THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH ROCK FORENSIC FIREARMS CONSULTING

RECOMMENDATION

It is recommended that the City Council approve by motion an amendment to the Firearms Examiner Contract with Rock Forensic Firearms Consulting in an amount not to exceed $134,000 for services through June 30, 2015.

Summary

For the last three years, the Stockton Police Department, in partnership with San Joaquin County, established the Firearms Reduction Consortium (FRC). The intent of the FRC is to combine resources county-wide to reduce firearms violence. A key component to the success of this consortium is the services of a Firearms Examiner, who is able to confirm through a microscope that a bullet casing found at a crime scene was fired from a confiscated or recovered firearm. This type of confirmation not only places guns at crime scenes, but based on other information from where the gun was recovered and what happened at the crime scene, often leads to identifying potential suspects, arrests, and ultimately is used as evidence by the District Attorney.

After unsuccessful recruitment efforts, the Stockton Police Department contracted with Rock Forensic Firearms Consulting in January, 2013 to provide the services of Firearms Examiner. Since that time, lead consultant Rocky Edwards has formally established a regional Firearms Unit within the Police Department’s Evidence Identification Section by training employees from both Stockton Police and San Joaquin County Sheriff’s Office, identifying necessary equipment, and testifying for the District Attorney’s Office as an expert witness in firearms examination.

DISCUSSION

Background

The Police Department was allocated a Firearms Examiner position in Fiscal Year 2011-12 as part of the Firearms Reduction Consortium (FRC) created in partnership with San Joaquin County using the Edward Byrne Memorial Justice Assistance Grant (JAG). The intent of the FRC is to combine resources county-wide to reduce firearms violence and includes funding for a full-time Firearms Examiner as well as funding overtime for gun-related joint-agency missions, ballistics software and hardware upgrades, and training.

The Police Department was not able to attract a full-time candidate due to the level of expertise, training, and experience necessary to meet the City’s requirements and the relatively small pool of qualified persons. Typically, firearms examiners privately contract for work and are paid at a higher
rate than what would be offered to a full-time employee. An additional barrier to attracting candidates is the requirement that they have sufficient experience and training as a firearms examiner in order to qualify as an expert witness in court. Without that level of expertise, Stockton would continue to incur costs and expend time submitting evidence to the Department of Justice for forensic analysis.

The most cost effective option was to hire a consultant to meet the Department’s need and, at the same time, provide valuable training for the other Firearms Unit staff. Accordingly, the City entered into a contract with Rock Forensic Firearms Consulting for these services. The company’s lead Examiner, Rocky Edwards, is a highly qualified expert based in Santa Ana, CA. The FRC has successfully used the services of Rock Forensics Firearms Consulting for the last eighteen months. The volume of gun related crime scene evidence that has been processed in that short time has tripled the level previously completed when evidence had to be sent out to the Department of Justice lab. Approximately six of the early cases worked are now at the pre-trial stage in prosecution, and Mr. Edwards’ expert witness testimony is just now being used with great success. The services of a qualified Firearms Examiner would advise the Department on the most efficient software, process, and equipment needed to reduce backlog and maintain pace with firearm crimes.

In addition to providing examination services, Rock Forensics Firearms Consulting has identified and helped procure additional equipment for the Firearms Unit, such as a ballistics microscope and communication devices geared towards remote confirmation, streamlining reporting, and improving the Firearms Unit’s skills and knowledge of firearms and ballistics. Rock Forensics Firearms Consulting has also facilitated additional connections between Stockton Police Department and BAIR Analytics for crime analysis software and also with GunOps, which graphically connects crimes where a common firearm was identified.

Present Situation

The members of the FRC recently met and were presented with the 2013 Annual Report from the Firearms Unit, which demonstrated the statistics of ballistic confirmations by jurisdiction, the success of the joint agency firearm reduction missions, and demonstrated GunOps and the Firearms Unit equipment used for identification and remote confirmation on the bullet casings. The FRC voted to continue allocating its Byrne Justice Assistance Grant funding to the FRC for the next three years and included providing funding for a contract extension with Rock Forensics Firearms Consulting.

Findings

The Stockton Municipal Code Section 3.68.070 allows for exceptions to the competitive bidding process in cases where the City Council has adopted findings which support and justify the exceptions. The findings for contracting with Rock Forensics Firearms Consulting are as follows:

1. The Police Department does not have adequately trained or certified staff to provide confirmations or expert witness testimony in court and must contract for those services.
2. Rock Forensics Firearms Consulting is an internationally recognized expert in the field of firearms and toolmark examination.
3. Rock Forensics Firearms Consulting brings 25 years of experience in running a municipal law enforcement firearms identification unit.
4. Rock Forensics Firearms Consulting has testified as a court expert in several jurisdictions, including in federal court.
5. Without a contract in place, the Department does not have the ability to control the length of time an outside lab would take to process the same evidence or the priority given to the assignment.

FINANCIAL SUMMARY

All activities of the FRC have been funded through the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG). The proposed Contract Amendment with Rock Forensics Firearms Consulting will be funded with combined grant allocations from 2012 and 2013. The following accounts have sufficient budget available for the proposed contract amendment:

<table>
<thead>
<tr>
<th>Grant Allocation</th>
<th>Account Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012 JAG</td>
<td>025-6472-530</td>
<td>$69,554</td>
</tr>
<tr>
<td>2013 JAG</td>
<td>025-6481-530</td>
<td>$64,446</td>
</tr>
<tr>
<td><strong>Total Amount:</strong></td>
<td><strong>025-6472-530</strong></td>
<td><strong>$134,000</strong></td>
</tr>
</tbody>
</table>

This Amendment will have minimal impact to the General Fund as these grant funds are received on a reimbursement basis.

Attachment A - Third Amendment to Professional Services Agreement