



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Susan E. Manheimer  
Interim Chief of Police

**SUBJECT:** Alcoholic Beverage Control Department  
OPD Grant

**DATE:** September 4, 2020

City Administrator  
Approval

Date

Sep 22, 2020

## **RECOMMENDATION**

**Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator Or Designee To Allow The Oakland Police Department (OPD) To Accept A Grant Award From The California Department Of Alcoholic Beverage Control (ABC) Alcohol Policing Partnership (APP) Program, And Appropriate Ninety-Seven Thousand Five Hundred Dollars (\$97,500) For The Federal Fiscal Year Of 2020-2021, For The Implementation Of OPD's Alcohol Control Enforcement Program, And Authorize The City's General Purpose Fund To Contribute Fourteen Thousand Eight Hundred Twenty-Two Dollars (\$14,822) To Cover The Associated Central Services Overhead Costs.**

## **EXECUTIVE SUMMARY**

Approval of the resolution accompanying this report will allow OPD to receive \$97,500 in grant funding from ABC for the APP Program. The grant funds will allow OPD's Alcoholic Beverage Action Team (ABAT) to perform the following actions during the period of July 1, 2020 - June 30, 2021:

- Identify, target, and abate problematic ABC licensed establishments;
- Expand trainings for merchants who sell alcohol, conduct inspections, and expand outreach and education to community groups;
- Collaborate efforts with ABC personnel, City Attorney's Office, and District Attorney's Office to hold problem merchants accountable with civil and criminal penalties, enforce the City of Oakland's conditional approval standards for problem locations; and
- Educate and enforce laws related to minors being sold and/or possessing/drinking of alcoholic beverages.

## **BACKGROUND AND LEGISLATIVE HISTORY**

The APP<sup>1</sup> grant program is specifically designated by ABC to provide financial resources to law enforcement agencies throughout the State of California. The APP Program is a comprehensive

<sup>1</sup> ABC renamed the Grant Assistance Program (GAP) to the Alcohol Policing Partnership (APP) in 2019.

alcohol beverage control program designed to expand efforts in addressing alcohol-related public safety risks.

OPD wishes to leverage the APP Program to identify and prevent the unlawful sale of alcoholic beverages, including illegal sales to minors. OPD's ABAT focuses on the regulation of alcohol licensees and premises; this functional unit is housed within the Special Operations Division (SOD) within the Bureau of Field Operations Two.

The City of Oakland has also attempted to solve alcohol control enforcement issues through the enactment of local ordinances. In 1977, Oakland granted a blanket conditional use permit (CUP) for alcoholic beverage outlets, such as bars and stores selling alcohol. Liquor stores are regulated through conditions of approval, and these conditions are interpreted as performance standards. Liquor stores may lose their CUPs if they continuously violate these conditions. Oakland also requires that new liquor outlets be separated from existing ones by at least 1,000 feet.

The CUP program also requires that merchants adhere to a specific set of performance standards, and provides education, monitoring, and enforcement efforts against licensed premises. While the CUP Program alongside ABAT efforts have produced some positive results, substantial problem areas remain.

OPD has implemented and maintains a practical system for tracking and documenting actions taken on nuisance alcohol establishments and illegal narcotics sales occurring near legal alcohol vendors. OPD identifies disorderly liquor operations through review of both police crime reports and community complaints.

## **ANALYSIS AND POLICY ALTERNATIVES**

ABAT's limited funding restricts efforts to expand enforcement operations. This ABC grant provides an opportunity to confront: underage alcohol consumption, ongoing illegal alcohol sales to minors, and retail operating standards.

OPD has received the ABC APP grant for ten out of the past eleven years. Like in prior years, all work done for this grant will be folded into the work of ABAT. The grant term is July 1, 2020 to June 30, 2021.

### **Grant Objectives:**

- Conduct no fewer than one Licensee Education on Alcohol and Drugs (LEAD) training by June 30, 2021;
- Conduct no fewer than six night-inspection operations at ABC on-sale locations in high crime areas of Oakland by June 30, 2021;
- Conduct no fewer than 25 IMPACT/SMART (Specialized Multi Agency Response Team) inspections by June 30, 2021;
- Conduct no fewer than 8 Loitering and Consumption Enforcement (LACE) operations by June 30, 2021
- Conduct no fewer than 8 Shoulder Tap/Minor Decoy operations by June 30, 2021
- Conduct no fewer than one "Minor in Possession of Alcohol" operation by June 30, 2021;

- Issue no fewer than four press releases regarding the grant and/or activities conducted under the grant by June 30, 2021;
- Conduct no fewer than 12 community meetings to show residents who choose to help document nuisance activity how to maintain logs, recording any nuisance activity around alcohol premises. ABAT will then conduct follow-up investigations on any reported activity by the community including, but not limited to: IMPACT/ SMART inspections, SMART inspections, minor decoy/shoulder tap operations<sup>2</sup>, LACE operations, by June 30, 2021;
- Conduct no fewer than 12 police lineup trainings on ABC education, prevention and enforcement measures to over 300 Oakland Police Officers, to continue proper enforcement of the over 950 ABC licensed locations in the city of Oakland, by June 30, 2021; and
- Conduct no fewer than two trainings to youth groups regarding problems with alcohol consumption by June 30, 2021.

### **FISCAL IMPACT**

Table 1 below outlines the overtime (OT) staffing costs of ABAT's enforcement work during the 2019-20 fiscal years (FY); Table 2 outlines non-staffing operational costs. Table 3 summarizes all costs.

*Table 1: Summary of Staffing Costs*

<b>Personnel Cost</b>	<b>FY 2020-21 Cost</b>
Sergeant OT (164 hours over 1 year)	\$17,384
Officer OT (800 hours over 1 year)	\$73,504
Police Services Tech OT (92 hours over 1 year)	\$4733
<b>Total</b>	<b>\$95,621</b>

*Table 2: Operational Costs*

<b>Item</b>	<b>FY 2020-21 Cost</b>
Decoy buy monies for 9 operations over 1 year	\$879
Operation Equipment 1 year (binoculars)	\$1,000
<b>Total</b>	<b>\$1,879</b>

<sup>2</sup> <https://www.abc.ca.gov/enforcement/underage-drinking/shoulder-tap-program/>

Table 3: Summary of All Costs for the Alcohol Enforcement Grant

Item	FY 2020-21 Cost
OT Staffing Costs	\$95,621
Operational Costs	\$1,879
<b>Total over 2 years</b>	<b>\$97,500</b>

The ABC APP grant program guidelines do not allow for funds to be used for indirect costs. Therefore, OPD is requesting that the General Purposes Fund contribute \$14,822 (15.5 per cent of the grant award). All of the ABC APP grant revenues will be allocated to the State of California Fund (2159); Special Operations Division Org (107710); Project (TBD); Special Operations Program (PS13), as illustrated below.

Fund Source	Organization	Project	Program	Amount
2159	107710	TBD	PS13	\$97,500

### **PUBLIC OUTREACH / INTEREST**

There was no outreach deemed necessary beyond standard City Council noticing requirements.

### **COORDINATION**

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

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** There are no economic activities associated with this grant.

**Environmental:** This project will help enforce alcoholic beverage control laws, which will benefit public health and address nuisance issues often associated with stores that vend alcoholic beverages. Increased inspections and compliance checks will lead to reduced amounts of litter around store locations.

**Race and Social Equity:** The grant will help further educate both merchants and community members about responsible vending of alcoholic beverages. It is specifically targeted to reduce under-age access to alcoholic beverages, with an overall goal of improving youth and community health.

**ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE**

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator Or Designee To Allow The Oakland Police Department (OPD) To Accept A Grant Award From The California Department Of Alcoholic Beverage Control (ABC) Alcohol Policing Partnership (APP) Program, And Appropriate Ninety-Seven Thousand Five Hundred Dollars (\$97,500) For The Federal Fiscal Year Of 2020-2021, For The Implementation Of OPD's Alcohol Control Enforcement Program, And Authorize The City's General Purpose Fund To Contribute Fourteen Thousand Eight Hundred Twenty-Two Dollars (\$14,822) To Cover The Associated Central Services Overhead Costs.

For questions regarding this report, please contact Officer Steve Vierra, Support Operations Division (SOD), ABAT at (510) 774-6046.

Respectfully submitted,



Susan E. Manheimer  
Interim Chief of Police  
Oakland Police Department

Reviewed by:  
Randell Wingate, Captain of Police  
OPD, Support Operations Division

Steve Vierra, Sergeant of Police  
OPD, SOD, ABAT

Shamika Shavies, Fiscal Manager  
OPD, Fiscal Services

Bruce Stoffmacher, Management Assistant  
OPD, Research and Planning, Training Division

Prepared by:  
Molly Giesen-Fields, Grants Coordinator  
OPD, Fiscal Services