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OFFICE OF THE CITY CLERK
OAKLAND

2013 JAN -3 PM 5: 28

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Howard A. Jordan
Chief of Police

SUBJECT: Alameda County Sheriff's Office MOU

DATE: December 14, 2012

City Administrator
Approval

Deanna Santana

Date

1/3/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Approve the resolution authorizing the City Administrator to enter into a Memorandum of Understanding (MOU), subject to meet and confer with the Oakland Police Officers' Association (OPOA); with the Alameda County Sheriff's Office (ACSO) for 90 days of Crime Suppression Assistance in an amount not to exceed \$265,000 to deploy five, double unit patrol vehicles (10 deputy sheriffs) and one sergeant in a supervisor vehicle two days per week to assist with the City's Violence Suppression Plan, and with one option to renew for an additional 90 days.

OUTCOME

The City of Oakland will execute an MOU with the ACSO that enables it to have access to supplemental law enforcement resources for the purpose of supporting 90 Day Violence Suppression Plans. The City recognizes that this recommendation requires that the City meet and confer with the OPOA prior to taking any action relative to the proposed recommendation.

BACKGROUND/LEGISLATIVE HISTORY

Many cities in the United States, including Oakland, have shared policing responsibilities by local police departments and county sheriff departments. In these examples, the two law enforcement agencies enter into a voluntary agreement that clearly defines roles, obligations, and policing methods. Entering into this agreement with ACSO will assist in decreasing gun violence in the City of Oakland, increase information sharing, establish plans and objectives for problem solving plans of action and assist in helping OPD improve response times for calls for service.

While the value of partnerships can be relegated to focus merely on personnel resources, the intangible gains are what remains to be the strength of collaborations and the outcome will be marked by reducing the amount of gun related incidents and alleviating patrol officers so they can focus on calls for service. By bringing in supplemental resources, the City of Oakland will

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perform focused enforcement at locations that have been identified through crime analysis and current crime trends. Each agency will become an immediate force multiplier in providing competent, ethical, and constitutional policing to our citizens.

OPD has a long history of cooperating with, and working with outside agencies to solve crime issues that affect the City of Oakland. In the past, California Highway Patrol (CHP) and ACSO have assisted by sending officers to help with "sideshow" enforcement.

OPD has had an increased amount of gun violence and street robberies that have resulted in citizens being severely injured or killed. Currently, OPD has faced significant reductions in its level of police staffing and is experiencing an increase in crime in all categories such as: homicides, robberies, burglaries and assaults. This shortage of staffing affects how we can effectively respond to in progress crimes. OPD has been addressing this problem for a significant amount of time using a variety of enforcement techniques, with some isolated success stories, but minimal sustained impact overall. As of late, this City has experienced a dramatic increase in acts of gun violence, increased frequency of gun violence, and a blatant disregard for life by individuals who have displayed callousness through repeated violence. The 90-day Violence Suppression Plan which involves the assistance of the ACSO, analyzes the shortcomings of current enforcement techniques due to the shortage of staffing and proposed supplemental staffing that will impact gang-related violence more effectively. This multi-pronged program requires continued and developed partnerships and working agreements with key stakeholders from the CHP, ACSO, the California Department of Justice (DOJ), and members of the community to assist OPD in implementing short-term and long-term strategies to reduce crime and violence in this city.

On October 18, 2012, OPD implemented Operation CeaseFire. Through this program, OPD has partnered with outside law enforcement agencies, Oakland clergy members and other organizations within the City of Oakland to assist with reducing violent crime.

The intention of this MOU is to preserve the close working relationship built between OPD and ACSO. The City recognizes that this recommendation requires that the City meet and confer with the OPOA prior to taking any action relative to the proposed recommendation.

ANALYSIS

The primary purpose of the MOU is to establish that OPD has jurisdiction and ACSO is assisting by supplementing with resources to the City of Oakland. OPD has primary jurisdiction in the City of Oakland with ACSO serving as a supplemental resource. The City has made clear that it is understood that OPD is the primary law enforcement agency in the City of Oakland and has primary policing responsibilities in all instances.

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The request for assistance is based on OPD analyzing current enforcement techniques and capacity due to the shortage of staffing, and proposes supplemental staffing that will impact gang-related violence, homicides, robberies, burglaries and quality of life crimes more effectively.

By implementing the Sheriff's MOU, the City of Oakland will gain an additional law enforcement partner who will work in partnership to support Operation CeaseFire, as well as other initiatives in the 90 Day Violence Suppression Plan(s). By providing additional resources, data-driven information regarding Operation CeaseFire can be shared amongst law enforcement agencies more efficiently.

PUBLIC OUTREACH/INTEREST

Entering into an MOU agreement with ACSO will result in having additional personnel and technology and increase the likeliness of an officer apprehending a subject involved in a violent crime as well as improve community awareness. The shared policing efforts will be accessible to the community to inform them of what is taking place in our City.

COORDINATION

Staff has worked with the Budget and City Attorney's Offices in the preparation of this report. This project will be a shared partnership of OPD and ACSO. Prior to taking action, the City shall work collaboratively with the Compliance Director and the Monitor, as agents of the Federal Court, to ensure that this action complies with Court Orders and outstanding provisions of the NSA and of the AMOU. As already stated, the City recognizes that this recommendation requires that the City meet and confer with the OPOA prior to taking any action relative to the proposed recommendation.

COST SUMMARY/IMPLICATIONS

Council approval of this proposal will authorize the City to enter into a MOU with ACSO in order to increase OPD's capacity to reduce drugs, guns, gangs, and violent behavior in the City of Oakland by using ACSO deputies to supplement the work of OPD officers. The cost of this MOU will not exceed \$265,000 for the first 90-Day Violence Suppression Plan, with one option to extend the MOU for an additional 90 day; thus, for a potential MOU amount of \$530,000.

| | |
|----------------------------------|----------------------|
| Initial 90-day MOU | \$ 265,000.00 |
| Additional 90-day MOU Option* | \$ 265,000.00 |
| TOTAL | \$ 530,000.00 |

* If needed

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Funding for this proposal is recommended to come from the General Fund balance and is consistent with the City Council's budgeting principles of using one-time dollars for one-time expenditures.

SUSTAINABLE OPPORTUNITIES

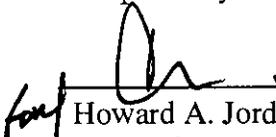
Economic: Partnering with a pre-existing law enforcement agency already policing our City and having clearly defined roles helps the City become more efficient and responsive to the needs of our citizens by providing additional resources to assist OPD officers, and decrease the amount of gun related violence. Responding to crime scenes in a more timely manner, and having an increased capacity to analyze crime results in a more efficient use of resources, focused efforts on crime trends and patterns, and enhanced police services to respond to emerging crime trends; all improve public safety, thereby providing a safer environment for residents, and local commerce to flourish.

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

Social Equity: OPD and ACSO will continue to provide competent, professional, and strategic police services to the citizens of Oakland while being transparent and available to ensure that all its staff members are providing these services with respect and integrity.

For questions regarding this report, please contact Acting Captain, Kirk A. Coleman, at (510) 777-8543.

Respectfully submitted,


Howard A. Jordan
Chief of Police
Oakland Police Department

Prepared by:
Acting Captain Kirk A. Coleman
Bureau of Field Operations
Oakland Police Department

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OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2013 JAN - 5 11 3 23 RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE ALAMEDA COUNTY SHERIFF'S OFFICE (ACSO) FOR NINETY (90) DAYS OF CRIME SUPPRESSION ASSISTANCE WHEREBY ACSO WILL DEPLOY TEN DEPUTY SHERIFFS IN FIVE, DOUBLE UNIT PATROL VEHICLES AND ONE SERGEANT IN A SUPERVISOR VEHICLE, TWO DAYS PER WEEK, AT A COST NOT TO EXCEED TWO HUNDRED AND SIXTY-FIVE THOUSAND DOLLARS (\$265,000), WITH ONE OPTION TO RENEW FOR AN ADDITIONAL 90 DAYS IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED THIRTY THOUSAND DOLLARS (\$530,000)

WHEREAS, for a period of ninety (90) days from the commencement date of Memorandum of Understanding (MOU), the Alameda County Sheriff's Office (ACSO) agrees to provide uniformed personnel with patrol vehicles and all necessary safety equipment, in order to assist the Oakland Police Department (OPD) with conducting high visibility law enforcement to help reduce gun and gang violence, as well as homicides, robberies, burglaries, assaults, traffic enforcement (excluding traffic accident investigations), and other law enforcement services as necessary within the City of Oakland (City); and

WHEREAS, OPD has had an increased amount of gun violence and street robberies that have resulted in citizens being severely injured or killed. Currently, OPD is at the minimal level for police staffing and are experiencing an increase in crime in all categories such as: homicides, robberies, burglaries and assaults. This shortage of staffing affects how OPD can effectively respond to in progress crimes;

WHEREAS, the primary purpose of the proposed MOU is to establish that OPD has primary jurisdiction throughout the City, has primary policing responsibilities in all instances, and that ACSO serves as a supplemental resource; and

WHEREAS, pursuant to the MOU, ACSO retains control over ACSO employees; and

WHEREAS, pursuant to the MOU, ACSO will deploy ten (10) deputy sheriffs in five (5) double unit patrol vehicles and one sergeant in a supervisor vehicle two days per week on varying days as requested in advance by OPD. Shifts will generally be 10 or 12 hours in duration as predetermined by ACSO and OPD; and

WHEREAS, pursuant to the MOU, OPD will provide each ACSO double unit patrol with one OPD hand-held radio for emergency communication with OPD Dispatch. ACSO teams will also be provided with OPD laptops which have been configured to receive the ShotSpotter alerts seconds after gunshot activation; and

WHEREAS, approval of this resolution will authorize OPD to enter into the MOU with ACSO for a 90-day period in an amount not to exceed \$530,000; and

WHEREAS, funding for this proposal has been identified with the General Purpose Fund un-audited fund balance. The funds shall be appropriated to the Oakland Police Department General Purpose Fund (#1010), Office of the Chief of Police (Organization #90591), Contract (Account #54919), Agency-wide Administration Program (#PS01) and project number to be determined; and

WHEREAS, Council approval will also authorize the City Administrator to amend and/or extend the MOU for an additional 90-day period in an amount not to exceed \$530,000 should the City's violent crime and OPD's capacity to effectively address such violent crime require additional assistance from ACSO; and

WHEREAS, Section 504(1) of the Oakland City Charter provides that, when directed by the Council, the City Administrator shall have the power and duty to represent the City in its intergovernmental relations and to negotiate contracts for joint government actions, subject to Council Approval; now, therefore, be it

RESOLVED: That the City Council (Council) authorizes the City Administrator, or her designee, to enter into a memorandum of understanding (MOU) with ACSO for ACSO to provide police services to the City at an amount not to exceed \$530,000; and be it

FURTHER RESOLVED: That Council also authorizes the City Administrator, or her designee to amend and/or extend the MOU with ACSO for an additional 90-day period in an amount not to exceed \$530,000 should the City's level of violent crime and OPD's capacity to effectively address such crime require additional assistance from ACSO; and be it

FURTHER RESOLVED: Funding for this proposal has been identified with the General Purpose Fund unaudited fund balance. The fund shall be appropriated to the Oakland Police Department General Purpose Fund (#1010), Office of the Chief of Police (Organization #90591), Contract (Account #54919), Agency-wide Administration Program (#PS01) and project number to be determined; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend the proposed MOU with ACSO; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve said proposed MOU with ACSO, as to form and legality 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, KALB, GALLO, KAPLAN, KERNIGHAN, MCELHANEY, SCHAAF and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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