

2015 MAR 19 PM 1:16

**OAKLAND CITY COUNCIL**

Approved as to Form and Legality

  
City Attorney

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

Introduced by Councilmember \_\_\_\_\_

---

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO SIGN A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE ALAMEDA COUNTY SHERIFF'S OFFICE (ACSO) FOR UP TO TWO (2) YEARS, FINANCED BY FIFTY THOUSAND DOLLARS (\$50,000) OF OAKLAND'S PREVIOUSLY APPROPRIATED FFY 2014 U.S. DEPARTMENT OF JUSTICE BYRNE JUSTICE ASSISTANCE GRANT (JAG) LOCAL PROGRAM FUNDS BY RESOLUTION No. 84641, FOR OPERATING THE SANTA RITA JAIL INTELIGENCE INITIATIVE (SRJII), FOR THE PURPOSE OF ASSISTING THE OAKLAND POLICE DEPARTMENT (OPD) WITH INVESTIGATIONS AND CRIME REDUCTION IN OAKLAND, FOR THE PERIOD OF APRIL 1, 2015 TO MARCH 30, 2017**

**WHEREAS**, the SRJII started in 2010 by the ACSO and OPD with the Federal Bureau of Investigation (FBI) joining the initiative in 2012; and

**WHEREAS**, a high level of homicides and violent crime related to retaliations and past crimes occur in Oakland each year; and

**WHEREAS**, the SRJII program helps to reduce level of homicides and violent crime in Oakland and the East Bay related to retaliations and past crimes, by helping OPD gather actionable and confidential human source intelligence through the strategic debriefings of inmates incarcerated in the Santa Rita County Jail regarding criminal threats; and

**WHEREAS**, the interviews and inmate debriefings are completely voluntary on the part of the inmates, as they are in no way compelled to cooperate with the interviewer, and inmates are able to speak freely in providing critical information; and

**WHEREAS**, the maximum total amount of the MOU between Oakland and ACSO will be \$46,600 per year, of which OPD will contribute \$25,000 for each of two years, for a total of \$50,000 expense to the City of Oakland; and

**WHEREAS**, on October 1, 2013, the City Council approved Resolution No. 84641, which authorized the City Administrator or designee to accept and appropriate Edward Byrne Memorial Justice Assistance Grant (JAG) Local Program Funds in an amount not to exceed five hundred thousand, two hundred dollars (\$500,200) for the 2013 and 2014 Federal Fiscal Year

(FFY), in addition to also authorizing an agreement between Oakland and Alameda County to apply for Federal Office of Justice Programs, Bureau of Justice; and

**WHEREAS**, this annual grant from the U.S. Department of Justice (USDOJ), Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant (JAG) Local Program for frontline policing provides funding through the JAG program to units of local government for the purpose of reducing crime and improving public safety; and

**WHEREAS**, the City of Oakland has entered into an MOU with Alameda County since 2005 for the purpose of administering JAG grant funds; and

**WHEREAS**, the Government Code requires that OPD request the local jurisdiction's legislative body to appropriate said funds solely for front line law enforcement services in accordance with OPD's spending plan; and

**WHEREAS**, OPD will utilize \$50,000 from its FY 2014 U.S. Department of Justice (DOJ) Byrne Justice Assistance Grant (JAG) Local Program Funds, previously approved by the City Council and appropriated by OPD, and

**WHEREAS**, OPD will directly allocate and transfer \$50,000 to ACSO for FY 2014, as provided in the Narrative and Budget Detail section of the MOU within forty-five (45) days of the execution of the MOU; and

**WHEREAS**, per the Memorandum of Understanding (MOU) between OPD and ACSO that defines the agreements and parameters of the joint SRJII program, OPD will be allowed eight hundred and thirty two (832) hours of interviewing per fiscal year; and

**WHEREAS**, per the MOU, both OPD and ACSO agree that each party is responsible for the negligent and wrongful acts and omissions by its employees and that this MOU shall be governed by the laws of the state of California and nothing herein should be construed as supplanting any applicable statute, rule, or regulation; and

**WHEREAS**, per Oakland Municipal Code section 504(1), the City Council must approve intergovernmental MOUS, and authorize the City Administrator to represent the City in all related negotiations, among other things; now, therefore be it

**RESOLVED:** that City Council does hereby authorize the City Administrator or his designee to extend the MOU with the ACSO for up to two (2) years, equivalent eight hundred and thirty two (832) interview hours per year, to be financed by fifty thousand dollars (\$50,000) of Oakland's already appropriated FFY 2014 U.S. Department of Justice Byrne Justice Assistance Grant (JAG) Local Program funds, and that these funds shall be allocated to ACSO, for operating the Santa Rita Jail Intelligence Initiative (SRJII), for the purpose of gathering actionable intelligence regarding criminal threats, which will assist OPD with investigations and reducing crime in Oakland, for the period of April 1, 2015 to March 30, 2017; and be it

**FURTHER RESOLVED:** that the City Administrator is authorized to conduct all ongoing negotiations, execute and submit all documents, including but not limited to amendments, modifications and related actions which may be necessary to carry out the basic purpose of this resolution, without increasing the amount of the grant funds; and be it

**FURTHER RESOLVED:** That said MOU shall be approved as to form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk.

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

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and  
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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