



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Darren Allison
Interim Chief of Police

SUBJECT: OPD-U.S. Marshals MOU

DATE: June 27, 2023

City Administrator
Approval


Jestin Johnson (Jul 5, 2023 17:57 PDT)

Date Jul 5, 2023

RECOMMENDATION

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) Through September 30, 2026 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.

EXECUTIVE SUMMARY

The Marshals Service is a federal law enforcement agency within the United States Department of Justice with a mandate to apprehend fugitives and the execution of federal warrants. The USMS Task Forces does not conduct independent investigation of possible criminal activity, but rather works with local and state law enforcement agencies to apprehend individuals with active arrest warrants. The Northern District of California United States Marshals Service Task Force (USMS TF) primary mission is the apprehension of violent fugitives wanted by local, state, federal and international Law Enforcement Agencies (a large percentage of the Northern California TF cases stem from criminal activity in Oakland).

Oakland's Ceasefire Strategy benefits from support from the USMS by helping to apprehend individuals who continue with criminal and illegal firearm activity and/or break the provisions of their probation or parole restrictions. OPD does not have a fully staffed fugitive unit – the USMS TF fulfills this critical need for OPD. Furthermore, TF participation allows OPD overtime expenses related to USMS operations to be reimbursed by the USMS. OPD previously signed a MOU with the USMS in 2019; but can no longer participate in the TF without City Council approval as the City Charter requires City Council approval for such partnerships.

BACKGROUND AND LEGISLATIVE HISTORY

The USMS is responsible for enforcing federal court orders and serves as the administrative custodian of all federal warrants until they are executed or dismissed. The USMS also manages warrant information, investigates fugitive matters and executes arrest warrants.

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The U.S. Marshals have a long history of providing assistance and expertise to other law enforcement agencies in support of fugitive investigations. The USMS Task Forces does not conduct an independent investigation of possible criminal activity. The USMS only seeks to apprehend individuals with active arrest warrants issued for them related to crimes which have targeted local residents. These crimes include; murder, rape, child molestation, robberies, felony assaults and large scale fraud operations. USMS TFs work by leveraging local police intel as well as other data sources (e.g. database searches, open source social media inquiries, and interviews of associates/ and family members).

USMS MOU Alignment with OPD Policies

The MOU between OPD and the USMS shall state that each member (such as OPD) shall comply with their agencies' guidelines concerning the use of firearms, deadly force, and less-lethal devices. In the event of a shooting involving task force personnel, the incident will be investigated by the agency of the involved personnel.

[Resolution 87701 CMS](#) was adopted at the May 21, 2019 City Council meeting. That MOU expired September 30, 2019. OPD presented the MOU to PAC on January 5, 2023, and it was approved unanimously.

ANALYSIS AND POLICY ALTERNATIVES

The Northern District of California United States Marshals Service Task Force (USMS TF) primary mission is the apprehension of violent fugitives wanted by local, state, federal and international Law Enforcement Agencies. The USMS TF in the Bay Area has 25 personnel assigned to three different geographical regions: San Jose, San Francisco and Oakland (several of the cases the USMS investigate are OPD cases). Normal operations include investigative efforts to determine possible location of the fugitive. Once a possible location is determined the team shifts from an investigative process to an operational and tactical mode for a safe apprehension. The Task Force Officer (TFO) can communicate directly with OPD, allowing for safety measures to be implemented to keep the residents of Oakland safe whenever a fugitive is apprehended.

In Oakland, the USMS is a valuable partner for investigations of violent criminal behavior. Oakland's Ceasefire Strategy benefits from support from the USMS. Ceasefire is a data-driven violence-reduction strategy coordinating law enforcement, social services, and the community. The major goal is to reduce gang/group-related homicides and shootings. Ceasefire brings social services and community partners to help gang/group members ready to cease violent activity; 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.

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. 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.

USMS/OPD collaboration is a force multiplier for both agencies. The USMS TF has skills sets and connections throughout the United States and internationally, which OPD lacks. Additionally, OPD does not have a fully staffed fugitive unit – the USMS TF fulfills this critical need for OPD. Furthermore, TF participation allows OPD overtime expenses related to USMS operations to be reimbursed by the USMS.

The USMS TF has arrested 229 fugitives wanted for Homicide, Kidnapping, Robbery, Sex Assault, Carjacking, Burglary, Assault and Weapons Offense between July 2022 and June 2023. These operations recovered 74 firearms (64 handguns and 10 rifles) and over a kilogram of cocaine. The firearms were related to the ongoing violence plaguing West and East Oakland communities.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for this report beyond the standard City Council agenda noticing procedures.

COORDINATION

OPD presented the MOU to PAC on January 5, 2023, and it was approved unanimously. OPD consulted with Office of the City Attorney in the development of this report and accompanying resolution.

FISCAL IMPACT

Any reimbursements for overtime expenses made by the USMS to OPD shall be deposited into Fund to be determined, Org 102310, Account 46129, Project to be determined, and Program PS03.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

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


Race and Equity: OPD's collaboration with USMS helps OPD apprehend wanted criminal suspects and convicted felons. These law enforcement actions help remove dangerous individuals from the streets of Oakland. All residents and visitors benefit from these efforts to improve public safety.

ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) Through September 30, 2026 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.

For questions regarding this report, please contact Lt. Steve Valle, svalle@oaklandca.gov.

Respectfully submitted,



Darren Allison
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OPD, BOS, Research and Planning Unit

Attachments (3):
USMS MOU
USMS BWC Policy
USMS BWC MOU Addendum

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