Form and Legality


City Attorney

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR
DESIGNEE TO ENTER INTO A MEMORANDUM OF
UNDERSTANDING (MOU) WITH THE UNITED STATES MARSHALS
SERVICE (USMS) TO ALLOW OAKLAND POLICE DEPARTMENT (OPD)
PARTICIPATION IN THE NORTHERN DISTRICT OF CALIFORNIA
REGIONAL FUGITIVE TASKFORCE FOR THE PURPOSE OF
LOCATING AND APPREHENDING FUGITIVES**

WHEREAS, the primary mission of USMS task forces (TF) is to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal warrants for their arrest; and

WHEREAS, in the City of Oakland each year scores of individuals face warrants for their arrest due to proven and/or suspected criminal activity including violent crimes against persons, weapons offenses; felony drug offenses, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses; and

WHEREAS, OPD does not have a fully staffed fugitive unit to independently investigate and apprehend the many fugitives who must be apprehended each year to protect the safety of Oakland residents and visitors; and

WHEREAS, the USMS has created numerous regional fugitive taskforces to investigate and apprehend local, state and federal fugitives; and

WHEREAS, Federal fugitive cases referred to the task force for investigation by any participating agency such as OPD are entered into the National Crime Information Center (NCIC) by the USMS or originating agency, as appropriate; and

WHEREAS, in Oakland, the USMS is a valuable partner for investigations of violent criminal behavior; and

WHEREAS, a major goal of Oakland's Ceasefire Strategy, a data-driven violence-reduction effort that coordinates law enforcement, social services, and the community, is to reduce gang/group-related homicides and shootings; and

WHEREAS, Ceasefire brings social services and community partners to help gang/group members ready to cease violent activity, and partners such as the USMS are critical to locating individuals who continue with criminal and illegal firearm activity and/or break the provisions of their probation or parole restrictions; and

WHEREAS, the USMS helps OPD with its Ceasefire implementation and criminal investigations by locating and arresting violent offenders and sexual predators with warrants for their arrest; and

WHEREAS, recovering fugitives who have committed crimes in Oakland usually can lead to out of state pursuits; the TF has the capability and resources to track fugitives across state lines and those criminals attempting to flee the Country; and

WHEREAS, most the offenders assigned to the USMS are violent Oakland gang/group members who are involved in committing homicides, robberies, aggravated assault and shootings as well as lesser crimes; and

WHEREAS, OPD officers assigned to the USMS Task Force shall adhere to Taskforce policies and procedures, as well as OPD policies and procedures; failure to adhere to the most restrictive policies and procedures shall be grounds for dismissal from the Taskforce, and shall subject the OPD officers to administrative action by OPD; and

WHEREAS, Article V, Section 504(l) of the City Charter requires that the City Council authorize the City Administrator or designee to enter into an agreement between the City and other agency or organization; and

WHEREAS, OPD previously signed an MOU authorizing OPD participation in the USMS TF on April 29, 2011; therefore be it

RESOLVED: that City Council authorizes the City Administrator or designee to enter into a MOU with the USMS to allow OPD to participate in the Northern District of California Regional Fugitive Taskforce for the purpose of locating and apprehending fugitives; and be it

FURTHER RESOLVED: that if the USMS receives asset forfeiture funding for either 1) overtime incurred by state and local investigators who provide full time support to USMS TF; or 2) travel, training, purchase or lease of police vehicles, fuel, supplies ,or equipment for state and local investigators in direct support of state and local investigator, the USMS shall, pending availability of funds, reimburse participating agencies for the expenses incurred, depending on which category of funding is provided; and be it

FURTHER RESOLVED: that any reimbursements for overtime expenses made by the USMS to OPD shall be deposited into Fund 2999, Org 102310,

Account 46129, Project TBD, and Program PS03; and be it

FURTHER RESOLVED: that the City Administrator is authorized to accept and appropriate any reimbursements for overtime expenses without returning to the City Council; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend and/or amend the MOU without returning to the City Council; and be it

FURTHER RESOLVED: That in accordance with Article IV, Section 401(6) of the City Charter, the MOU authorized by this resolution shall be approved by as to form and legality before execution, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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