



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 APR 25 PM 6:54

## AGENDA REPORT

TO: DEANNA J. SANTANA  
CITY ADMINISTRATOR

FROM: Howard A. Jordan  
CHIEF OF POLICE

SUBJECT: California Highway Patrol MOU

DATE: April 25, 2013

City Administrator  
Approval

*Deanna Santana*

Date

4/25/13

COUNCIL DISTRICT: City-Wide

### RECOMMENDATION

Staff recommends that the City Council Adopts:

Resolution Authorizing the City Administrator or Her Designee to Extend the Memorandum of Understanding (MOU) With the California Highway Patrol (CHP) for Ninety (90) Days of Crime Suppression Assistance Whereby CHP Will Deploy 10 Officers in Five, Double Unit Patrol Vehicles and Two Sergeants in a Supervisor Vehicle, up to Four Days Per Week, at a Cost Not to Exceed Five Hundred and Fourteen Thousand Dollars (\$514,000), With One Option to Renew for an Additional 90 Days for A MOU Total amount Not to Exceed One Million and Twenty Eight Thousand Dollars (1, 028,000), Subject to the Availability of Funds as Appropriated by the Council.

### 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 90 days from May 10, 2013 to August 8, 2013, with one option to renew for an additional 90 days. The City's previous MOU with the CHP expired on April 26, 2013, and an MOU is required to continue supplemental police services. OPD is requesting that it continue to receive the able assistance of CHP in maintaining high visibility in key areas throughout the City, in order to assist with crime suppression, investigation, and Operation CeaseFire.

Additionally, the City recognizes that this recommendation requires that the City meet and confer with the Oakland Police Officers Association (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 up to four nights per week. CHP hours and

Item #: \_\_\_\_\_  
City Council  
May 7, 2013

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 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.

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 December of 2012. The CHP then agreed to extend the in-kind services to January 31, 2013. The CHP shouldered the financial burden associated with these services all on its own, but informed the City that this arrangement could not last. The CHP subsequently extended their provision of in-kind services until February 28, 2013, after which time they would either need to be reimbursed or cease providing free in-kind services. The City then entered into an MOU with CHP which ended April 26, 2013. The following enforcement results are from November 01, 2012 to April 25, 2013:

Table 1: CHP Enforcement Activity in Oakland (11/01- 4/25)

Traffic Stops	3056
Citations Issued	2449
Felony Arrests	127
DUI Arrests	276
Total Arrests	491
Guns Recovered	22

On February 1, 2013, the City entered into an MOU with the Alameda County Sheriff's Office (ACSO) to provide supplemental police services for a 90 day period. ACSO provided five double unit patrol vehicles and a supervisor two days per week. On April 21, 2013, ACSO exhausted the \$268,000 service agreement and an option to renew for an additional 90 days was not executed. A new MOU with the CHP for up to four days a week would extend coverage that would have been provided by the ACSO. The CHP has agreed to provide in-kind supplemental police services for a short term basis, consisting of twice a week supplemental police service, pending council approval of a new MOU.

### 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, auto theft, and quality of life crimes more effectively.

By implementing the CHP's MOU, the City of Oakland will maintain 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 and the Compliance Director to ensure that this action complies with Court Orders and outstanding provisions of the Negotiated Settlement Agreement (NSA) and the Amended Memorandum of Understanding (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**

The cost of a 90 day operation from May 10 through August 8, 2013 will cost approximately \$514,000 for up to four, ten hour shifts a week. \$286,000 of this amount has already been appropriated and was to be used to fund a second 90 day operational period for ACSO. The remaining \$228,000 would come from the General Fund Undesignated Fund Balance. Funding for the optional second 90 days would be subject to the availability of funds as appropriated by the Council.

### **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,



*for* Howard A. Jordan  
Chief of Police  
Oakland Police Department

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

*Maria Hayes*  
City Attorney

2013 APR 25 PM 6:54 RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO EXTEND THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CALIFORNIA HIGHWAY PATROL (CHP) FOR NINETY (90) DAYS OF CRIME SUPPRESSION ASSISTANCE WHEREBY CHP WILL DEPLOY 10 OFFICERS IN FIVE, DOUBLE UNIT PATROL VEHICLES AND TWO SERGEANTS IN A SUPERVISOR VEHICLE, UP TO FOUR DAYS PER WEEK, AT A COST NOT TO EXCEED FIVE HUNDRED AND FOURTEEN THOUSAND DOLLARS (\$514,000), WITH ONE OPTION TO RENEW FOR AN ADDITIONAL 90 DAYS FOR A MOU EXTENSION TOTAL AMOUNT NOT TO EXCEED ONE MILLION AND TWENTY EIGHT THOUSAND DOLLARS (1,028,000), SUBJECT TO THE AVAILABILITY OF FUNDS AS APPROPRIATED BY THE COUNCIL**

**WHEREAS**, for a period of (90) days from the commencement date of this proposed extension of the Memorandum of Understanding (MOU) with the California Highway Patrol (CHP), 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 crime and 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 street crime, robberies, and violence that have resulted in citizens being injured or killed. OPD's low staffing levels have affected how OPD can effectively respond to in progress crimes; and

**WHEREAS**, the primary purpose of the proposed MOU extension 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**, OPD's service agreement with the Alameda County Sheriff's Office to provide contracted crime suppression assistance has concluded; and

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

**WHEREAS**, under the proposed MOU extension, CHP will deploy ten (10) officers in five (5) double unit patrol vehicles and two sergeants in a supervisor vehicle up to four 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 extend the MOU with CHP for a 90-day period, with one option to renew for an additional 90 days, for a total funding amount not to exceed \$1,028,000. The funds shall be appropriated 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; and

**WHEREAS**, intergovernmental agreements for services are not subject to the RPP/Q requirements of the purchasing ordinance (Oakland Municipal Code Chapter 2.04); now, therefore, be it

**RESOLVED:** That the City Council authorizes the City Administrator, or her designee, to extend the MOU with CHP for (90) days of crime suppression assistance whereby CHP will deploy 10 officers in five, double unit patrol vehicles and two sergeants in a supervisor vehicle, up to four days per week, at a cost not to exceed five hundred and fourteen thousand dollars (\$514,000), with one option to renew for an additional 90 days for a MOU total extension amount not to exceed one million and twenty eight thousand dollars (1,028,000); and be it

**FURTHER RESOLVED:** The funds shall be appropriated from 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 extension with CHP; and be it

**FURTHER RESOLVED:** That the City Attorney shall review and approve said proposed MOU extension 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, GIBSONMCELHANEY, 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