

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**To:** Office of the City Administrator  
**Attn:** Dan Lindheim  
**From:** Police Department  
**Date:** September 15, 2009

2009 SEP -3 PM 5: 59

**Re: A Report and Proposed Resolution Authorizing the City Administrator, on Behalf of the City of Oakland, to Accept and Appropriate Grant Funds in an Amount Not to Exceed Five Hundred Sixty-Nine Thousand Dollars (\$569,000) from the U.S. Department of Justice, National Institute of Justice (USDOJ/NIJ), for Implementation of the FY 2009 DNA Unit Efficiency Grant Program, and Authorizing the Hiring of One, Full-Time, Eighteen-Month Limited Duration Professional Staff Position for the Criminalistics Division in the Police Department**

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### SUMMARY

This report and proposed resolution authorizes the City Administrator, on behalf of the City of Oakland, to accept and appropriate grant funds in an amount not to exceed \$569,000 from the U.S. Department of Justice, National Institute of Justice (USDOJ/NIJ), for implementation of the FY 2009 DNA Unit Efficiency Grant Program. The proposed program period is October 1, 2009 through March 30, 2011. The resolution also seeks approval for the hiring of one full-time, eighteen-month limited duration professional staff position to the Department's Criminalistics Division to be funded by the grant for up to eighteen months. The proposed program term is October 1, 2009 through March 30, 2011.

### FISCAL IMPACT

Approval of the proposed resolution will authorize the application, acceptance and appropriation of U.S. Department of Justice, National Institute of Justice grant program funds for the Police Department's FY 2009 DNA Unit Efficiency grant program for the project term October 1, 2009 to March 30, 2011, in an amount not to exceed \$569,000. Funding will be appropriated to the Federal Grant Fund (2112); Criminalistics Division Org. (102610); Criminalistics Division Program (PS05), in a Project Account to be determined. The funding agency requires a twenty-five percent (25%) hard dollar matching funds component. Said matching funds shall be obtained from Proposition 69 Criminalistics Laboratory Forensic Biology Unit funds appropriated to the State of California Grant Fund (2159), Criminalistics Division Org. (102610), Criminalistics Division Program (PS05), Project Account (P386510). The program will be managed by the Criminalistics Division Manager.

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Proposed expense allocations are as follows:

Description and Use of Funds	Amount
Forensic Technician (\$26.38/hour x 1,950 hrs/yr x 1.5 years)	\$77,162
Fringe Benefits – Annual Rate (\$77,162 x 57.43%)	\$44,314
<b>Subtotal: Personnel and Fringe Benefits:</b>	<b>\$121,476</b>
Robot – Cellular Material processing Equipment	\$267,145
DNA Typing Supplies	\$39,479
Computer Software for DNA Mixture Deconvolution	\$65,900
Contractor for LIMS (\$6,250/mo x 12/mos)	\$75,000
<b>Subtotal: Consultants and Operating Expenses:</b>	<b>\$447,524</b>
<b>Total</b>	<b>\$569,000</b>
<b>Mandatory Matching Funds Criminalistics Laboratory Forensic Biology Unit Fund (Proposition 69)</b>	<b>\$142,250</b>
<b>TOTAL PROJECT COST:</b>	<b>\$711,250</b>

Central Services Overhead (CSO) charges associated with the \$77,162 for salary and wages equals \$10,525, based on a 13.64% calculation rate. However, the granting agency specifically disallows indirect costs (CSO). Therefore, the Department requests a waiver for applicable Central Services Overhead charges.

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## **BACKGROUND**

The FY 2009 DNA Unit Efficiency Grant Program was created to assist crime laboratories to evaluate procedures within their Forensic Biology Units and implement protocols that will yield a more efficient use of time and resources. This evaluation could result in the implementation of procedures resulting in more biological evidence being subjected to DNA analyses, and subsequent substantive searches in DNA databases.

## **KEY ISSUES AND IMPACTS**

The Police Department's Criminalistics Division shall utilize the FY 2009 DNA Unit Efficiency grant program funds to further assist in its efforts to:

- Conduct research into the robotic processing of cellular material in association with sexual assault evidence. The scientists conducting this research will be assisted by a Forensic Technician.
- Install and implement a Laboratory Management System (LIMS) that will result in an increase in laboratory data evaluation, tracking, and stream-lining analytical processes. The installation and implementation will require the expertise of an individual familiar with crime laboratory procedures and LIMS systems.

The advent of DNA technology has revolutionized law enforcement's ability to analyze biological evidence at a genetic level; in particular, semen evidence encountered in sexual assaults and homicides with a potential sexual assault. The ability to investigate violent crime cases that have the potential to be solved through DNA analysis is often limited by the resources of police departments. This application of the DNA typing technology to increase the number of violent crimes analyzed with DNA can ultimately lead to the arrest and prosecution of violent individuals.

## **PROJECT DESCRIPTION**

### Efficiency Gains through Automating Differential Digestion

The Department's Criminalistics Laboratory has a very robust differential digestion process utilized in the analyses of sexual assault evidence. Automation of the differential digestion process will substitute robotic liquid handlers, high volume format sample preparation devices, and centrifuges capable of handling these devices, for the time intensive manual steps. The chemical processes will not be changed. The scientist will prepare the sexual assault evidence samples for placement into the plates, using LIMS programming to track sample location. The robot would prepare microscope slides for the cellular material evaluation. This evaluation is

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critical to the subsequent DNA analyses. The robot would continue the differential digestion process which include several digestion and wash steps. As envisioned, this process will still require 12 hours of time. However, efficiency will increase more than fivefold due to the fact that 96 samples will be processed in the same amount of time as is currently required for 18 samples per scientist. The hands-on time of the scientist is also significantly reduced and can be redirected to other tasks that compete for attention, such as starting additional cases, data evaluation, report writing, and court testimony.

#### Efficiency Gains by Maximizing Analyst Time Devoted to Casework

The amount of time spent by scientists conducting routine tasks would be reduced with the aid of a Forensic Technician. Under the direction of a lead scientist, the Forensic Technician would conduct the experiments needed to implement the automated differential digestion process into the laboratory. Additionally, this individual would be responsible for operating the robot during the process in casework once it is fully implemented into the laboratory protocol, further reducing the hands-on time required of the scientist. Aside from the experiments and the actual running of the robot, the technician would take on several non-evidence examination tasks currently performed by scientists. These include preparation and quality control checks of reagents and instrumentation, ordering supplies, preparation of discovery materials for attorneys, and laboratory housekeeping as required by the FBI Quality Assurance Standards.

#### Efficiency Gains through Use of Expert Systems

The amount of time spent by the scientist evaluating DNA typing data, especially complex mixtures, is significant. The expert system software can make the evaluation of complex mixtures more efficient. The efficiency of evaluating such mixtures will be enhanced both in software quantitative evaluations and determining all possible genotype combination.

#### Use of a LIMS to Enhance Efficiency and the Role of the LIMS Coordinator

The laboratory is currently in the process of developing a LIMS system for which we have funding for software and hardware. Funds are being requested to hire a LIMS Coordinator on a part-time contractual basis. The coordinator would be required to have the knowledge of a working forensic science laboratory, knowledge of how LIMS systems operate in the forensic lab environment, and, most importantly, be able to work with the vendor to bring forward a user friendly, comprehensive system for the laboratory.

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## **SUSTAINABLE OPPORTUNITIES**

### **Economic**

Whenever possible, supplies and equipment will be purchased locally.

### **Environmental**

There are no environmental issues associated with this report.

### **Social Equity**

Support personnel and supplies funded by this grant will enhance the Department's ability to analyze biological evidence associated with violent cases.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

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

## **RECOMMENDATION**

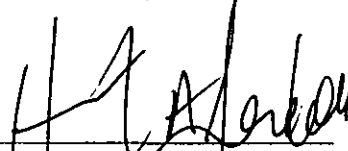
The Oakland Police Department recommends that the City Council authorize the City Administrator to accept grant funds in an amount not to exceed \$569,000 from the U.S. Department of Justice, National Institute of Justice, FY 2009 DNA Unit Efficiency Grant Program. The Department also requests authorization to hire one, full-time, eighteen-month limited duration professional staff position for the Criminalistics Division, and appropriate said funds to the Police Department.

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**ACTION REQUESTED BY THE CITY COUNCIL**


Staff recommends that the City Council approve the resolution.

Respectfully submitted,

  
Howard Jordan  
Acting Chief of Police

Prepared by: Jennifer Mihalovich  
Criminalistics Division  
Bureau of Investigation  
and  
Candice Jessie  
Fiscal Services Division  
Office of the Chief of Police

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

  
Office of the City Administrator

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OFFICE OF THE CITY CLERK  
OAKLAND

## OAKLAND CITY COUNCIL

  
City Attorney

2009 SEP -3 PM 5:59 RESOLUTION NO. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED SIXTY-NINE THOUSAND DOLLARS (\$569,000) FROM THE U.S. DEPARTMENT OF JUSTICE, NATIONAL INSTITUTE OF JUSTICE (USDOJ/NIJ) FOR IMPLEMENTATION OF THE FY 2009 DNA UNIT EFFICIENCY GRANT PROGRAM, AND AUTHORIZING THE HIRING OF ONE, FULL-TIME EIGHTEEN-MONTH LIMITED DURATION PROFESSIONAL STAFF POSITION FOR THE CRIMINALISTICS DIVISION IN THE POLICE DEPARTMENT**

**WHEREAS**, it is anticipated that grant funds in an amount not to exceed \$569,000 shall be awarded by the U.S. Department of Justice, National Institute of Justice (USDOJ/NIF) to support the Police Department's implementation of the FY 2009 DNA Unit Efficiency Grant Program; and

**WHEREAS**, the DNA Unit Efficiency Grant Program was created to assist laboratories in the evaluation of procedures and implementation of protocols within their Forensic Biology Units as a means by which to yield more efficient use of time and resources; and

**WHEREAS**, the grant term for the proposed initiative is October 1, 2009 through March 30, 2011; and

**WHEREAS**, the Police Department's Criminalistics Division requests authorization to hire a full-time, limited duration employee to serve as a Forensic Technician associated with enactment of the proposed initiative; and

**WHEREAS**, the proposed limited duration employee shall provide specialized scientific analyses relating to forensic biology cases within the Criminalistics Division; and

**WHEREAS**, the proposed grant does not allow for indirect costs (Central Services Overhead) charges in the amount of \$10,525, and the Department has requested a waiver of said charges; and

**WHEREAS**, the funding agency requires a twenty-five percent (25%) hard dollar matching funds component as a condition for acceptance of the grant funds; and

**WHEREAS**, said matching funds, in the amount of \$142,250, shall be garnered from the Criminalistics Laboratory’s Forensic Biology Unit Fund, Proposition 69 Fund, uses designated by the State of California for statutorily allowable forensic DNA programs; and

**WHEREAS**, the City Council previously authorized acceptance of the Proposition 69 funds by Resolution No. 82208 C.M.S. dated July 21, 2009; now, therefore be it be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator or his designee to accept grant funds in an amount not to exceed \$569,000 from the U.S. Department of Justice, National Institute of Justice and to increase revenues and appropriate said budget to the Police Department; and be it

**FURTHER RESOLVED:** That said grant funds shall be maintained in the Federal Grant Fund (2112), Criminalistics Division Org. (102610), Criminalistics Division Program (PS05); in a Project Number to be established; and be it

**FURTHER RESOLVED:** That the mandatory twenty-five percent (25%) hard dollar matching funds component in the amount of \$142,250 shall be obtained from the Proposition 69 Criminalistics Laboratory Forensic Biology Unit funds appropriated to the State of California Grant Fund (2159), Criminalistics Division Org. (102610), Criminalistics Division Program (PS05), Project Account (P386510); and be it

**FURTHER RESOLVED:** That Central Services Overhead costs of \$10,525 (13.64%) are hereby waived; and be it

**FURTHER RESOLVED:** That the Police Department’s Criminalistics Division is authorized to hire a full-time, limited duration employee to serve as a Forensic Technician associated with enactment of the proposed initiative; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee is hereby authorized to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the grant award.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

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