

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 MAY -1 PM 2:46

**To:** Office of the City Administrator  
**Attn:** Deborah Edgerly  
**From:** Police Department  
**Date:** May 13, 2008

**Re: A Report and Proposed Resolution Authorizing the City Administrator, on Behalf of the City of Oakland, to Accept Grant Funds in an Amount Not to Exceed Three Hundred Thousand Dollars (\$300,000) From the U.S. Department of Justice, Office of Justice Programs, FY 2007 Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office, Fiscal Year 2007 Support for Adam Walsh Act Implementation Grant Program, For the Period April 1, 2008 through March 31, 2009, and Appropriate Said Funds to the Police Department**

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### SUMMARY

A resolution has been prepared authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate grant funds in an amount not to exceed \$300,000 from the U.S. Department of Justice, Office of Justice Programs, FY 2007 Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) Office, Support for Adam Walsh Act Grant Program. The proposed program period is April 1, 2008 through March 31, 2009.

### FISCAL IMPACT

Approval of the proposed resolution will authorize the application, acceptance and appropriation of a U.S. Department of Justice, Office of Justice Program grant for the Police Department's FY 2007 SMART program, beginning April 1, 2008, in the estimated amount of \$300,000. Funding will be appropriated to the Federal Grant Program Fund (2112); Youth and Family Services Division Org. (102350); Youth and Family Services Division Program (PS03), in a Project Account to be determined.

The funding agency requires a twenty-five percent (25%) in-kind match component. The matching fund requirement shall be provided for through work performed by sworn Police Department personnel assigned to the initiative, as well as through the purchase of goods and services to meet day-to-day programmatic needs. The program shall be managed by a law enforcement Commander within the Police Department's Special Victim's Unit. There is no matching fund component. Proposed expense allocations are as follows:

Item: \_\_\_\_\_  
Public Safety Comte.  
May 13, 2008

<b>Description and Use of Funds</b>	<b>Amount</b>
Lieutenant of Police – Program Manager (\$55.92/hr x 1.5 x 10/hrs/mo x 12/mos x 1/person)	10,066
Sergeant of Police – Staff Overtime (\$48.35/hr x 1.5 x 16/hrs/mo x 12/months x 3/persons)	41,775
Police Officer – Staff Overtime (\$41.91/hr x 1.5 x 16/hrs/mo x 12/mos x 10/persons)	120,700
Central Services Overhead (Indirect Costs) (\$172,541 x 17.77%)	30,660
<b>Subtotal:</b>	<b>203,201</b>
General Office Supplies (\$108.25/mo x 12/months)	1,299
Bulk Mailing – Multi-Lingual Educational Brochures	7,500
Multi-Lingual Educational Brochures	30,000
Public Service Announcements (Cable Network)	31,000
Billboards/Bus Shelter Advertisements	27,000
<b>Subtotal</b>	<b>96,799</b>
<b>TOTAL (Grant Award):</b>	<b>300,000</b>
<b>Mandatory In-Kind Matching Contribution</b>	
Lieutenant of Police (\$92,226/yr x 25%)	23,056
Sergeant of Police (\$79,068/6yr x 25%)	19,767
Police Officers (\$69,109/yr x 30% x 2/Police Officers)	41,465
Central Services Overhead (Indirect Costs) (\$84,288 x 17.77%)	<sup>1</sup> 14,977
<b>Subtotal:</b>	<b>99,265</b>
General Office Supplies (\$61.25/mo x 12/months)	735
<b>TOTAL (In-Kind Contribution):</b>	<b>100,000</b>
<b>GRAND TOTAL</b>	<b>400,000</b>

<sup>1</sup> The \$14,977 Central Services Overhead charges referenced are in relationship to in-kind contributions only.

Item: \_\_\_\_\_  
 Public Safety Comte.  
 May 13, 2008

## **BACKGROUND**

The Police Department has identified a critical need to enhance and expand its sex offender registration program to achieve two overall goals: 1) to create an environment in Oakland that protects residents, especially children, from sexual crimes, exploitation, and abuse, and 2) to pursue a rigorous plan for the improvement of its sex offender registration procedures in order to ensure compliance with state laws and the proposed federal Sex Offender Registration and Notification Act (SORNA) legislation.

## **KEY ISSUES AND IMPACTS**

### Adam Walsh Act Implementation Grant Program

The Adam Walsh Act (AWA) Implementation Grant Program assists jurisdictions with developing and/or enhancing programs designed to implement requirements of the Sex Offender Registration and Notification Act (SORNA) under the AWA. SORNA requires jurisdictions to: 1) maintain a sex offender registry, 2) sex offenders to register and maintain a current registration in each jurisdiction where the offender resides, is an employee, or a student.

For several years, the Police Department has recognized that the resources needed to effectively manage its registered sex offender population were inadequate. In March 2006, the Department re-established its registered sex offender compliance check program. (The program was temporarily disrupted in 2002; due largely to a shortage of staff and institutional funding.)

The “290 Enforcement Team” is now the Unit tasked with primary responsibility for conducting compliance checks and address verification for sexual offenders. The term “290” refers to the section of the California Penal Code that sets forth sex offender registration laws, and from which the Department receives authority to conduct sex offender registration. California has had a sex offender registration process in place since 1947, and was the first state to enact such a law. Penal Code Section 290 requires that sex offenders appear in person to register with the Police Department of the city in which he or she resides, or with each respective city’s Sheriff’s Department. Registration must take place within five days of each individual’s release from prison, jail, a mental hospital, or if on probation.

All categories of sex offenders have a lifetime registration requirement in California.

Item: \_\_\_\_\_  
Public Safety Comte.  
May 13, 2008

## **PROJECT DESCRIPTION**

Through enactment of the FY 2007 SMART grant program, the Department seeks to create an environment that protects residents, especially children, from sexual crimes, exploitation, and abuse. By pursuing a rigorous plan for improvement of its sex offender registration procedures, the Department shall ensure that its program is in compliance with State law and the proposed federal SORNA legislation. The program's primary goals are:

- Goal 1: Develop and enhance sex offender registration programs and functions; collecting, storing, analyzing, and using sex offender biometric data (fingerprints) and DNA for investigative purposes; supporting address verification of sex offenders.
- Goal 2: Develop and enhance specialized units and functions in law enforcement agencies; improving law enforcement information sharing as it relates to investigation and prevention of sex crimes and offender accountability; providing support for coordinated inter-agency and inter-jurisdictional efforts.
- Goal 3: Provide public education and outreach to promote safety against sexual predators.
- Goal 4: Develop and enhance local absconder apprehension efforts.

## **SUSTAINABLE OPPORTUNITIES**

### **Economic**

Violence prevention activities enhance the Police Department's efforts to reduce crime and provide a climate in which economic development can flourish.

### **Environmental**

No environmental opportunities are anticipated.

### **Equity**

Enactment of SMART will enhance violence prevention and facilitate future economic growth in Oakland.

Item: \_\_\_\_\_  
Public Safety Comte.  
May 13, 2008

**DISABILITY AND SENIOR CITIZEN ACCESS**

There are no Americans with Disabilities Act (ADA) and Older Americans Act issues associated with this report.

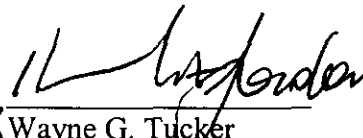
**RECOMMENDATION**

The Oakland Police Department recommends that the City Council adopt the resolution and authorize the City Administrator to accept grant funds in an amount not to exceed \$300,000 from the U.S. Department of Justice, Office of Justice Program, FY 2007 Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Grants Program, and appropriate said funds to the Police Department

**ACTION REQUESTED BY THE CITY COUNCIL**

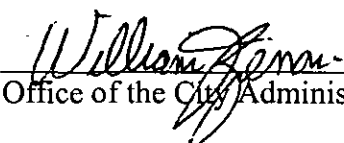
Staff recommends that the City Council approve the resolution.

Respectfully submitted,

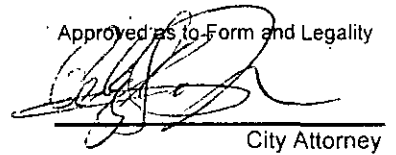
  
FOR Wayne G. Tucker  
Chief of Police

Prepared by: Lieutenant Kevin Wiley  
Special Victims Unit  
Bureau of Investigation  
And  
Candice Jessie  
Budget and Grants Administrator  
Bureau of Administration

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

  
Office of the City Administrator

Item: \_\_\_\_\_  
Public Safety Comte.  
May 13, 2008


  
City Attorney

 FILED  
 OFFICE OF THE CITY CLERK  
 OAKLAND

# OAKLAND CITY COUNCIL

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

2008 MAY -1 PM 2:46

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT GRANT FUNDS IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000) FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, SEX OFFENDER SENTENCING, MONITORING, APPREHENDING, REGISTERING, AND TRACKING (SMART) OFFICE, FISCAL YEAR 2007 SUPPORT FOR ADAM WALSH ACT IMPLEMENTATION GRANT PROGRAM, FOR THE PERIOD APRIL 1, 2008 THROUGH MARCH 31, 2009, AND APPROPRIATE SAID FUNDS TO THE POLICE DEPARTMENT**

**WHEREAS**, it is anticipated that the U.S. Department of Justice, Office of Justice Programs, Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office, shall award the City of Oakland a grant in an amount not to exceed \$300,000 to support the Oakland Police Department's implementation of the Fiscal Year 2007 Support for Adam Walsh Act Grant Program, for the period April 1, 2008 through March 31, 2009; and

**WHEREAS**, the SMART grant program was developed to assist jurisdictions with developing and/or enhancing programs designed to implement the Sex Offender Registration and Notification Act (SORNA) under the Adam Walsh Act; and

**WHEREAS**, the Adam Walsh Act (AWA) (42 U.S.C. § 16901, et seq.) is designed to protect children and other vulnerable adults from sexual exploitation and violent crime, prevent child abuse and child pornography, promote Internet safety, and honor the memory of Adam Walsh and other crime victims; and

**WHEREAS**, these funds will be used to support the Police Department's efforts to enhance the services of the Department's Special Victims Unit; now, therefore be it

**RESOLVED:** That said grant shall be appropriated to and maintained in the Federal Grant Fund: 2112; Youth and Family Services Division Org.: 102350; Youth and Family Services Division Program: PS03; in a Project Account to be determined; and be it

**FURTHER RESOLVED:** That the City Council does hereby authorize the City Administrator or her designee to accept and appropriate grant funds in an amount not to exceed \$300,000 from the U.S. Department of Justice, Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office to the Oakland Police Department, and to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend the grant.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
 LaTonda Simmons  
 City Clerk and Clerk of the  
 Council of the City of Oakland, California