



CITY OF OAKLAND

AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Darren Allison
Interim Chief of Police

SUBJECT: OPD ATF MOU Renewal

DATE: June 27, 2023

City Administrator
Approval


Jestin Johnson (Jul 5, 2023 18:06 PDT)

Date Jul 5, 2023

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Understanding (MOU) Through September 30, 2026 With The Bureau Of Alcohol, Tobacco, Firearms And Explosives (ATF) And The Oakland Police Department (OPD) For OPD Participation In The ATF Taskforce And For The Purpose Of Reimbursement Of Overtime Salary And Other Costs Related To OPD Participation In The ATF Taskforce.

EXECUTIVE SUMMARY

ATF has staff and resources that help OPD investigate crimes involving illegal drug trafficking, firearms, and use of violence. The ATF has created task forces (TF) in high crime areas such as Oakland to help coordinate criminal investigations. OPD's Criminal Investigations Division (CID) can better investigate criminal networks engaged in this illegal and violent activity through TF participation. Additionally, the ATF can reimburse OPD for the payroll costs of one OPD officer officially attached to the TF with the signing of the TF MOU.

The City Charter requires that the City Council approve interagency agreements; OPD cannot participate in the ATF TF therefore without City Council approval.

BACKGROUND AND LEGISLATIVE HISTORY

The City Council adopted [Resolution No. 87474 C.M.S.](#) on December 11, 2018, which authorized the ATF OPD MOU for the period of July 27, 2016 through September 30, 2021.

The proposed MOU (**Attachment A**) was presented and approved unanimously by PAC on November 3, 2022.

ANALYSIS AND POLICY ALTERNATIVES

Oakland continues to suffer from some of the highest per-capita crime rates of any large U.S. city, with the following levels homicides, aggravated assaults and robberies in 2022:

- 118 homicides;

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- 3,177 aggravated assaults (including 456 shootings with injuries and 192 shootings related to an occupied home or vehicle);
- 2,653 robberies (including 1,095 involving firearms); and
- 164 cases of arson.

ATF TF officers (TFOs) conduct investigations related to firearms violations which include narcotics, social media threats to the residents of Oakland, organized crime related to the City of Oakland and cases of arson. The ATF TF also provides law enforcement operating in Oakland with access to the San Francisco Crime Gun Intelligence Center (CGIC). The CGIC utilizes the National Integrated Ballistic Information Network (NIBIN), which provides crucial intelligence about firearm-related crimes committed in Oakland and the San Francisco Bay Area. The ATF Special Agents compile NIBIN leads which have been linked to hundreds of violent crimes in our community. ATF Special Agents and TFOs frequently respond to assist law enforcement agencies and OPD to conduct investigations of individuals or groups who victimize Oakland residents.

OPD relies upon collaboration with ATF for local investigations of crimes and criminal networks involving firearms. OPD officers assigned to the ATF TF may be utilized in an undercover officer capacity to purchase firearms and or narcotics. A large percentage of the Task Force's focus is in the City of Oakland. TFOs conduct undercover surveillance, informant management, and operational support during undercover narcotics purchase operations. TFOs are required to be on-scene during operations to ensure the safety of Oakland residents as well as outside partners. TFOs conduct and assist with interviews of the suspected criminals who have been recently arrested by OPD officers or Alameda County Sheriff Officers. OPD officers assigned to the ATF TF assist Federal prosecutors with researching court documents, interviewing witnesses and collecting evidence needed for prosecution. Assigned officers review firearms arrests made by OPD officers and evaluate if these cases meet the standards for a Federal prosecution.

The ATF Oakland Field Office targets violent Oakland street gang members who are actively or have been historically involved in shootings throughout the city. By focusing on these gang members, the ATF seeks to indict those individuals driving the violence. If these gang members are convicted on Federal charges, they will receive longer sentences, effectively removing them from the streets of Oakland; OPD believes the imprisonment of gang members actively involved in illegal drug trafficking and related gun crimes will decrease the number of gang related shootings and homicides occurring in Oakland.

The ATF Oakland Field Office also investigates large scale trafficking of firearms, including machine guns, into the city of Oakland. Firearm traffickers supply hundreds of firearms from neighboring states such as Nevada and Arizona. These firearms make it into the hands of Oakland gang members, where they are used to commit robberies, shootings, and homicides throughout the area.

The following examples highlight the types of investigations enabled by OPD's involvement with the ATF TF:

- On January 18, 2023, federal search warrants were conducted at a residence in Oakland. The suspect was found to be involved in the manufacturing of privately made firearms and the sales of those firearms.
- In February 2023, several purchases of firearms were made in Oakland utilizing confidential informants. All of the firearms that were recovered were and are currently being transported into California from other states. The ATF TF continue to conduct operations in the city of Oakland to remove these firearms from the streets.
- In March 2023, a controlled purchase of firearms was negotiated between the confidential informant and suspect. The suspects in this deal robbed the informant but were subsequently arrested and charged for robbery. The investigation led to additional firearms and ammunition recovered at their residence. ATF TF along with partnering agency continue to remove firearms and reduce violent crimes in Oakland and neighboring cities.
- In March 2023, ATF TF conducted a search warrant in the city of Oakland along with partnering agencies. The individual in this case was located and arrested for his outstanding warrant.
- In May 2023, ATF TF conducted a search warrant in the city of Oakland where two suspects wanted for murder were apprehended. The ATF TF continue to not only remove firearms from the streets of Oakland but assist OPD and surrounding agencies with resources and personnel to apprehend violent individuals.
- In May 2023, ATF TF adopted three cases to present for federal prosecution. These cases have since gone to grand jury and individuals in these cases have been indicted.
- In June 2023, ATF TF assisted OPD with countless cases where casings and DNA have been processed through the ATF labs. OPD has been victimized by cyber-attacks, which have affected the security of personnel files and the resources at OPD's lab. ATF labs have since provided quick turn arounds on requests from OPD on cases that include shootings and murder. These quick turn arounds have proven to assist in identifying suspects, linking shootings, solving cases, and overall reducing violence in the city of Oakland. Without ATF as a resource, the OPD lab would continue to backlog and the request for lab results could exceed its current time of six months and go upward to a year to complete.

ATF and OPD can best solve violent firearm-related crimes in Oakland through collaborations that combine resources and knowledge. Through this MOU, OPD can also request reimbursement for OPD payment of overtime expenses related to OPD personnel assigned to ATF Taskforce cases; OPD can similarly request reimbursement for other costs, such as travel, fuel, training, and equipment, with prior approval of ATF. OPD will not be able to request such reimbursement without an existing MOU.

PUBLIC OUTREACH / INTEREST

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

COORDINATION

The MOU was presented and approved unanimously by PAC on November 3, 2022. OPD consulted with the Budget Bureau and the Office of the City Attorney in the development of this report and accompanying resolution.

FISCAL IMPACT

Any reimbursements for overtime expenses made by the ATF to OPD shall be deposited into Fund to be determined, Org 102310, Account 46129, Project to be determined, and Program PS03.

SUSTAINABLE OPPORTUNITIES

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

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

Race and Equity: OPD's collaboration with ATF helps OPD to solve violent gun-related crimes in Oakland. All residents and visitors benefit from these efforts to investigate and prosecute violent criminals.

ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Understanding (MOU) Through September 30, 2026 With The Bureau Of Alcohol, Tobacco, Firearms And Explosives (ATF) And The Oakland Police Department (OPD) For OPD Participation In The ATF Taskforce And For The Purpose Of Reimbursement Of Overtime Salary And Other Costs Related To OPD Participation In The ATF Taskforce.

For questions regarding this report, please contact Lt. Steve Valle at svalle@oaklandca.gov.

Respectfully submitted,



Darren Allison
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Attachments (2):

1. OPD ATF MOU
2. OPD Body worn camera ATF addendum