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## AGENDA REPORT

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

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

**SUBJECT:** SAFE Task Force MOU

**DATE:** November 7, 2018

City Administrator  
Approval

Date

11/20/18

### **RECOMMENDATION**

**Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator Or Designee To Negotiate And Enter Into A Memorandum Of Understanding (MOU) Between The Alameda County Sexual Assault Felony Enforcement (SAFE) Task Force And The Oakland Police Department (OPD) To Allow OPD Personnel To Collaborate In Criminal Investigations Of Sexual Predators, Between July 1, 2018 And June 30, 2019.**

### **EXECUTIVE SUMMARY**

The SAFE Taskforce is comprised of personnel from the Alameda County Sheriff's Office; the Alameda County Probation Department; the Hayward Police Department; the California Department of Corrections and Rehabilitation – Parole Division; the Alameda County District Attorney's Office; and OPD. The SAFE Task Force focuses on identified predatory sex offenders to reduce future violent sexual crimes in Alameda County. Taskforce activities include coordinated communications and monitoring of convicted offenders.

Adoption of the proposed resolution will enable OPD personnel to participate in a valuable regional effort to help ensure that convicted sex offenders maintain compliance with the law.

### **BACKGROUND AND LEGISLATIVE HISTORY**

Sexual assault is a crime of violence, and it is estimated that more than 80 percent of all sexual assaults involve the use of weapons or the threat of violence or death. Anyone can be a victim of a sexual assault, regardless of behavior or appearance, and rape can happen to any person, anywhere or anytime. In a significant number of cases, the rapist is known to the victim. Victims of rape and sexual assault usually experience serious trauma.

The primary mission the SAFE Task Force is to reduce violent sexual crime and promote public safety through the proactive investigation and enforcement of registered sex offender laws.

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The task force is intended to:

1. Include personnel from municipal, county, and state law enforcement officers and agents to conduct proactive enforcement that targets predatory sex offenders as identified by the California Department of Justice;
2. Enhance the lines of formal and informal communications between the agencies participating in the taskforce;
3. Monitor the activities of known sexual predators through records research and short-term oversight; and
4. Ensure that registered sex offenders are in compliance with current laws and parole / probation restrictions.

In 2017, the SAFE Task Force achieved the following concerning sex offenders in Alameda County:

- Made 43 felony arrests
- Made three misdemeanor arrests
- Issued/obtained 90 arrest warrants
- Conducted 27 probation/parole searches
- Made 66 Megan's Law disclosures
- Conducted 394 compliance checks
- Opened 198 cases

The SAFE Task Force conducted 133 operations in the City of Oakland in 2017.

### **ANALYSIS AND POLICY ALTERNATIVES**

An Executive Policy Committee (EPC) directs the SAFE Task Force. The EPC includes the Alameda County Sheriff, the Alameda County District Attorney, the Alameda County Chief Probation Officer, the President or designee of the Alameda County Chiefs of Police and Sheriffs Association, the Director of the California Department of Corrections and Rehabilitation (Division of Adult Parole Operations), the OPD Chief of Police, and the Hayward Chief of Police.

Allowing OPD personnel to continue to take part in the SAFE Task Force will help ensure that Oaklanders are better protected from predatory sex offenders; that communication is enhanced between OPD and other agencies; that the activities of known sexual predators are recorded; and that registered sex offenders are in compliance with current laws and probation and parole restrictions. Due to very limited resources, OPD is unable to perform any of these tasks as well in the absence of participation in the SAFE Task Force.

In any situation where there is a conflict between policies and procedures of the SAFE Task Force and any participating agency, the SAFE Task Force member shall abide by the most restrictive directives. OPD personnel assigned to the taskforce will always comply with OPD policies unless a task force policy requires greater restrictions (e.g. use of force or reporting requirements). The investigation of any officer-involved shooting and/or vehicle collision is handled by the agency of jurisdiction in which the incident occurs. For purposes of

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indemnification, each participating agency in the SAFE Task Force shall be responsive for the acts of its participating personnel and shall incur any liabilities arising out of services and activities of those personnel while participating in the SAFE Taskforce.

The MOU between the SAFE Taskforce and OPD will be in place from July 1, 2018 through June 30, 2019 (the terms outlined in the multi-agency Alameda County MOU). The MOU will stipulate that any agency including OPD may terminate its participation in the SAFE Taskforce with thirty days' written notice.

### **PUBLIC OUTREACH / INTEREST**

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

### **COORDINATION**

OPD consulted with the Budget Bureau and the Office of the City Attorney in the development of this report and accompanying resolution.

### **FISCAL IMPACT**

There are no personnel or other costs to OPD associated with membership in the SAFE Taskforce. OPD will continue to fund the costs associated with any OPD personnel participating in the taskforce.

### **SUSTAINABLE OPPORTUNITIES**

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

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

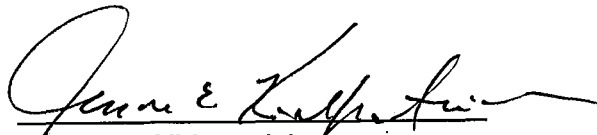
***Social Equity:*** OPD can reduce violent sexual crimes in Alameda County through proactive enforcement focused on predatory sex offenders. These efforts are multiplied through active collaboration with law enforcement and prosecutor partners. This MOU enables OPD to better coordinate its investigations and oversight of sexual assault offenders so that less of these crimes occur in the future. All residents and visitors to Oakland benefit from these coordinated efforts.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) Between The Alameda County Sexual Assault Felony Enforcement (SAFE) Task Force And The Oakland Police Department (OPD) To Allow OPD Personnel To Collaborate In Criminal Investigations Of Sexual Predators, Between July 1, 2018 And June 30, 2010.

For questions regarding this report, please contact Lieutenant Jill Encinias, Special Victims Section, Criminal Investigations Division (CID), Bureau of Investigations, at (510) 238-3253.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Reviewed by:  
Jill Encinias, Lieutenant  
OPD, Bureau of Investigations

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

Prepared by:  
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OAKLAND CITY COUNCIL

**DRAFT**

City Attorney

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

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR  
DESIGNEE TO NEGOTIATE AND ENTER INTO A MEMORANDUM  
(MOU) BETWEEN THE ALAMEDA COUNTY SEXUAL ASSAULT  
FELONY ENFORCEMENT (SAFE) TASK FORCE AND THE OAKLAND  
POLICE DEPARTMENT (OPD) TO ALLOW OPD PERSONNEL TO  
COLLABORATE IN CRIMINAL INVESTIGATIONS OF SEXUAL  
PREDATORS, BETWEEN JULY 1, 2018 AND JUNE 30, 2019**

**WHEREAS**, sexual assault is a crime of violence, and it is estimated that more than 80 percent of all sexual assaults involve the use of weapons, or the threat of violence or death; and

**WHEREAS**, anyone can be a victim of a sexual assault, regardless of behavior or appearance, and rape can happen to any person, anywhere or anytime, and in a significant number of cases, the rapist is known to the victim; and

**WHEREAS**, victims of rape and sexual assault usually experience serious trauma; and

**WHEREAS**, the mission of the SAFE Taskforce is to reduce violent sexual crimes in Alameda County through proactive enforcement focused on predatory sex offenders; and

**WHEREAS**, the SAFE Taskforce will focus on actively pursuing individual who are characterized as sexual predators through the California Department of Justice; and

**WHEREAS**, an Executive Policy Committee will direct the affairs of the SAFE Taskforce; officers of the committee will be the Alameda County Sheriff, the Alameda District Attorney, the Alameda County Chief Probation Officer, the President or designee of the Alameda County Chiefs of Police and Sheriffs Association, the Director of the California Department of Corrections and Rehabilitation, Division of Adult Parole Operations, the OPD Chief of Police, and the Hayward Chief of Police; and

**WHEREAS**, the MOU between the SAFE Taskforce and OPD will be in force from July 1, 2018 through June 30, 2019; and

**WHEREAS**, any agency including OPD may terminate its participation in the SAFE Taskforce with thirty (30) days' notice in writing; and

**WHEREAS**, in any situation where there is a conflict between policies and procedures of the SAFE Taskforce and any participating agency, the SAFE Taskforce member shall abide by the most restrictive directives; and

**WHEREAS**, for purposes of indemnification each participating agency of the SAFE Taskforce shall be responsive for the acts of its participating personnel and shall incur any liabilities arising out of services and activities of those personnel while participating in the SAFE Taskforce

**WHEREAS**, the investigation of any officer-involved shooting and/or vehicle accident shall be handled by the agency of jurisdiction in which the incident occurs; and

**WHEREAS**, Article IV, Section 401(6) 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 negotiate and enter into a MOU with Alameda County Sexual Assault Felony Enforcement (SAFE) Taskforce to support actively pursuing individuals who are characterized as sexual predators through the California Department of Justice from July 1, 2018 through June 30, 2019; and be it

**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; 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