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OFFICE OF THE CITY CLERK
OAKLAND

2019 APR 11 PM 6:07

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: OPD-U.S. Department of Veterans
Affairs Agreement

DATE: April 2, 2019

City Administrator
Approval

Date

4/11/19

RECOMMENDATION

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator Or Designee To Enter Into An Agreement Between The Oakland Police Department (OPD) And The United States Department Of Veterans Affairs (VA) To Define Law Enforcement Responsibilities On VA Properties.

EXECUTIVE SUMMARY

OPD requests authority for the City Administrator or designee to sign a formal agreement, to stipulate OPD and VA respective roles for policing at two VA clinic properties in Oakland. The agreement articulates conditions where OPD will provide assistance to VA police as well as communication and noticing requirements for each agency. OPD signed an agreement in 2017 but the City Charter requires City Council approval to OPD to begin inter-governmental agreements.

BACKGROUND AND LEGISLATIVE HISTORY

The VA controls or owns the VA Outpatient Clinics at 2221 MLK Way and 525 21st Street in Oakland. The VA employs its own police officers which adequately address most day to day security needs. However, occasionally the VA recognizes that additional police support may be necessary for unique situations involving violence or emergencies.

ANALYSIS AND POLICY ALTERNATIVES

Article IV, Section 401(6) 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. OPD signed a Memorandum of Understanding (MOU) with the VA in June 2017 unaware of the requirement to first seek City Council authority. OPD cannot participate in an MOU with the VA without Council approval.

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The proposed agreement will stipulate that OPD will assist the VA with the following situations where the VA requests OPD assistance:

- a. Armed hostage taking situation that would require an armed response to assist VA Police in contain the situation until appropriate the Federal agencies (such as the Federal Bureau of Investigation (FBI), or United States Marshal Service (USMS) can respond to assume control.
- b. Crimes involving armed robberies of funds, drugs or properties where the individuals committing the crimes leave VA police jurisdiction.
- c. Any major incident that would require an additional police officer for traffic control to allow emergency vehicles a clear access to the facility.
- d. To assist confirming the identification of wanted subjects, arrest and/or detain individual who have outstanding warrants issued for their arrest by civil law enforcement agencies. VA Police would execute the detention and physical arrest of subjects under federal warrants.
- e. To provide an additional police officer when needed to assist with the physical arrest of a violent/disorderly person(s) who poses a serious threat to patients, visitors, medical staff or themselves.
- f. Provide assistance in the transportation of prisoner(s) who have been arrested at the Oakland Out Patient Clinics on State charges on occasions when VA Police Officers affected the arrest; and be it

The MOU will also stipulate that the VA will notify immediately the FBI and the VA Office of the Inspector General should a VA Police Officer be involved in a shooting. The VA will remain responsible for any negligent acts or omission or its employees. OPD will follow all OPD policies should an OPD officer responding to VA request for assistance lead to an OPD officer-involved shooting or other use of force.

PUBLIC OUTREACH / INTEREST

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

COORDINATION

OPD consulted with the Office of the City Attorney and Budget Bureau in the development of this report and accompanying resolution.

FISCAL IMPACT

There is no fiscal impact associated with this report.

SUSTAINABLE OPPORTUNITIES

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

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

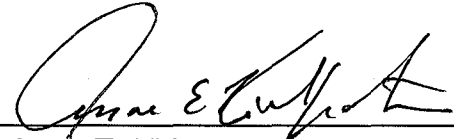
Social Equity: OPD's collaboration with VA helps to ensure that VA facilities as well as residents and visitors to such facilities benefit from OPD policing services.

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 An Agreement Between The Oakland Police Department (OPD) And The United States Department Of Veterans Affairs (VA) To Define Law Enforcement Responsibilities On VA Properties.

For questions regarding this report, please contact Lieutenant James Beere, Felony Assault Section, CID, Bureau of Investigations, at (510) 238-3728.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Reviewed by:
Eric Lewis, Captain
OPD, CID, Bureau of Investigations

James Beere, Lieutenant
OPD, CID, Bureau of Investigations

Prepared by:
Bruce Stoffmacher, Acting Police Services Manager
OPD Training Division, Research and Planning Unit

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Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR
DESIGNEE TO ENTER INTO AN AGREEMENT BETWEEN THE
OAKLAND POLICE DEPARTMENT (OPD) AND THE UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS (VA) TO DEFINE LAW
ENFORCEMENT RESPONSIBILITIES ON VA PROPERTIES**

WHEREAS, the VA controls or owns the VA Outpatient Clinics at 2221
MLK Way and 525 21st Street in Oakland; and

WHEREAS, VA Police Officers are prepared to meet most disturbances or
other situations without need for additional assistance, there are situations which
may require OPD support; and

WHEREAS, Article IV, Section 401(6) 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; therefore be it

RESOLVED: that City Council does hereby authorize the City
Administrator or designee to enter into an agreement with the VA; 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 - BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

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