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OAKLAND

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AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Howard A. Jordan
CHIEF OF POLICE

SUBJECT: California Highway Patrol MOU

DATE: February 14, 2013

City Administrator
Approval

Deanna J. Santana

Date

2/15/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff has prepared a report requesting that the City Council approve the resolution authorizing the City Administrator or her designee to enter into a Memorandum of Understanding (MOU) with the California Highway Patrol (CHP) for 60 days of Crime Suppression Assistance Not To Exceed \$162,000, to deploy five, double unit patrols (ten officers) and two supervisors, two days per week assisting with Oakland's Violence Suppression Plan.

OUTCOME

This report outlines the request for supplemental police services for the City of Oakland to be provided by the CHP (Golden Gate Division) for a period of 60 days. This MOU is forthcoming and will define the collaborative relationship between the Oakland Police Department (OPD) and the CHP. The City has been fortunate to receive in-kind CHP services for the past 120 days; however, without additional appropriation of funds from the state or the City to support overtime expenses, the supplemental law enforcement services that have been provided will cease effective February 28, 2013. In an effort to ensure continuous supplemental law enforcement services, the Administration is requesting that the City Council authorize the City Administrator to execute a MOU that results in the City paying for these needed services for the term of 60 days. This does not prevent City Officials from pursuing in-kind services via a state appropriation of funds to the CHP-Golden Gate Division.

Additionally, the City recognizes that this recommendation requires that the City meet and confer with the OPOA prior to taking any action relative to the proposed recommendation and the City has already reached out to fulfill this requirement.

BACKGROUND/LEGISLATIVE HISTORY

With this arrangement, CHP will provide supplemental focused enforcement by providing high-visibility patrols in select focused enforcement areas two nights per week. CHP hours and staffing will be scheduled as the operational needs dictate according to crime trends and OPD staffing. OPD will provide each CHP double unit patrol with one OPD hand-held radio for

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emergency communication with OPD Dispatch. This MOU will also define CHP's willingness to engage in strategic crime fighting efforts by offering their police personnel, equipment, and services during the project period.

OPD has a long history of cooperating with, and working with outside agencies to solve crime issues that affect the City of Oakland. In the past, CHP and Alameda County Sheriff's Office (ACSO) have assisted by sending officers to help with "sideshow" enforcement.

As we all know, OPD has had an increased amount of gun violence and street robberies that have resulted in citizens being severely injured or killed. Currently, OPD is at the minimal level for police staffing and experiencing an increase in crime in all categories such as: homicides, robberies, burglaries, and assaults. This shortage of staffing affects how we can effectively respond to in-progress crimes. OPD has been addressing this problem for a significant amount of time using a variety of enforcement techniques with some isolated success stories, but minimal sustained impact overall. As of late, the city has experienced a dramatic increase in gun violence, and a blatant disregard for life by individuals who have displayed callousness through repeated violence. The 90-day Violence Suppression Plan, which involves the assistance of the CHP, analyzes the shortcomings of current enforcement techniques due to the shortage of staffing and proposed supplemental staffing that will impact gang-related violence more effectively. This multi-pronged program requires continued and developed partnerships and working agreements with key stakeholders from the CHP, ACSO, the California Department of Justice (DOJ), and members of the community to assist OPD in implementing short-term and long-term strategies to reduce crime and violence in this city.

The intention of this MOU is to preserve the close working relationship built between OPD and CHP. For example, on October 18, 2012, OPD implemented Operation CeaseFire. Through this program, OPD has partnered with outside law enforcement agencies, Oakland clergy members, and other organizations within the City of Oakland to assist with reducing violent crime. The CHP has been an active participant in CeaseFire.

On November 01, 2012, the Golden Gate Division of the CHP began conducting enforcement efforts in the City of Oakland. The services were provided "in-kind" and scheduled through January 31, 2013. The CHP subsequently extended this service until February 28, 2013. The following enforcement results are from November 01, 2012 to February 8, 2013:

Table 1: CHP Enforcement Activity in Oakland (11/12 - 2/13)

Traffic Stops	2338
Citations Issued	1928
Impounded Vehicles	742
Felony Arrests	99
DUI Arrests	222
Total Arrests	383
Guns Recovered	14

ANALYSIS

The primary purpose of the MOU is to establish that OPD has jurisdiction and CHP is assisting by supplementing with resources to the City of Oakland. OPD has primary jurisdiction throughout the City of Oakland with CHP serving as a supplemental resource. It is understood that OPD is the primary law enforcement agency in the City of Oakland and has primary policing responsibilities in all instances. The request for assistance is based on OPD analyzing current enforcement techniques and capacity due to the shortage of staffing, and proposes supplemental staffing that will impact gang-related violence, homicides, robberies, burglaries, and quality of life crimes more effectively.

By implementing the CHP's MOU, the City of Oakland will gain an additional law enforcement partner who will work towards the enactment of Operation CeaseFire, in addition to the supplemental law enforcement services provided. By providing additional resources, data-driven information regarding Operation CeaseFire can be shared amongst law enforcement agencies more efficiently.

PUBLIC OUTREACH/INTEREST

Entering into an MOU agreement with CHP will result in having additional personnel and technology and increase the likeliness of an officer apprehending a subject involved in a violent crime as well as improve community awareness. The shared policing efforts will be accessible to the community to inform them of what is taking place in our city.

COORDINATION

Staff has consulted with the Budget and City Attorney's Offices in the preparation of this report. This project will be a shared partnership of OPD and CHP. Prior to taking action, OPD will communicate with the Federal Monitor to ensure that this action complies with Court Orders and outstanding provisions of the NSA and of the AMOU. As already stated, the City recognizes that this recommendation requires that the City meet and confer with the OPOA prior to taking any action relative to the proposed recommendation.

COST SUMMARY/IMPLICATIONS

Since 2007, CHP has contributed in excess of \$3,280,000 in overtime police service to Oakland. The CHP (Golden Gate Division) has incurred a cost in excess of \$243,000 in overtime to provide supplemental patrols for the operational period November 01, 2012 through January 31, 2013. This figure does not include shifts filled on straight time during some of the November 2012 operations. The Golden Gate Division utilizes its own overtime budget to pay for supplemental patrols in Oakland; it does not receive additional funds from the state to cover this expense. CHP recently advised that it has exhausted its overtime budget and can no longer fund enforcement efforts "in-kind." While there has been considerable effort to reach out to the State, OPD desires continuous CHP services and requests that the City Council consider paying for the services for a short term while discussions amongst elected officials continue in pursuit of additional "in-kind" services. The City is requesting the state provide the Golden Gate Division overtime monies to be able to fund supplemental patrols in Oakland.

Funds to support this request would come from the General Fund Undesignated Fund Balance. While it is understood that these funds are extremely limited, the City would need to consider whether this expenditure is justified with respect to the City's fiscal condition. Most recently, the City expended approximately \$3.24M from this funding source which has left the fund balance at approximately \$30M. This fund balance could be used for potential expenditures known to the City, such as: ROPS denied expenditures, Reversal of Land Sales Transactions, and other unanticipated expenditures. However, since the City has stated that public safety is its key priority, the Administration is advancing this option for consideration in an effort to secure continuous CHP services.

Alternative Policy Option: A 60 day operation from March 1st through April 30, 2013, will cost approximately \$187,000. This equates to 17 days of enforcement (two ten hour shifts a week) utilizing 12 officers and two supervisors. A reduction to ten officers and two supervisors for the same period and number of enforcement shifts will cost approximately \$162,000; a reduction to eight officers and two supervisors will cost approximately \$137,000. A ten officer and two supervisor deployment is the minimum number necessary to provide sufficient staffing to conduct effective patrols. Increasing this to a 90 day operational period would equate to a cost of approximately \$296,000, \$257,000, and \$218,000 respectively.

SUSTAINABLE OPPORTUNITIES

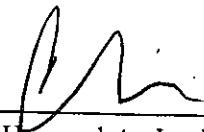
Economic: Partnering with a pre-existing law enforcement agency already policing our city and having clearly defined roles while doing so helps the City become more efficient and responsive to the needs of our citizens while providing additional resources to assist, and decrease the amount of gun related violence. Responding to crime scenes in a timelier manner, having an increased capacity to analyze crime results, using resources more efficiently, focusing efforts on crime trends and patterns, and enhancing police services to respond to emerging crime trends all improve public safety, thereby providing a safer environment for residents, and local commerce to flourish.

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

Social Equity: OPD and CHP will continue to provide competent, professional, and strategic police services to the citizens of Oakland while being transparent and available to ensure that all its staff members are providing these services with respect and integrity.

For questions regarding this report, please contact Assistant Chief Anthony Toribio at (510) 238-3958.

Respectfully submitted,


Howard A. Jordan
Chief of Police
Oakland Police Department

Prepared by:
Lieutenant Kirk A. Coleman
Bureau of Field Operations
Oakland Police Department

OAKLAND CITY COUNCIL

 City Attorney

 FILED
 OFFICE OF THE CITY CLERK
 OAKLAND

RESOLUTION No. _____ C.M.S.

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RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CALIFORNIA HIGHWAY PATROL (CHP) FOR SIXTY (60) DAYS OF CRIME SUPPRESSION ASSISTANCE WHEREBY CHP WILL DEPLOY 10 OFFICERS IN FIVE, DOUBLE UNIT PATROL VEHICLES AND TWO SERGEANTS IN A SUPERVISOR VEHICLE, TWO DAYS PER WEEK, AT A COST NOT TO EXCEED ONE HUNDRED AND SIXTY TWO THOUSAND DOLLARS (\$162,000).

WHEREAS, for a period of ninety (60) days from the commencement date of this proposed services agreement, the CHP agrees to provide uniformed personnel with patrol vehicles and all necessary safety equipment, in order to assist the Oakland Police Department (OPD) with conducting high visibility law enforcement to help reduce gun and gang violence, as well as homicides, robberies, burglaries, assaults, traffic enforcement (excluding traffic accident investigations), and other law enforcement services as necessary within the City of Oakland (City); and

WHEREAS, Oakland has had an increased amount of gun violence and street robberies that have resulted in citizens being severely injured or killed. Currently, OPD is at the minimal level for police staffing and in Oakland there has been an increase in crime in all categories including homicides, robberies, burglaries and assaults. This shortage of police staffing affects how OPD can effectively respond to in progress crimes;

WHEREAS, the primary purpose of the proposed Memorandum of Understanding (MOU) is to establish that OPD has primary jurisdiction throughout the City, has primary policing responsibilities in all instances, and that CHP serves as a supplemental resource; and

WHEREAS, pursuant to MOU, CHP retains control over CHP employees, and

WHEREAS, CHP will deploy ten (10) officers in five (5) double unit patrol vehicles and two sergeants in a supervisor vehicle two days per week on varying days as requested in advance by OPD. Shifts will generally be 10 hours in duration as predetermined by CHP and OPD; and

WHEREAS, OPD will provide each CHP double unit patrol with one OPD hand-held radio for emergency communication with OPD Dispatch; and

WHEREAS, approval of this resolution will authorize OPD to enter into a MOU with CHP for a 60-day period for an amount not to exceed \$162,000 and funding for this proposal has been identified with the \$5 million dollar reserve fund for Negotiated Settlement Agreement (NSA)/OPD strategic initiatives. The funds shall be appropriated to the General Purpose Fund (#1010), Office of the Chief of Police (Organization #90591), Contract (Account #54919), Agency-wide Administration Program (#PS01) and project number to be determined; and

WHEREAS, Section 504(1) of the Oakland City Charter provides that, when directed by City Council, the City Administrator shall have the power and duty to represent the City in its intergovernmental relations and to negotiate contracts for joint government actions, subject to Council Approval; now, therefore, be it

RESOLVED: That the City Council authorizes the City Administrator, or her designee, to enter into a memorandum of understanding (MOU) with CHP for CHP to provide police services to the City at an amount not to exceed \$162,000; and be it

FURTHER RESOLVED: Funding for this proposal has been identified with the \$5 million dollar reserve fund for the Negotiated Settlement Agreement (NSA)/OPD strategic initiatives. The fund shall be appropriated to the General Purpose Fund (#1010), Office of the Chief of Police (Organization #90591), Contract (Account #54919), Agency-wide Administration Program (#PS01) and project number to be determined; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend the proposed MOU with CHP; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve said proposed MOU with CHP, as to form and legality 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, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California