

2023 APR 21 PM 2:56

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 89664 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE, ON BEHALF OF THE OAKLAND POLICE DEPARTMENT (OPD), TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF) FOR ENHANCED DATA ACCESS TO THE NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK (NIBIN) THROUGH USE OF NIBIN ENFORCEMENT SUPPORT SYSTEM (NESS) SOFTWARE

WHEREAS, the OPD Criminalistics Division has been using NIBIN for approximately 28 years; and

WHEREAS, NIBIN was created to assist laboratories in connecting crime scenes at which cartridge cases or gun evidence was left; and

WHEREAS, NESS is an enhancement to the current NIBIN database; and

WHEREAS, OPD has successfully engaged in similar MOU with DOJ entities for databases such as the combined DNA Index System (CODIS) under resolution 84787; and

WHEREAS, OPD has presented the issue to the Public Safety Committee; and

WHEREAS, OPD presented the MOU to the Privacy Advisory Commission pursuant to OMC Chapter 9.72; and

WHEREAS, staff recommends that the City Council make a finding and a determination that it is in the best interests of the City to authorize the City Administrator, or designee, to enter into an MOU with the ATF; therefore, be it

RESOLVED: That the City Council does hereby authorize the City Administrator or designee to enter into an MOU with the ATF; and be it

FURTHER RESOLVED: that the City Administrator or designee is hereby authorized to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the MOU in compliance with OMC Chapter 9.72; and be it

FURTHER RESOLVED: that OPD's Crime Lab personnel will be designated as points of contact, have the authority to serve in this capacity, add users as needed and enlist the assistance of the City Administrator should changes to the MOU be required within the Administrator's specified scope, without returning to City Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

APR 18 2023

AYES - 7 *AYES*

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 - BAS

ATTEST:



ASHA REED

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