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AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: HOWARD A. JORDAN
CHIEF OF POLICE

SUBJECT: See Below

DATE: August 29, 2012

City Administrator

Approval

Date

8/30/12

SUBJECT: Response of the Oakland Police Department to the Alameda County Grand Jury Report on Crime Labs in Alameda County

RECOMMENDATION

Acceptance of the staff report and response to the 2011-2012 Alameda County Grand Jury Report entitled "Crime Labs in Alameda County: Funding, Forensics and Consolidation."

OUTCOME

The report constitutes the Department's response and rationale with regard to the three recommendations made by the Alameda County Grand Jury with regard to their three recommendations regarding crime laboratory services in Alameda County for the purpose of complying with the Grand Jury deadline of September 25, 2012. A more thorough report will be forthcoming pending evaluation of available options.

BACKGROUND/LEGISLATIVE HISTORY

In its 2011-2012 term, the Alameda County Grand Jury undertook a study of the forensic service delivery systems in the county. The study focused on the two, full service crime laboratories in the county—the Alameda County Sheriff's Department Crime Laboratory (ALCO Crime Lab) and the Oakland Police Department's Criminalistics Laboratory (OPD Crime Lab). The Grand Jury published a report on June 25, 2012, entitled "Crime Labs in Alameda County: Funding, Forensics and Consolidation," hereafter referred to as "the Report."

It should be noted that the City Council has separately directed staff to return to the Public Safety Committee with a thorough analysis on addressing the findings in the Grand Jury Report, including costs associated with implementing staff recommendations. The City Administrator's Office and Oakland Police Department are involved in discussions that address this City Council direction and are in process of preparing for a forthcoming report. This evaluation will include a review of best practices used by other large agencies that have kept up with the pace of demand.

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The Department is required by California Penal Code section 933 to respond to the Presiding Judge of the Alameda County Superior Court within 90 days of the issuance of the Report on the findings and recommendations pertaining to matters under control of the governing body. California Penal Code, Section 933.05, contains guidelines for responses requiring the Department to state one of the following in response to the Grand Jury's findings:

- It agrees with the finding.
- It agrees partially with the finding and provides explanation.
- It disagrees wholly with the finding and provides explanation.

In addition, for each Grand Jury recommendation, the Department is required to report one of the following actions:

- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not yet been implemented, but will be implemented in the future with an implementation timeframe.
- The recommendation requires further analysis, with an explanation and the scope of the parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion, which shall not exceed six months from the date of publication of the Grand Jury Report.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

This report represents the Department's analysis of the Grand Jury's findings and response to the recommendations.

ANALYSIS

The ALCO Crime Lab provides services to all law enforcement agencies in the county on a fee-for-service basis. The OPD Crime Lab provides forensic services to the Oakland Police Department and the Alameda County District Attorney's Office in cases arising from crime committed in the Oakland jurisdiction. There are five forensic services areas which are common to both laboratories:

1. Solid Dosage Drug Analysis,
2. Forensic Biology/DNA Analysis,
3. Latent Print Development,
4. Forensic Firearms Analysis, and
5. Crime Scene Processing/Reconstruction, including officer involved shooting reconstruction incidents.

OPD Crime Laboratory also conducts Latent Print Comparison and Computer Searching. The ALCO Laboratory does not provide these two services. ALCO Crime Lab provides other

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services which OPD does not provide. The Oakland Police Department has used ALCO Lab forensic services for lab work that OPD does not provide in-house. In addition, the OPD Crime Lab serves as Department Custodian of all drug and latent print evidence seized by the Department, a task involving the management of tens of thousands of items.

Grand Jury Recommendations and Response

The report constitutes the Department's response and rationale with regard to the three recommendations made by the Alameda County Grand Jury concerning crime laboratory services in Alameda County and the Oakland Police Department Laboratory in particular. It is presented for the purpose of complying with the Grand Jury deadline of September 25, 2012. Additional study is warranted in several areas. We are in the process of developing a work plan for exploring options and we will return to Committee at a future date with follow-up information.

Recommendation 12-1: The Alameda County Chiefs of Police and Sheriff's Association must meet, confer and develop a written proposal to establish one consolidated Crime Lab in Alameda County.

RESPONSE: No Position required. The Grand Jury directed this recommendation to the Alameda County Chiefs of Police and Sheriff's Association (ALCO CSA) which is forthcoming. The Department has participated and represented the interests of the City with respect to these discussions. The City is aware that the Alameda County Chiefs of Police and Sheriff's Association is preparing to issue its response to the Grand Jury Report, a copy of which will be circulated to the City Council upon receipt.

As background, the OPD Crime Lab provides services exclusively to OPD on Oakland cases. Maintaining forensic services, or a portion thereof, will provide significant benefit to the Department. Among these benefits are:

- Unrestricted ability to determine the priority of its forensic service requests and to adjust those priorities as necessary to meet investigative objectives and urgent need;
- Alignment of laboratory work with investigative priorities and primary focus on violent crimes against persons;
- Access to core forensic services of greatest benefit to the Department's mission;
- Innovation and adoption of new technological advances and best practices;
- Strict control of the quality of the work product, reducing risk to the City.

A review of whether to consolidate would require a "cost-benefit" analysis on the part of the City and regional partners. The City would seek assurances that the service delivery would be improved or/and that casework receives the attention and priority required. Oakland's crime rate is the highest in the state. The City represents approximately 26% of the population of the county, but accounts for 60% of the violent crime, including 75% of homicides. The

Department believes that any options explored take into account the benefits of having an in-house lab function, along with the City's crime demographics.

Recommendation 12-2: The Oakland Police Department Criminalistics Division must immediately clear its forensics-testing backlog

RESPONSE: The Department agrees partially with this finding and acknowledges that the demand for forensic services exceeds capacity and the Administration has recently taken to authorize the recruitment and filling of existing vacancies within the Crime Lab.

For example, in the short term, the Department is committed to filling the six vacancies currently existing in the OPD Laboratory. While the Department has identified a need for 13 additional laboratory staff at a cost of \$1,337,996.30 to meet the demand for laboratory service, make efficient use of forensic databases to solve crimes, and improve turnaround times in all forensic disciplines, the Department also recognizes that the City has limited resources and just adding additional staff to a service delivery model that may need rehauling is certainly not a solution. (Note: This figure does not include the costs associated with capital investments required to expand the Crime Lab.) Given this reality, it is imperative that the City explore options that may improve service delivery without requiring additional staff in the order of magnitude expressed in the Crime Lab's preliminary analysis. This data is useful, however, in identifying the gap that must be filled to obtain a higher level of performance and to address the concerns outlined in the Grand Jury report, but does not anticipate that such appropriation will be requested without further evaluation of new service delivery approaches or cost saving options.

A fuller discussion of options available will be provided in a separate report to the Public Safety Council Committee in response to the previous direction. As of the time that this report is authored, the City Administrator's Office and Police Department have had discussions with regional partners to explore options and those discussions require more time to evaluate.

Backlogs

Like many other City functions or services, there is no question that the demand for OPD Crime Lab services exceeds the casework capacity of the laboratory in all areas (except drug analysis). All units could provide enhanced service to the Department and the City with additional resources, the requirement for which will increase as sworn staffing and investigative capacity increase. The table below shows the current backlog of requests by unit.

	Homicides	Other Person Crimes	Property Crimes	Other	Total
All Sources	555	1413	373	97	2438
By Unit:					
Firearms	273	960	3	45	1281
Forensic Biology	93	283	1	5	382

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Latent Prints	187	170	369	47	773
Crime Scenes	2				2

It is possible that the analyses associated with some unknown number of these requests may no longer be required, which would lessen the “backlog” if such information was determined. It should be noted that case status is confirmed prior to conducting casework on older requests. The Laboratory defines “backlog” as any request in the system that has not been completed. “Completed” means a report of analysis has been published. Thus, requests that are in progress are counted as part of the backlog. While there is no standardized definition of backlog in the forensic science industry, this approach is fairly common.

Many factors beyond laboratory control have contributed to this backlog and include:

- Rises in crime, resulting in the increase in demand for service
- Inherent complexity of casework
- Loss of trained staff due to retirement or lack of retention
- Chronic shortage of experienced examiners nationwide to fill vacancies in certain forensic fields
- Lengthy delays in recruiting and filling vacancies, coupled with personnel resources diverted from casework in order to train new staff to competency
- Performance of ancillary casework support duties by casework staff that could be done by less costly technical support staff
- Performance of drug and latent print evidence custodial responsibilities by casework staff that could be done by less costly support staff

The largest backlogs are in the Firearms and Latent Prints Units and are a consequence of many factors, including loss of trained staff due to retirements and resignations, hiring freezes, the shortage of experienced examiners in the field generally to fill available vacancies, lengthy training periods required to develop competent replacements and an increase in demand for this kind of service year on year.

Recommendation 12-3: The Oakland Police Department must immediately acquire a department-wide case management database that integrates the Oakland Police Department Criminalistics Division and county-wide criminal data bases.

RESPONSE: The Department agrees with this finding and suggests that a more streamlined method is needed to identify laboratory requests that are no longer required. Further study of the subject is needed to identify the best way forward and how county-wide criminal data bases may contribute to the process.

The OPD Laboratory relies on a Laboratory Information Management System (LIMS)—a complex, relational database designed for our operation that tracks receipt, assignment,

completion and or cancellation of laboratory requests among other functionalities. The System is capable of producing a variety of statistical reports that are useful to laboratory management.

LIMS is not integrated with databases outside of the laboratory environment. It was not designed to query or import data from other databases. The OPD Lab receives many requests from investigators, but is seldom informed of requests that are no longer needed or of cases that have been adjudicated. This results in an accumulation of case requests which must then be vetted individually to determine status and cull them from the backlog. A real time mechanism for knowing when requests can be cancelled or when cases are adjudicated is not available to the OPD Crime Lab, but would be of value and is worthy of further study to determine its feasibility and cost.

The Report recommends accessing countywide databases to assist with laboratory case management. The CORPUS or CRIMS databases may be useful in determining some information about the status of cases, but have limitations. For example, CORPUS and CRIMS contain data on incidents in which there has been an arrest and they do not contain the information needed in cases involving juvenile defendants. These databases will not be helpful for those incidents in which no arrest has been made—a category of cases that gives rise to a significant number of laboratory requests. The feasibility of integration with any OPD database is unknown at this time.

Relying on database information alone without confirmation of status by investigative units is risky, particularly in homicide, sexual assaults, and certain kidnapping charges and for cases where there may be multiple defendants.

Checking status of each case individually is time consuming and exceeds the clerical resources and skills of the laboratory's 1 FTE clerical staff. One immediate option involves the use of a Police Property Specialist, a position included among the 13 additional position discussed under Recommendation 12-2, to query databases available to the department and liaise with investigative units to determine the status of cases for which the laboratory is holding requests. Cost of the position is \$73,077.30.

District Attorney's Office has agreed to provide laboratory staff with adjudication reports on a weekly basis regarding adjudications. Laboratory supervisory staff is evaluating the utility and reliability of these reports as an aid in identifying pending requests that may be cancelled. Further discussion of this option will be presented in the forthcoming report to the Public Safety Council Committee.

PUBLIC OUTREACH/INTEREST

No public outreach was necessary at this time.

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COORDINATION

No coordination is necessary to complete this response; however, the City Administrator's Office and Police Department continue to coordinate with regional partners to more fully evaluate options that address the concerns raised in the Grand Jury Report.

SUSTAINABLE OPPORTUNITIES

Economic: Effective and timely analysis of latent print evidence will assist the Police Department in conducting effective investigations and lead to the apprehension and prosecution of offenders, with resulting improvements in public safety. Great public safety will enhance Oakland's reputation as a place to live and to engage in business, affording the City an opportunity for further economic growth.

Environmental: There are no environmental opportunities identified with this report.

Social Equity: Apprehending and prosecuting offenders will improve public safety for the citizens of Oakland. Timely evidence analysis may also result in the elimination of falsely accused suspects thereby reducing potential liability to the City.

For questions regarding this report, please contact Mary M. Gibbons, Crime Laboratory Manager at (510) 238-2108.

Respectfully submitted,



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