

CITY OF OAKLAND

AGENDA REPORT

FILED

OFFICE OF THE CITY CLERK
OAKLAND

2011 AUG 29 2:09 PM

Office of the City Administrator
Attn: Deanna J. Santana, City Administrator
From: Police Department
Date: September 13, 2011

Re: A Report And Proposed Resolution Authorizing The City Administrator to Enter Into A Professional Services Agreement with VBS Services, In Amount Not To Exceed One Hundred And Nineteen Thousand Nine Hundred and Ninety Nine Dollars (\$119,999) For The Period of July 1, 2011 To June 30, 2013, With Two One-Year Options to Extend, To Continue Performing Sexual Assault Suspect Examinations and Blood Draws For The Oakland Police Department Investigations

SUMMARY

Staff has prepared a report and proposed resolution authorizing the City Administrator to enter into a professional services agreement in an amount not-to-exceed \$119,999, with two one-year options to extend, with VBS Services to perform sexual assault suspect examinations and blood draws, on behalf of the Oakland Police Department (OPD).

FISCAL IMPACT

Approval of this resolution will allow the Department to enter into a professional service agreement with VBS Services to provide sexual assault suspect examinations and blood draws during the period of July 1, 2011 through June 30, 2013. Funds are included in the Department's baseline budget and are allocated in the General Purpose Fund: 1010, Medical and Veterinarian Services Account: 54311, Youth and Family Services and Traffic Division Organization Codes: 102310 and 107510, and Criminal Investigations and Traffic Programs: PS03 and PS14.

The Department uses a custom designed sexual assault suspect examination kit to collect and preserve forensic evidence from sexual assault offenders. The City will provide these kits to the contractor for use in its examinations. The cost for these kits has already been included in the Department's Crime Lab budget and will not affect the fiscal condition of this agreement.

BACKGROUND

On April 21, 2006, Alameda County Hospital (ACH/Highland) stopped conducting sexual assault suspect examinations which resulted in the need for all 21 law enforcement agencies in Alameda County to find other resources to provide this service. Then Alameda County Assistant District Attorney Nancy O'Malley, along with Sergeant Kirk Von Savoy of the Sheriff's Office, determined that VBS Services was the only qualified company in the general East Bay Area to undertake the task of performing sexual assault suspect exams. This determination was and is

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currently based on the fact that aside from VBS Services, there is no other vendor in the general East Bay Area who provides this service and who is certified to do so. Highland Hospital and Eden Medical Center have both ceased offering this service.

Only examiners who have received specialized training in evidence recovery for this process are permitted to use specific forms supplied by the Department of Justice and can perform sexual assault examinations. As a result, most hospitals in general are not capable or willing to perform this task due to lack of trained staff or federal qualifications.

In May 2006, the City entered into a temporary contractual agreement with VBS to perform sexual assault suspect examinations. In 2007, the City formalized the agreement. VBS has performed 230 examinations at the request of the OPD as follows:

2006:	39
2007:	43
2008:	59
2009:	61
2010:	33
<u>Total:</u>	<u>235</u>

KEY ISSUES AND IMPACTS

Staff conducted a Request for Proposal (RFP) process in April 2011. As a result, no proposals were submitted for consideration.

As stated, since 2006 VBS Services has performed 235 such exams for the Department at a cost \$410.00 per examination, saving the City \$21,150 in comparison to the rate of \$500 per examination as previously charged by Alameda County Hospital. In addition, in 2009 VBS Services reduced its fees by 10% to assist the City's financial situation.

PROGRAM DESCRIPTION

There are several requirements that a vendor must meet to adequately perform sexual assault suspect examinations and blood draws. VBS Services has demonstrated, and pledges to satisfy these requirements:

A VBS consultant shall provide upon the request of an authorized peace officer, a physical examination for evidence of sexual assault from persons arrested under the investigation of the California Penal Code, committed within his/her jurisdiction. Actual services shall be performed by agents, employees, or independent contractors of the consultant. Such requests shall also include legally obtainable blood draw samples.

It is understood that for purposes of this document sexual assault suspect examinations will be defined as:

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Evidentiary examinations conducted on subjects who are suspects in a sexual assault investigation. The purpose of the examination is to locate and document physical evidence of the assault, recover biological evidence, if present, and to recover reference and control samples. These examinations may be performed on persons who have consented to the examination or without such in the following circumstances:

Examinations will be performed:

- Pursuant to a court ordered search warrant; and
- When the suspect is in law enforcement custody and probable cause exists to believe the suspect committed a sexual assault within the past 72 hours.

VBS Services

- The examination will be performed by a health care professional and will include a *Detailed Forensic Medical Report* as outlined under the California Office of Criminal Justice Planning (OCJP) form 950 {Sexual Assault Suspect Examination}.
- The consultant shall have at least one qualified person available at all times, by telephone, pager or cell phone, who can respond within one hour of the request of an officer.
- The consultant will only use the appropriate sexual assault evidence collection kits as provided by the Oakland Police Department Forensic Laboratory, and shall complete all the documents contained in the sexual assault evidence collections kit.
- The consultant will provide testimony in court at the request of the prosecuting attorney when necessary, concerning the collection of evidence in the sexual assault examination in the case at trial.
- Monthly requests for payment will be accompanied by a description of the service performed that month, including date of service, name of subject, and agency case number.

- The sexual assault suspect examination will be performed at a suitable location, as provided by the Alameda County Sheriff's Office, at the Santa Rita Jail Facility.
- The consultant is only responsible for the collection of evidence relative to the sexual assault examination. Custody of evidence will become the responsibility of the investigating officer.

It is further understood that for purposes of this document blood draws will be defined as:

The evidentiary collection of blood specimens from a subject who has been arrested under suspicion of operating a motorized vehicle while under the influence of alcohol and/or drugs:

Examinations will be performed:

- Pursuant to a court ordered search warrant
- When the suspect is in law enforcement custody and probable cause exists to believe the suspect was operating a motorized vehicle while under the influence of alcohol or drugs in violation of the last.

SUSTAINABLE OPPORTUNITIES

Economic: Contracting with VBS Services will save the City approximately \$90 per examination compared to the rate previously charged by Alameda County Hospital.

Environmental: There are no environmental concerns associated with this report.

Social Equity: Enactment of this contractual agreement for sexual assault suspect examinations will enhance the identification and apprehension of sexual predators, and facilitate economic growth in Oakland.

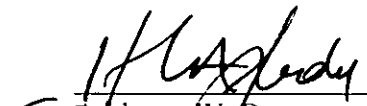
DISABILITY AND SENIOR ACCESS

There are no ADA or senior citizen access issues identified in this report.


RECOMMENDATION / ACTION REQUESTED OF COUNCIL

Staff recommends acceptance of this report and approval of the proposed resolution authorizing the City Administrator to enter into a two-year professional services agreement in an amount not-to-exceed \$119,999, with two one-year options to extend, with VBS Services to perform sexual assault suspect examinations and blood draws on behalf of the Oakland Police Department (OPD).

Respectfully submitted,


Anthony W. Batts
Chief of Police

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

Prepared by:
Johnny Davis
Lieutenant of Police
Youth and Family Services Division

OAKLAND CITY COUNCIL

A. Macomber
City Attorney

FILED
OFFICE OF THE CITY CLERK

RESOLUTION No. _____ C.M.S.

2011 AUG 30 PM 2:25

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH VBS SERVICES, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETEEN THOUSAND NINE HUNDRED NINETY NINE DOLLARS (\$119,999), FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2013, WITH TWO ONE-YEAR OPTIONS TO EXTEND, TO CONTINUE PERFORMING SEXUAL ASSAULT EXAMINATIONS AND BLOOD DRAWS FOR THE OAKLAND POLICE DEPARTMENT INVESTIGATIONS

WHEREAS, upon conclusion of the Request for Proposal process conducted in April 2011 no proposals were submitted for review; and

WHEREAS, since May 2006, OPD has used VBS Services to perform suspect sexual assault examinations in order to obtain vital forensic evidence related to sexual assaults and blood draws; and

WHEREAS, only examiners who have received specialized training in evidence recovery for this process are permitted to use specific forms supplied by the Department of Justice, and can perform sexual assault examinations; and

WHEREAS, VBS is the only vendor in the East Bay Area that provides this service and is certified to do so; and

WHEREAS, the use of collected forensic evidence greatly enhances OPD's ability to identify and apprehend violent sexual offenders; and

WHEREAS, OPD's sexual assault investigations are strengthened by this forensic evidence, increasing the District Attorney's abilities to prosecute offenders and obtain better convictions and longer sentences; and

WHEREAS, the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

WHEREAS, the City Council finds that this agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator to enter into a two-year professional services agreement in an amount not-to-exceed \$119,999, with two-one year options to extend, with VBS Services to perform sexual assault suspect examinations and blood draws on behalf of the OPD; and be it

FURTHER RESOLVED: That, funds are included in the Department’s baseline budget and are allocated in the General Purpose Fund: 1010, Medical and Veterinarian Services Account: 54311, Youth and Family Services Division and Traffic Division Organization Code: 102310 and 107510, and Criminal Investigations and Traffic Program: PS03 and PS14; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to carry out any financial actions necessary to carry out the intent of the resolution, including to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this contract for services, except for any increase in the contract amount, without returning to the City Council; and be it

FURTHER RESOLVED: that the City Attorney shall review and approve this agreement as to form and legality and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and
PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

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