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OFFICE OF THE CITY CLERK
OAKLAND
2019 JUN 27 PM 8:47

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: Alcoholic Beverage Control Department
OPD Grant

DATE: May 24, 2019

City Administrator
Approval

Date

6/27/19

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-Three Thousand Seven Hundred Dollars (\$93,700) For The Federal Fiscal Year Of 2019-2020 Implementation Of OPD's Alcohol Control Enforcement Program, And Authorize The General Purpose Services Fund To Contribute Thirteen Thousand Eight Hundred Fifty Three Dollars (\$13,853) To Cover The Associated Central Services Overhead (CSO) Costs.

EXECUTIVE SUMMARY

Approval of the resolution accompanying this report will allow the Oakland Police Department to receive ninety-three thousand seven hundred dollars (\$93,700) in grant funding from the California Department of Alcoholic Beverage Control (ABC) Alcohol Policing Partnership (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, 2019-June 30, 2020:

- Identify, target, and abate problematic ABC licensed establishments
- Expand trainings for merchants who sell alcohol, which includes Licensee Education on Alcohol and Drugs (LEAD) training, IMPACT/SMART (Specialized Multi Agency Response Team) inspections, and fortifying 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 Deemed approved standards for problem locations
- Educate and enforce laws related to minors being sold and/or possessing/drinking of alcoholic beverages

Item: _____
Public Safety Committee
July 9, 2019

BACKGROUND AND LEGISLATIVE HISTORY

The ABC APP¹ grant program is specifically designated to provide financial resources to law enforcement agencies throughout the State of California to expand their efforts in addressing alcohol-related public safety risks. The APP Program is a comprehensive alcohol beverage control program. OPD wishes to leverage the APP Program to identify and prevent the unlawful sale of alcoholic beverages, including illegal sales to minors. OPD's Alcoholic Beverage Action Team (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 2.

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 for alcoholic beverage outlets, such as bars and stores selling alcohol (restaurants excluded). Liquor stores are regulated through conditions of approval, and these conditions are interpreted as performance standards. Liquor stores may lose their permits 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 program also requires that merchants adhere to a specific set of performance standards, and provides education, monitoring, and enforcement efforts against licensed premises. While ABAT's 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 narcotics sales. OPD identifies disorderly liquor operations through review of police crime reports and direct response to community complaints. Research has found that police reports are an inaccurate indicator of location-specific alcohol sales violation – police report codes and locations are not consistently linked to the problem site(s). For example, OPD's current Geographic Information System tracks only Part One crimes (more serious crimes based on upon Federal Bureau of Investigation reporting standards).

OPD has noticed for years an ongoing problem at sporting events at the Oakland (O.CO) Coliseum and Oakland Oracle Arena with underage drinking in the parking lot areas before events. Minors who are often from cities outside of Oakland often attend these events and drink alcoholic beverages inside of the parking lot (including kegs of beer). This consumption trend has led to fights in the stadiums, and to minors wandering around intoxicated, vomiting inside the coliseum and otherwise disrupting the events. There are approximately 80 baseball games, 10 football games, 41 basketball games, and numerous other events held each year at these facilities with little or no enforcement to prevent minors from drinking alcoholic beverages. The City also hosts several other street festival events throughout the year in which alcohol is offered for sale. These events also regularly attract tens of thousands of people. These events often lack a dedicated enforcement team for prevention of sales to obviously intoxicated individuals or the prevention of minors from consuming alcoholic beverages.

¹ ABC renamed the Grant Assistance Program (GAP) the Alcohol Policing Partnership (APP) in 2019.

ANALYSIS AND POLICY ALTERNATIVES

ABAT focuses on the regulation of both alcohol and tobacco merchants. Strategies such as merchant education and minor decoy operations can help to reduce the access and use of alcoholic beverages by minors.

The City of Oakland has faced a reduction in the number of retail alcoholic beverage licenses from a high of 1,037 in 2009 to 959 today. OPD has noted a prevalence of illegal sales of alcoholic beverages, including unauthorized sales to minors, throughout the City, despite the slight decrease in legal alcohol sales licenses. OPD has verified that alcohol and narcotics sales to minors decrease when targeted intervention initiatives, financed through grant funds, can be applied.² However, ABAT's limited funding restricts efforts to expand enforcement operations. This ABC grant provides an opportunity to confront ongoing illegal alcohol sales to minors and retail operating standards.

OPD has received the ABC APP grant for nine out of the past ten years, but previous grants were smaller awards (\$50,000 or less). Like in prior years, all work done for this grant will be folded into the work of ABAT. The grant term is July 1, 2019 to June 30, 2020.

Grant Objectives:

- Conduct no fewer than 1 LEAD's training by June 30, 2020
- Conduct no fewer than 6 night inspection operations at ABC on-sale locations in high crime areas of Oakland by June 30, 2020
- Conduct no fewer than 25 SMART inspections by June 30, 2020
- Conduct no fewer than 8 Anti-Loitering (LACE) operations by June 30, 2020
- Conduct no fewer than 8 Shoulder Tap/Minor Decoy operations by June 30, 2020
- Conduct no fewer than 1 Minor In Possession operation by June 30, 2020
- Issue no fewer than 4 press releases regarding the grant and/or activities conducted under the grant by June 30, 2020
- Conduct no fewer than 12 community meetings to show residents 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 inspections, SMART inspections, minor decoy/shoulder tap operations, Loitering and Consumption Enforcement (LACE) operations, by June 30, 2020

² A randomized research trial was conducted in 36 communities in the state of Oregon between 2005-2010. Researchers determined that alcohol retailer education and greater enforcement of underage drinking laws are effective strategies that can be used to address underage drinking. The study found that with increased efforts of enforcement it would reduce the likelihood that retail clerks would sell alcohol to minors. The non-compliance rate for sales to minors was at a high of 28% at the beginning of the study. By the end of the study, with education and additional enforcement efforts in place the non-compliance rate dropped to 17%. – Flewelling, Grube, and Paschall (2013). Reducing Youth Access to Alcohol: Findings From a Community-Based Randomized Trial. *American Journal of Community Psychiatry*, March 2013, pp 264-277.

- 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.
- Conduct no fewer than 2 trainings to youth groups regarding problems with alcohol consumption

FISCAL IMPACT

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

Table 1: Summary of Staffing Costs

Item	FY 19-20 Cost
Sergeant OT (138 hours over 1 year)	\$14,202
Officer OT (732 hours over 1 year)	\$65,295
Police Services Tech OT (78 hours over 1 year)	\$3,781
Total	\$89,376

Table 2: Operational Costs

Item	FY 19-20 Cost
Decoy buy monies for 9 operations over 1 year	\$624
Operation Equipment 1 years	\$1,200
GAP Conference Training/Registration 1 year	\$2,500
Total	\$4,324

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

Item	FY 18-19 Cost
OT Staffing Costs	\$89,376
Operational Costs	\$4,324
Total over 2 years	\$93,700

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 \$13,853 (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	\$100,000

PUBLIC OUTREACH / INTEREST

Oakland contains more alcohol retail establishments than most cities in Alameda County and more than the County average. More resources allocated to enforcing alcohol-related violations will help minimize opportunities for youth to access alcoholic beverages.

COORDINATION

OPD consulted with the Budget Office 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.

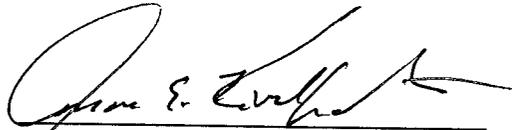
Social Equity: The grant will help further educate both merchants and community members about responsible vending of alcoholic beverages. It is specifically targeted to reduce minor access to alcoholic beverages with an overall goal of improving youth and community health.

ACTION REQUESTED OF THE CITY COUNCIL

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-Three Thousand Seven Hundred Dollars (\$93,700) For The Federal Fiscal Year Of 2019-2020 Implementation Of OPD's Alcohol Control Enforcement Program, And Authorize The General Purpose Services Fund To Contribute Thirteen Thousand Eight Hundred Fifty Three Dollars (\$13,853) To Cover The Associated Central Services Overhead (CSO) Costs.

For questions regarding this report, please contact Sergeant Pete Espinoza, Special Operations Division (SOD) within the Bureau of Field Operations 2, at (510) 777-8621.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Reviewed by:
Pete Espinoza
OPD, SOD, BFO 2

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OPD, Fiscal Services

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OPD, Research and Planning, Training Division

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

Item: _____
Public Safety Committee
July 9, 2019

2019 JUN 27 PM 8:47


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

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-THREE THOUSAND SEVEN HUNDRED DOLLARS (\$93,700) FOR THE FEDERAL FISCAL YEAR OF 2019-2020 IMPLEMENTATION OF OPD'S ALCOHOL CONTROL ENFORCEMENT PROGRAM, AND AUTHORIZE THE GENERAL PURPOSE SERVICES FUND TO CONTRIBUTE THIRTEEN THOUSAND EIGHT HUNDRED FIFTY THREE DOLLARS (\$13,853) TO COVER THE ASSOCIATED CENTRAL SERVICES OVERHEAD (CSO) COSTS.

WHEREAS, it is anticipated that grant funds in an amount not to exceed ninety-three thousand, seven hundred dollars (\$93,700) will be received from the State of California, Department of Alcoholic Beverage Control (ABC), Alcohol Police Partnership (APP) Program for the fiscal year of 2019-2020 implementation of the Alcohol Control Enforcement Project within the Police Department; and

WHEREAS, these State of California grant funds are to be used to expand law enforcement efforts to address alcohol-related problems through a comprehensive alcohol beverage control program within the City of Oakland; and

WHEREAS, the Police Department's primary goals through the Alcohol Control Enforcement Project is to reduce the illegal sales and possession of alcoholic beverages to minors, prevent and reduce the incidents of loitering at alcoholic beverage establishments, and increase involvement with local community groups by providing a minimum of four community outreach meetings; and

WHEREAS, the Alcohol Police Partnership Program grant period of performance is from July 1, 2019 through June 30, 2020; and

WHEREAS, grant funds will be used to cover overtime costs for OPD's Alcohol Beverage Action Team enforcement operations and operational expenses related to the enforcement, outreach, and education activities; and

WHEREAS, the 15.5% Central Service Indirect Overhead Cost, which equates to an amount of \$13,853, is not allowed by the grantor; now, therefore be it

RESOLVED: That the City Council does hereby authorize the City Administrator or designee to accept and appropriate a grant award in the amount not to exceed ninety-three thousand, seven hundred dollars (\$93,700) from the State of California ABC APP Program; and be it

FURTHER RESOLVED: That the ABC APP Program grant revenues will be allocated to the State of California Fund (2159); Special Operations Division Org (107710); Project (TBD); Special Operations Program (PS13); and be it

FURTHER RESOLVED: That the City Council authorizes the General Services Fund to contribute \$13,853 to cover the associated central services overhead costs; and be it

FUTHER RESOLVED: That all contracts issued hereunder shall be reviewed and approved by the City Attorney for form and legality and copies shall be placed on file in the City Clerk's Office; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the agreement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES --

ABSENT --

ABSTENTION --

EXCUSED --

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