



Item 5 - Preliminary Review Memo (24-30)

ENFORCEMENT UNIT
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PRELIMINARY REVIEW MEMO

PEC NO.: 24-30

Alleged Respondent(s) Name and Title: UNKNOWN

Complainant: Omar Farmer

Complaint Type: Formal

Relevant PEC Laws: Misuse of City Resources, GEA (2.25.060(A))(1)

Memo Written By: Treva Hadden, Investigator

Date Memo Submitted: January 28, 2025

FACTS AS STATED IN COMPLAINT

On September 24, 2024, we received the following complaint in the form of a formal complaint form from Omar Farmer:

“As the Chairperson of **the Public Safety and Services Oversight Commission (SSOC)** it was reported to us at our August 2024 meeting that eleven OPD officers used \$12k worth of Measure Z funds to go on a trip to the annual police officer’s memorial in Washington DC. Measure Z funds are restricted on being used to pay for costs related to or arising from efforts to reduce 911 response times and to reduce homicides, robberies, burglaries, and gun-related violence. We learned about this use of funds at our 8-26-2024 monthly meeting that can be found on the SSOC webpage under Item 8. We discussed it further during item 13. Page 89 of the agenda shows their report. I also had a meeting with the City Administrator’s Office on 08/27/2024 where Joe DeVries said that the funds would be returned. But I received an email this week from our SSOC staff person Felicia Verdin stating that the funds may not be returned. The City Administrator’s Office may have a copy of a video of that meeting if you would like to see it.”

PRELIMINARY REVIEW FINDINGS

According to their website, the **Public Safety and Services Oversight Commission (SSOC)** was established to ensure accountability, transparency, and effective implementation of the

programs and strategies funded by the Oakland Public Safety and Services Violence Prevention Act. Comprising nine members with expertise in criminal justice, public health, social services, and finance, the Commission monitors the use of funds, reviews annual evaluations and audits, and provides recommendations on funding priorities and strategies. The SSOC conducts regular meetings, holds public joint sessions with the City Council, and reports on the progress of efforts to reduce violent crime. Its role is essential in promoting transparency, fiscal accountability, and measurable outcomes for public safety and violence prevention initiatives in Oakland.

In an **SSOC meeting** which took place on **August 26, 2024**, at 6:30pm¹, it was reported that \$12k from Measure Z funds were used for travel expenses for 11 officers to attend the National Memorial for a fallen officer. The fallen Community Resources Officer (CRO), Officer Le, had his salary funded by Measure Z.

Recordings



At approximately the 1:21:37 mark, **Fiscal Services Manager I, LaRajia Marshall**, stated, “We also spent \$12k of the Measure Z funds for travel expenses. This allowed 11 officers to attend a memorial service in Washington, D.C.”

Recordings



Recordings



Meeting recording of Public Safety and Services Oversight Commission on August 26, 2024

At approximately the 1:23:08 mark, **Yoana Tchoukleva, SSOC Vice Chair**, stated, “I am sorry that somebody was lost, and what is - how is that a Measure Z expenditure?”

PSM I LaRajia Marshall was unable to answer; therefore, **Deputy Chief Anthony Tedesco** stepped in to provide some background.



At approximately the 1:23:42 mark, **DC Tedesco** stated, “I believe Measure Z covers travel and training for Measure Z officers. So, when a Measure Z funded officer (Officer Le) was killed in the line of duty this is travel expenditure related... this is a national memorial.”

The breakdown of Measure Z expenditures can be found in the **SSOC Agenda**, pages 89-92. **(Attachment 1)**

Item 5 - Preliminary Review Memo (24-30)

Preliminary Review Memo

Measure Z O&M Expenditure Breakdown:

Supplies and Equipment (\$36,579): Allocated to support intelligence-based violence suppression operations, including surveillance, field interviews, and undercover activities. The funds were used to purchase computer hardware and software and safety vests essential for officer safety during operations.

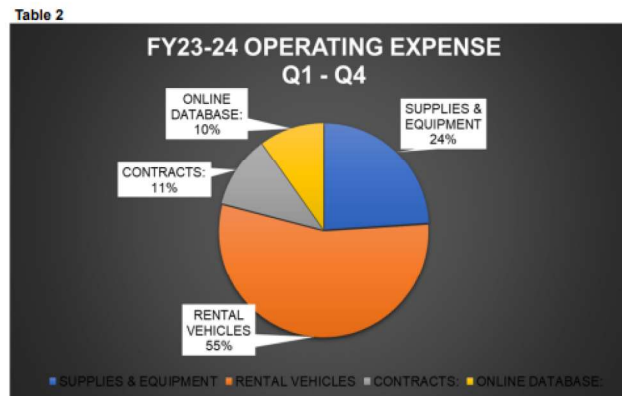
Rental Cars (\$83,809): A significant portion of the budget was spent on rental cars, which were crucial for conducting undercover and surveillance operations effectively aiding in violence suppression throughout the community.

Contract Expenditures (\$36,056): Primarily associated with the California Partnership for Safe Communities (CPSC), which provides ongoing technical assistance for the Ceasefire program. Community & Youth Outreach, Inc. (CYO) also received funding to provide direct services to individuals and families affected by homicides and shootings. CYO plays a critical role in violence prevention and helping community members access necessary resources and support. Clients often reside in areas of Oakland with high incidences of shootings and homicides and are frequently involved with gangs or similar groups.

Travel Expenses: Measure Z funding covered travel expenses for approximately eleven officers to attend the California National Peace Officers' Memorial Service, honoring the fallen officers.

91 of 137

Table 2: FY23-24 Operating Expenditures Q1-Q4



| | | |
|----------------------|--------|-----|
| SUPPLIES & EQUIPMENT | 36,579 | 24% |
| RENTAL VEHICLES | 83,809 | 55% |
| CONTRACTS: | 16,833 | 11% |
| ONLINE DATABASE: | 15,223 | 10% |

This summary clearly shows how Measure Z funds were strategically allocated to enhance public safety operations and support community engagement.

For questions regarding the information provided, please contact LaRajia Marshall at larajia.marshall@oaklandca.gov

Recordings



At approximately the 2:25:24 mark, **SSOC Chair Farmer** posed a question to SSOC staff person Felicia Verdin, stating, “I don’t see how that [memorial] is applicable to Measure Z funds so what if we disagree on this what’s our recourse? Put it in the joint meeting presentation or what do we do? Is there any way to recover those funds? We say for OPD to pay back those funds to the Measure Z account?”

Recordings



To which Felicia Verdin, at approximately the 2:26:23 mark stated, “That’s a good question. I would want to confer with the OPD Fiscal Manager and raise the concern also with Deputy

Chief Tedesco and if that's the request, a formal request from the SSOC that would be helpful as well."

Timestamp 2:26:41 - 2:28:50

SSOC Vice Chair Tchoukleva: "And I think what we need at this point is information in writing exactly explaining how funds were spent. They did say that it was to send a number of officers to a memorial, and I believe they said in Washington or in Washington D.C. A memorial for 11 officers out of state for who knows how long hotel and flights and everything its significant expenditure and that should be going toward work for the community so I'm sorry, but we need a clear explanation of where it's been spent first and then maybe we can discuss that at our next meeting and then we can make a request officially when we have quorum from the SSOC that those funds be returned.

SSOC Chair Farmer: "Yeah and that can also be an example that we use in the memo/resolution about a situation where we disagree with how the funds are spent and a recommendation on what we think should take place

SSOC Commissioner Michael Wallace: "I totally concur it definitely startled me when they made that statement, I would like to add maybe we should ask what did they base that decision on. Is there something in their policy?"

SSOC Chair Farmer: "He (being DC Tedesco) said that it had to do with training funds that are allotted to measure Z but maybe training for a geographical policing position like SVS, CRO, CRT, or something like that. Just because someone was probably more than likely partially funded through Measure Z... even if he was, what does that action have to do with how they spent those funds? It just doesn't add up to me."

SSOC Commissioner Michael Wallace: "Right; I guess my question would be what do they base that on? Also, why would it take \$12k to do that, and why would so many people have to go?"

It should be noted that on September 30, 2024, **Chairperson Omar Farmer** sent a memorandum titled "**MZ Expenses & Reports – OPD**" (**Attachment 2**) to Fiscal Services Manager **La Rajia Marshall**, Deputy Chief **Anthony Tedesco**, Assistant Chief **James Beere**, Deputy Director **Kiona Suttle** (Oakland Police Department), and **Joe DeVries** (City Administrator's Office), in which he stated, "We recommend returning the funds to the Measure Z account." He also requested responses to the following detailed inquiries:

- Date, location, and purpose of the expense.
- Who requested and approved use of Measure Z funds?
- Intended Measure Z outcome associated with this expense.
- The Measure Z objective or policy the expense was based on.

Item 5 - Preliminary Review Memo (24-30)

PEC # 24-30

Preliminary Review Memo

- A list of all relevant expenses, financial documents, and receipts.
- Names and number of officers who received these Measure Z funds.
- In which Measure Z financial report or budget was this approved?
- SSOC staff person **Felicia Verdin** was cc'ed on the memorandum.

On February 26, 2025, Enforcement Chief Tovah Ackerman spoke with SSOC staff member Felicia Verdin regarding the SSOC's request for the Oakland Police Department (OPD) to return Measure Z funds used for a travel expenditure. On March 5, 2025, I, Ethics Investigator Treva Hadden, followed up with Ms. Verdin via email at FVerdin@oaklandca.gov, and she advised that she would reach out to OPD to confirm whether the transaction had been completed. I followed up again on March 10, 2025, at which point Ms. Verdin recommended that I contact Acting Captain Bryan Hubbard directly. On March 13, 2025, I emailed Acting Captain Hubbard at BHubbard@oaklandca.gov to request a status update. On March 14, 2025, Acting Captain Hubbard responded with a pdf attachment titled "**10JLAFY2412.03 - signed** (Attachment 3)" and stated, "I've attached the completed BCR [budget change request], which moved the Travel Expense from Measure Z (2252 Fund) back to the GPF (1010 Fund)."

APPLICABLE LAW AND ANALYSIS

In determining whether to open an investigation or dismiss a complaint, our Complaint Procedures are silent as to how much evidence is needed to make this determination. Enforcement staff's general practice has been to (1) assume that the allegation is true, for purposes of resolving strictly legal questions as to whether we would have jurisdiction over the matter, and (2) use something akin to a reasonable suspicion standard for determining factual questions, including whether there is enough reliable evidence to open an investigation without further corroboration.

To the extent that a factual question cannot be resolved without contacting third-party witnesses for interviews or documents (i.e., people other than the complainant, the respondent, or people providing mere background information), we tend to prefer opening an investigation rather than taking such actions while a matter is in Preliminary Review. On the allegations and facts presented in the complaint and evidence gathered during preliminary review, the PEC violations that might be implicated here would be:

- 1) Misuse of City Resources (2.25.060(A)(1)) concerning \$12k Measure Z funds being used to send 11 OPD officers to a memorial service for fallen officers in Washington, D.C. Specifically, the law states the following:

Under GEA, a public servant may not use or permit others to use public resources for personal or non-City purposes not authorized by law.

Element 1: Public Servant

The applicability of this law is limited by the definition of “Public Servant” under GEA. The part of that definition of relevance to this complaint states that a “public servant” includes any full-time or part-time employee of the City. Here, there is no question that OPD officers are employees of the City; therefore, this element is met without dispute.

Element 2: “Public resource”

"Public resources" means any property or asset owned by the City, including but not limited to land, buildings, facilities, **funds**, equipment, supplies, telephones, computers, vehicles, **travel**, and City-compensated time.

The **public resource at issue in this case is Measure Z funding**, which was reportedly used to cover travel expenses including flights, lodging, and meals for eleven OPD officers to attend a national memorial honoring fallen officers in Washington, D.C. Because **Measure Z funds are City controlled**, this element is clearly satisfied.

Element 3: “Use”

"Use" means any use of public resources which is substantial enough to result in a gain or advantage to the user, or a loss to the City, for which a monetary value may be estimated. Here, **Measure Z funds** were reportedly used to **cover travel costs** for OPD officers attending a memorial service. This represents a **measurable monetary expenditure**, fulfilling the definition of "use" under the law. Therefore, this element is satisfied.

Element 4: Personal or Non-City Purposes

“Personal purpose” means activities for private gain or advantage, or an **outside endeavor not related to City business**. It does not include the incidental and minimal use of public resources, such as equipment or office space, for personal purposes, including an occasional telephone call.

The **alleged purpose** of the expenditure was to **attend a national memorial for officers from multiple law enforcement agencies** who were killed in the line of duty. Albeit a noble cause, it is **not directly related to the objectives of Measure Z**, which focus on reducing 911 response times, decreasing homicides, robberies, burglaries, gun-related violence, and implementing community violence prevention strategies. Since **traveling to a memorial does not further these Measure Z objectives**, it qualifies as an **"outside endeavor not related to City business."** Therefore, the element of “personal or Non-City purposes” would therefore be satisfied.

Element 5: Not Authorized by Law

To be a violation, the use of public resources must **not be authorized by law**. Measure Z strictly defines how its funds may be used, and **travel to a memorial service is not listed as an approved expenditure**. Additionally, Measure Z expenditures are subject to **audits and accountability measures** to prevent misuse.

The **SSOC Chairperson** has requested that OPD provide details regarding **when the funds were approved for travel purposes and by whom**. However, based on the established guidelines, there is **no legal provision authorizing the use of Measure Z funds for this purpose**. Therefore, this element is **satisfied** as part of the potential violation analysis.

After reviewing the **Measure Z, Use of Proceeds** documentation⁴, it appears that using Measure Z funds for travel expenses to attend a national memorial for an officer killed in the line of duty is not permissible under the ordinance. Measure Z funds are explicitly allocated for specific objectives outlined in Section 3(A), which include reducing violent crime, improving emergency response times, and investing in violence prevention strategies. Travel for a memorial service, while honorable, does not align with any of these objectives.

Additionally, Sections 3(B) and 3(C) of the ordinances restrict administrative expenses to activities such as audits, evaluations, and supporting the oversight commission. Memorial-related travel is not specified as an allowable expense under these provisions. Expenditures under Measure Z are further governed by rigorous audits and evaluations, as stipulated in Section 4 (Planning, Accountability, and Evaluation). Any spending outside the defined scope risks being flagged as misuse, which could undermine public trust in the administration of Measure Z funds.

The inconsistency in information provided to **SSOC Chair Farmer** also raises concerns. The complainant said that initially, **Joe DeVries** indicated that the funds would be returned, but that later, SSOC staff member **Felicia Verdin** suggested otherwise. However, PEC staff confirmed that the funds were returned.

Further questions for investigation or evidence needed if investigating further:

1. Who are the key people involved? Who authorized the expense, what was their reasoning (specifically, can they articulate a reason within the parameters of Measure Z?), who were the officers who traveled, what was their understanding of the reason for the trip, and what were all of the expenses (get an itemized list)?
2. Has any money been returned by the City to the Measure Z fund?
3. Obtain a copy of the email from Felicia Verdin to Chair Farmer, if we can get it directly from Farmer (I don't think it's worth doing an email search; we can find

out more about the status of the funds, and whether the money has been returned) by asking Verdin and DeVries directly).

RECOMMENDATION

Misuse of City Resources – OMC § 2.25.060(A)(1)

Based on the information reviewed, Enforcement Staff recommends **closing this complaint** without penalty, but issuing an **advisory letter** to the Oakland Police Department (OPD) to address concerns about how Measure Z funds are being used and to clarify the expectations moving forward.

The use of \$12,000 in Measure Z funds for travel to a national memorial for a fallen officer understandably raised questions about the appropriate use of Measure Z funding. Measure Z was created to support efforts to reduce emergency response times, address violent crime, and fund community-based prevention strategies. While honoring a fallen officer is a meaningful act, it doesn't clearly fall within the goals set out in the ordinance.

That said, there is no indication that the decision to spend these funds was made in bad faith or for personal benefit. It appears the decision was based on an internal misunderstanding of what was permissible, particularly because the officer being honored was funded through Measure Z. However, that interpretation does not align with the clear language of the ordinance, and the rationale was not formally documented or communicated in advance.

There were also mixed messages from City officials about whether the funds would be returned, which added to the confusion, however PEC staff did confirm that the funds were eventually returned to the Measure Z fund. In addition, at this point, there's no clear pattern of repeated misuse, and no evidence of intentional wrongdoing has emerged.

Based on these factors, an advisory letter to OPD leadership is appropriate. The letter should restate the legal boundaries of Measure Z funding, emphasize the need for proper documentation of expenditures, and encourage improved internal processes to avoid similar issues in the future. This recommendation acknowledges the challenges OPD may face, while still reinforcing the need for transparency, accountability, and better alignment with the law.

Item 5 - Preliminary Review Memo (24-30)

Preliminary Review Memo

Preliminary Review Conducted, and Recommendation Approved, By:

Treva Hadden
Treva Hadden (Jul 3, 2025 11:59 PDT)

Treva Hadden Date
Ethics Investigator

Tovah Ackerman
Tovah Ackerman (Jul 3, 2025 13:04 PDT)

Tovah Ackerman Date
Enforcement Chief

Recommendation Approved By:

Suzanne Doran
Suzanne Doran (Jul 3, 2025 11:12 PDT)

Suzanne Doran Date
Interim Executive Director

ATTACHMENTS

Attachment 1: SSOC-Agenda-Packet-for-August-26-2024-f

Attachment 2: MZ Expenses & Reports – OPD

Attachment 3: 10JLAFY2412.03 - signed