APPROVED AS TO FORM AND LEGALITY

Amadis Sotelo

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXTEND THE EXISTING MEMORANDUM OF UNDERSTANDING (MOU) WITH THE UNITED STATES MARSHALS SERVICE (USMS) THROUGH SEPTEMBER 30, 2031, TO ALLOW THE OAKLAND POLICE DEPARTMENT (OPD) TO CONTINUE PARTICIPATION IN THE NORTHERN DISTRICT OF CALIFORNIA REGIONAL FUGITIVE TASKFORCE FOR THE PURPOSE OF LOCATING AND APPREHENDING FUGITIVES

WHEREAS, the primary mission of USMS task forces (TF) is to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal warrants for their arrest; and

WHEREAS, in the City of Oakland each year, scores of individuals face warrants for their arrest due to proven and/or suspected criminal activity including violent crimes against persons, weapons offenses; felony drug offenses, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses; and

WHEREAS, OPD does not have a fully staffed fugitive unit to independently investigate and apprehend the many fugitives who must be apprehended each year to protect the safety of Oakland residents and visitors; and

WHEREAS, the USMS has created numerous regional fugitive taskforces to investigate and apprehend local, state and federal fugitives; and

WHEREAS, federal fugitive cases referred to the task force for investigation by any participating agency such as OPD are entered into the National Crime Information Center (NCIC) by the USMS or originating agency, as appropriate; and

WHEREAS, in Oakland, the USMS is a valuable partner for investigations of violent criminal behavior; and

WHEREAS, a major goal of Oakland's Ceasefire Strategy, a data-driven violence-reduction effort that coordinates law enforcement, social services, and the community, is to reduce gang/group-related homicides and shootings; and

WHEREAS, Ceasefire brings social services and community partners to help gang/group members ready to cease violent activity, and partners such as the USMS are critical to locating

individuals who continue with criminal and illegal firearm activity and/or break the provisions of their probation or parole restrictions; and

WHEREAS, the USMS helps OPD with its Ceasefire implementation and criminal investigations by locating and arresting violent offenders with warrants for their arrest; and

WHEREAS, locating individuals who have committed crimes in Oakland often can lead to cross-jurisdiction and out-of-state investigations. The TF has the capability and resources to track fugitives across state lines and those criminals attempting to flee the Country. Most of the offenders assigned to the USMS are Oakland-based gang/group members and associates who are involved in burglaries, robberies, shootings, and homicides; and

WHEREAS, OPD officers assigned to the USMS 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; and

WHEREAS, OPD members who participate in the USMS Task Force are required to follow City of Oakland rules and policies and state law, including:

- California Senate Bill (SB) SB 54 (California Values Act)
- The City of Oakland Sanctuary City Ordinance
- DGO M-19 Sections III and VIII (A, C) (OPD policy on prohibitions regarding racial profiling and other bias-based policing)
- DGO I-15 - Body Worn Camera
- DGO K-03/K-04 – Use of Force (policy/reporting); and

WHEREAS, as required by Oakland Municipal Code Chapter 9.72, OPD presented the USMS MOU to the PAC on January 5, 2023, and it was approved unanimously; and

WHRereas, on July 18th, 2023, City Council adopted Resolution 89817 CMS, authorizing approval to enter in the existing USMS MOU; and

WHEREAS, the proposed resolution would provide authority to extend the existing MOU; now, therefore be it

RESOLVED: That the City Council authorizes the City Administrator to extend the MOU with USMS through September 30, 2031, in accordance with the terms of the existing MOU, to allow OPD to continue to participate in the Northern District of California Regional Fugitive Taskforce for the purpose of locating and apprehending fugitives; and be it

FURTHER RESOLVED: That if the USMS receives asset forfeiture funding for either (1) overtime incurred by state and local investigators who provide full time support to USMS TF, or (2) travel, training, purchase or lease of police vehicles, fuel, supplies, or equipment for state and local investigators in direct support of state and local investigator, the USMS shall, pending availability of funds, reimburse participating agencies for the expenses incurred, depending on which category of funding is provided; and be it

FURTHER RESOLVED: that any reimbursements for overtime expenses made by the USMS to OPD shall be deposited into Fund 1010, Org 102321, Account 45718, Project TBD, and Program PS13; and be it

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 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 - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST:_____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

3483003/AS