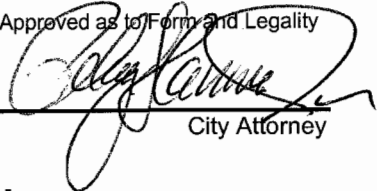


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2008 JUN 26 PM 4:27

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. 81473 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO, 1) ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE FEDERAL BUREAU OF INVESTIGATION (FBI) AND THE SILICON VALLEY REGIONAL COMPUTER FORENSICS LABORATORY (RCFL) TO PROVIDE COMPUTER FORENSIC INVESTIGATOR TRAINING AND COMPUTER FORENSICS LABORATORY SUPPORT TO THE OAKLAND POLICE DEPARTMENT (OPD), AND 2) RECEIVE OVERTIME REIMBURSEMENTS UP TO FIFTEEN THOUSAND DOLLARS (\$15,000) PER YEAR AND ACCEPT TITLE TO PROPERTY AND EQUIPMENT GIVEN TO OPD BY RCFL**

**WHEREAS**, the Oakland Police Department (hereinafter "OPD") wishes to become a participating member of the Silicon Valley Regional Computer Forensics Laboratory (hereinafter "RCFL") and assign a sworn member of OPD to the RCFL to be trained as a computer forensics investigator; and

**WHEREAS**, an RCFL is a collaboration between the Federal Bureau of Investigation (FBI) and other law enforcement agencies operating within the San Francisco Bay Area; and

**WHEREAS**, organizations entering into a Memorandum of Understanding with the FBI become participating agencies in the RCFL; and

**WHEREAS**, a participating agency assigns a staff member to RCFL and in return the agency receives training and certification in computer forensics investigation for its assigned member, access to the laboratories digital forensics examination and advisory services, exposure to the most technologically advanced computer forensics equipment available, broad experience in a variety of digital forensics cases, and a stake in the management of the RCFL; and

**WHEREAS**, the assignment of these cases to the RCFL investigator will relieve the burden on the other criminal investigators who are currently assigned these cases but do not have access to timely computer forensic examination facilities to complete their investigations; and

**WHEREAS**, the widespread use of electronic digital equipment has led to an increasing number of violent and white collar crime cases in which digital media is presented as evidence; and

**WHEREAS**, the training and experience gained at the RCFL will be instrumental in providing the necessary resources required for OPD to establish in the future its own forensic computer examination program; and

**WHEREAS**, the only costs to the City associated with participation in this program are the personnel costs associated with a sworn member being detailed to the RCFL; and

**WHEREAS**, The FBI will provide each sworn member detailed to RCFL with a vehicle (including fuel), essential equipment, training, travel expenses, and supplies in accordance with the policies and procedures of the detailed sworn employing agency and the MOU; and

**WHEREAS**, subject to available funding, the RCFL may transfer title to property and/or equipment, most likely in the form of computers and software, to the City; and

**WHEREAS**, the RCFL has agreed to reimburse the City up to \$15,000 annually for overtime incurred by the sworn member who is detailed to the RCFL; and

**WHEREAS**, Oakland City Charter section 504(l) reserves to the Council the authority to enter into contracts with another public entity; and

**WHEREAS**, Oakland City Charter section 504(l) empowers the City Administrator to “represent the City in its intergovernmental relations” and to negotiate contracts, which includes Memorandums of Understanding, with other government entities subject to approval by the Council; now, therefore, be it

**RESOLVED:** That, pursuant to Oakland City Charter section 504(l), the City Council authorizes the City Administrator to enter into a Memorandum of Understanding with the Federal Bureau of Investigations and RCFL to provide computer forensic investigator training and computer forensic laboratory services and support to the Oakland Police Department; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to assign one of the Police Department’s Criminal Investigators to RCFL detail; and be it

**FUTHER RESOLVED:** That non-computer related cases that would have been assigned to the sergeant assigned to the RCFL detail will be reallocated among the other investigators in the Criminal Investigation Division; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to accept property and/or equipment on behalf of the City, in the event that RCFL wishes to transfer such property and/or equipment to the City; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to receive up to \$15,000 per year from the RCFL as reimbursement for overtime incurred by the sworn member who is detailed to the RCFL and appropriate said funds to into General Fund: 1010, Org:102340, Account: 51214, Program: PS03, and project to be determined; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to modify, extend, or amend any necessary agreement or other documents entered into in furtherance of this resolution, provided that no additional funds shall be allocated without prior Council approval; and be it

**FURTHER RESOLVED:** That all Memorandums of Understanding authorized hereunder shall be approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 15 2008, 20      

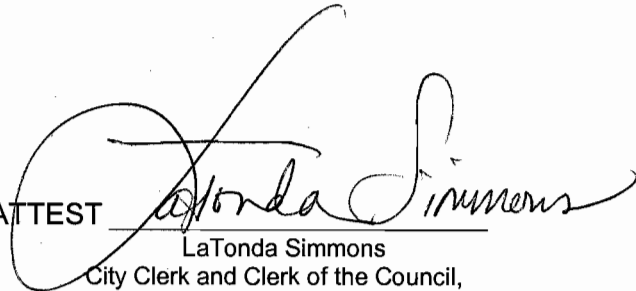
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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