

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 OCT 30 PM 3:47

To: Office of the City Administrator
Attn: Dan Lindheim
From: Oakland Police Department
Date: November 12, 2008

Re: A Report And Proposed Resolution Authorizing The City Administrator, Or His Designee To Accept And Appropriate Reimbursement Funds In An Amount Not-To-Exceed Fifteen Thousand Dollars (\$15,000) in Federal Funds From The Department Of Justice (DOJ), Federal Bureau of Investigation (FBI) Operating Within the Organized Crime Drug Enforcement Task Forces (OCDETF) To The Oakland Police Department (OPD) In Overtime Costs For Six (6) Police Officers and One (1) Sergeant, For The Period Of October 1, 2008 Through October 1, 2009 For Work Associated With A FBI Narcotic Investigation

SUMMARY

Staff has prepared a report and proposed resolution authorizing the City Administrator to accept and appropriate reimbursement funds from the U.S. Department of Justice, Federal Bureau of Investigation (FBI) operating within the Organized Crime Drug Enforcement Task Forces (OCDETF) to the Oakland Police Department (OPD) in an amount not to exceed \$15,000 in overtime reimbursement funds for the participation of six police officers and one police sergeant during a narcotics investigation being conducted by the FBI for the period of October 1, 2008 through October 1, 2009.

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to accept and appropriate reimbursement funds to the Oakland Police Department from the OCDETF for overtime expenditures incurred by the Police Department as result of officers working with the OCDETF during the period of October 1, 2008 through October 1, 2009, Overtime reimbursement funds shall be appropriated and receipts posted to the General Fund (1010), Intelligence Division Organization (101140), Sworn Overtime Account (51214), Special Operation Program (PS12) and Project number to be determined. Officers assigned to this OCDETF investigation are funded through the Police Department's baseline budget. There are no additional costs to the City as this investigation will be conducted exclusively on the basis of reimbursable overtime, and will therefore not affect any regular patrol or investigative functions carried out by the officers working on the Task Force.

Item: _____
Public Safety Committee
November 12, 2008

BACKGROUND

OPD has a long history of cooperating with Federal Law Enforcement Agencies during criminal investigations which impact the quality of life for the citizens of Oakland. Two recent examples are the 2008 “Nutcracker” investigation which resulted in the prosecution of over 50 violent gang members and the seizure of dozens of weapons. In 2007, Operation “Peace Out” which was conducted jointly by the OPD, FBI, and DEA resulted in over 30 federal prosecutions, seizure of over four pounds of heroin, and the dismantling of a Drug Trafficking Operation (DTO) which was importing nearly 100 pounds of heroin into Oakland on a monthly basis.

KEY ISSUES AND IMPACTS

OCDETF investigations have been effective in eliminating narcotic trafficking organizations by using undercover officers, informants, surveillance, and wire tap resources. OCDETF investigations have been effective in developing probable cause for arrests of known gang members and securing longer sentences by securing federal prosecutions in the City of Oakland and throughout the country.

PROGRAM DESCRIPTION

The FBI is conducting a narcotics related investigation into a drug trafficking organization operating within the City of Oakland, and has requested the assistance of Oakland police officers who are experienced in narcotics investigations and enforcement. The FBI received authorization from the United States Department of Justice to conduct the investigation utilizing OCDETF, which pays overtime for local law enforcement officers, and shares in asset forfeiture with participating agencies. While participating in this OCDETF investigation, local law enforcement officers may be deputized as federal agents, extending their jurisdiction and allowing for federal prosecution.

This FBI sponsored OCDETF investigation is designed to investigate all aspects of a DTO operating within the City of Oakland. Anticipated results include the arrest and prosecution of narcotics traffickers, narcotics and asset seizures, and the disbandment of the drug trafficking organization.

In addition to crime reduction, the Department’s participation in this task force allows the City to share in the forfeiture of drug related proceeds including U.S. currency, vehicles, and property.

SUSTAINABLE OPPORTUNITIES

Economic: Proactive crime prevention activities will enhance the City’s efforts to reduce crime, increase the quality of life, and provide a climate in which economic development can flourish.

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

Social Equity: A large percentage of crime in the City is related to illegal narcotic activity. Enforcement efforts that address narcotics traffickers can increase public safety, improving the quality of life of the citizens of Oakland.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no ADA or senior citizen issues associated with this report.

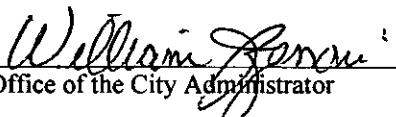
RECOMMENDATION / RATIONALE

Staff recommends acceptance of this report and approval of the proposed resolution authorizing the City Administrator, or his designee to accept and appropriate reimbursement funds in an amount not-to-exceed \$15,000 in federal funds from the Department of Justice, Federal Bureau of Investigation (FBI) operating within the Organized Crime Drug Enforcement Task Forces (OCDETF) to the Oakland Police Department (OPD) in overtime costs for six police officers and one sergeant, for the period of October 1, 2008 through October 1, 2009 for work associated with an OCDETF investigation.

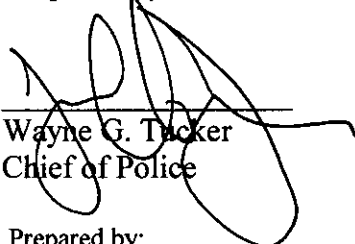
ACTION REQUESTED OF THE COUNCIL

Staff requests acceptance of this report and approval of this resolution.

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:

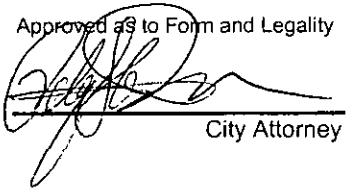

Office of the City Administrator

Respectfully submitted,


Wayne G. Tucker
Chief of Police

Prepared by:
Sergeant Michael Poirier
Chief of Staff
Office of Chief of Police

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 OCT 30 PM 3:47

Approved as to Form and Legality

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE REIMBURSEMENT FUNDS IN AN AMOUNT NOT-TO-EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000) IN FEDERAL FUNDS FROM THE DEPARTMENT OF JUSTICE (DOJ), FEDERAL BUREAU OF INVESTIGATION (FBI) OPERATING WITHIN THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES (OCDETF) TO THE OAKLAND POLICE DEPARTMENT (OPD) IN OVERTIME COSTS FOR SIX (6) POLICE OFFICERS AND ONE (1) SERGEANT, FOR THE PERIOD OF OCTOBER 1, 2008 THROUGH OCTOBER 1, 2009 FOR WORK ASSOCIATED WITH A FBI NARCOTIC INVESTIGATION

WHEREAS, the Department of Justice (DOJ), Federal Bureau of Investigation (FBI) is sponsoring a Organized Crime Drug Enforcement Task Forces (OCDETF) investigation of a drug trafficking organization (DTO) operating in the City of Oakland; and

WHEREAS, the FBI has requested the assistance of the Oakland Police Department (OPD) in supplying one police sergeant and six police officers who are experienced in narcotic investigations; and

WHEREAS, OPD has participated in joint investigations with the FBI in previous years in order to improve its crime fighting efforts involving drug gangs; and

WHEREAS, the OCDETF agrees to reimburse the City for the overtime costs incurred by the officers assigned to the narcotic investigation, in an amount not-to-exceed \$15,000 for the period October 1, 2008 through October 1, 2009; and

WHEREAS, the OCDETF will not reimburse the City for any indirect costs related to the performance of overtime service; now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator to accept and appropriate reimbursement funds in an amount not-to-exceed \$15,000 from the Organized Crime Drug Enforcement Task Forces to the Oakland Police Department for the overtime costs of one police sergeant and six police officers assigned to the investigation for the period October 1, 2008 through October 1, 2009; and be it

FURTHER RESOLVED: That Overtime reimbursement funds shall be appropriated and receipts posted to the General Fund (1010), Intelligence Division Organization (101140), Sworn Overtime

Account (51214), Special Operation Program (PS12) and Project number to be determined; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute any further documents, contracts, and agreements in order to implement the appropriation and allocation of these funds to the City.

PASSED BY THE FOLLOWING VOTE:

- IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST _____

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