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POLICE DEPARTMENT INTERNET ACCESSIBILITY FOR CITIZEN COMPLAINTS

In 2006 the Grand Jury reviewed and surveyed all 14 municipal law enforcement agencies in Alameda County to determine if they had easily accessible citizen complaint procedures and complaint forms available on the Internet. The results of that investigation revealed that the majority of police departments did have some information regarding the citizen complaint process readily available. Although only three agencies had actual complaint forms available online, some of the police departments moved quickly to improve their web sites once this issue was brought to their attention. Further, the Grand Jury determined that most web sites were not user friendly. The better sites lead citizens directly to the information they seek.

The Grand Jury encourages all police departments in Alameda County to make on line and easily accessible its complaint procedures and forms for citizens. The Grand Jury commends the Oakland Police Department for its easily accessible Web site that can serve as a model for other police agencies in Alameda County.

The results of the Grand Jury's investigation follow this report.

Police Department Web Site Links:

Alameda PD: www.ci.alameda.ca.us/police/
Albany PD: www.albanyca.org/dept/police.html
Berkeley PD: www.ci.berkeley.ca.us/police/
Emeryville PD: www.ci.emeryville.ca.us/police/index.html
Fremont PD: www.fremontpolice.org/
Hayward PD: www.ci.hayward.ca.us/departments/police/dpolice.shtm
Livermore PD: www.livermorepolice.org/
Newark PD: www.newark.org/departments/police.html
Oakland PD: www.oaklandpolice.com/
Piedmont PD: www.ci.piedmont.ca.us/html/police/police.htm
Pleasanton PD: www.ci.pleasanton.ca.us/services/police/
San Leandro PD: www.ci.san-leandro.ca.us/pdhome.html
Union City PD: www.ci.union-city.ca.us/police/ucpd.htm
Sheriff's Office: www.alamedacountysheriff.org/ (includes Dublin Police Department)

GRAND JURY INVESTIGATION RESULTS

Police Department	Is the complaint procedure explained online?	Is there printed information available for citizens who do not have Internet access?	Is a citizen complaint form available online?	Comments
ALAMEDA	Yes	Yes	No	Surveys are mailed to citizens who have police contact, but there is no direct link on the Web site.
ALBANY	No	Yes	No	Site will be updated soon.
BERKELEY	Yes	Yes	No – but email links are available.	Not user friendly.
DUBLIN	Yes	Yes	No	Police services are contracted through the Alameda County Sheriff's Office
EMERYVILLE	No	Yes	No	No link available on Web site.
FREMONT	Yes	Yes	No – but email links are available.	Not user friendly. Must navigate through internal affairs link.
HAYWARD	No	Yes	No – but email links are available.	Not user friendly.
LIVERMORE	Yes	Yes	Yes	Updated with an easy link to the citizen complaint form.
NEWARK	No	Yes	No	No obvious link located on Web site.
OAKLAND	Yes	Yes	Yes	Complaint form available in multiple languages. Easy link available.
PIEDMONT	Yes	Yes	No	Not user friendly. Must navigate to the FAQ section.
PLEASANTON	Yes	Yes	Yes	Complaint form available in English & Spanish. Easy online links.
SAN LEANDRO	No	Yes	No	Not user friendly. No obvious link located on Web site.
UNION CITY	Yes	Yes	No – but email links are available.	Not user friendly.
ALAMEDA COUNTY SHERIFF'S OFFICE	Yes	Yes	No	Detailed instructions are online.

RESPONSES REQUIRED: *None*

INTRODUCTION

The role of the Government Committee is to investigate complaints from citizens regarding city and county governmental agencies. The 2006-2007 Grand Jury reports on two investigations: Alameda County Radio Communications Interoperability and the Berkeley Public Library's lack of policies and procedures for procurement.

The Grand Jury sought information about the potential move of the Athletics baseball team from the City of Oakland to the City of Fremont and the potential tax implications on the citizens of Alameda County. The Grand Jury interviewed leadership of the Oakland Coliseum Joint Powers Authority (city and county) and a top elected official from Fremont to learn what plans are in place to protect the citizens from unexpected costs associated with a move of the A's to that city. With respect to the current tax payer indebtedness of approximately \$20 million per year, the Grand Jury was assured that if the A's moved to Fremont the fiscal impact on the citizens of Alameda County would be revenue neutral due to the fact that the A's do not contribute to the repayment of this debt.

The Grand Jury learned that the City of Fremont had approved the hiring of a consultant who has assisted other cities with the development of sports stadiums. Because the A's have not submitted a plan to the City of Fremont, it is unknown what the future tax implications will be for the citizens. This Grand Jury suggests that future grand juries monitor this situation.

RADIO COMMUNICATIONS INTEROPERABILITY

Communication problems exposed during the 9/11 and Katrina disasters have made radio communications interoperability among public safety first-responders a high priority issue at all levels of government. The Federal government has adopted a suite of standards including procedures and specifications targeted at mission critical requirements of public safety known as Project 25 (P25). The Department of Homeland Security requires that states must have a statewide communications interoperability plan developed by the end of 2007 as a condition of the Homeland Security Grant Program. Further, the State of California has produced a twenty-year plan designed to achieve public safety communications throughout the state. Unfortunately, neither the Federal nor the State government is prepared to fund the infrastructure necessary to reach desired levels of interoperability; and significant costs are being imposed on local communities.

Locally, police, fire and government representatives from Alameda County and Contra Costa County are developing an East Bay Regional Communications System (EBRCS) designed to ensure adequate communications for joint operations in both counties. As part of this system, they have developed a joint powers agreement (JPA) establishing a governing authority with responsibility to implement, maintain and secure funding for the system. On May 1, 2007, both Alameda County and Contra Costa County adopted the JPA; and cities within both counties began the process of deciding whether to join the JPA.

Alameda County contracted with Motorola in October 2005 to “develop a conceptual design for a two-county P25 trunked radio system.” The design was delivered on May 12, 2006, and the Grand Jury received PowerPoint findings on the EBRCS together with copies of presentation slides. The plan itself was not presented or reviewed.

As of the writing of this report, the status of the EBRCS is as follows:

- Alameda and Contra Costa counties have adopted the JPA.
- Digital microwave network linking both counties and a master site controller has been approved using approximately \$12.5 million in grant funds.
- The National Public Safety Planning Advisory Committee has approved allocation of sufficient numbers of frequencies for EBRCS to operate.
- Preliminary design estimates total \$60 million, not including radios and/or dispatch consoles, of which \$47 million remains unfunded.
- Interoperability repeaters “Tac & Stack” have been purchased (nine sites in both counties, which augment Alameda County’s ten existing repeaters on 800MHz).
- Approximately \$8.8 million from additional grants has been received to support the EBRCS, including approximately \$3.0 million in 2006 Super Urban Area Security Initiative grant funds (SUASI), \$2.8 million from State Homeland Security Grant Program, and \$3.0 million from 2005 Urban Area Security Initiative (UASI) funds.

Current radio communications systems in Alameda County are:

VHF/UHF	800 MHz Trunked System – Motorola Based	800 MHz Trunked System – M/A-Com Based
Albany Hayward Berkeley Coast Guard Federal Bureau of Investigation California Highway Patrol California Department of Forestry Emeryville Police	Alameda County Fremont Alameda Union City Newark San Leandro Dublin Livermore/Pleasanton Univ. California Berkeley East Bay Municipal Utility District CalTrans Lawrence Livermore Lab	BART Oakland including: Piedmont Emeryville Fire Port of Oakland

As part of its investigation into Alameda County's participation in the proposed EBRCs, the Grand Jury reviewed written reports by the following:

- (1) The National Task Force on Interoperability: "Why Can't We talk?" (2003);
- (2) Motorola Corporation: "Communications Planning and Coordination for Emergencies" (2004);
- (3) Public Safety Radio Strategic Planning Committee Statewide Integrated Public Safety Communications Strategic Plan, Version 6 (January 1, 2007 draft);
- (4) Draft Joint Exercise of Powers Agreement for the East Bay Regional Communications System Authority (March 21, 2007);
- (5) CTA Communications: "East Bay Regional Communications Systems Final Draft Design Evaluation Report" (March 20, 2007);
and
- (6) A large collection of newspaper and other media reports.

In addition, the Grand Jury heard from and questioned technical experts and knowledgeable representatives from the JPA, UASI, SUASI, and the Alameda County Sheriff's Office, as well as one police chief, the Sheriff, and Fire Chief of Alameda County.

Contra Costa County hired an independent consultant, CTA Communications (CTA), to look for fatal flaws and to evaluate projected costs of the Motorola system from Contra Costa's point of view, but not to make comparisons with possible alternatives. The review was completed on March 20, 2007. No fatal flaws were found; however, CTA expressed some disagreement over costs. Perhaps, most significantly for Alameda County, CTA suggested as a cost saving measure for Contra Costa County, that perhaps the City of Richmond's radio system users could save money by purchasing M/A-Com subscriber equipment that is P25 compliant and therefore compatible with the EBRCs's proposed system. Further, Richmond might even upgrade its system in accordance with the InterSubSystem Interface (ISSI) recently introduced by the P25 standards

committee, and become the West County simulcast cell. This would “preserve the infrastructure that those cities have built and paid for.”

CTA also recommended that P25 equipment be purchased which covers both the 700 and 800 MHz bands so that 700 MHz frequencies will be accessible when that spectrum becomes available in 2009. Finally, CTA recommended, in purchasing equipment, that Contra Costa anticipate Phase-2 of P25, due in 2009 or 2010, which will double the capacity of the present P25 Phase-1 system. The report showed that the two counties have different requirements for compatibility. Contra Costa uses simulcast cells, and Alameda County requires compatibility with existing equipment in its SmartNet system.

While the Grand Jury received no presentation on the applicability of CTA cost savings and upgrade recommendations to the systems in Alameda County, a comparable analysis of those systems might be useful, especially in light of the potential for backward compatibility presented by the new P25 ISSI standards. In late April 2007, Alameda County officials requested assistance from the Department of Homeland Security to provide design review of the EBRCs. It is suggested that future Grand Juries monitor the results of that review.

Both national and state reports were in general agreement that governmental organizations created to improve interoperability should develop a vision with specific supporting goals and objectives. The decision-making process should include as many affected jurisdictions as possible, rely on their assessment of local needs and vulnerabilities, enhance communication, coordination, and cooperation among them, provide for dispute resolution, and prevent turf wars. Both of these reports also agreed that moving directly to an optimum system at their respective level is not financially feasible, and that solutions must be found which allow affected jurisdictions to “leverage existing systems while migrating gracefully but expediently to the ideal.” The California Statewide Integrated Public Safety Communications Strategic Plan emphasized that training and exercises that practice communications interoperability are essential to ensuring

that the technology works and that responders use it effectively during emergency operations.

The goal of promoting wide membership in order to facilitate public funding would seem to argue for inclusion, or at least provision for collaboration and coordination with as many potential members and subscribers as possible. There is conflicting information on the extent of inclusion and coordination prior to adopting the JPA. Whatever the case, from here forward, every attempt should be made to be as inclusive as possible.

The Grand Jury believes that the ultimate goal of radio communications interoperability is worthy, particularly in view of the Bay Area's susceptibility to flood, fire, major earthquake, and possible terrorist attack. Once individual cities have the opportunity to decide whether to join the JPA, future Grand Juries should closely monitor the cost of the EBRCS and its implementation. While there is a general, although not unanimous, feeling that high levels of interoperability are desirable for disasters such as 9/11 and Katrina, a lesser degree of capability may be sufficient for day-to-day police and fire operations. Federal grants should be aggressively pursued. Independent cost analysis should be obtained to determine if there are costs savings. Competitive bidding should be utilized. Comprehensive operating procedures including training and regularly scheduled exercises should be developed.

Ultimately, the public will benefit from a truly inclusive JPA that will provide the capability to deal at an acceptable level with major disasters anywhere in the Bay Area, as well as ongoing daily interactions in local jurisdictions. This system will hopefully include the potential for long range integration into a statewide system, backward compatibility allowing cities to enter the system using present equipment effectively, and a capability to upgrade to the ideal level, as local conditions and financial circumstances permit.

BERKELEY PUBLIC LIBRARY

The Grand Jury received a complaint related to an outside vendor contract with the Berkeley Public Library. The vendor, Checkpoint Systems, Inc. (Checkpoint) was to provide products and services including software, hardware and training in the use of an automated checkout system. While the library is generally satisfied with the installation of the new Checkpoint system, its procurement and management of the Checkpoint contract raises concerns about the library's lack of policies and procedures. For this reason, the Grand Jury reports on the library's experience with the Checkpoint contract.

The Grand Jury reviewed volumes of documents, and interviewed the Chairperson of the Board of Library Trustees (BOLT) and key library and City of Berkeley personnel. A five-member volunteer board governs the Berkeley Public Library. Pursuant to the Berkeley City Charter, the library is fully independent from the City of Berkeley in its decision-making powers. Section 30 of the City Charter reads:

Five Library Trustees shall be appointed and may be removed by a vote of five members [of the City Council]. The Board of Library Trustees shall have power to manage the library and to appoint, discipline and dismiss all officers and employees of the library.

The Berkeley Municipal Code provides that BOLT has the power to purchase necessary books, journals, publications and other supplies and personal property. The City Manager, who oversees all other boards and commissions, has no oversight authority over the operations of the library. Further, the library is not subject to the policies and procedures promulgated by the City of Berkeley, including controls on the manner in which expenditures over \$25,000 can be made.

Library operations are funded primarily by a voter-approved parcel tax. Each year, the City Council determines the rate of the parcel tax and the library receives additional funds from various grants, the Library Foundation, and private donors.

CONTRACT HISTORY

In January 2004, the library issued a Request for Proposal (RFP) for an automated checkout system using radio frequency identification devices (RFID). It received five responses. On April 14, 2004, BOLT voted to authorize the Berkeley Public Library to enter into a contract with Checkpoint in the amount of \$643,000. The library chose Checkpoint in part because it had installed more library automated systems than any other company. Of the \$643,000, \$500,000 was financed through a bond, and \$143,000 came from existing fiscal year 2004 library budget monies. BOLT approved the vendor and financing terms unanimously. The library then entered into a contract with Checkpoint on June 24, 2004, which required payment of the entire \$643,000 within 30 days. This was the largest vendor contract in the library's history.

The contract provided that "Checkpoint Systems, Inc. [would] deliver, install and make operational the intelligent library system (RFID technology) at the Berkeley Public Library." The term of the contract was to begin on July 1, 2004 and end on December 31, 2005. The contract also provided that it could be extended by written notice and that it had a one-year warranty on all parts and labor. According to the terms of the contract, Checkpoint was to have delivered, installed, and made operational this system and to have completed training by December 31, 2005.

During the term of the contract, the library did not hire or assign a person to oversee and manage the implementation of this contract nor did it request assistance from the City of Berkeley that has resources to manage and oversee a contract of this size and nature. Additionally, the library's financial manager was

assigned to work at the City of Berkeley's housing authority and therefore was unavailable to manage the contract. As a consequence, documentation and management of the project was woefully inadequate.

As of the writing of this report, the library was using the automated checkout system which was generally working. The new executive director is working with members of her staff and with Checkpoint to improve the system.

The Grand Jury restates that it is concerned about the library's lack of policies and procedures for procurement and management of large contracts. It bears repeating that the City of Berkeley has sufficient resources, policies, procedures and expertise in place to manage a contract of this magnitude. The library is not obligated nor has it historically asked for assistance from the City of Berkeley because it seems to value the independence granted to it by the Berkeley City Charter.

In this case, the library may have been lucky that significant contract disputes with Checkpoint did not develop. Use of proven policies and procedures exist to prevent contract compliance issues. Had the library managed this contract properly, it would have obtained assistance on (i) negotiating the terms of the contract, including the timing of payments, (ii) day-to-day management (particularly in a technology context), (iii) scheduling of delivery of services, equipment and training, (iv) contract compliance, and (v) adequate documentation, to name a few.

The Board of Library Trustees must realize that adopting proven procedures available through the City of Berkeley in the use of public funds gives the public the assurance that those funds are being managed properly. Its current laissez-faire approach to managing such large contracts is not in the public's best interest.

RECOMMENDATIONS

RECOMMENDATION 07-04:

The Board of Library Trustees (BOLT) adopt the City of Berkeley's current policies and procedures for entering into and managing procurement contracts.

RESPONSES REQUIRED

BOLT (Board of Library Trustees)

Recommendation 07-04