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2018 OCT 11 PM 4:02

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: Peralta College Policing Services

DATE: September 16, 2018

City Administrator
Approval

Date

10/11/18

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) Between The Oakland Police Department (OPD) And The Alameda County Sheriff's Office (ACSO) Regarding Law Enforcement Responsibilities On Properties Owned, Operated, Controlled Or Administered By The Peralta Community College District (PCCD) In The City Of Oakland.

EXECUTIVE SUMMARY

Approval of the resolution accompanying this report will allow OPD and ACSO to sign an MOU that delineates the responsibilities of both entities regarding law enforcement responsibilities on properties owned, operated, controlled or administered by PCCD in the City of Oakland. Having clear direction and responsibilities will ensure optimum protection for PCCD, its personnel, and students. Article V, Section 504(l) of the Oakland City Charter requires City Council approval of all intergovernmental relationships and contracts.

BACKGROUND AND LEGISLATIVE HISTORY

PCCD contracts with ACSO for police services during expanded school hours on PCCD facilities. PCCD receives police services from OPD outside of expanded school hours. PCCD has contracted with ACSO for these services since 1996.

This MOU satisfies the requirements of the California Education Code Section 67381 (Kristin Smart Campus Safety Act of 1998) regarding which law enforcement agency has operational responsibility for the investigation of Part 1 violent crimes.¹ ACSO now wishes to enter in a MOU with OPD so as to clarify the separate but interrelated policing responsibilities at PCCD facilities.

Specifically, California Education Code Section 67381 requires that:

¹ The Federal Bureau of Investigation (FBI) Uniform Crime Report (UCR) designates the following as Part I crimes: criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, arson.

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- Community college districts enter into written agreements with local law enforcement agencies, clarifying responsibilities for investigations of Part 1 violent crimes occurring on each campus;
- Local law enforcement agencies enter into written agreements with community college campus law enforcement agencies located in their jurisdiction; and
- That each written agreement entered into shall designate which law enforcement agency shall have operational responsibility for the investigation of each Part 1 violent crime and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

ANALYSIS AND POLICY ALTERNATIVES

There are four PCCD properties located in Oakland:

- Laney College – 900 Fallon Street
- Merritt College – 12500 Campus Drive
- District Administrative Center Complex – 333 East Eighth Street
- District Warehouse – 501 Fifth Avenue

ACSO provides law enforcement services to PCCD property within the City of Oakland, Monday through Friday, excluding holidays², from 7:00 a.m. to 11:00 p.m. OPD officers respond to calls for law enforcement services on weekends, holidays, and on weeknights from 11:00 p.m. to 7:00 a.m. The agency responsible for law enforcement services conducts the preliminary investigation at the scene of any Part 1 crime. If an incident requires evidence collection, the responding law enforcement agency is responsible for securing and preserving evidence once the scene is deemed safe. All evidence is turned over to or retained by the agency conducting the investigation.

ACSO deputies are responsible for enforcing traffic regulations, infractions, and misdemeanor offenses and for all felony offenses including deadly weapons or offenses which result in serious injury or death on PCCD property. For reporting purposes, ACSO notify OPD of any felonies, including Part 1 violent crimes. ACSO deputies notify the OPD Communications Division immediately regarding any vehicles towed from PCCD property within Oakland city limits.

OPD has the option to investigate and conduct follow-up on all reported Part 1 crimes occurring on PCCD property in Oakland. If OPD opts to have ACSO conduct the Part 1 violent crimes investigation, ACSO is responsible for the investigation and follow-up of said crimes.

In the event that ACSO terminates its law enforcement agreement with PCCD, ACSO shall notify OPD as soon as practical.

² New Years' Day, Martin Luther King Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving (Thursday and Friday), and Christmas Day.

On an annual basis, OPD provides a list of all applicable incidents occurring on PCCD properties in Oakland, as specified by the requestor. As required by the "Crime Awareness and Campus Security Act of 1990" (Jeanne Clery Act), the list includes the date, time, case number, and applicable statute as well as a brief summary of what occurred on the property or properties and in the public space immediately surrounding the area(s).

Upon request, the OPD Records Section provides copies of reports of the above incidents, according to OPD policy on release of records.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for this report beyond the standard City Council agenda noticing procedures.

COORDINATION

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

FISCAL IMPACT

There is no cost associated with this report.

SUSTAINABLE OPPORTUNITIES

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

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

Social Equity: OPD's ability to share law enforcement information with its Alameda County justice parties, including ACSO, is vital to ensuring the basic functionality of the law enforcement system in Alameda County. The collaboration detailed in this MOU promotes greater public safety in Oakland, benefiting all Oakland residents and visitors.

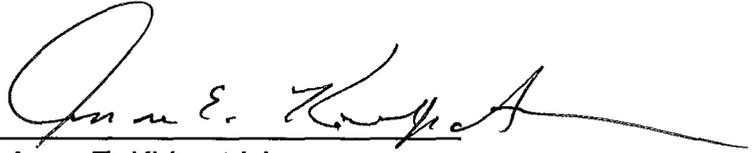
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ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) Between The Oakland Police Department (OPD) And The Alameda County Sheriff's Office (ACSO) Regarding Law Enforcement Responsibilities On Properties Owned, Operated, Controlled Or Administered By The Peralta Community College District (PCCD) In The City Of Oakland.

For questions regarding this report, please contact Deputy Chief LeRonne Armstrong, at (510) 238-8563.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Reviewed by:
LeRonne Armstrong
Acting Assistant Chief of Police
Oakland Police Department

Prepared by:
Bruce Stoffmacher, Management Assistant
OPD Research and Planning, Training Division

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City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE OAKLAND POLICE DEPARTMENT (OPD) AND THE ALAMEDA COUNTY SHERIFF'S OFFICE (ACSO) REGARDING LAW ENFORCEMENT RESPONSIBILITIES ON PROPERTIES OWNED, OPERATED, CONTROLLED OR ADMINISTERED BY THE PERALTA COMMUNITY COLLEGE DISTRICT (PCCD) IN THE CITY OF OAKLAND

WHEREAS, the PCCD wishes to contract with the Alameda County Sheriff's Office for police services; and

WHEREAS, the California Education Code Section 67381 (Kristin Smart Campus Safety Act of 1998) requires that educational organization adopt rules and policies for the policing and investigation of Part 1 violent crimes (as defined by the Federal Bureau of Investigation (FBI)) of their respective campuses, including written agreements with local law enforcement agencies; and

WHEREAS, California Education Code Section 67381 requires: 1) that campus law enforcement agencies have the primary authority for providing police or security services, including the investigation of criminal activity on their campuses; 2) that community college districts adopt rules requiring each of their respective campuses to enter into written agreements with local law enforcement agencies that clarify operational responsibilities for investigations of Part 1 violent crimes occurring on each campus; and 3) that college campus law enforcement agreements shall be made with local law enforcement agencies; and

WHEREAS, the following PCCD properties are located within the City of Oakland:

- Laney College – 900 Fallon Street
- Merritt College – 12500 Campus Drive
- District Administrative Center Complex – 333 East Eighth Street

- District Warehouse – 501 Fifth Avenue; and

WHEREAS, ACSO deputies will be responsible for enforcing traffic regulations, infractions, misdemeanor offenses, and all felony offenses including deadly weapons or offenses which result in serious injury or death on PCCD property; and

WHEREAS, both OPD and ACSO wish to enter into a MOU to clarify roles and responsibilities for law enforcement services at PCCD facilities; and

WHEREAS, the MOU will enumerate the circumstances for which OPD and ACSO will each maintain policing services such as investigations and day and times of patrol; and

WHEREAS, Article V, Section 504(l) of the Oakland City Charter requires that the City Council approve all intergovernmental relationships and contracts; now, therefore be it

RESOLVED: That the City Administrator or designee is authorized to enter into a MOU between OPD and ACSO to authorize, stipulate and facilitate law enforcement responsibilities on properties owned, operated, controlled or administered by PCCD in the City of Oakland; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend, renew and/or amend such an MOU without returning to the City Council; and be it

FURTHER RESOLVED: That in accordance with Article IV, Section 401(6) of the City Charter, the MOU authorized by this resolution shall be approved by the City Attorney's Office as to form and legality before execution, 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, CAMPBELL WASHINGTON, GIBSON MCELHANEY, GALLO, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California