



CITY OF OAKLAND
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Appeals Court Backs Oakland's Use of Community Police Funds
Decision saves cash-strapped city from having to cut \$10 million from its general fund

OAKLAND, CA – A state appeals court panel in San Francisco ruled December 10 that Oakland did not mispend millions of dollars generated by the Measure Y parcel and parking tax, approved by voters in 2004 to fund violence prevention programs and community policing officers.

Following Police Department policy, the City used Measure Y money to hire new officers for the patrol division, thereby allowing senior officers to transfer to community policing positions. In June 2009, a Superior Court judge ruled against this policy and ordered the City to repay millions of dollars to the Measure Y fund.

City Attorney John Russo commended the Court of Appeal's 3-0 decision to reverse the lower court ruling.

"The clear intent of voters in approving Measure Y was to put community policing officers into Oakland neighborhoods," Russo said. "To build the effective program directed by voters, it makes sense to fill those positions with senior officers who have the experience to do the job."

According to Police Department policy, new officers need at least three years on the job before they have the experience necessary to transfer to a community policing position. Measure Y called on the City to "hire and maintain" 63 community policing officers, with most assigned to Oakland's 57 neighborhood beats. The officers' duties include monitoring crime trends, responding to the community and problem-solving in the neighborhood beats. Measure Y also provides funding for social services/violence prevention and the Oakland Fire Department.

The legal battle over the measure started when a local attorney sued the City, arguing that money raised by the tax could be used to hire new officers, but only if those officers were immediately assigned to community policing positions. A trial court judge agreed with the plaintiff's argument and ordered the City to pay back the Measure Y fund for the cost of recruiting, hiring and training officers that were not placed directly into Measure Y positions. Doing so would have taken about \$10 million out of the general fund at a time when the City is making drastic budget reductions, including the layoffs of 80 police officers in July.

"This is a huge decision for a city in Oakland's financial condition," said Russo, who also thanked Deputy City Attorney Kevin Siegel for his work on the case.
