



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Christopher M. Moore
Jennifer A. Maguire

SUBJECT: SEE BELOW

DATE: August 1, 2011

Approved

Date

8/9/11

Council District: City-Wide

SUBJECT: ACCEPTANCE OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) FY 2011 INTERNET CRIMES AGAINST CHILDREN (ICAC) CONTINUATION GRANT PROGRAM AND ADOPTION OF APPROPRIATION ORDINANCE AND FUNDING SOURCES RESOLUTION AMENDMENTS IN THE GENERAL FUND

RECOMMENDATION

It is recommended that the Council:

- (a) Adopt a resolution accepting the FY 2011 Internet Crimes Against Children Continuation Grant in the amount of \$392,960 and authorize the City Manager to execute the Grant Agreement and all related documents.
- (b) Adopt the following Appropriation Ordinance and the Funding Sources Resolution amendments in the General Fund:
 - 1.) Establish a city-wide appropriation to the Police Department for the FY 2011 Internet Crimes Against Children Continuation Grant in the amount of \$392,960; and
 - 2.) Increase the Earned Revenue Estimate from the Federal Government by \$392,960.

OUTCOME

The Council's approval of this recommendation will provide continued funding for the Internet Crimes Against Children (ICAC) Task Force to train, investigate and allow for the prosecution of child predators.

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BACKGROUND

Since 1976, commercial child pornography has grown and become more sophisticated as the technology to reproduce and distribute pornography has developed. The internet has enabled child predators to form clubs and other organizations to expand their exploitation of children. The internet provides predators easier access to children and it allows them greater anonymity. Law enforcement very quickly recognized the danger these predators posed to children and began efforts to combat their activities. The Office of Juvenile Justice Delinquency and Prevention (OJJDP) began development of nationwide law enforcement training on child sexual exploitation in the early 1980s.

In February 2003, the San José Police Department applied for and was awarded its first ICAC grant from the United States Department of Justice (USDOJ). Since that time, the Police Department has applied for and received several ICAC continuation grants. ICAC grant funding has provided overtime, equipment, and vehicles for investigations; training of investigators; and host two national ICAC conferences. Funding has also provided equipment and training for investigators from 11 Bay Area counties who participate in the Silicon Valley ICAC Task Force. Investigators from the San José Police Department, Child Exploitation Detail (CED) were instrumental in developing the first series of nationwide investigative trainings for ICAC.

The CED is the Bay Area's primary investigative resource because it has already received extensive training in identifying and arresting child sexual predators that use modern technology to harm children. The CED offers its expertise in undercover investigations of internet crimes against children and assists other jurisdictions throughout the Greater San Francisco Bay Area to develop protocols for use in these types of investigations. Additionally, the CED works with the U.S. Attorney General's Office in San Francisco, the California Department of Justice, and the Santa Clara County District Attorney's Office to maintain a formal Greater San Francisco Bay Area Task Force. The ICAC Task Force gathers and shares intelligence and investigative information, and provides law enforcement, prosecution and community training to all jurisdictions within the region.

In March 2011, the Police Department submitted an application to the USDOJ to continue its work in the area of ICAC.

ANALYSIS

The Police Department has been awarded the FY 2011 Internet Crimes Against Children Continuation Grant in the amount of \$392,960. The grant term is April 1, 2011 through March 31, 2012. This grant will fund activities as they relate to the SVICAC program including salaries, training, supplies and equipment.

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The following list provides information on the budget for the 2011 Internet Crimes Against Children Continuation Grant as approved by the OJJDP. These estimates are subject to reallocation and/or change over the course of the grant term. However, the total grant amount to the City will remain the same.

1. Reimbursement to the City of San José's Police Department for overtime costs for officers and the ICAC Sergeant to support the ICAC program and its functions as well as salary, benefits, and overtime for 10% of one Analyst II position to support the ICAC program. (\$140,227)
2. Reimbursement to the City of San José's Police Department for funding to support travel costs for ICAC investigators and ICAC Sergeant to attend trainings and Quarterly meetings directly related to ICAC functions. Reimbursement also includes maintenance and operating costs for the 3 undercover ICAC vehicles. (\$59,358)
3. Reimbursement to the City of San José for supply items including but not limited to: hardware and software upgrades, printer cartridges and paper, Apple Forensic computers and Garmin GPS devices. (\$93,265)
4. Funds are being provided for 50% salary and benefits costs for one Santa Clara County Sheriff Detective to conduct ICAC related case work. (\$79,595)
5. Reimbursement to the City of San José for other costs which include Guidance Software class registration, undercover mobile internet access and Nextel Cellular phone services. (\$20,515)

Budget Category	Budget Amount
A. Personnel & Fringe Benefits	\$140,227
B. Travel	59,358
C. Equipment	0
D. Supplies	93,265
E. Contracts/Consultants	79,595
F. Other	20,515
Total Project Costs	\$392,960

EVALUATION AND FOLLOW-UP

No additional City Council action is expected for this grant.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This memorandum does not meet any of the above criteria, but it is posted on the City's website for the August 23, 2011, Council agenda.

COORDINATION

This memorandum has been coordinated with the Department of Planning, Building and Code Enforcement and the Office of the City Attorney.

COST SUMMARY/IMPLICATIONS

Maintenance and operating costs for the three undercover vehicles are funded through the end of the grant cycle of March 31, 2012. In subsequent ICAC grant applications, the Police Department will request funding for the ongoing maintenance and operation costs of these three undercover vehicles. Electronic and mechanical equipment such as computers, televisions, DVD players, and cell phones may have minor maintenance, repair or monthly service charges in the future. These expenses beyond the grant term will be absorbed in the Police Department's existing non-personal base budget.

This project is being funded by the Office of Juvenile Justice and Delinquency Prevention. There is no cash or in-kind match requirement with this grant. If grant funding is discontinued, alternate funding for this program would need to be considered.

CEQA

Not a Project, File No. PP10-066 (g.), Grant Agreements and MOUs.

/s/

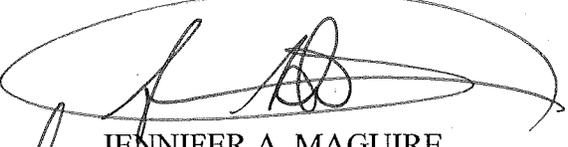
CHRISTOPHER M. MOORE
Chief of Police



JENNIFER A. MAGUIRE
Budget Director

For questions please contact Marty Jo Luis, Grants Analyst, at 408.537.1633.

I hereby certify that there will be available for appropriation in the General Fund in the Fiscal Year 2011-2012 monies in excess of those heretofore appropriated therefrom, said excess being at least \$392,960.



JENNIFER A. MAGUIRE
Budget Director