



AGENDA REPORT

TO: Steven Falk
Interim City Administrator

FROM: Darren Allison
Acting Police Chief,
Oakland Police Department

SUBJECT: OPD Federal Taskforce Annual
Reports

DATE: April 14, 2023

City Administrator Approval

Date: May 2, 2023

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report Of Oakland Police Department's Federal Law Enforcement Agency Task Force Annual Reports.

EXECUTIVE SUMMARY

Oakland Police Department (OPD) is presenting this informational report in compliance with Oakland's ordinance which requires OPD to provide annual reports regarding its participation with any federal law enforcement agency task force. This report covers six annual reports: Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Taskforce; Federal Bureau of Investigations (FBI) Child Exploitation Taskforce; FBI Violent Crimes Taskforce; Federal Drug Enforcement Agency (DEA) Taskforce; United States Marshals Service (USMS) Taskforce; and Secret Service Taskforce.

BACKGROUND / LEGISLATIVE HISTORY

The City's "Transparency for City Participation with Federal Surveillance Activities" Ordinance requires that departments provide annual reports to the Privacy Advisory Commission (PAC) and City Council, regarding participation with any federal law enforcement agency task force in the prior calendar year. OPD has complied with this requirement by bringing reports for the 2022 calendar covering six separate City Council-approved taskforces. The reports cover categories regarding operations, number of cases, types of investigations, surveillance technology, training, and any violations of state and/or local laws.

ANALYSIS AND POLICY ALTERNATIVES

This report advances the citywide priority of responsive, trustworthy government as OPD is adhering to a citywide ordinance and being transparent about its participation with federal law enforcement agencies and their task forces.

Ordinance 13457 “Transparency for City Participation with Federal Surveillance Activities” added Chapter 9.72 to the Oakland Municipal Code (OMC), OMC 9.72 requires that “by January 31 of each year, the Chief of Police shall provide to the Privacy Advisory Commission and City Council, a public report with appropriate information on the Police Department's work with the (Federal Bureau of Investigation Joint Terrorism Task Force) JTTF or other federal law enforcement agency task force in the prior calendar year, including any issues related to compliance with this Section.” OPD does not have an active taskforce with the FBI JTTF as the City Council voted on October 20, 2020 to terminate OPD’s participation via Resolution No. 88346 C.M.S. However, OPD does continue to participate in taskforces with other federal agencies that support mission-critical investigations:

- OPD - Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Taskforce;
- OPD - Federal Bureau of Investigations (FBI) Child Exploitation Taskforce;
- OPD - FBI Violent Crimes Taskforce
- OPD - Federal Drug Enforcement Agency (DEA) Taskforce;
- OPD - United States Marshals Service (USMS) Taskforce; and
- OPD – Secret Service Taskforce

Each of these taskforces are based on memorandums of agreements (MOA) or Memorandums of Understanding (MOU) which in turn are authorized by City Council adopted resolutions.

The report accompanying Ordinance 13457 presentation to City Council on October 3, 2017 explains that:

“The intention of the annual reporting requirement is to provide the City Council, the Privacy Commission and the public at large enough information about the activities of OPD officers operating under federal partnerships to know that Oakland and California policing standards are not being violated by those OPD officers. California state law and OPD policy prohibit OPD officers from engaging in profiling-based policing, defined as “consideration of, or reliance on, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability.”

“The purpose of the annual report is to disclose sufficient information about OPD officer activities so that the City may conclude that Oakland's officers are fulfilling their duties in accordance with state and local law.”

Attachment A to this memorandum includes each of the 2022 Annual Reports for these six federal taskforces. The Reports provide the following categories of information:

- **Staffing:** Number of OPD officers assigned to the taskforce, hours worked, and funding sources.
- **Other Resources Provided:** Communication equipment, Surveillance equipment, clerical/administrative staff hours, and related funding sources.
- **Cases:** Number of cases ATF Task Force Officer was assigned to, Number of “duty to warn” cases, General types of cases, Number of times the agency asked OPD to perform/OPD declined to perform, and reason for OPD declination (e.g., insufficient resources, local/state law).
- **Operations:** Use of undercover officers, instances where OPD Task Force officer managed informants, cases involving informants, Number of requests from outside agencies (e.g., ICE) for records or data of OPD, number of data request denials, and

whether the Task Force Officer was involved in any cases where USPER (U.S. person status) information was collected.

- **Training and Compliance:** Description of training, Date of last training update, training audit, and Frequency with which Task Force Officer briefs OPD supervisor on cases.
- **Actual and Potential Violations of Local/State Law:** Number of actual violations, Number of potential violations, Actions taken to address actual or potential violations, and Recommendations by OPD to address prevention of future violations.
- Suspicious Activity Reports (SARs) and Northern California Regional Intelligence Center (NCRIC) Information.
- Command Structure for OPD Task Force Officer.

The annual reports were first presented to PAC on April 6, 2023. The PAC voted unanimously to recommend these reports be forwarded to the City Council.

FISCAL IMPACT

This item is for informational purposes only and does not have a direct fiscal impact or cost.

PUBLIC OUTREACH / INTEREST

No public outreach was deemed necessary for this informational report.

COORDINATION

OPD coordinates with the City Attorney's office as needed. These reports have been presented to the PAC on April 6, 2023, and unanimously recommended to Council.

SUSTAINABLE OPPORTUNITIES

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

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

Race & Equity: The intention of the annual reporting requirement is to provide the City Council, the Privacy Commission, and the public at large enough information about the activities of OPD officers operating under federal partnerships to know that Oakland and California policing standards are not being violated by those OPD officers. California state law and OPD policy prohibit OPD officers from engaging in profiling-based policing, including based on race.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Receive An Informational Report Of Oakland Police Department's Federal Law Enforcement Agency Task Force Annual Reports.

For questions regarding this report, please contact DC Drennon Lindsey,
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Respectfully submitted



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Attachment (A): Federal Law Enforcement Agency Taskforce Annual Reports