



FILED
OFFICE OF THE CITY CLERK
OAKLAND

AGENDA REPORT

2015 OCT 29 PM 2: 27

TO: Sabrina B. Landreth
CITY ADMINISTRATOR

FROM: Sean Whent
Chief of Police

SUBJECT: OPD 2015 DNA Backlog Reduction
Program

DATE: October 7, 2015

City Administrator's Approval:

Date:

10/29/15

RECOMMENDATION

Staff Recommends That The City Council:

Adopt A Resolution Authorizing The City Administrator, Or Designee, To: 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed \$474,282 From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year (FY) 2015 Forensic Casework Deoxyribonucleic Acid (DNA) Backlog Reduction Grant Program In The Oakland Police Department; And 2) Waive The Advertising And Competitive Bidding Requirements For The Purchases Of DNA Data Interpretation Software Training From Niche Vision For Thirty Thousand Dollars (\$30,000), DNA Typing Supplies From Three Companies (Applied Biosystems (A.K.A. Thermofisher) For Twenty Nine Thousand Nine Hundred Ninety Five Dollars (\$29,995.00), Promega For Eighteen Thousand Dollars (\$18,000.00) And QIAGEN For Twenty Three Thousand One Hundred Thirty Three Dollars (\$23,133.00)), And For A DNA Extraction Robot From Qiagen For Fifty Five Thousand Five Hundred Thirty One Dollars (\$55,531.00).

EXECUTIVE SUMMARY

Adoption of the resolution will allow OPD to accept the USDOJ/NIJ DNA Backlog grant of \$474,282, which will fund much needed continuing staff positions, training, and technology costs. With the grant funds, the OPD Crime Lab will Criminalistics Laboratory biological evidence analysis turnaround time and decrease the backlog of cases needed testing. This resolution also calls for waiving the City's Advertising and Competitive Bidding Requirements because of the need to buy highly specialized equipment available only from particular vendors.

BACKGROUND AND LEGISLATIVE HISTORY

The DNA Forensic Casework Backlog Program was created by the U.S. Department of Justice, National Institute of Justice (USDOJ/NIJ) to assist laboratories that conduct DNA analysis. The goal of the Backlog Program is to improve DNA laboratory infrastructure and analysis capacity so that DNA samples can be processed efficiently and effectively. The program also provides continuing education courses associated with DNA analyses, as well as funds to analyze

Item: _____
Public Safety Committee
November 10, 2015

backlogged forensic DNA casework samples. Improvements are necessary and critical to prevent future DNA backlogs and to help the criminal justice system reach its full potential in the utilization of DNA technology.

The advent of DNA technology and automation equipment has revolutionized law enforcement's ability to analyze biological evidence at a genetic level. In particular, DNA analysis of semen evidence encountered in sexual assault cases can provide information leading to arrest and prosecution. Coinciding with this revolution in genetic analysis is the utilization of computer-based DNA databases.

OPD Criminalists have reduced the turnaround time of sexual assault (SA) evidence analysis from 20 hours to 15 hours, with the implementation of automation equipment. As a result, the backlog of the SA kits has been eliminated and the analyses of the contemporary SA kits are completed within four weeks of receipt in the laboratory. For the analysis of DNA evidence associated with homicides, other person crimes, and non-person crimes, the Crime Lab expects at least a 15 percent increase in work efficiency and turnaround time due to the use of these robotic processes and the continued assistance of the grant-funded Criminalist I and Forensic DNA Technician.

Backlogged case requests will be entered into the FY 2015 DNA Backlog Reduction Program. Homicide, non-sexual assault person crimes, and property crime cases in the program will have biological material that can be subjected to DNA typing. Eligible upon past experience with DNA profiles obtained from cases without suspects, the Crime Lab anticipates a 45 percent hit rate.¹ The outcome of such cross-referenced searches can lead to the arrest and prosecution of violent individuals.

ANALYSIS AND POLICY ALTERNATIVES

Through enactment of the proposed FY 2015 DNA Backlog Reduction Program grant initiative, the Criminalistics Division will analyze 89 of the backlogged case requests. This will be achieved by accomplishing three goals:

Goal #1: Reduce the Forensic DNA Case Backlog

In the first half of 2015, the Forensic Biology Unit has been able to complete analyses on 311 requests in 128 business days from receipt of request, on average. The goal of the proposed grant is to decrease the Biology Unit's turnaround time on all DNA analyses to less than 100 business days. Turnaround time will be reduced through specialized training, the purchase of supplies for Forensic Biology Unit Criminalists to analyze 89 backlogged cases, and staff overtime. Case evaluation, biological evidence examination and screening, DNA typing, technical review, and data entry into CODIS will be conducted (in part) on an overtime basis. A Criminalist I and overtime will be funded through this grant. Laboratory kits, reagents and supplies will be purchased to analyze these 89 backlog cases.

¹ "Hit rate" is defined as that portion of all cases examined in which at least one suspect is identified. Multiple suspects may be identified in some portion of the cases examined. In "named" cases, investigators frequently request multiple suspects be examined.

Goal #2: Increase Capacity of the Crime Lab for Forensic Casework

The Crime Lab will use the grant to retain Biology Unit staff (1.0 FTE Criminalist I and 1.0 FTE Forensic DNA Technician). The grant-funded Criminalist will conduct analysis on 100 cases during the life of this grant. The Forensic DNA Technician will assist the Criminalists in non-interpretive casework processes.

Goal #3: Provide Required Continuing Education for Each Criminalist and Forensic DNA Technician

The Criminalistics Division must comply with several types of accreditation:

- American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB) accreditation
- Certification of individual scientists
- National DNA Index System (NDIS) requirements for CODIS data entry
- American Board of Criminalistics and Federal Bureau of Investigation (FBI) DNA Quality Assurance Standards (QAS) mandatory educational requirements

To comply with and maintain the Criminalistics Division's required accreditations, scientific staff must obtain continuing education credits. The Criminalistics Division and Forensic Biology Unit do not have independent budgets for training. The USDOJ/NIJ grant will fund tuition for the STRmix™ DNA interpretation software training and other training events offered through symposiums and seminars. It is anticipated that case completion time would improve to less than 100 days, on average, as a result of conference attendance, implementation of the new technologies learned, and training of Forensic Biology Unit staff. The grant will also fund travel and tuition for various conferences and training opportunities. By the end of the award period, it is expected that the Forensic Biology Unit Criminalists and the Forensic DNA Technician will have fulfilled their required continuing education through this grant.

Waiver of the Advertising and Bidding Process

Section 2.04.050.1.5 (Bid Procedure) explains that the City can make exceptions to its complete bidding process when City Council finds and determines that it is in the best interests of the city. Purchasing DNA supplies from vendors other than those who manufacture DNA kits currently used by the Crime Lab would not be acceptable as the Forensic Biology Unit has not validated their use and hence would violate the FBI DNA QAS; OPD therefore believes that waiving the competitive bidding process is in this instance the best interest of the City. The FBI DNA QAS must be followed in order for the laboratory to enter DNA profiles developed from evidence associated with crimes into the CODIS for searching. The supplies to be purchased through this grant include:

- Items for evidence processing (pipette tips, tubes, gloves, masks, bench pads, scalpels, etc.)
- Microscopic examination supplies (slides and coverslips)
- DNA extraction kits (QIAGEN), quantitation kits, Fusion DNA Typing Kits (Promega), Identifiler Plus DNA Typing Kits [Applied BioSystems (a.k.a. ThermoFisher)], the corresponding instrument supplies [pipette tips for Liquid Handler, gloves, scalpels, masks (VWR/Fisher/USA Scientific)]

- Instrument service (Aroura Biomed, Applied BioSystems, QIAgen)
- DNA extraction robot (QIAgen)

These reagents and supplies from these particular vendors have undergone rigorous validation studies and no vendor substitutions are acceptable. These DNA typing kits, reagents, supplies, instruments, and services are not available from other vendors.

FISCAL IMPACT

USDOJ/NIJ, the grantor, does not permit that any grant funds be used for overhead costs. Therefore the City's General Purpose Fund will contribute the \$27,305 (15.36%) cost of OPD's Central Service Overhead.

Fiscal Year	Fund Source	Organization	Account	Project	Program	Amount
2015-16	2112	102610	PS05	TBD	TBD	\$474,282.00

Budget Category	Amount
Personnel	
Criminalist Personnel and Forensic Technician Personnel (12 mo.)	\$149,786.00
Biology Unit Staff Overtime for Analysis on Backlogged Cases	\$33,972.33
Fringe Benefits	\$107,621.24
Total Personnel and Fringe	\$291,379.57
Training and Travel	
Travel and Lodging Costs	\$9,732.00
STRmix DNA data interpretation software training (Niche Vision)	\$30,000.00
(12) Forensic Biology Unit Training Registrations	\$7,770.00
Total Training and Travel	47,502.00
Technology and Supplies	
DNA Typing Supplies (Applied Biosystems)	\$29,995.00
DNA Typing Supplies (Promega)	\$18,000.00
DNA Typing Supplies (QIAgen)	\$23,133.00
DNA Extraction Robot (QIAgen)	\$55,531.00
Total Technology and Supplies	\$126,659.00
Indirect Costs (3% of salaries)	\$8,741.39
TOTAL	\$474,281.96

PUBLIC OUTREACH / INTEREST

The public has a significant interest in ensuring that the OPD Crime Lab is able to effectively process DNA evidence; successfully processed DNA evidence helps OPD with investigations that bring lead to effective criminal prosecutions.

Item: _____
 Public Safety Committee
 November 10, 2015

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney and the Controller's Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: Whenever possible, supplies and equipment will be purchased locally. Enhancing the Criminalistics Division's ability to more efficiently and effectively process DNA evidence will significantly help to secure prosecutions, removing predators from the streets and thereby creating an environment where businesses can thrive and customers feel safe to shop.

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

Social Equity: Provisions for continuing education and supplies funded by this grant will enhance the Department's ability to analyze biological evidence in criminal cases in a more timely fashion, improving public safety for all people in Oakland.

Sabrina B. Landreth, City Administrator

Subject: OPD 2015 DNA Backlog Reduction Program and Resolution

Date: October 7, 2015

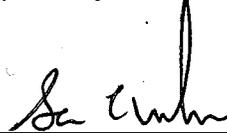
Page 6

ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE

Adopt a resolution authorizing the City Administrator, or designee, to: 1) accept and appropriate grant Funds in an Amount Not to Exceed \$474,282 from the U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) for Implementation of the Fiscal Year 2015 Forensic Casework Deoxyribonucleic Acid (DNA) Backlog Reduction Grant Program in the Oakland Police Department; and 2) waive the advertising and competitive bidding requirements for the purchases of DNA Data Interpretation Software Training from Niche Vision for thirty thousand dollars (\$30,000), DNA Typing Supplies from three Companies (Applied Biosystems (a.k.a. ThermoFisher) for Twenty Nine Thousand Nine Hundred Ninety Five Dollars (\$29,995.00), Promega for Eighteen Thousand Dollars (\$18,000.00) and QIAGEN for Twenty Three Thousand One Hundred Thirty Three Dollars (\$23,133.00)), and for a DNA Extraction Robot from QIAGEN for Fifty Five Thousand Five Hundred Thirty One Dollars (\$55,531.00).

For questions regarding this report, please contact Jennifer Mihalovich, Criminalist III, at (510) 238-3386.

Respectfully submitted,



Sean Whent
Chief of Police
Oakland Police Department

Reviewed by:
Mary Gibbons, Crime Lab Manager,
OPD, Criminalistics Division

Prepared by:
Jennifer S. Mihalovich, Criminalist III
OPD, Criminalistics Division

Bruce Stoffmacher, Legislation Manager
OPD, Research and Planning, Office of the Chief

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Maria Stynes
City Attorney

2015 OCT 29 PM 2:27

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO 1) ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED SEVENTY FOUR THOUSAND TWO HUNDRED EIGHTY TWO DOLLARS (\$474,282.00) FROM THE U.S. DEPARTMENT OF JUSTICE, NATIONAL INSTITUTE OF JUSTICE (USDOJ/NIJ) FOR IMPLEMENTATION OF THE FISCAL YEAR 2015-2016 FORENSIC CASEWORK DEOXYRIBONUCLEIC ACID (DNA) BACKLOG REDUCTION GRANT PROGRAM IN THE OAKLAND POLICE DEPARTMENT (OPD); AND 2) WAIVE THE ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS FOR THE PURCHASES OF DNA DATA INTERPRETATION SOFTWARE TRAINING FOR THIRTY THOUSAND DOLLARS (\$30,000), DNA TYPING SUPPLIES FOR SEVENTY ONE THOUSAND ONE HUNDRED TWENTY EIGHT DOLLARS (\$71,128), AND FOR A DNA EXTRACTION ROBOT FOR FIFTY FIVE THOUSAND FIVE HUNDRED THIRTY ONE DOLLARS (\$55,531.00) IN ORDER TO SATISFY ACCREDITATION STANDARDS.

WHEREAS, the USDOJ/NIJ DNA Backlog Reduction Program was created to assist police laboratories in reducing the number of cases in their backlog in which DNA analyses may be conducted on biological evidence; and

WHEREAS, the USDOJ/NIJ awarded OPD grant funds of Four Hundred Seventy Four Thousand Two Hundred Eighty Two Dollars \$474,282 to support the Fiscal Year 2015-2016 implementation of the DNA Backlog Reduction Program; and

WHEREAS, the funds will be allocated to continue to employ one (1) Criminalist I and one (1) Forensic Technician, pay staff overtime costs and required training on backlogged cases, purchase laboratory validated DNA-typing supplies, and purchase a DNA extraction robot; and

WHEREAS, the USDOJ/NIJ does not allow for grant funds to be used for overhead costs and therefore the General Purpose Fund will contribute twenty seven thousand three hundred five dollars (\$27,305) to cover City of Oakland central service overhead costs based on the CSO rate of 15.36%; and

WHEREAS, the OPD Crime Lab will use the grant funds to purchase DNA Typing Supplies in an amount of \$29,995 from Applied Biosystems, \$18,000 from Promega and \$23,133 from QIAgen; one DNA extraction robot for an amount of \$55,531 from QIAgen, STRmix DNA data interpretation software training for an amount of \$30,000 from Niche Vision, twelve professional meeting and workshop registrations for the Forensic Biology Unit scientists for an amount of \$7,770 and the associated travel and lodging costs of \$9,732; and

WHEREAS, the grant term for the proposed DNA backlog reduction initiative is January 1, 2016 through December 31, 2018; and

WHEREAS, the City Council previously authorized acceptance of similar grant funds by Resolution No. 85223 C.M.S., dated October 21, 2014, Resolution No. 84686 C.M.S., dated November 5, 2013, Resolution No. 84041 C.M.S., dated October 2, 2012; Resolution No. 83672 C.M.S., dated December 15, 2011; Resolution No. 83030 C.M.S., dated October 19, 2010; Resolution No. 82291 C.M.S., dated September 22, 2009; Resolution No. 81624 C.M.S., dated October 21, 2008; Resolution No. 80869 C.M.S., dated October 2, 2007; Resolution No. 80129 C.M.S., dated September 19, 2006; Resolution No. 79534 C.M.S., dated October 18, 2005 and Resolution No. 78909 C.M.S., dated November 16, 2004; and

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.050.1.5 authorizes the City Council to waive the advertising and competitive bidding requirements of OMC Section 2.04.050 after a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, staff recommends that the City Council make a finding and a determination that it is in the best interests of the City to waive advertising and bidding processes because these specific DNA supplies and services are available only from specified vendors who have been validated by the OPD Criminalistics Laboratory Forensic Biology Unit and are in compliance with FBI DNA Quality Assurance Standards (QAS). The FBI DNA QAS must be followed in order for the laboratory to enter DNA profiles developed from evidence associated with crimes into the CODIS for searching; now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to accept and appropriate grant funds in an amount not to exceed \$474,282 from the USDOJ/NIJ upon receipt of the grant award letter; and be it

FURTHER RESOLVED: That all central services overhead costs associated with this grant in an estimated amount of \$27,305 will be offset through a contribution of the General Purpose Fund; and be it

FURTHER RESOLVED: That said grant funds, in an amount not to exceed \$474,282, shall be appropriated in the Federal Grant Fund (2112), Criminalistics Division Organization Code (102610), Criminalistics Division Program (PS05), in a Project Number to be established; and be it

FURTHER RESOLVED: That said grant funds shall be used to fully fund one (1) Criminalist I position and one (1) Forensic Technician position to conduct examination of biological material during the term of the grant; and be it

FURTHER RESOLVED: That said grant funds shall also be used to pay overtime of Biology Unit staff for analysis on backlogged cases; and be it

FURTHER RESOLVED: That said grant funds shall also be used to fund DNA training courses, purchase laboratory validated DNA typing supplies utilized in the examination of biological material and a DNA extraction robot used during the terms of the grant from Applied BioSystems (a.k.a. ThermoFisher), QIAGEN, VWR/Fisher/USA Scientific, Aurora Biomed, Niche Vision, and Promega; and be it

FURTHER RESOLVED: That the City Council finds and determines that pursuant to OMC Section 2.04.050.1.5 and based upon the reasons stated above and in the City Administrator's report accompanying this resolution, that it is in the best interests of the City to waive the advertising and competitive bidding requirements of the OMC for the purchases of DNA typing supplies from Applied BioSystems (a.k.a. ThermoFisher), QIAGEN, VWR/Fisher/USA Scientific, Aurora Biomed, Niche Vision, and Promega; and be it

FURTHER RESOLVED: That the City Administrator, or 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, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council of the
City of Oakland, California