

*Quicia Ayres*  
City Attorney's Office

**FILED**  
OFFICE OF THE CITY CLERK  
OAKLAND

2016 APR 14 PM 6:19

**OAKLAND CITY COUNCIL**

RESOLUTION No. 86157 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH SAMUEL MERRITT UNIVERSITY (SMU) AND SUTTER EAST BAY HOSPITALS DBA ALTA BATES SUMMIT MEDICAL CENTER (ABSMC) FOR THE PURPOSE OF ESTABLISHING INFORMATION SHARING PROTOCOLS RELATED TO THE GATHERING OF EVIDENCE FROM SEXUAL ASSAULT, VIOLENCE AND HATE CRIMES; AND TO PROTECT VICTIMS' CONFIDENTIAL INFORMATION.**

**WHEREAS**, ABSMC serves as the parent organization of SMU, since the merger between Summit Medical Center and Alta Bates Medical Center in 1999; and

**WHEREAS**, the Oakland Police Department (OPD) has a vital interest in ensuring that Part 1 violent crimes, hate crimes, or sexual assaults are immediately, or as soon as practicably possible, disclosed; and

**WHEREAS** OPD has a vital interest in ensuring that evidence from such crimes is preserved whenever possible so as to support crime investigations; and

**WHEREAS** OPD also has a vital interest in ensuring that crime victim's identities are protected; and

**WHEREAS**, the California Education Code (Ed. Code, Sections 67383(a) and 67381) requires "covered institutions," such as ABSMC and SMU to adopt and implement written policies and procedures to ensure that reports of Part 1 violent crimes, hate crimes, and sexual assaults are immediately, or as soon as practicably possible, disclosed to local law enforcement; and

**WHEREAS**, numerous state and federal laws provide specific requirements related to institutions, such as ABSMC that have opportunities to treat such, as outlined in California Education Code sections 67380, 67381, 67383, and 67386; the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"); and Title IX of the Higher Education Amendments of 1972 ("Title IX"); as well as the California Penal Code and applicable state laws related to health and confidentiality/privacy; and

**WHEREAS**, the Clery Act requires SMU to issue timely warnings for Clery crimes on-and off-campus that pose a serious threat to students and employees and emergency notifications for a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus; and

**WHEREAS**, victims' rights and police investigations are furthered by increasing communication and collaboration between the parties that treat victims of violent crimes, hate crimes, or sexual assaults and conduct related investigations; and

**WHEREAS**, that pursuant to California Education Code sections 67380(a)(6)(A) and 67383(a), SMU will report immediately or as soon as practicably possible to OPD all reports received by a Campus Security Authority of any Part 1 violent crime, sexual assault, or hate crime, committed on or off campus, including reports victims make directly to Campus Security Authorities as well as reports victims make to other SMU employees that are then conveyed to SMU security authorities; and

**WHEREAS**, OPD will endeavor to make every effort to notify SMU of any Part 1 violent crime, sexual assault, or hate crime, committed on or near campus that OPD refers to ACDA for charges to be filed; now, therefore, be it

**RESOLVED:** that the City Council authorizes the City Administrator to enter into MOU with SMU and ABSMC for the purpose of establishing information sharing protocols related to the gathering of evidence from sexual assault, violence and hate crimes; and to protect victim's confidential information; and be it

**FURTHER RESOLVED:** that the City Administrator, or designee, is authorized to conduct all negotiations, applications, agreements, and related actions which may be necessary to administer the aforementioned program and MOU; and be it

**FURTHER RESOLVED:** that the final MOU and all amendments shall be submitted to the City Attorney's Office for review as to form and legality, and copies of all fully executed MOU and any amendments shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, **MAY 03 2016**

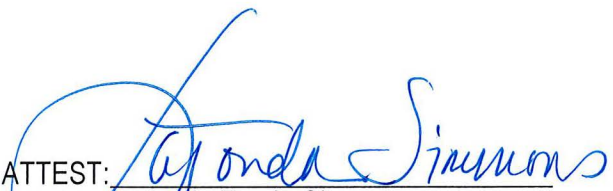
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY **-8**

NOES - **0**

ABSENT - **0**

ABSTENTION - **0**

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