

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**To:** Office of the City Administrator  
**Attn:** Deborah Edgerly  
**From:** Police Department  
**Date:** July 12, 2005

2005 JUN 28 PM 3:19

**Re: A Report and Proposed Resolution Authorizing the City Administrator to Accept and Appropriate Grant Funds in an Amount Not to Exceed Three Hundred Sixty-One Thousand One Hundred and Eighty-Five Dollars (\$361,185) from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program, to Supplement Frontline Policing Services by Providing Funding for DNA Analysts and the Purchase of Other Criminalistics Division Supplies in the Police Department**

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### SUMMARY

A resolution has been prepared authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate a grant in an amount not to exceed \$361,185 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program; [formerly the Local Law Enforcement Block Grant (LLEBG) program]. The proposed program period is July 1, 2005 through June 30, 2006. The funds will be used to supplement frontline policing services by providing funding for DNA Analysts and the purchase of other Criminalistics Division supplies.

### FISCAL IMPACT

It is anticipated that the Department will receive federal grant funds of up to \$361,185 for the Police Department's JAG program. Revenues and appropriations will be allocated in the Federal Grant Fund: 2112, Criminalistics Division Org.: 102610; Criminalistics Program: PS05, in a Project Account to be determined. The program will be managed by the Criminalistics Division Manager. The program liquidation period is 90 days following the program end date. There is no match requirement. Expense allocations are as follows:

Description and Use of Funds	Amount
2 Criminalist II/DNA Analysts	\$146,314
1 Criminalist I/DNA Analyst	\$61,879
Fringe Benefits (\$208,193 x 0.4968)	103,430
Central Services Overhead (17.77%)	\$36,995

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DNA STR Typing Kits (\$3,025 per 200 samples) and miscellaneous DNA typing supplies (e.g. quantitation reagents, polymer extraction reagents and supplies).	12,567
<b>TOTAL</b>	<b>\$361,185</b>

Interest earned on the federal portion of the grant must be appropriated to the JAG program and expended in accordance with the approved spending plan. The proposed resolution includes a request for the City Council to appropriate the interest earned to a new Fund to be established by the Budget and Accounting Department

## **BACKGROUND**

For the 10<sup>th</sup> year, the City of Oakland has been awarded funding from the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) program. The JAG program combines the previous Edward Byrne and Local Law Enforcement Block Grant (LLEBG) programs to afford applicant agencies with the flexibility to prioritize and place justice funds where they are needed most.

## **KEY ISSUES AND IMPACTS**

Since October 2000, the Police Department's Criminalistics Laboratory has participated in a state funded grant program known as the Cold Hit Program. The aim of the program was to analyze biological evidence in backlogged, unsolved sexual assault and homicide cases, develop DNA profiles of perpetrators, and search said profiles in state and national databases in order to identify persons responsible for these crimes. The Cold Hit program, and its funding, ended on January 31, 2005.

## **PROJECT DESCRIPTION**

The Cold Hit program was successful beyond our agency's expectations. While final statistics are not yet in, the following achievements were reported as of December 31, 2004 for the period October 2000 through September 2003:

- 561 Cases Screened
- 348 Cases Categorized as Suitable for DNA Profiling
- 288 Profiles Uploaded to the State and National DNA Database (CODIS)

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- 71 “Hits” in the Database to Name Offenders (12 homicides; 59 sexual assaults)
- 29 Case-to-Case Hits (2 homicides; 27 sexual assaults)
- OPD named offender hit rate on unsolved homicides was 29%
- OPD named offender hit rate on unsolved sexual assaults was 24%
- Overall hit rate when case-to-case hits are included was 35%

Some of these cases have been litigated and resulted in convictions. Other cases are being actively investigated and are expected to result in charges and litigation. Additional cases await the identification of the perpetrator. In one case, one sexual assault series involved 8 sexual assaults committed by the same individual over a 9-year period. In the series, one victim was raped on two separate occasions by this man. The likelihood of solving this series, and many other assaults and homicides, has improved dramatically with the passage of Proposition 69, a California initiative passed in the November 2004 election, that expanded DNA collection to all persons arrested for qualifying felonies.

The above noted statistics demonstrate the need for crime laboratories and law enforcement agencies to continue working unsolved, no-suspect cases in their jurisdiction. The Police Department estimates that these cases accumulate in our agency at a rate of 200-250 per year. Therefore, since September 30, 2003, when enrollment of cases in the Cold Hit Program ceased, it is estimated that 400 cases have accumulated and should be analyzed. The OPD expects 65% (260 cases) to produce searchable profiles. If past experience is predictive, 35% (91 cases) will result in a named offender hit or a serial crime connection made to assaults.

Analytical staff are needed to address this work. The JAG funds will allow the OPD to retain the services of Criminalistics DNA Analysts for another year. Without this ongoing effort, the backlog will continue to accumulate, the serial nature of certain sexual assaults will continue to go undetected, sexual assault and homicides will not be solved, and assaults that could have been prevented by early identification and apprehension of repeat perpetrators will continue.

## **SUSTAINABLE OPPORTUNITIES**

### **Economic**

Maintaining the Crime Laboratory’s ability to analyze DNA evidence will increase efficiencies in solving homicide and rape cases. Civilian support for this project allows Police Officers to continue their community policing activities.

### **Environmental**

There are no environmental issues associated with this report.

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**Social Equity**

The personnel and supplies funded by this grant will enhance the Department's ability to analyze biological evidence in homicide and sexual assault cases in a more timely and efficient manner.


**DISABILITY AND SENIOR CITIZEN ACCESS**

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

**RECOMMENDATION**

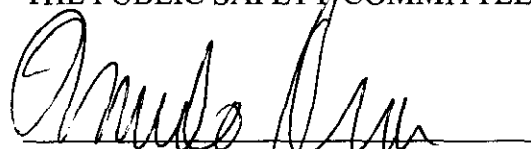
The Oakland Police Department recommends that the City Council authorize the City Administrator to accept grant funds in an amount not to exceed \$361,185 from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant Program, and appropriate said funds to the Police Department.

Respectfully submitted,

  
Wayne G. Tucker  
Chief of Police

Prepared by: Candice Jessie  
Fiscal Services Division  
Bureau of Administration

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

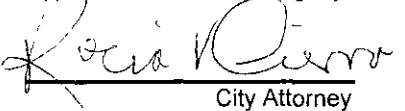
  
Office of the City Administrator

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# OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

  
City Attorney

RESOLUTION No.

2005 JUN 28 PM 3:20

C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED THREE HUNDRED SIXTY-ONE THOUSAND ONE HUNDRED AND EIGHTY-FIVE DOLLARS (\$361,185) FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM, TO SUPPLEMENT FRONTLINE POLICING SERVICES BY PROVIDING FUNDING FOR DNA ANALYSTS AND THE PURCHASE OF OTHER CRIMINALISTICS DIVISION SUPPLIES IN THE POLICE DEPARTMENT**

**WHEREAS**, it is anticipated that grant funds totaling up to \$361,185 will be received from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant (JAG) Program, for frontline policing services through the provision of funding for DNA Analysts and the purchase of other Criminalistics Division supplies in the Police Department; and

**WHEREAS**, the U.S. Department of Justice, Bureau of Justice Assistance, provides funding through the Edward Byrne Memorial Justice Assistance Grant program to units of local government for the purpose of reducing crime and improving public safety; and

**WHEREAS**, the JAG program funds shall be used to continue the employment of 2 Criminalist II/DNA Analysts and 1 Criminalist I/DNA Analyst, and to purchase other Criminalistic Division Supplies in the Police Department; and

**WHEREAS**, the proposed spending plan will facilitate the City Council's goal of crime reduction through City-wide community policing and other strategies; now, therefore be it

**RESOLVED**: That the City Council hereby authorizes the City Administrator or her designee to accept and appropriate a grant in an amount not to exceed \$361,185 from the U.S. Department of Justice, Office of Justice Program, Bureau of Justice Assistance, to be allocated to the Federal Grant Fund: 2112, Criminalistics Division Org.: 102610, Criminalistics Program: PS05, in a Project Account to be determined; and be it

**FURTHER RESOLVED**: That grant funds received for the JAG program shall not be used to supplant expenditures controlled by the City of Oakland; and be it

**FURTHER RESOLVED**: That the City Council accepts and authorizes the appropriation of the interest earned on the federal portion of the grant funds to the JAG Grant Fund to augment the approved spending plan; and be it

**FURTHER RESOLVED:** That the City Council hereby appoints the City Administrator as agent of the City to conduct all negotiations, applications, agreements, and related actions which may be necessary for the completion of the aforementioned grant and funding agreements; and be it

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

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

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

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