

# CITY OF OAKLAND

## AGENDA REPORT

OFFICE OF THE CITY CLERK

2007 JAN 23 PM 9:10

**TO:** Office of the City Administrator  
**ATTN:** Deborah Ederly  
**FROM:** Police Department  
**DATE:** January 23, 2007

**RE: A Report from the Chief of Police on Current and Future Staffing Issues Facing the Oakland Police Department Crime Laboratory**

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### SUMMARY

At the December 12, 2006 Finance and Management Committee meeting, the Committee directed staff to prepare a report detailing current and future staffing issues facing the Crime Laboratory. This report provides a comprehensive summary of those issues and will address the following areas of concern:

1. Latent Print Comparison Unit
2. Forensic and Biology Unit
3. Firearms Examination Unit

As a part of the FY 07-09 budget development process the Department will request funding for six additional staff to meet current caseload, reduce backlogs, make full, systematic use of forensic databases on meritorious cases and strengthen the Laboratory's quality assurance program.

### FISCAL IMPACT

This is an informational report.

Funding for current staffing, including three additional staff members for the DNA program, has been allocated in the Department's General Fund budget. As a part of its 07/09 Budget Proposal, the Department will request funds to employ six additional staff members for the Laboratory. The six positions will cost \$674,905.78 annually and, enable full systematic use of all three forensic databases, reduce standing backlogs in major Criminalistics units, improve case turnaround times, provide sufficient redundancy of skills to prevent further disruption/loss of services, and strengthen the Laboratory's quality assurance program. An additional \$100,000 will be requested to fund increased Operating and Maintenance costs of the new staff. These positions are discussed in detail in this report. Trends in forensic science in the long term will have additional, undetermined fiscal consequences.

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## **BACKGROUND**

The Criminalistics Laboratory has traditionally provided physical evidence analysis services in the areas of solid dosage drug analysis, forensic biology and DNA analysis, forensic firearms analysis, latent print development, comparison and identification. The Laboratory also provides specialized crime scene services and, has been accredited by the American Society of Crime Laboratory Directors Laboratory Accreditation Board (ASCLD/LAB) since 1983. The Oakland Police Department Crime Laboratory was the first forensic laboratory in the state and the fourth in the nation to be accredited.

As a result of prolonged delays in properly classifying and funding Latent Print Examiners, the Latent Print Comparison Unit was closed in May 2006. Due to lack of technical staff it will remain closed until the Latent Print Examiner classifications are established and two staff members are recruited and hired. Progress is being made to fill the other eight vacancies in the Laboratory.

## **KEY ISSUES AND IMPACTS**

### *The Current Situation*

If emerging forensic science trends are pursued by the Department, such as digital and multimedia evidence (i.e., computer based/electronic evidence), expansion of DNA technology to volume crimes, and improvement in crime scene services, future staffing implications may result (as detailed in this report to the extent known).

The forensic laboratory facility is over 40 years old and is inadequate in almost every respect when compared to modern forensic laboratory design standards. Serious consideration should be given to funding and building a new forensic science laboratory in order to improve services, and safeguard the quality of laboratory work and its impact on criminal investigations. The Department will resubmit a request to fund a new Forensic Laboratory facility as part of the City's FY 07-09 Capital Improvement Program proposal. A previous request for facilities improvements of the Laboratory was not funded.

The Criminalistics Laboratory currently has 24 FTE positions, 10 of which are currently vacant. As a result of the 2006 mid-cycle budget adjustments, two profound changes to Lab staffing occurred:

- (1) Six positions (5 Criminalist IIs and 1 Assistant Criminalist) that had been funded for many years by grants were added to the Department's General Fund budget, bringing General Fund staffing from 15 to 21 allocated positions. These six positions included four positions for the DNA Unit and two positions for the Latent Print Unit.
- (2) Three additional Criminalist II positions were specifically added to supplement the DNA Unit, bringing General Fund staffing to 24 allocated positions. These positions are expected to enable analysis of all sexual assault kits collected by the Department.

Staff is distributed among the following classifications:

**Table 1. Crime Laboratory Staffing**

<b>Classification</b>	<b>Authorized</b>	<b>Vacancies</b>	<b>Affected Units</b>
Assistant Criminalist	2	0 <sup>1</sup>	
Criminalist II	14	7 <sup>2</sup>	Firearms: 2 DNA: 4 Drugs: 1
Latent Print Examiners	2	2	Latent Prints
Criminalist III	3	1	Firearms
Police Evidence Technician	1	0	
Office Assistant II	1	0	
Crime Lab Manager	1	0	
<b>Total</b>	<b>24</b>	<b>10</b>	

<sup>1</sup> These two positions are filled by provisional appointments. The appointees must test to keep these positions.

<sup>2</sup> Two additional Criminalist II positions are filled by provisional appointments. These appointees must test to keep these positions.

*Vacancies*

**Latent Prints Unit:** The Latent Print Comparison Unit has been closed since May 2006 when the last of three examiners resigned. Two of the three examiners were Exempt Limited Duration Employees funded by grant funds, and had been so funded for several years at the time of their departure. As a result of a renewed effort which began in October 2005, the Personnel office is working with the Department to establish the Latent Print Examiner series. The classification descriptions were heard by the Civil Service Commission on January 4, 2007. Once the classification and salary are established, staff can begin the recruitment, testing and hiring phase of the work and re-open the Unit. It is not realistic to expect the recruitment to be completed before the end of the current fiscal year.

In the interim, latent print casework on high priority cases is being conducted by the Contra Costa County Sheriff's Office Crime Laboratory. However, the Department does not have an agreement in place that permits spending more than \$4,999 with this agency. An MOU and purchase order in an amount not to exceed \$49,999 is being drafted by OPD Fiscal Services Division and will be submitted to the City Administrator for approval.

*Criminalistics Units*

Table 1 (page 3) identifies the eight vacant Criminalists positions and the affected casework units. Vacancies in existing positions have accumulated since October 2004. Four of these

vacancies are the result of retirements; one is the result of a resignation; and the remaining three are new allocations to the DNA program, as of July 2006.

### *Recruitment Efforts*

Since July 2006 considerable effort has been directed at filling the Criminalist vacancies. Both OPD and City Personnel staff have worked diligently to attract and fill the positions. Human Resources Analyst Alicia Gonzales deserves special recognition for her excellent work and dedication to helping the Department achieve its goals of attracting the best candidates.

### *Assistant Criminalists (Criminalist I)*

The recruitment period for openings in this classification began on August 7, 2006. It was originally scheduled to close on August 25<sup>th</sup>, but was extended until September 8<sup>th</sup> to strengthen the applicant pool. A total of 80 applications were received. These were reviewed and approximately 40 candidates were invited to advance to the next phase of the process. A written and oral examination was given on October 30 and 31, 2006. Interviews and comprehensive background investigations will be conducted before selections are made. Selected candidates will fill one vacancy in the Drug Analysis Unit and one in the Forensic Biology Unit. These positions are currently filled by provisional appointments, and both of the appointees tested to retain these positions. Selections are expected to occur by the end of January 2007.

### *Criminalist II*

The recruitment period for positions in the Biology and Drug Units opened on September 25, 2006. It was originally scheduled to close on October 20<sup>th</sup>, but was extended to November 3<sup>rd</sup> to improve the applicant pool. Out of 31 applications received, 13 candidates will undergo written and oral examinations on January 10, 2007. Once a candidate list is available, interviews will be scheduled. Two of the positions in the DNA Unit are filled provisionally and these appointees plan to apply for the positions. Depending on the length of time necessary to conduct background investigations, staff should be on board before the end of March 2007.

Recruitment for Criminalist II Firearms Examiners vacancies was conducted in October and November. The Department was not successful in attracting qualified candidates, as individuals with the requisite skills are in short supply nationwide. Recruitment will recommence in 2007, after doing outreach at the National Forensic Science Conference.

### *Criminalist III*

As of December 15, 2006 there is a supervisor vacancy in the Firearms Unit due to retirement. The Department expects to fill this position internally by promotion. In the interim, a retiree has agreed to work part time in the Firearms Unit as a temporary contract worker until the openings are filled.

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### *Staffing Needs Going Forward*

As Forensic Science in the last 20 years has been enhanced in forensic databases and DNA technology, trained staff is needed to effectively utilize these tools. For forensic scientists these tools are essential to solving cases from physical evidence. Both enhancements have helped to solve cases that would not have been solved by traditional investigative techniques, and in many instances, linked to other crimes. Both trends have dramatically increased the number of cases that could be solved, thus increasing the Laboratory's workload and changing the function of the Laboratory to an investigative enterprise in its own right.

The City currently maintains three types of forensic databases:

- CALID/IAFIS<sup>1</sup>: A network of local, state, and national fingerprint databases that contain the known prints of millions of arrestees and registrants. It is used to identify persons, and latent prints left at crime scenes or recovered from physical evidence in the Laboratory.
- CODIS<sup>2</sup>: A network of state and national DNA databases containing the DNA profiles of millions of offenders. States determine the eligibility of individuals in CODIS. Many states, including California, are moving or have moved to include arrestees in these databases. The database also contains profiles of forensic evidence samples. Forensic samples can be linked to offenders or to other offenses in a database query.
- IBIS/NIBIN<sup>3</sup>: A network of local and regional firearms evidence databases containing the digitized images of individualized markings from fired components such as bullets and cartridge cases. These databases are used to determine whether shooting incidents were carried out by the same weapon or by a specific weapon of interest in the possession of law enforcement.

The Criminalistics Laboratory moved early on to acquire these tools. The Department participated in CALID beginning in the mid-1980s and acquired the technology in-house in 1987, and was also selected from among other local laboratories by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to receive an IBIS workstation in 1995 and began using this tool to develop leads in shooting related crimes ahead of all other California laboratories.

Databases are commonly perceived as a means of using a computer to do work that was previously done by people. In the case of forensic databases, that is a misperception. Human work has not been replaced by the computer. Humans must select the evidence to be included in the database and supply that data to it, including data from cases that would not otherwise be *worked* if a traditional investigative approach was the only approach pursued. Consequently, databases require additional human resources to supply data, confirm or refute associations made by the computer, and publish reports to investigators. Databases have effectively increased the laboratory's workload. With the notable exception of the 2006 mid-cycle allocations of three

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<sup>1</sup> State of California Finger Identification Network/ Integrated Automated Fingerprint Identification System

<sup>2</sup> Combined DNA Index System

<sup>3</sup> Integrated Ballistics identification System/National Integrated Ballistic Identification Network

Criminalists to enhance DNA-related services, the Lab has not received staffing increases that would permit the full, systematic use of these tools. Accordingly, staff is required to ensure the Department's ability to solve cases.

**1. Near Term Considerations:** Near term staffing goals are aimed at enabling full, systematic use of all three forensic databases, reducing standing backlogs, improving case turnaround times, providing sufficient redundancy of skills to prevent further disruption/loss of services, and strengthening the Laboratory's quality assurance program. Six FTE positions, with an annual cost of \$674,905.78, have been identified for these purposes and will be submitted for consideration as part of the Department's FY 07-09 budget requests.

<i>Unit: Latent Print Comparison - Priority: 1</i>		
<i>Position Request</i>	<i># FTE</i>	<i>Annual Cost</i>
Latent Print Examiner III	1	\$131,274.23
Latent Print Examiner II	1	\$113,424.08
Operating and Maintenance		\$50,000.00
<p><b>Justification:</b> The Latent Print Unit currently has funding for two Latent Print Examiners. Because any identification must be verified by a second, independent examiner, this level of staffing represents the bare minimum needed to keep the Unit open. If one staff member is lost, the Unit will become ineffective and close again. Four FTEs are needed to address the caseload, ensure reasonable case turnaround, and provide sufficient redundancy to prevent closure of the unit. The Latent Print Examiner III position will provide much needed technical oversight and supervision of the Unit as well as working cases. This level of staffing should permit examination of all computer searchable prints in CALID (average of 625/yr), instead of the 30-50% typically examined, and allow efficient analysis of all named comparison requests with realistic turnaround times that meet the needs of our customers in days rather than months : two weeks for routine comparison cases, one week for routine CAL-ID queries, thirty days for latent print development cases. This staffing should also provide the ability to respond to "rush" requests in high priority cases in 24-48 hours.</p>		

<b>Unit: Quality Assurance/Laboratory Management Support - Priority: 2</b>		
<b>Position</b>	<b># FTE</b>	<b>Annual Cost</b>
Criminalist III	1	\$137,831.46
Operating and Maintenance		\$20,000.00
<p><b>Justification:</b> The Laboratory is accredited by the American Society of Crime Laboratory Directors Laboratory Accreditation Board (ASCLD/LAB). Accreditation is required to qualify for federal funds and to maintain access to state and federal forensic databases, such as the DNA database and CODIS. With a staff of 24 FTE, the Quality Assurance Program is now of a size that it requires a full-time supervisor attending to this endeavor. The duties associated with ensuring the quality of our work product have expanded over the years and will continue to expand. They include continuous update of laboratory policies and procedures to meet evolving accreditation requirements; identification/importation of best practices in the field; validation of new technology; performance of annual audits of the Security, Safety, Internal Quality System and casework program areas to achieve continuous improvement; oversight of the laboratory proficiency testing program, testimony monitoring program and training programs; corrective action assignment and monitoring; compliance with national DNA quality assurance audits; and preparation for periodic ASCLD/LAB accreditation inspections. This staff member will also be responsible for readying the Laboratory for accreditation under internationally recognized quality assurance requirements (ISO standards) by 2012.</p>		

<b>Unit: Chemical Analysis Unit (includes drug analysis) - Priority: 3</b>		
<b>Position</b>	<b># FTE</b>	<b>Annual Cost</b>
Assistant Criminalist	1	\$100,764.80
Operating and Maintenance		\$10,000.00
<p><b>Justification:</b> Would bring staffing in this unit to four FTE. This level of staffing would ensure that 24 hour turnaround in the analysis of 3,000 drug cases per year can be maintained, provide sufficient redundancy to support this volume crime area, permit re-establishment of fire debris (arson) analysis capability, provide additional support in the array of duties associated with drug evidence custodial responsibilities. The Criminalistics Laboratory is the Department's custodian of all seized drug evidence and manages evidence in more than 20,000 drug cases at any given time.</p>		

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<i>Unit: Firearms - Priority: 4</i>		
<b>Position</b>	<b># FTE</b>	<b>Annual Cost</b>
Criminalist II	1	\$119,096.64
Operating and Maintenance		\$10,000.00
<p><b>Justification:</b> There is currently a backlog of over 400 firearms related requests. Requests are coming in at twice the rate at which they can be addressed. One examiner can work approximately 120 requests per year; therefore, the backlog alone represents full-time work for four full-time examiners. The Criminalist II position will bring the Unit to four FTE Firearms Examiners, which in addition to the Unit supervisor, should be sufficient to keep up with traditional firearms casework requests at the current rate of receipt and enable a 30-day turnaround on all firearms requests.</p> <p>The additional staff will also assist in the processing of weapons for IBIS entry. The Department seizes approximately 1,100 weapons a year; approximately 70% of them are IBIS eligible. One police officer working on an overtime basis as an IBIS Technician has been able to enter approximately 45% (300-400) of the eligible weapons received each year. Currently, many guns are destroyed without being entered into IBIS due to lack of staff. The additional Criminalist II firearms position should enable the unit to enter the balance of the current IBIS eligible weapons. IBIS has been shown to be an effective tool in linking shooting incidents together and in linking those incidents to weapons seized by the Department, thus providing important investigative leads to Homicide and Felony Assault units.</p>		

<i>Unit: Drug and Latent Print Units – Priority: 5</i>		
<b>Position</b>	<b># FTE</b>	<b>Annual Cost</b>
Police Property Specialist	1	\$72,514.57
Operating and Maintenance		\$10,000.00
<p><b>Justification:</b> The Laboratory is the official Department custodian for all drug and latent print evidence. Staff manage custody of latent print lift cards submitted in over 1,400 incidents per year and have an estimated 50,000 latent prints on hand at any given time. Staff also manage seized drugs received in 7,000 cases per year and have on hand more than 20,000 drug cases at any given time. The Lab is responsible for chain of custody on these cases from cradle to grave and for administrative work associated with their destruction. This work is currently done by Criminalists and reduces the amount of time they can devote to casework. The volume of the work requires appropriate full-time support staff to check evidence in and out, triage and arrange for its destruction in accordance with established procedures.</p>		

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**2. Longer Term Considerations:** Near term staffing needs focus primarily on improving delivery of existing Laboratory services in the FY 07-09 timeframe, rather than expanding services. Going forward, it is important to take stock of trends in the forensic sciences, which should be anticipated to meet service needs of the Department. There are several to note:

1. Digital and Multimedia Evidence Services and Questioned Documents: Computers, cell phones, video cameras, to name but a few devices, are pervasive in modern society and all contain potential physical evidence. They require specialized handling procedures to prevent loss of valuable information. The Department does not have a stable provider of these services. Such services have been irregularly and inconsistently provided and do not meet standards established for this forensic discipline. The trend is for such services to be made part of the Forensic Science Laboratory and to be accredited.

Both Digital and Multimedia Evidence and Questioned Documents are recognized disciplines under the ASCLD/LAB. These types of services are estimated to cost approximately \$100,000.00 to start, with an annual operating cost of approximately \$45,000.00.

2. Expansion of DNA Analysis to Evidence in Volume Crimes: The Forensic Science Service in the United Kingdom has long applied DNA technology to evidence in volume crimes, such as burglaries, with astounding success. Hundreds of DNA database hits are reported every week in such cases throughout England, Northern Ireland and Wales. Laboratories in the United States have taken notice and have begun applying DNA technology to the analysis of biological evidence associated with residential and commercial burglaries and auto thefts. DNA profiles developed from such evidence can be searched in CODIS and the responsible party can be identified. Due to staffing, DNA technology is applied almost exclusively to major crimes against persons, although staff has been successful with a handful of burglary cases. If additional applications were perused in Oakland, a significant increase in requests would be anticipated and an increase in personnel would be required. To be most successful, the program would also need to involve training police evidence technicians to improve recognition and collection of useful evidence from crime scenes.
3. Crime Scene Services: The Criminalistics Laboratory engages in crime scene processing in specialized cases. Most crime scene processing is conducted by police evidence technicians working in the Bureau of Field Operations. The quality of physical evidence collection is critical. The Laboratory cannot analyze that which is not collected. Likewise, any analytical work is rendered meaningless if the evidence is compromised before it reaches the Laboratory. The Department has considered consolidating crime scene services under the Laboratory and, should the Department opt to do so, more Laboratory staff will be needed in order to train, supervise and evaluate the quality of the work product of personnel in a 24/7 operation. Crime Scene Services is a recognized discipline for which ASCLD/LAB offers accreditation.

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4. Improved Casework Efficiency: The Criminalistics Laboratory is the official Department custodian for all drug and latent print evidence. There is considerable administrative work associated with maintaining these evidence collections and ensuring their integrity throughout the investigative process. Most of this administrative work is conducted by Criminalists due to the fact that the Laboratory has only one clerical staff member. Additional support staff is needed to conduct this work and free Criminalists to devote more to casework analyses.
  
5. Laboratory Accommodation: The Criminalistics Laboratory is housed in the Police Administration Building on the 6<sup>th</sup> floor in approximately 6,500 square feet of space. The Laboratory was designed in the late 1950s, and was first occupied in 1961. Intended staff size was six and that staff size was achieved in 1977. It will shortly house 24 FTE. The Laboratory is well short of any recognized space standard. Further, the Laboratory was not designed to today's analytical and other engineering standards, and a new Laboratory is needed in order to appropriately accommodate staff. A needs study was conducted in 2002 by a nationally recognized forensic laboratory design firm. They identified a need for 34 staff members to conduct current operations.

Laboratory accreditation is at risk and could be lost if the accrediting agencies were to determine that, given the size and breadth of operations, the space is inadequate to ensure the integrity of physical evidence. In addition, the Laboratory is missing multiple key components that are a normal part of a modern forensic science lab, such as new HVAC systems. Plans for a new Laboratory have been developed based on an improved and expanded forensic service delivery model. The plans call for 109,000 square feet of space to accommodate the Criminalistics Laboratory and Police Evidence Technician operations, including shell space for a new Property and Evidence Division, restore lost forensic services, anticipate future service area needs (such as those described in this report), and provide for at least 40 years of future growth. The current market cost for such a project is estimated at approximately 70 million dollars. Attention should be given to this issue in order to safeguard the quality of Laboratory work and its impact on criminal investigations.

## **PROGRAM DESCRIPTION**

The Laboratory has received support to fill its eight existing Criminalist vacancies. The City's Personnel office forwarded a proposal to the Civil Service Commission to establish a Latent Print Examiner classification. The Civil Service Commission approved the positions on January 4, 2007, and they will be forwarded to the City Council for inclusion in the Salary Ordinance.

The staffing proposed in the *Near Term Considerations* would bring the Laboratory staffing to 30 FTE. It would enable full, systematic use of all three forensic databases, reduce standing backlogs in major Criminalistics Units, improve case turnaround times, provide sufficient redundancy of skills to prevent further disruption/loss of services, and strengthen the Laboratory quality assurance program. It is expected that additional efficiencies will be gained by increasing

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the number of clerical staff and having them assume many of the administrative duties associated with *evidence custodial responsibilities*.

Forensic science trends and their significance for the Department in the longer term will have additional, as yet undetermined fiscal impact. The key areas are (1) digital and multimedia evidence services, (2) expansion of DNA technology to evidence recovered in volume crimes such as residential burglaries, (3) impact of aligning Department crime scene processing services under the Laboratory. This impact will depend on the direction taken by the Department, and how it organizes its forensic services going forward.

#### **SUSTAINABLE OPPORTUNITIES**

**Economic:** A fully staffed Criminalistic Laboratory ensures investigations will be conducted more thoroughly and efficiently. The results include higher solvability and prosecution rates, leading towards a lower crime rate, which promotes economic development and prosperity.

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

**Social Equity:** Many crimes are carried out by a highly recidivistic group of criminals. Prompt identification and successful prosecution of these individuals will reduce and prevent additional crimes from occurring, thus reducing crime in Oakland.


#### **DISABILITY AND SENIOR ACCESS**

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

#### **RECOMMENDATION**

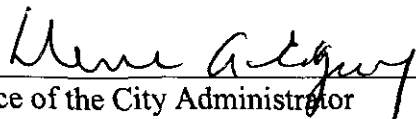
Staff recommends acceptance of this report.

Respectfully submitted,

  
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Chief of Police

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APPROVED AND FORWARDED TO  
THE FINANCE COMMITTEE:

  
Office of the City Administrator

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