



OFFICE OF THE CITY CLERK
2013 JUL 11 PM 3:59

AGENDA REPORT

TO: Deanna J. Santana
City Administrator

FROM: Sean Whent
Interim Chief of Police

SUBJECT: Appropriation of Grant Funds for
California Emergency Management
Agency

DATE: June 17, 2013

City Administrator
Approval

Date 7-11-13

COUNCIL DISTRICT: City-wide

RECOMMENDATION

Staff recommends that the City Council approve this resolution authorizing the City Administrator or her designee to accept and appropriate Grant Funds in an amount not to exceed Two Hundred Thousand Dollars (\$200,000) from the California Emergency Management Agency (Cal EMA), Anti-Human Trafficking Task Force Program: 1) to authorize the extension implementation and operation of the East Bay Task Force on Human Trafficking in the Oakland Police Department (OPD); and 2) waive the competitive Request for Proposal/Qualifications (RFP/Q) to enter into an agreement with Bay Area Women Against Rape (BAWAR), in an amount not to exceed Sixty Thousand Dollars (\$60,000) for the Period of October 1, 2012 through September 30, 2013 with an Option to extend through September 30, 2014.

EXECUTIVE SUMMARY

The Oakland Police Department (OPD) has been engaged in the fight to end human trafficking for over a decade and have received grant funds in the past from Cal EMA enabling OPD to increase proactive enforcement efforts, focus on prevention by implementing a High Risk Victim Program, and vigorously investigate cases for successful prosecutions. Additionally, such funds have allowed for increase community awareness through public events and meetings, and train police officers in highly specialized trafficking strategies.

OPD, in partnership with the Alameda County District Attorney's Office (DA) and BAWAR has led the East Bay Human Trafficking Task Force since it was established in 2004. Between January 2007 and September 2012, 46% of California's total human trafficking convictions were in Alameda County. This statistic speaks to both the frequency we face with this crime and the proficiency of our law enforcement responses and the abilities of the prosecutors.

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In order to achieve the project goals, the grant funds will allow an additional fourteen undercover operations, the continued services of the BAWAR advocacy group, and JPG Consultants, who will assist OPD in developing and implementing a system of data collection, review, and information dissemination related to human trafficking in OPD's jurisdiction. There is neither a cash nor in-kind match required with the acceptance of this grant.

OUTCOME

Authorization to accept and appropriate Cal EMA grant funding will support and increase capacity to investigate the trafficking of persons. Its efforts will focus on identifying and responding to trafficking victims, locating and arresting traffickers, and customers. These goals will be accomplished through proactive undercover operations, investigative follow-ups, community outreach and education. Training law enforcement and community members will be pivotal in preventing victimization through identification and intervention strategies.

Proactive human trafficking enforcement will have an increased focus on holding traffickers and customers accountable. The arrest of traffickers and purchasers prevents exploitation and gives first responder partner, BAWAR, an opportunity to educate them about the lasting and harmful effects of buying women and children for sex. OPD will also continue its efforts to identify and rescue victims of trafficking, providing them an opportunity for a new beginning and pairing them with access to BAWAR advocates and services.

Through OPD's collaborative efforts with the Federal Bureau of Investigations (FBI), OPD will continue to focus on intelligence based investigations and maintaining continual open lines of communication with the DA's Office for positive prosecution outcomes. OPD also seek to partner with JPG Consultants for data collection and analysis to assist in analyzing the effectiveness of these efforts and continuing to develop progressive strategies for victim rescue and response.

BACKGROUND/LEGISLATIVE HISTORY

Human trafficking is a form of modern day slavery. It involves the deprivation of basic liberties for sexual exploitation and/or forced labor. It is an estimated thirty two billion dollar (\$32 billion) global industry. It has recently joined arms dealing as the number two (2) most profitable crimes in the world, second only to the illegal drug trade. Thousands of adults and children are forced into labor and sex trafficking in the United States.

California is a hot spot for human trafficking because of its large population, international borders, large economy, extensive ports, and metropolitan regions. The prevailing feeling among criminals is that human trafficking is a high profit, low-risk, business. Recently, the California Department of Justice (DOJ) conducted research and convened a task force of experts in the field to gather information and identify best practices. The resulting report, entitled The State of

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Human Trafficking in California was thorough and informative. Highlights of the 2012 report include the following information:

- From mid 2010-2012, California's nine regional task forces identified 1,277 victims, initiated 2,552 investigations, and arrested 1,798 individuals.
- 72% of human trafficking victims whose country of origin was identified are American.
- Local and transnational gangs are increasingly involved in trafficking of human beings.

Oakland has the unfortunate reputation as being a "hub" of commercial sexual exploitation in California. Many victims are at risk youth from the city of Oakland and the surrounding area that are often faced with serious socio-economic challenges. They fall prey to predators seeking to exploit them for financial and sexual gain. The financial gain is achieved by marketing the children to the "John" or customer, who seeks to sexually abuse the child.

Our experience shows the victims in these cases:

- Often come from dysfunctional homes where there is an inadequate family support system;
- Often have learning and/or mental development issues;
- Often lack self-esteem;
- Often run-away and/or are truant from school; and
- Often have been previously abused

The traffickers usually have previous criminal history and an increasing involvement in other crime including robberies, assaults, and murders. OPD has connected pimps to recent violent crimes committed in the City of Oakland.

The Victims of Trafficking and Violence Protection Act of 2000, the Trafficking Victim Protection Reauthorization Act of 2003, the Trafficking Victims Protection Reauthorization Act of 2005, and the Trafficking Victims Protection Reauthorization Act of 2008 provide the tools to combat trafficking both worldwide and domestically. In January 2013 Proposition 35, Californians Against Sexual Exploitation Act took effect, stiffening prison sentences for traffickers, increasing fines for victims' services, allowing for court ordered sex registrant status, and taking away the need to prove force when prosecuting a case involving a minor victim.

OPD has been engaged in the fight to end trafficking for over a decade and have received grant funds in the past from Cal EMA enabling us to increase proactive enforcement efforts, focus on prevention by implementing a High Risk Victim Program, and vigorously investigate cases for successful prosecutions. Additionally, such funds require increase in community awareness

through public events and meetings, and trained police officers in highly specialized trafficking strategies.

Early and frequent collaboration between law enforcement and victim service providers helps victims and prosecutors. Victims who receive immediate and comprehensive assistance are more likely to help bring their traffickers to justice.

ANALYSIS

The necessity of OPD's continued and increased efforts is supported by recent data collected by the DA's Office:

- Commercial exploitation of children is more prevalent on the west coast.

-80% of reported human trafficking cases in California occurred in the Bay Area, Los Angeles, and San Diego.

-Oakland has a thriving underage sex market and is the epicenter of a trafficking triangle between San Francisco and Contra Costa Counties.

-From 2006-2011 OPD:

- Reported 1,782 sex trafficking cases
- Rescued 191 sexually exploited children
- Obtained commercially sexual exploitation of minors related charges on 71 traffickers

The strategies of OPD in conjunction with partner agencies and Non-Government Organizations (NGOs) are seen as progressive and victim centered. OPD's approach has been used as an example within law enforcement communities throughout the country and abroad. Members of OPD's Vice and Child Exploitation Unit have recently testified before the State Senate and participated on Attorney General Kamala Harris' Anti-Trafficking work group convened to assess the state of trafficking in California. The working group issued many of the policy and procedural recommendations published in the comprehensive report; including the use of specialized experts, leveraging technology, victim centered approach, and public education. The important recommendation that OPD seek to implement through this program is increased data collection for effective victim/offender analysis. Through this program OPD seeks to continue current efforts of victim identification and rescue, increase OPD's focus on exploiters and purchasers, and strengthen the collective ability to recognize trafficking through training.

Justification Waive Competitive Bid Process

Formed in 1971, BAWAR was the nation's first rape crisis center and is the only State certified rape crisis center that is available 24 hours a day/ 7days a week and is trained and able to provide field response (i.e. responds to medical and law

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enforcement incidents in the field). The agency has two main goals: 1) to provide a place where sexual assault survivors can receive quality counseling and advocacy 2) to provide community education regarding sexual assault issues. Based on research at the time of the 2009 Department of Justice Human Trafficking grant application, it was also determined that BAWAR is the only rape crisis center with a Commercially Sexual Exploited Children (CSEC) specific program in which they provide first responder crisis response, advocacy, court-accompaniment, counseling, support groups and various support activities at the Alameda County Juvenile Justice Center. Based on research of California state certified rape crisis response providers through industry contacts and working with the grantor, OPD was able to determine that BAWAR was the only local, Alameda County-based agency certified with the State and able to provide field response.

Last year they provided services to 960 new clients, taught 203 educational programs which reached 11,914 people, and provided information and referrals to 9,976 individuals. BAWAR has partnered with OPD's Vice and Child Exploitation Unit to provide first responder support to victims of sex trafficking since 2009. They regularly accommodate investigators requests for crisis response for victims, and accompany the unit in the field during police operations when victim recovery is anticipated. OPD and BAWAR work continuously together, there are many ongoing cases that BAWAR continues to be involved with. Therefore, in order to maintain continuity of services for these ongoing cases, OPD plans to continue its collaborative efforts with BAWAR.

JPG Consultants has been identified as a firm that can assist OPD and BAWAR in developing and implementing a system of data collection, review, and information dissemination related to human trafficking in our jurisdiction. This will include analyzing human trafficking case information in order to gain the necessary data for grant reporting purposes and to gain statistical information that will assist the police department in intelligence based investigations that lead to increased victim rescues and arrests of exploiters. JPG Consultants will also assist BAWAR and the DA's Office with related programming and reporting requirements related to the grant. BAWAR will subcontract with JPG Consultants to provide these services.

PUBLIC OUTREACH/INTEREST

There has been an increase in public concern and interest in regards to commercial sexual exploitation and trafficking within our city. Local business owners and residents have organized and partnered with OPD for several anti-trafficking efforts including: rallies, marches, a "Dear John" letter campaign, and the shutdown of two motels where trafficking was rampant. This increase of public awareness and outrage has resulted in increased crime tips received by the Vice and Child Exploitation Unit and an effort to move trafficking awareness education into Oakland Public Schools.

The City of Oakland has received significant media attention surrounding the issue of trafficking. In each media segment the atrocities of the crime have been explained, followed by a description of the significant efforts of OPD. OPD understands the importance of transparency in sharing these challenges, but also seek to show the deep commitment level of the city government and the people of Oakland in OPD's efforts to eradicate this issue.

COORDINATION

The Budget Office and the City Attorney's Office were consulted in preparation of this report. The program implementation will be a cross coordination between OPD, BAWAR, and JPG Consultants. OPD will also continue to work in conjunction with the FBI, the DA's Office, and surrounding law enforcement agencies.

COST SUMMARY/IMPLICATIONS

Approval of the proposed resolution will authorize the acceptance and appropriation of a Cal EMA, Anti-Human Trafficking Task Force Program grant, which began October 1, 2012, in the amount of \$200,000. A total of \$128,243 will be used toward personnel salaries and benefits. This includes fourteen scheduled Anti-Trafficking undercover operations (\$100,067), both OPD undercover and community training (\$12,734), and OPD's grant coordination and administration (\$14,310). The projected operations and maintenance costs is \$21,757. The remaining \$60,000 will cover the contract with BAWAR, who will subcontract with JPG Consultants for technical assistance, data collection and evaluation.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Project Delivery	\$140,000
BAWAR Contract	\$60,000
Total Project Costs	\$200,000

2. COST ELEMENTS OF AGREEMENT/CONTRACT:

Budget line Items	Grant Funds	Cash Match	Total
Salaries and Benefits	\$ 128,243	\$ 0	\$ 128,243
Services and Supplies	\$ 11,757		\$ 11,757
Professional Services			
BAWAR Contracts*	\$ 60,000		\$ 60,000
Indirect Costs	\$ 0		\$ 0
Project Evaluation	\$ 0		\$ 0
Other	\$ 0		\$ 0
TOTAL AGREEMENT CONTRACT AMOUNT	\$ 200,000	\$ 0	\$ 200,000

- *Includes subcontract with JPG Consultants for technical assistance, data collection, etc.*

FISCAL/POLICY ALIGNMENT

Funding will be appropriated by the California Emergency Management Agency, Anti-Human Trafficking Task Force Program Grant Fund (2999); Youth and Family Services Division Org. (102350); Youth and Family Services Division Program (PS03), in a Project Account to be determined.

No in-kind match component is required.

Central Services Overhead (CSO) charges associated with the \$128,243 in expenses for salary and wages equals \$17,492, based on a 13.64% calculation rate. However, the granting agency specifically disallows indirect costs CSO. Therefore, OPD requests a waiver for the CSO charges.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Since 1999, OPD has made significant efforts to address the growing number of individuals being commercially sexually exploited in the City of Oakland through prevention, protection, and prosecution. For the past eleven years OPD has served as the lead agency for grant administration and project coordination of the East Bay Task Force on Human Trafficking, and has since presented two major Human Trafficking Conferences. In 2007, OPD began working closely with regional law enforcement agencies in a joint effort to tackle the issue of national exploitation.

Efforts of the Task Force have included the coordination of information and resource sharing among state and federal law enforcement agencies, including victim service providers. Additionally, the development of specialized training amongst law enforcement has and continues to evolve, including the identification and rescue of victims, and the investigation and arrest of exploiters. Community outreach and education has also flourished. In 2011, OPD's Vice and Child Exploitation Unit discovered 104 trafficking cases and in 2012, 161 cases were found.

OPD will begin working with JPG Consulting, who specializes in designing model protocols, programs, data collection and analysis, and coordinated system responses that address the unique needs of system-involved youth who are survivors of trauma and human trafficking. They currently provide technical assistance to the DA's Office to develop countywide protocols, comprehensive data, and gender-responsive programming for responding to commercially sexually exploited children (CSEC) and serve as a consultant with the Los Angeles County Probation Department developing countywide protocols and programming for responding to human trafficking cases involving minors. Additional partnerships include government agencies within Contra Costa County to improve their system responses to CSEC. Ms. Julie Posadas

Guzman, who is a recognized expert on female juvenile delinquency and domestic minor sex trafficking, leads JPG Consulting Firm.

SUSTAINABLE OPPORTUNITIES

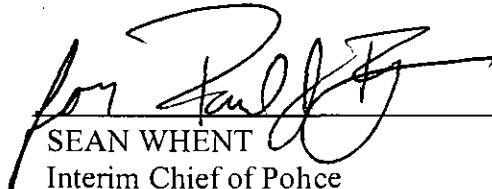
Economic: Reducing the presence of prostitution and those crimes commonly associated with this activity, the quality of life and the reputation of Oakland will improve; thus affording the City an opportunity for further financial growth.

Environmental: No environmental opportunities are associated with this report.

Social Equity: Removing the element of sexual predators from the streets of Oakland will improve public safety, the City's image, and the welfare of those who are forced into a life of prostitution.

For questions regarding this report, please contact ANDREA VAN PETEGHEM, GRANTS COORDINATOR, at 510-238-7140.

Respectfully submitted,



SEAN WHENT
Interim Chief of Police
Oakland Police Department

Prepared by:
Andrea Van Peteghem, Grants Coordinator
Fiscal Services
Oakland Police Department

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RESOLUTION No. _____ C.M.S.


City Attorney

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

- 1) **ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000) FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY (CAL EMA GRANT), ANTI-HUMAN TRAFFICKING TASK FORCE PROGRAM; AND**
- 2) **CONTINUE THE OAKLAND POLICE DEPARTMENT'S PARTICIPATION IN THE EAST BAY TASK FORCE ON HUMAN TRAFFICKING; AND**
- 3) **ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BAY AREA WOMEN AGAINST RAPE (BAWAR), IN AN AMOUNT NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000) FOR THE PERIOD OF OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013 WITH ONE OPTION TO EXTEND THROUGH SEPTEMBER 30, 2014 AT AN ADDITIONAL COST NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000), BRINGING THE TOTAL AUTHORIZED AMOUNT TO ONE HUNDRED AND TWENTY THOUSAND DOLLARS (\$120,000), AND WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATIONS (RFP/Q) REQUIREMENTS FOR THE PROPOSED AGREEMENT AND OPTION TO EXTEND; AND**
- 4) **WAIVE THE CITY OF OAKLAND CENTRAL SERVICES OVERHEAD (CSO) FEES OF SEVENTEEN THOUSAND FOUR HUNDRED AND NINETY TWO DOLLARS (\$17,492) ASSOCIATED WITH THE CAL EMA GRANT**

WHEREAS, on October 1, 2009 via Resolution Number 82353 C.M.S., Council authorized the City Administrator to accept and appropriate California Emergency Management Agency (Cal EMA) Grant Program in an amount of two hundred thousand dollars (\$200,000) for the continued administration and operation of the East Bay Task Force on Human Trafficking.

WHEREAS, the City Council previously authorized acceptance of similar grant funds by Resolution No, 80893 C.M.S, dated October 16, 2007, Resolution No. 79275 C.M.S, date June 7, 2005; and

WHEREAS, the proposed program term is October 1, 2012 through September 30, 2013, and a one year option to extend the proposed agreement with Bay Area Women Against Rape (BAWAR) for one year; and

WHEREAS, Oakland Municipal Code section 2.04.051.B permits the Council to waive the RFP/Q requirements upon a finding that it is in the best interest of the City of Oakland (City) to do so; and

WHEREAS, for the reasons stated in the City Administrator's report accompanying this resolution, which includes the fact that BAWAR is the only state certified rape crisis center qualified to provide around the clock and in the field services to sexual assault crime victims in Oakland, staff recommends that it is in the best interest of the City to waive the advertising and the RFP/Q process so that the City Administrator can enter into a Professional Services

Agreement with BAWAR for the period of October 1, 2012 through September 30, 2013 with an option to extend through September 30, 2014; and

WHEREAS, this is the 9th consecutive year OPD, in partnership with the Alameda County District Attorney's Office (DA) and BAWAR have led the East Bay Human Trafficking Task Force and BAWAR serves as the only agency trained in first responder crisis response and the primary advocate and service provider for victims of human trafficking in order to provide continuity in services for ongoing cases and investigations; and

WHEREAS, the grant does not cover Central Services Overhead (CSO) charges in the amount of \$17,492 (based on the calculation rate of 13.64% for salary and wages of \$128,243), and OPD request a waiver of said charges; and

WHEREAS, Section 504(1) of the Oakland City Charter provides that it shall be the duty of the City Administrator, when directed by the Council, to represent the City in its intergovernmental relations and to negotiate contracts for joint governmental actions, subject to Council approval; now therefore be it

RESOLVED: that the City Administrator or her designee is authorized to accept and appropriate up to two hundred thousand dollars (\$200,000) in grant funding by Cal EMA, Anti-Human Trafficking Task Force Program to be appropriated in Grant Fund (2999); 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 Administrator or her designee is authorized to continue the Oakland Police Department's participation in the East Bay Task Force on Human Trafficking;

FURTHER RESOLVED: that the City Council finds that pursuant to Oakland Municipal Code section 2.04.051.B, for the reasons stated above and in the City Administrator's report accompanying this resolution, that it is in the best interests of the City to waive the advertising and bidding requirements and the RFP/Q for the proposed agreement with (BAWAR) as well as the proposed option to extend this agreement, if the City Administrator or her designee chooses to extend, and so waives such requirements; and be it

FURTHER RESOLVED: that the City Administrator or her designee is authorized to enter into a Professional Services Agreement with Bay Area Women Against Rape (BAWAR) at a cost not to exceed sixty thousand dollars (\$60,000) for the time period of October 1, 2012 through September 30, 2013 with one option to extend for one year until September 30, 2014, at an additional cost not to exceed sixty thousand dollars (\$60,000), should the City Administrator or her designee choose to extend the agreement, and bringing the total authorized amount to be paid at one hundred and twenty thousand dollars (\$120,000); and

FURTHER RESOLVED that federal grant funds received hereunder shall not be used to supplant expenditures controlled by this body; and be it

FURTHER RESOLVED that to the City will abide by the statutes and regulations governing the federal Formula Grants Program as well as the terms and conditions of the Grant Agreement as set forth by the Corrections Standards Authority; and be it

FURTHER RESOLVED: that the Central Services Overhead costs of \$17,492 (13.64%) associated with the grant are hereby waived; and be it

FURTHER RESOLVED: that the City Council authorize the City Administrator to conduct all negotiations, applications, agreements, and related actions which may be necessary for the completion of the aforementioned grant and professional services agreement, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk; and be it

RESOLVED: that the City Attorney shall review and approve said agreement and any extension of this agreement with BAWAR as to form and legality.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

**AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and
PRESIDENT KERNIGHAN**

NOES -

ABSENT -

ABSTENTION -

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