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OFFICE OF THE CITY CLERK
OAKLAND
2015 MAY 14 PM 5:04

AGENDA REPORT

TO: JOHN A. FLORES
INTERIM CITY ADMINISTRATOR

FROM: Sean Whent

SUBJECT: FBI-OPD Joint Workspace in the
Police Administration Building

DATE: May 11, 2015

City Administrator
Approval

Date

5/10/15

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council:

Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) With The Federal Bureau Of Investigation (FBI) Violent Criminal Threat Section (VCTS), To Facilitate The Joint Purchase And Installation Of A Computer Network Ty Infrastructure, Computers And Furniture At The Police Administration Building (PAB) To Create A Shared Work Space For The Safe Streets Taskforce, And Waiving The Advertising And Bidding Requirements Of The City's Expenditure Of \$63,000 Towards The Purchase Of Said Items.

OUTCOME

Adoption of this resolution will provide for the construction of a new joint Safe Streets Workspace in the PAB. This will allow OPD and the FBI VCTS to better collaborate on criminal investigations. Greater joint OPD-FBI investigatory collaboration will lead to the apprehension and prosecution of more of the most violent offenders in the City of Oakland.

EXECUTIVE SUMMARY

Oakland suffers from high levels of violent crime and one of the lowest levels of sworn police officers per capita to address the high crime rates. Because of limited staffing, the OPD has very limited capacity to successfully investigate all of the homicides, robberies and shootings that occur in the City. The FBI VCTS is partnering with OPD on a Safe Streets Taskforce and requires a shared workspace in the PAB to effectively coordinate activities. The FBI has committed \$110,000 towards workspace build-out with OPD allocating an additional \$63,000 towards the computers, furniture and digital infrastructure, to cover the remainder of \$173,000

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cost. OPD will separately fund the electrical, flooring and painting work through an allocation of \$28,500 to the Oakland Public Works Department (OPW) (see **Fiscal Impact section below for details**).

BACKGROUND / LEGISLATIVE HISTORY

The City of Oakland is the most violent large city in California per capita and was selected in 2014 as one of five cities to be included in the United States Department of Justice's (DOJ) Violence Reduction Network (VRN). Partnering VRN cities are selected to receive enhanced support from the federal government to tackle persistent challenges caused by violent crime. According to the FBI, Oakland's current sworn staffing level (722 officers at the time of this writing, which equates to approximately 17 officers per 10,000 people) is the lowest number of officers per 10,000 people for any major city in the United States with similar crime rates (see **Table 1 below**). By contrast, San Francisco has approximately 30 officers per 10,000 people, yet less than a third of the violent incident crime than Oakland. Based on Oakland's crime rate, the FBI estimates that OPD should have approximately 1,100 officers.

Table 1: City of Oakland 2014 Year End Crime Report¹

Crimes	YTD 2010	YTD 2011	YTD 2012	YTD 2013	YTD 2014
Murder	90	103	127	90	80
Aggravated Assault	2,476	2,501	2,793	2,504	2,657
Rape	202	181	238	164	194
Robbery	3,198	3,325	4,170	4,790	3,349
Burglary	8,210	8,810	12,835	11,897	11,316
Motor Vehicle Theft	4,589	6,004	7,114	7,791	7,370
Larceny	5,488	5,798	6,196	6,028	5,854
Arson	145	134	160	116	140
Weapons (Possessing/Carrying)	706	610	461	478	556
Drug Possession & Sales	2,907	1,738	1,332	1,376	1,845
Assaults – Simple	2,823	2,633	2,854	2,686	3,016
Prostitution & Vice	512	264	167	230	258
Non-Rape Sex Crimes	670	611	608	562	639
TOTAL CRIMES	32,016	32,709	39,049	38,708	37,276

Oakland's high crime rates and limited staffing levels constrain OPD's capacity for crime investigations. OPD's capacity for crime investigations is directly related to its level of violent crime clearance rates (i.e., the number of cases accepted for prosecution by the Alameda County

¹ Source: Federal Bureau of Investigation

District Attorney). Oakland and Alameda County have one of the lowest homicide clearance and conviction rates in California and the United States.

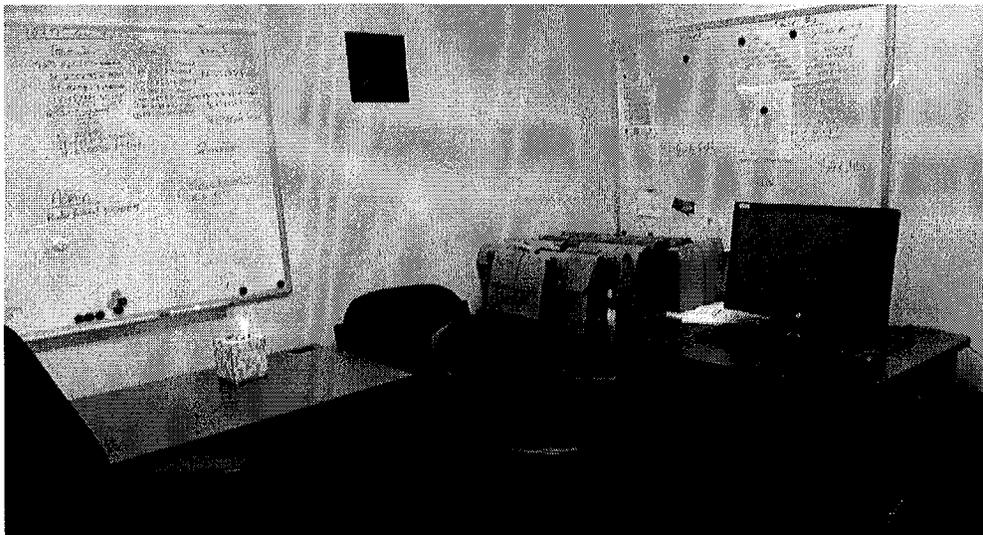
ANALYSIS

The FBI Safe Streets Task Force, a program of the DOJ VRN, works to address violent crime in Oakland by providing Agents and resources to address the most serious crime. OPD has partnered with the Safe Streets Task Force on a number of recent joint investigations related to gangs, homicides, robberies and fugitives. A recent FBI partnership with OPD's Homicide Section between June and September 2014 alone helped OPD to clear 10 of the 11 homicides which occurred during this period - a 90 percent clearance rate over this period of time.

Benefits of a Shared Workspace

The FBI Safe Streets Task Force has the capacity to dedicate 10 FBI agents to collaborate directly with OPD's Criminal Investigations Division (CID) to expand OPD's current investigations capacity. However, CID currently only has one room in the Homicide Section for work stations – this small room provides insufficient space to house a fully staffed Safe Streets Task Force and provide team members access to FBI resources and computers.

Photo 1: Current Room in CID for Safe Streets Task Force



In contrast to this room, the proposed workspace in the north (former Alameda County) side of the PAB will be able to accommodate 12 workstations with FBIInet access, a meeting room, an interview room and a break room. The break room will allow FBI special agents (SA) and

Taskforce Officers (TFO)², who at times work up to 48 hours straight on homicide investigations, an opportunity to eat and rest while still being engaged in a case.

The FBI, OPD, and OPW staff have evaluated the proposed workspace project and looked at the space in the PAB to be remodeled and used for the build-out - a space in a currently vacant section of the Alameda County side of the PAB: the computers, furniture, and network infrastructure will cost a total of \$173,000; the FBI prefers to use their security-cleared regular vendors for this build-out and will allocate \$110,000 of their funds to support the project. Additionally, OPD will allocate \$28,500 to OPW to cover the necessary electrical, flooring, and painting work. OPD has the necessary funds (\$63,000 + \$28,500 = \$91,500) in its general fund (OCOP (101110), Non-project (0000000), Agency-wide Administration (PS01) to cover the remaining costs. The MOU will reflect that the FBI agrees that all infrastructure and capital improvements will remain the property of OPD; the FBI and OPD will negotiate terms for how to arrange ownership of computers and furniture in the event the taskforce is discontinued. OPD expects that the MOU will dictate a maximum of one year for the project to be completed. The MOU, as stated in the resolution, will include liability waivers that absolve the City of Oakland and OPD from any and all injuries and damages that may happen to the vendors completing the build-outs.

The build-out of a Safe Streets Task Force Office Space in the PAB will provide space for 10 SAs from the FBI to work alongside OPD's CID detectives and provide much needed additional investigation support. OPD will have a new capacity for sustained and expanded investigations of violent crime occurring in Oakland creating a permanent space for joint FBI-OPD investigations in the PAB. Much of the work conducted by SAs and TFOs are directly related to OPD gang investigations. By sharing space with the OPD homicide detectives, FBI resources are able to be directly infused into an investigation at the very beginning and are aligned with OPD efforts for maximum effectiveness. The shared space allows both agencies to share information related to cases and decrease the likelihood that opportunities for critical evidence gathering would be missed.

Currently, FBI analysts also do not spend much time at the PAB because there are no computers to capture FBI related information. As such, OPD intelligence does not get captured to FBI intelligence systems as well as it should, which decreases the Safe Streets Task Force's effectiveness to be intelligence-driven and serve the needs of OPD investigations. Furthermore, the FBI staff assigned to OPD does not have enough interview rooms with the ability to record interviews, as is now mandatory under United States Department of Justice Policy. As such, SAs miss opportunities to conduct interviews as frequently as they should, because they are not present at OPD when members of the public or someone recently arrested makes a statement that needs to be recorded.

² Task Force Officers (TFO) are OPD officers who have been deputized by the FBI. This allows the OPD officers to receive overtime funding from the FBI for work relating to the investigation of violations that have a federal nexus.

Photo 2: Proposed Workspace Area



The PAB Safe Streets Task Force Office will hold regular coordination meetings with other federal, state, and local partner agencies to discuss investigative strategies and case progression. The Safe Streets Task Force provides a coordinated interagency response to significant violent crime incidents in Oakland. The workspace will facilitate meetings with the United States Attorney's Office, the U.S. Marshals, the Alcohol Tobacco and Firearms (ATF) Agency and U.S. Drug Enforcement Agency (DEA). This multi-agency collaboration represents a fundamental component of the City of Oakland's ongoing Ceasefire efforts to reduce gun-related crimes as well as efforts to reduce violent crime. The joint meeting and investigation space helps ensure that OPD is aligned with federal, state, and local law enforcement on the most effective investigative and prosecutorial avenues by which to convict and incarcerate dangerous offenders. The enhanced collaboration from the shared workspace will also avoid duplication of effort and wasted resources.

FISCAL IMPACT

Table 2: FBI Build-Out

Category	Notes	Cost
Computers	Computers will accommodate FBIInet, UNET, and OPDnet	\$ 40,000
Desks/Furniture	15 Workstations; 1 Conference Room; 1 Interview Room	\$ 50,000
Network/Physical Security	A DSL line will be provided to accommodate data generated from investigative techniques	\$ 83,000
FBI Build-Out Total		\$ 173,000

Table 3: FBI Build-Out Funding Sources

FBI Contribution	\$ 110,000
OPD Contribution - Fund: OCOP (101110), Non-project (0000000), Agency-wide Administration (PS01)	\$ 63,000
Total Funding	\$ 173,000

OPD will separately allocate Twenty Eight Thousand and Five Hundred Dollars (\$28,500) from its general-purpose fund to the Oakland Public Works Department (OPW) for work to be conducted at the PAB by OPW, as follows:

Table 4: OPW Build-Out

Category	Notes	Cost
Electrical	Install 12 new 20 amp circuits	\$ 9,500
Paint	Prepare and paint area	\$ 3,500
Flooring	Replace carpeting with more durable tile	\$ 15,500
OPW Build-Out Total		\$ 28,500

Table 5: Build-Out Funding Sources

OPD Contribution - Fund: OCOP (101110), Non-project (0000000), Agency-wide Administration (PS01)	\$ 28,500
OPW Build-Out Total	\$ 28,500

The electrical, painting, and flooring work will be required to transform the current space in the PAB into clean and useful space for the new Safe Streets Taskforce. Additionally, OPD will allocate approximately \$2,100 per month to pay for new utility expense of the new Digital Service Line (DSL), which will be installed by FBI vendors.

All costs will come from current and budgeted OPD resources.

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PUBLIC OUTREACH/INTEREST

Resources will be utilized to strengthen and expand existing police investigations and enforcement operations for targeting violent crime throughout the City of Oakland. More support for police investigations will lead to greater public safety for residents and visitors in Oakland.

COORDINATION

The Controller's Bureau, Department of Information Technology (DIT) and the Office of the City Attorney (OCA) were consulted in preparation of this report.

SUSTAINABLE OPPORTUNITIES

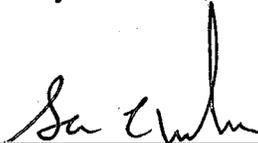
Economic: Work conducted through OPW for the shared workspace will employ OPW employees and support local small businesses.

Environmental: No environmental opportunities have been identified.

Social Equity: By enabling enhanced investigatory support which leads to more prosecutions and convictions for violent crime, all residents and visitors will benefit from the greater public safety.

For questions regarding this report, please contact Bruce Stoffmacher, Management Assistant, OPD Research and Planning, at (510) 238-6976.

Respectfully submitted,



Sean Whent
Chief of Police
Oakland Police Department

Reviewed by:
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OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FEDERAL BUREAU OF INVESTIGATION (FBI) VIOLENT CRIMINAL THREAT SECTION (VCTS), TO FACILITATE THE JOINT PURCHASE AND INSTALLATION OF A COMPUTER NETWORK INFRASTRUCTURE, COMPUTERS AND FURNITURE AT THE POLICE ADMINISTRATION BUILDING (PAB) TO CREATE A SHARED WORK SPACE FOR THE SAFE STREETS TASKFORCE, AND WAIVING THE ADVERTISING AND BIDDING REQUIREMENTS FOR THE CITY'S EXPENDITURE OF \$63,000.00 TOWARDS THE PURCHASE OF SAID ITEMS

WHEREAS, the City of Oakland is the most violent city in California and was selected in 2014 as one of five cities to be included in the United States Department of Justice's (DOJ) Violence Reduction Network (VRN); and

WHEREAS, partnering VRN cities are selected to receive enhanced support from the Federal government to tackle persistent challenges caused by violent crime; and

WHEREAS, Oakland's high crime rates and limited staffing levels constrain OPD's capacity for crime investigations and thus the City of Oakland and Alameda County have one of the lowest homicide clearance and conviction rates in California and the United States; and

WHEREAS, the FBI Safe Streets Task Force, a program of the DOJ VRN, works to address violent crime in Oakland by providing Agents and resources to aid in investigations and address the most serious types of crime; and

WHEREAS, OPD has partnered with the Safe Streets Task Force on a number of recent joint investigations related to gangs, homicides, robberies and fugitives and during this partnership OPD cleared 10 of the 11 homicides which occurred; and

WHEREAS, The FBI Safe Streets Task Force has the capacity to dedicate 10 FBI agents to collaborate directly with OPD's Criminal Investigations Division (CID) to expand OPD's current investigations capacity; and

WHEREAS, OPD's CID currently only has one small room in the Homicide Section of the PAB for a shared workspace, which is insufficient to house a fully staffed Safe Streets Task Force and provide team members access to FBI resources and computers; and

WHEREAS, the proposed workspace in the north (former Alameda County) side of the PAB will be able to accommodate twelve workstations with FBIInet access, a meeting room, an interview room and a break room, so that FBI special agents and OPD officers who at times work up to 48 hours straight on homicide investigations, have an opportunity to eat and rest while still being engaged in a case; and

WHEREAS, by sharing space with the OPD homicide detectives, FBI resources are able to be directly infused into an investigation at the very beginning and are aligned with OPD efforts for maximum effectiveness and the shared space allows both agencies to share information related to cases and decrease the likelihood that opportunities for critical and evidence gathering would be missed; and

WHEREAS, the one hundred ten thousand dollars (\$110,000) allocated to the project by the FBI and sixty three thousand dollars (\$63,000) allocated to the project by OPD will cover the costs for the computers, desks and furniture and network infrastructure; and

WHEREAS, due to the federal funding, the items must be purchased from FBI vendors, therefore, it is in the City's best interests to waive advertising and bidding requirements for the City's expenditures; and

WHEREAS, OPD will allocate an additional twenty eight thousand five hundred dollars (\$28,500) directly to the Oakland Public Works Department for electrical, flooring and painting work; and

WHEREAS, per the MOU, both OPD and the FBI agree that each party is responsible for the negligent and wrongful acts and omissions by its employees and that this MOU shall be governed by the laws of the state of California and nothing herein should be construed as supplanting any applicable statute, rule, or regulation; and

WHEREAS, per the MOU, the FBI agrees that OPD and the City, its employees, officers, directors, agents and representatives are not liable for any claims or damages arising out of any injuries or damages to any of the FBI's security-cleared regular vendors who will be tasked with the build-out at the PAB; and

WHEREAS, per the MOU, the FBI's security-cleared regular vendors who work on the build-out at the PAB will obtain and execute right of entry forms from the City prior to commencing work on the build-out; and

WHEREAS, per Oakland Municipal Code section 504(1), the City Council must approve intergovernmental MOUs, and authorize the City Administrator to represent the City in all related negotiations, among other things; now, therefore be it

RESOLVED: That City Council does hereby authorize the City Administrator or designee to enter into the MOU with the FBI for the joint purchase of a computer network infrastructure, computers and furniture to construct a new shared workspace in the PAB as part of a joint OPD-FBI Safe Streets Taskforce, to be financed by a contribution of one hundred ten thousand dollars (\$110,000) from the FBI and sixty three thousand dollars (\$63,000) of City OPD funds; and be it

FURTHER RESOLVED: That, pursuant to Oakland Municipal Code Section 2.04.050.I.5 and for the reasons stated above, the City Council finds that it is in the best

interests of the City to waive advertising and bidding for the City's expenditures towards the Safe Streets Taskforce shared workspace, and so waives the requirements; and be it

FURTHER RESOLVED That the City Administrator is authorized to conduct all ongoing negotiations, execute and submit all documents, including but not limited to amendments, modifications and related actions which may be necessary to carry out the basic purpose of this resolution, without increasing the amount of the allocated funds; and be it

FURTHER RESOLVED: That said MOU shall be approved as to form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN,
REID, AND PRESIDENT GIBSON MCELHANEY

NOES –

ABSENT –

ABSTENTION –

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California