

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 MAY 15 PM 6:44

**To:** Office of the City Administrator  
**Attn:** Deborah Edgerly  
**From:** Police Department  
**Date:** May 27, 2008

**Re: A Report and Proposed Resolutions Authorizing The City Administrator, or Her Designee (1) To Waive the Competitive Bid Process and Enter into a Lease and Service Contract In An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000) with SecureAlert, Inc., and (2) To Enter Into Memorandums of Understanding With the Adult and Juvenile Divisions of the Alameda County Probation Department For The Loan, At No Cost To The County, Of The City's Global Positioning System (GPS) Ankle Bracelet In Order To Monitor Probationers Living In Oakland**

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### SUMMARY

Resolutions have been prepared authorizing the City Administrator or her designee, on behalf of the City of Oakland, to waive the competitive bid process and enter into a lease and service contract with SecureAlert, Inc., and execute Memorandums of Understanding (MOU) with the Adult and Juvenile Divisions of the Alameda County Probation Department for the purpose of enhancing monitoring of probationers living in Oakland by using Global Positioning System (GPS) ankle bracelets. This system will be used exclusively by sworn personnel, who are trained and authorized representatives of the Oakland Police Department (OPD) and Alameda County Probation Department, Adult and Juvenile Divisions, for the purpose of monitoring probationers and crime correlation<sup>1</sup> in the City of Oakland.

### FISCAL IMPACT

Funds in the amount of \$100,000 have been provided by Vice Mayor Larry Reid to cover the cost of leasing the GPS tracking bracelets and monitoring service, which will be used by the Alameda County Probation Department, at no cost to the County, for the monitoring of probationers living in Oakland. Lease and monitoring costs are \$6.50 per day per GPS tracking bracelet. Monthly costs are estimated at a maximum of \$8,190 (assuming all 42 GPS bracelets are in service continuously for 30 days per month.)

No additional funding is required for this program.

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<sup>1</sup> Crime Correlation – The use of the GPS monitoring devices to locate active parolees or probationers that were at or around a crime scene for investigative purposes.

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## **BACKGROUND**

The City of Oakland continues to experience an increasing crime rate. A major contributor to this increase is recidivism among probationers. Due to ever increasing caseloads, the Alameda County Probation Department is unable to monitor the activities of probationers at a level sufficient to deter recidivism; therefore additional tools are necessary to accomplish this task. Under this proposed program, the City would lease GPS tracking bracelets and loan them, at no cost, to the Alameda County Probation Department for use only on probationers living in Oakland.

New technological advances have provided tools to better manage probationers and monitor their activities to reduce the incidents of recidivism. However, state law provides that only county probation departments may implement and manage GPS tracking programs (California Penal Code Sections 1210.7 *et seq.*). Furthermore, because it is the Probation Department who is charged with these duties, identification and selection of persons to be monitored is outside the control of the local law enforcement agencies. Development and implementation of a Memorandum of Understanding (MOU) with the Probation Department will allow OPD to identify those Oakland residents who are on probation and most likely to offend again.

As of the date of this report, no other municipality in the United States has implemented this type of collaborative community corrections program in cooperation with a county probation department. Beginning in June 2006 for six months, OPD, the Alameda County Probation Department - Adult Division and the California Department of Corrections and Rehabilitation conducted a "test run" of this program. This test involved the use of SecureAlert GPS tracking bracelets on 40 probationers/parolees under the supervision of their respective supervising agencies. As a result of this test, all of the probationers were identified as having violated the conditions of their probation, usually for possession of firearms and/or drugs.

## **KEY ISSUES AND IMPACTS**

A key issue for the City of Oakland is the reduction of crime. Statistics show that many crimes are perpetrated by repeat offenders (recidivists) who, while they may be on probation, are not well monitored while they complete their sentences in the community. The use of GPS tracking bracelets on selected probationers will have the effect of:

1. Reducing the potential for recidivism among probationers with the GPS tracking bracelet attached;
2. Enabling the enforcement of the conditions of probation that restrict the probationer from frequenting specific locations or residences;
3. Determining if a probationer was in the vicinity when a crime occurs;
4. Providing a means to locate and communicate with a probationer; and
5. Deterring others from criminal activity that may be associated with a probationer who is being monitored.

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Because state law only authorizes county probation departments to conduct GPS tracking of probationers, the City must enter into an agreement with the Adult and Juvenile Divisions of the Alameda County Probation Department in order to undertake this program. As the sole funding agency of the program, Alameda County will agree that GPS equipment provided by OPD will, subject to court approval, be used on probationers who will be reentering the Oakland community.

The partnership between OPD and Alameda County Probation Department will greatly benefit the City, providing OPD with the ability to monitor and report violations of probationers in a timely, effective manner.

This agreement outlines effective joint efforts to decrease violence and crime and increase non-punitive interventions for adults and juveniles (i.e. status offense violations, truants, drop outs, and otherwise disengaged youth). Historically, these partnerships have proven highly beneficial to the City of Oakland.

### ***Waiver of Competitive Bidding***

Waiver of the competitive bidding process is requested to allow the City to contract with SecureAlert, Inc. to provide the GPS tracking bracelets and monitoring system. SecureAlert is the only available vendor of GPS tracking bracelets with the following features integrated into a single unit:

- Built in Cell Phone Technology – Allowing two and three way communications between the probationer, the monitoring center and the supervising officer. This permits immediate intervention by the monitoring officer. All conversations via the cell phone are recorded and maintained at the monitoring center. The Probationer is also able to initiate a call to the monitoring center if necessary. Other vendors' technology requires that a separate mobile phone be used with the GPS bracelet.
- Real-Time GPS Tracking Information – Real time tracking information visible remotely at the monitor center. All other other vendors' technology requires downloading of the GPS bracelet's data recorder before tracking information can be reviewed.
- 95db Siren Incorporated into Unit – The monitoring center and the supervising officer can remotely activate a 95db siren contained in the GPS tracking bracelet. This siren can assist law enforcement in locating the probationer in the event he/she becomes uncooperative or attempts to conceal himself/herself from law enforcement.
- Extended Battery Life – Each unit's battery has a 20+ hour lifespan between charges. This affords the probationer the maximum amount of non-intrusive freedom to lead a normal life while fulfilling the obligations of his/her terms of probation.

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## **PROGRAM DESCRIPTION**

The City of Oakland/Alameda County Joint GPS Tracking Bracelet Probation Program is intended to address those probationers most likely to reoffend and/or engage in violent criminal behavior. Through application of this program, OPD intends to reduce the potential for recidivism among probationers, speedily apprehend probationers who reoffend, protect specific persons and communities from problem individuals released on probation and reduce violent crime throughout the City.

The purpose of this program is to:

1. Focus on high-risk, particularly youthful, probationers as identified by the Probation Department;
2. Serve to monitor the most at-risk and the most likely to reoffend;
3. Provide aggressive intervention to hold probationers accountable for their behavior;
4. Improve public safety by providing accountability for adult and juvenile probationers re-entering the community; and
5. Make Oakland a safer place to live, work and recreate.

Upon full implementation, OPD and the Alameda County Probation Department will work out the specific procedures to identify Oakland probationers for the program, monitor the GPS tracking bracelets, and take enforcement action when necessary. As previously mentioned, OPD, Alameda County Probation Department – Adult Division, and California Department of Corrections and Rehabilitation have conducted a “test run” of this program which has provided invaluable experience between the two agencies that will contribute to the development of a cooperative agreement for further implementation.

### ***How it works***

Once a probationer has been assigned to the program, he/she will be outfitted with a GPS tracking bracelet. The bracelet has the ability to report the probationer’s whereabouts 24 hours a day, 7 days a week via the Global Positioning Satellite System. Should restrictions be placed on the probationer (e.g.; curfew, stay away orders, etc.) the system will enable those restrictions to be enforced on a consistent basis by automatically alerting the monitoring center of apparent violations.

The system will also store data on the probationer’s whereabouts that can be recovered and compared with known criminal activity.

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The specific unit to be deployed with this program also provides for three-way cellular telephone communication between the probationer, his/her monitor, and his/her probation officer.

Should a probationer attempt to tamper with or remove the bracelet, the monitoring center would be notified automatically.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The GPS tracking program will assist the Department making timely responses to parole/probation violations and preventing repeat crimes from occurring in the City. By making the City safer, opportunities for economic growth enhanced.

**Environmental:** There are no environmental opportunities associated with this report.

**Social Equity:** Providing monitoring and crime correlation capabilities enhances the crime reduction efforts by the OPD. Criminal investigations will be conducted in a timelier manner providing an opportunity to make arrests and reduce criminal activity in the City of Oakland thereby improving the quality of life.


### **DISABILITY AND SENIOR ACCESS**

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


### **RECOMMENDATION /ACTION REQUESTED OF THE COUNCIL**

Staff recommends acceptance of this report and approval of two resolutions authorizing the City Administrator to 1) waive the competitive bid process and enter into a contract with SecureAlert, Inc. for the leasing of GPS tracking bracelets and tracking services and 2) enter into Memorandums of Understanding with the Adult and Juvenile Divisions of the Alameda County Probation Department for the purpose of implementing a GPS tracking bracelet program for select probationer who reside in the City of Oakland.

Respectfully submitted,

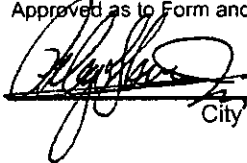
  
Wayne G. Tucker  
Chief of Police

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

  
Office of the City Administrator

Prepared by:  
Lieutenant Kenneth W. Parris  
Criminal Investigation Division

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OFFICE OF THE CITY CLERK  
OAKLAND**OAKLAND CITY COUNCIL**  
City Attorney

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION WAIVING THE COMPETITIVE BID PROCESS AND AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A LEASE CONTRACT FOR GLOBAL POSITIONING SYSTEM (GPS) TRACKING EQUIPMENT AND TRACKING SERVICES TO SECUREALERT, INC., IN AN AMOUNT NOT-TO-EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) TO BE USED IN THE MONITORING OF PERSONS ON PROBATION IN THE CITY OF OAKLAND**

**WHEREAS**, the Oakland Police Department (hereinafter "OPD") wishes to have the ability to receive up to the minute data about the location of probationers who reside in the City of Oakland; and

**WHEREAS**, the OPD has negotiated, and is seeking authority to enter into memorandums of understanding with the Adult and Juvenile Divisions of the Alameda County Probation Department by a separate Council Resolution, to lend GPS tracking equipment to those agencies exclusively for use in tracking probationers residing in the City of Oakland; and

**WHEREAS**, recent advances in GPS tracking bracelets allow for the precise tracking of probationers' locations at any time; and

**WHEREAS**, SecureAlert, Inc. is one of the leading providers of GPS tracking technology for law enforcement agencies, whose equipment and tracking systems includes tamper alarms, inclusion and exclusion zone violation alerts, 24-hour location tracking, and the ability to make a two-way and three-way voice call using the bracelets in order to converse with the probationer as needed; and

**WHEREAS**, the SecureAlert, Inc. will lease GPS tracking bracelets to the City for \$6.50 per day per bracelet, including tracking services; and

**WHEREAS**, funds in the amount of \$100,000 have been provided by Vice Mayor Larry Reid for this purpose, which sum can cover the lease of approximately 42 GPS bracelets for one year, to be used by the Alameda County Probation Department for the monitoring of probationers living in Oakland;

**WHEREAS**, lease and monitoring costs are \$6.50 per day per GPS tracking bracelet. Monthly costs are estimated at a maximum of \$8,190 (assuming all 42 GPS bracelets are in service continuously for 30 days per month); and

**WHEREAS**, it is in the best interests of the City to waive the City's competitive bid process for this service because the tracking equipment offered by Secure-Alert is the most comprehensive and accurate GPS tracking equipment available; and

**WHEREAS**, no other vendor offers, in a single device, real time information, 24-hour tracking and monitoring (by the vendor), and the ability to create inclusion and exclusion zones, automatic drug and alcohol use sensors (if vendor includes this technology for no additional cost), and three-way telephone calling by using the GPS tracking bracelet; and

**WHEREAS**, any services purchased under authority of this Resolution are of a professional, technical or scientific and temporary nature, and 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, pursuant to Oakland Municipal Code section 2.04.050.I.5, the City Council finds and determines on the basis of the City Administrator’s report accompanying this item, that it is in the City’s best interests to waive the competitive bid process for the lease of GPS tracking equipment and tracking services from SecureAlert, Inc.; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator, or her designee, to award a contract for the lease of GPS monitoring bracelets including tracking services in an amount not-to-exceed \$100,000 to SecureAlert, Inc.; and be it

**FURTHER RESOLVED:** That funds in the amount of \$100,000 have already been provided by Vice Mayor Larry Reid for the lease of approximately 42 GPS bracelets from SecureAlert, Inc.; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to modify, extend, or amend said agreement, provided that no additional funds shall be allocated without prior Council approval; and be it

**FURTHER RESOLVED:** That all contracts 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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

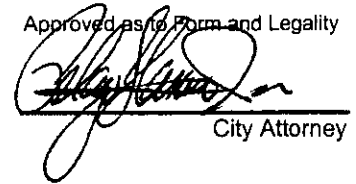
NOES-

ABSENT-

ABSTENTION-

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

# OAKLAND CITY COUNCIL

  
City Attorney

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RESOLUTION NO. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH THE ADULT AND JUVENILE DIVISIONS OF THE ALAMEDA COUNTY PROBATION DEPARTMENT FOR THE LOAN, AT NO COST TO THE COUNTY, OF THE CITY'S GLOBAL POSITIONING SYSTEM (GPS) MONITORING BRACELETS AND TRACKING SERVICES FOR THE PURPOSE OF MONITORING PERSONS ON PROBATION LIVING IN THE CITY OF OAKLAND**

**WHEREAS**, the Oakland Police Department (hereinafter "OPD") wishes to have the ability to receive up-to-the minute data about the location of probationers who reside in the City of Oakland; and

**WHEREAS**, as State law authorizes a county, and not a city, to administer a GPS program for monitoring probationers, to be carried out by the county's probation department, therefore, OPD must rely on the Alameda County Probation Department to implement and carry out a GPS program for Oakland; and

**WHEREAS**, the Alameda County Probation Department does not have sufficient GPS devices to dedicate to probationers that reside in the City of Oakland and the OPD wishes to supplement the Alameda County Probation Department's ability to track and monitor the location of probationers living in the City of Oakland; and

**WHEREAS**, providing GPS tracking equipment to the Alameda County Probation Department for use exclusively on probationers residing in the City of Oakland will greatly increase the County's ability to monitor Oakland probationers and should reduce crime committed by probationers in our City; and

**WHEREAS**, Vice Mayor Larry Reid provided funds to OPD for the lease of approximately 42 GPS bracelets to make the equipment available, at no cost, to the Alameda County Probation Department for use on probationers living in Oakland; and

**WHEREAS**, Oakland City Charter section 504(I) reserves to the Council the authority to enter into contracts involving "intergovernmental actions" and

**WHEREAS**, Oakland City Charter section 504(I) empowers the City Administrator to represent the City in its "intergovernmental actions" and to negotiate contracts, which includes Memorandums of Understanding, with other government entities subject to approval by the Council; and



**WHEREAS**, the OPD has negotiated, and hereby seeks authority to enter into, Memorandums of Understanding with Alameda County Adult and Juvenile Probation Departments, pursuant to Penal Code sections 1203.16(j)(1) and 1210.16(a), to lend GPS tracking equipment to those agencies, at no charge to the Alameda County Probation Department, exclusively for use in tracking probationers residing in the City of Oakland; now, therefore, be it

**RESOLVED:** That, pursuant to Oakland City Charter section 504(l), the City Council authorizes the City Administrator to enter into Memorandums of Understanding with the Adult and Juvenile Divisions of the Alameda County Probation Department for the loan (at no cost to the County of Alameda) of the City’s GPS monitoring equipment and tracking services for the purpose of tracking and monitoring adult and juvenile probationers living in the City of Oakland; 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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST \_\_\_\_\_

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