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OFFICE OF THE CITY CLERK  
OAKLAND  
2018 NOV 29

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Anne E. Kirkpatrick  
Chief of Police

**SUBJECT:** OPD DEA Task Force MOU  
Supplemental Report

**DATE:** November 26, 2018

City Administrator  
Approval

Date

11/29/18

## RECOMMENDATION

**Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) With The United States Department Of Justice, Drug Enforcement Administration (DEA) To Form The Oakland Police Department (OPD) DEA Oakland Task Force Group (Task Force) Collaborate On Information Sharing And Focused Operations To Disrupt Illegal Drug Activity Occurring In The City Of Oakland, From October 1, 2018 Through September 30, 2019.**

## REASON FOR THE SUPPLEMENTAL REPORT

Ordinance No. 13457 C.M.S., passed June 29, 2017, requires that for MOUs with federal agencies, OPD submit a "proposed MOU and any orders, policies, and procedures relevant to the subject matter of the MOU for discussion and public comment at an open meeting of the Privacy Advisory Commission" (PAC) before execution of said agreement. The original DEA MOU Report dated November 5, 2018 explains that the PAC voted at their November 1, 2018 meeting to only recommend a DEA-OPD MOU that included additional language requiring DEA agents participating in the MOU to comply with City of Oakland and State of California policies (**Attachment A**); (**Attachment B**) is the original staff-recommended MOU.

OPD brought two additional proposed MOUs to the November 26 Special PAC meeting: a MOU with the Bureau of Alcohol, Tobacco and Firearms (ATF) and the United States Marshals Service (USMS). During this meeting, the PAC moved to recommend approving the ATF and USMS MOUs only if they contained the same language which would compel ATF and USMS personnel (participating in Oakland taskforces), respectively, to comply with certain State of California and City of Oakland policies (the same motion the PAC made for the DEA MOU).

At the same meeting on November 26, 2018 the PAC also requested that (for the ATF and USMS MOUs) that staff modify the following language common to many resolutions recommended for City Council approval to limit the City Administrator's authority: "**FURTHER RESOLVED: That the City Administrator or designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend and/or amend the MOU without returning to the City Council.**" The new proposed language is: "**FURTHER RESOLVED: That the City Administrator or designee is authorized to execute the**

Item: \_\_\_\_\_  
Public Safety Committee  
December 4, 2018

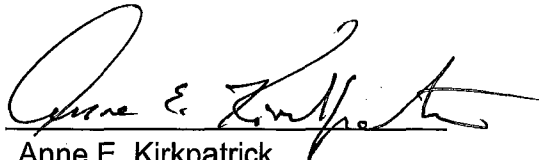
*MOU attached to the report accompanying this resolution without returning to the City Council.”*  
The PAC did not request this specific language change to the DEA MOU resolution. However, staff believes that the DEA MOU resolution should be adjusted accordingly to comply with the same recommendation for the other MOUs. **Attachment C** to this report provides the new further modified resolution.

**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) With The United States Department Of Justice, Drug Enforcement Administration (DEA) To Form The Oakland Police Department (OPD) DEA Oakland Task Force Group (Task Force) Collaborate On Information Sharing And Focused Operations To Disrupt Illegal Drug Activity Occurring In The City Of Oakland, From October 1, 2018 Through September 30, 2019.

For questions regarding this report, please contact Lieutenant James Beere, Felony Assault Section, General Crimes, and Task Forces Section, CID, Bureau of Investigations, at (510) 238-3728.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Reviewed by:  
Timothy Birch, Police Services Manager I  
OPD, Training Division, Research and Planning

Prepared by:  
Bruce Stoffmacher, Legislation Manager  
OPD, Training Division – Research and Planning

Attachments (1):  
**C** – Resolution Authorizing the DEA OPD MOU

Item: \_\_\_\_\_  
Public Safety Committee  
December 4, 2018

2018 NOV 29 PM 3:09 **OAKLAND CITY COUNCIL**

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR  
DESIGNEE TO ENTER INTO A MEMORANDUM OF  
UNDERSTANDING (MOU) WITH THE UNITED STATES  
DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT  
ADMINISTRATION (DEA) TO FORM THE OAKLAND POLICE  
DEPARTMENT (OPD) DEA TASK FORCE GROUP (TASK  
FORCE) TO COLLABORATE ON INFORMATION SHARING AND  
FOCUSED OPERATIONS TO DISRUPT ILLEGAL DRUG  
ACTIVITY OCCURRING IN THE CITY OF OAKLAND, FROM  
OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019**

**WHEREAS**, there are many types of drugs and narcotics listed as illegal to possess, use, manufacture, or sell anywhere in the United States (US) under the 1970 US Controlled Substances Act (CSA); and

**WHEREAS**, there is an established nexus between the use, manufacture, and sale of illegal narcotics and violent crime in Oakland; and

**WHEREAS**, the mission of the DEA is to “enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets;” and

**WHEREAS**, OPD officers assigned to the DEA Task Force shall adhere to Taskforce policies and procedures, as well as OPD policies and procedures; and

**WHEREAS**, Article V, Section 504(l) of the City Charter requires that the City Council authorize the City Administrator or designee to enter into an agreement between the City and other agency or organization; therefore, be it

**RESOLVED**: That the City Administrator or designee is authorized to execute the MOU attached to the accompanying report without returning to the City Council; and be it

**FURTHER RESOLVED**: that the initial duration period of the MOU

between OPD and the DEA shall be October 1, 2018 through September 30, 2019; and be it

**FURTHER RESOLVED:** funds paid by the DEA to OPD will be deposited into Fund 2999, Org 102310, Account 46129, Project TBD, and Program PS03; and be it

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**FURTHER RESOLVED:** that the City Administrator is authorized to accept and appropriate any reimbursements for overtime expenses without returning to the City Council; and be it

**FURTHER RESOLVED:** that OPD shall comply with all relevant federal laws, such as Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and rules related to lobbying, debarment, suspension, and a drug-free workspace; 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 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, GALLO, GUILLEN, KALB, KAPLAN,  
GIBSON MCELHANEY AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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