



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2014 MAY -1 PM 1:38

## AGENDA REPORT

**TO:** FRED BLACKWELL  
INTERIM CITY ADMINISTRATOR

**FROM:** Sean Whent  
Interim Chief of Police

**SUBJECT:** AB 109 Realignment Funding

**DATE:** April 21, 2014

City Administrator  
Approval

Date 4-29-14

**COUNCIL DISTRICT:** City-wide

### RECOMMENDATION

Staff recommends that the City Council Authorize the City Administrator or his designee to: accept as Fiscal Agent for the Alameda County Police Chiefs and Sheriffs Association (ACCPSA) Police Grant Funds allocated by the California Board of State and Community Corrections (BSCC) to the Alameda County Region to mitigate the impacts of California Assembly Bill 109, and to distribute such funds at the sole direction of the ACCPSA; and accept Police Grant Funds awarded by the ACCPSA to the City of Oakland to mitigate the impacts of Assembly Bill 109, and to allocate to projects as authorized for approved projects.

### OUTCOME

Adoption of this resolution authorizes the City Administrator to accept as Fiscal Agent for the ACCPSA Police Grant Funds and distribute such funds at the sole direction of the ACCPSA.

The funds are held in trust and will be disbursed to ACCPSA for projects or activities that will enhance regional crime reduction strategies. The funds will improve public safety by increasing collaboration among City of Oakland (City), county agencies, and enhancing intelligence sharing, specifically, by helping to manage the impact that Public Safety Realignment (Realignment) has on local governments, including the City.

### BACKGROUND/LEGISLATIVE HISTORY

On January 17, 2012, California Board of State and Community Corrections (BSCC) provided \$24 million in state funds to frontline law enforcement as part of AB 109. Under AB 109, the burden of monitoring a significant number of convicted felons shifted from state to local law enforcement jurisdictions. Subjects who fall under the provisions of AB 109 receive reduced sentences, serve no time in custody, or are released from prison early in order to address prison overcrowding.

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The framework of how to spend the BSCC funds has been established by the California Police Chiefs Association (CPCA) with guidance on how law enforcement agencies can work collaboratively to best leverage the funds for public safety in their communities.

The initial funding was for \$20 million for city police departments. An additional \$4 million was added to address the concerns of sheriffs with contracted cities. CPCA has stated that the funds would be used regionally by collaborating police departments to address crime impacts in each community and may be used for partnering with county probation, employing best practices, and focusing on serious, violent crimes and habitually non-compliant offenders.

### **ANALYSIS**

Each association of police chiefs with the state has identified one city per county to act as fiscal agent for the BSCC funds. OPD was initially identified as the Alameda county fiscal agent by ACCPSA. As fiscal agent, OPD received disbursements of \$431,398 in March 2013 and \$494,310 in August 2013.

In 2014, ACCPSA changed the fiscal agent for AB 109 funds to the Alameda County Sheriff's Office. This resolution will authorize the City Administrator to distribute the AB 109 funds that the City received in 2013 to the Alameda County Sheriff's Office.

### **PUBLIC OUTREACH/INTEREST**

This item did not require any additional public outreach other than the required posting on the City's website.

### **COORDINATION**

The Budget Office and the City Attorney's Office were consulted in preparation of this report.

### **COST SUMMARY/IMPLICATIONS**

There are no direct fiscal impacts to the City for this action. OPD is holding these funds in trust for disbursement to the Alameda County Sheriff's Office.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** None.

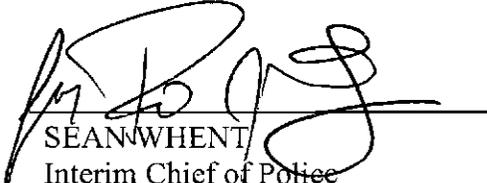
**Environmental:** Funds will improve Public Safety by increasing collaboration among the City and County Agencies.

**Social Equity:** None.

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For questions concerning this report, please contact Interim Chief Sean Whent at 510-238-6443.

Respectfully submitted,



SEAN WHENT  
Interim Chief of Police  
Oakland Police Department

Prepared by:  
Gilbert Garcia  
Bureau of Services  
Oakland Police Department

**ATTACHMENT**

Attachment A – Memo from ACCPSA, Transferring of AB 109 Fiscal Agent

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May 13, 2014



CITY OF  
**HAYWARD**  
HEART OF THE BAY

March 6, 2014

Sean Whent, Interim Police Chief  
Oakland Police Department  
455 7th Street  
Oakland, CA 94607

Re. Transferring of AB 109 Fiscal Agent

Dear Chief Whent,

The Alameda County Chiefs of Police and Sheriffs Association was awarded AB109 funding. The Oakland Police Department was designated as the fiscal agent at the time this funding was received. The association has since made the decision to change the fiscal agent to the Alameda County Sheriff's Office. This letter is to officially recognize the Alameda County Sheriff's Office as the fiscal agent of these funds, and request that any and all AB109 funds, including any interest, be turned over to the Alameda County Sheriff's Office to administer.

If there are any questions regarding this letter, please contact me at your earliest convenience at (510) 293-7070. Your prompt response to this matter is greatly appreciated.

Respectfully,

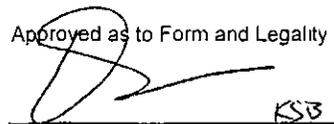
Diane Urban, Chair ACCOPSA  
Police Chief  
Hayward Police Department

**POLICE DEPARTMENT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality

  
KSB  
City Attorney

2014 MAY -1 PM 1:58 RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

## RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO:

- ACCEPT AS FISCAL AGENT FOR THE ALAMEDA COUNTY POLICE CHIEFS AND SHERIFFS ASSOCIATION (ACCPA) POLICE GRANT FUNDS ALLOCATED BY THE CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC) TO THE ALAMEDA COUNTY REGION TO MITIGATE THE IMPACTS OF CALIFORNIA ASSEMBLY BILL 109, AND TO DISTRIBUTE SUCH FUNDS AT THE SOLE DIRECTION OF THE ACCPSA; AND
- ACCEPT POLICE GRANT FUNDS AWARDED BY THE ACCPSA TO THE CITY OF OAKLAND TO MITIGATE THE IMPACTS OF ASSEMBLY BILL 109, AND TO ALLOCATE TO PROJECTS AS AUTHORIZED FOR APPROVED PROJECTS.

**WHEREAS**, recognizing the need for state support of city law enforcement agencies due to ongoing reductions of funding for city police departments, state funds have been allocated to front line law enforcement services in each county to mitigate the impact of Assembly Bill 109 (AB-109); and

**WHEREAS**, originally, \$20,000,000 was allocated within the 2012 Budget Act and on January 10, 2013, the 2013-14 Governor's Budget included an augmentation of \$4,000,000, subsequently granted by the Legislature, collectively the Police Grant Impact Funds; and

**WHEREAS**, the California Board of State and Community Corrections (BSCC) was authorized to disburse the Police Grant Funds in consultation with the Department of Finance (DOF); and

**WHEREAS**, funding awards to each designated fiscal agent were based on an allocation formula proposed by California Police Chiefs' Association (CPCA) and approved on January 17, 2012; and

**WHEREAS**, disbursement of BSCC Police Grant Funds is the collective decision of the local law enforcement agencies comprising the Alameda County Chiefs of Police and Sheriffs Association (ACCPA) determining the distribution of funds among local city police departments and the sheriff in Alameda County; and

**WHEREAS**, one city in each county was designated as fiscal agent to receive, hold and distribute the Police Grant Funds; and

**WHEREAS**, as designated fiscal agent of the ACCPSA, the City of Oakland received and holds \$925,708 in Police Grant Funds disbursed by the BSCC; and

**WHEREAS**, as a city within Alameda County, the City of Oakland may be awarded Police Grant Funds by the ACCPSA for uses to mitigate the impacts of AB 109 on local law enforcement; and therefore be it

**RESOLVED**: that the City Council authorizes the City Administrator or his designee to accept as the fiscal agent for the ACCPSA Police Grant Funds disbursed by the BSCC, and to disburse such funds solely as authorized and directed by the ACCPSA; and be it

**FURTHER RESOLVED**: that the City Council authorizes the City Administrator or his designee to execute all agreements and take all actions as may be necessary to fulfill the obligations of fiscal agent for the ACCPSA;; and be it

**FURTHER RESOLVED**: that the City Council authorizes the City Administrator or his designee to accept Police Grant Funds awarded to the City of Oakland by the ACCPSA and to allocate such funds as authorized for approved projects; and be it

**FURTHER RESOLVED**: that revenues and appropriations received by the City as fiscal agent will be placed in a restricted fund that will be established for this purpose and disbursed at the direction of ACCPSA; funds received by the City from ACCPSA for law enforcement purposes will be placed in a separate fund and allocated as authorized for approved projects; and be it

**FURTHER 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.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES – BROOKS, KALB, GALLO, KAPLAN, REID, GIBSON MCELHANEY, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION –

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