

2003 NOV 25 AM 9:16

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Police Department
DATE: December 9, 2003

RE: **A report and proposed resolution authorizing the City Manager on behalf of the City of Oakland to accept and appropriate a grant in the amount of two hundred thirty-nine thousand three hundred and fifty-four dollars (\$239,354) from the U.S. Department of Justice, National Institute of Justice, for the Paul Coverdell National Forensic Science Improvement Act Program to be conducted by the Police Department**

SUMMARY

The Oakland Police Department's Criminalistics Laboratory applied for and was awarded a discretionary grant in the amount of \$239,354 from the U. S. Department of Justice, National Institute of Justice (NIJ), Paul Coverdell National Forensic Science Improvement Act (NFSIA) Program for the improvement of forensic laboratory services. The grant term for this initiative is October 1, 2003 through September 30, 2004. **In a competitive nationwide process, NIJ received 57 proposals for NFSIA funds. Our grant is one of only six proposals funded nationwide.**

The plan to develop improved laboratory services involves two initiatives:

Initiative One: The examination and computer searching, in state and national databases, of unidentified latent prints associated with 226 unsolved homicides from 1988 to the present. The grant provides overtime funding for Latent Print Examiners engaged in this work and equipment to enhance latent prints and speed their input into the computer systems.

Initiative Two: One-year of funding for salary and benefits of a Criminalist II position in the Forensic Biology/DNA Unit to address backlogged case requests for the examination and DNA typing of biological evidence. (This position is currently frozen as the result of budget reduction measures.)

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FISCAL IMPACT

The proposed resolution authorizes the City Manager to accept funding in the amount of \$239,354 from the NFISA grant program, and appropriate said funds to the Police Department's Criminalistics Laboratory. Grant funds will be maintained in the Department of Justice Grant Fund: 2112, Org.: 102610, in a Project Account to be determined.

NFSIA proposals were limited to a maximum award of \$250,000. Our original funding request of \$248,680 was reduced by the funding agency by \$9,326. The OPD proposes to accommodate the unfunded difference through reductions in the cost and scope of the latent print enhancement equipment. Additionally, the mid-range Criminalist II salary originally used for budgeting purposes has been reduced to Step One to accommodate (1) the increased fringe benefit rate of 35.08% for FY 03-04, (2) a 1% salary increase effective July 2004, and (3) an as yet undetermined increase in the fringe benefit rate for FY 04-05. For budgeting purposes, we estimated the FY 04-05 fringe rate at 40%. The program budget ensures sufficient funding for the Criminalist II position for one full year.

Central Services Overhead (CSO) fees associated with this initiative totals \$22,668, based upon a calculation rate of 17.77% against total salaries of \$127,565. In order to fully achieve our program goals, the Department requests a waiver of CSO fees. The only way to finance CSO is to reduce the amount of overtime hours available for the unsolved homicide latent print project. Such a reduction would lower the number of unsolved homicide cases worked in this project by an estimated 82 cases (36%). Assuming an identification rate of 33 percent, 30 of these 82 cases would be expected to result in potentially case breaking identifications.

The budget for the NFSIA project is presented in the table below.

Description and Use of Funds	Homicide Latent Print Project	DNA Backlog Reduction Project	Amount
Criminalist II (New Hire) 1 @ \$71,268/yr	n/a	71,268	71,268
Fringe Benefits for Criminalist II \$71,268 @ 35.08%	n/a	25,001	25,001
Overtime for Latent Print Examiner 1 @ \$35.24/hr x 1.5 x 415/hrs.	21,935	n/a	21,935
Overtime for Latent Print Examiners 2 @ \$27.60/hr x 1.5 x 415/hrs.	34,362	n/a	34,362
PC Pros MORE HITS Forensic Imaging System	86,788	n/a	86,788
TOTAL			\$239,354

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BACKGROUND

In June 2003, the NIJ issued a solicitation to crime laboratories under the 2003 Paul Coverdell National Forensic Science Improvement Act Discretionary Funding Program (also known as Discretionary Coverdell Funds). These competitive awards were available to state and local law enforcement agencies. The Police Department Criminalistics Laboratory submitted a proposal supporting two initiatives.

The Department's Criminalistics Laboratory has had excellent success in the identification of latent prints recovered from crime scenes by using available latent print identification databases, achieving a rate of identification in excess of 30% with the statewide system known as CALID.

KEY ISSUES AND IMPACTS

Initiative #1: Latent Print Searches in Unsolved Homicides 1988-present

The Oakland Police Department has computer searchable latent prints on file associated with 226 unsolved homicides from 1988 to the present. These prints have never been searched in available latent print databases. The OPD proposed to search these prints in its regional and state database (CALID) and in the FBI national fingerprint database. This work would be accomplished on an overtime basis by existing latent print examiners on staff. To achieve sufficient throughput, it was proposed that the Department would acquire an image enhancement system to speed the preparation and input of latent prints into the automated latent print identification systems. The lab expects to achieve, at a minimum, a 30% identification rate with the CALID system alone. Additional successful identifications may be expected through the FBI National Fingerprint Database search. Thus, the OPD expects to make identifications in at least 75 of the 226 (33%) of these unsolved homicide cases.

This proposal will ensure that *all* latent prints of "searchable" quality developed from homicide scenes from 1988 to the present will be examined and searched in all available latent print databases.

Initiative #2: Backlog Reduction of "Traditional" Forensic Biology/DNA Cases

This initiative is aimed at funding, for a period of one year, a Criminalist II position in the Forensic Biology/DNA Unit of the Criminalistics Laboratory to assist in the reduction of backlog cases. The vacant position was frozen as part of the City's FY 2003-05 budget process. Upon acceptance of funds a qualified candidate will be selected from a City-certified hiring eligibility list.

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Considerable funds have been made available to the forensic community from State and Federal sources to reduce the backlog of unsolved, suspect-less DNA cases. The Criminalistics Laboratory has been the beneficiary of some of those funds. However, many of the backlog cases require Forensic Biology/DNA testing, which is not eligible to be worked under the grants received to date (due to various restrictions imposed by those grant programs). These cases include many the OPD considers to be the “traditional” requests of the Forensic Biology Unit:

- (1) Unsolved, suspect-less homicides that do not have a sexual assault element
- (2) Sexual assault crimes that have a suspect(s)
- (3) Homicides and other felony assaults that have been charged and are making their way through the litigation process
- (4) Property crimes, such as residential or commercial burglaries, involving highly probative biological evidence.

At the time the application was submitted, the laboratory had a backlog of 115 requests for service in such cases. The situation has not improved in the intervening months. The Criminalistics Laboratory has 1.5 FTE analytical staff available to work backlogged cases, as well as to process new requests.

Analysts in the Forensic Biology Unit are responsible for all aspects of casework: Case evaluation, evidence screening, sample selection, body fluid identification, DNA extraction, quantitation, amplification, typing, interpretation, report writing and court testimony. Over the life of the grant, the Criminalist II is expected to reduce lab backlog by approximately 70 cases, a 61% decrease in the current backlog.

A major goal of the Criminalistics Laboratory’s *Five Year Plan* is to improve turnaround time on cases. Reduction of the backlog is an obvious place to start. Suspectless cases worked under this project will be searched in CODIS, the state and national DNA database. Based on statistical analysis, the lab expects to make associations through the database search on a minimum of 5% of such cases. However, historically the lab’s experience with CODIS searches has shown a success rate closer to 30%, which is relevant to another major goal of *The Five Year Plan*—making full, effective use of forensic databases. Given the recidivistic nature of sexual assailants in general, and the large number of criminals paroled to our community specifically, we expect to have good success in the application of DNA technology to this group of crimes.

SUSTAINABLE OPPORTUNITIES

Economic

There are no direct economic opportunities associated with this report.

Environmental

There is no direct environmental impact associated with this report.

Social Equity

The research mechanisms utilized through the NFSIA initiative will greatly assist the OPD in its efforts to identify, arrest and prosecute violent offenders within our community.

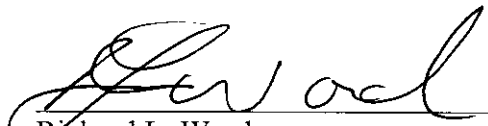
DISABILITY AND SENIOR CITIZEN ACCESS

There are no disability or senior citizen access issues associated with this report.

RECOMMENDATION

Staff recommends that the City Council approve the proposed resolution to accept the funds awarded under the Paul Coverdell National Forensic Science Improvement Act for the projects as described in the grant proposal and appropriate said funds to the Police Department.

Respectfully submitted,



Richard L. Word
Chief of Police

Prepared by:

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Criminalistics Division
Bureau of Investigations

Candice Jessie
Administrative and Technical Services Division
Bureau of Services

APPROVED AND FORWARDED TO THE
PUBLIC SAFETY COMMITTEE



Office of the City Manager

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OAKLAND CITY COUNCIL

Chad
City Attorney

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RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY OF OAKLAND TO ACCEPT AND APPROPRIATE A GRANT IN THE AMOUNT OF TWO HUNDRED THIRTY-NINE THOUSAND THREE HUNDRED AND FIFTY-FOUR DOLLARS (\$239,354) FROM THE U.S. DEPARTMENT OF JUSTICE, NATIONAL INSTITUTE OF JUSTICE, FOR THE PAUL COVERDELL NATIONAL FORENSIC SCIENCE IMPROVEMENT ACT PROGRAM TO BE CONDUCTED BY THE POLICE DEPARTMENT

WHEREAS, grant funds totaling two hundred thirty-nine thousand three hundred and fifty-four dollars (\$239,354) have been awarded to the Police Department from the U.S. Department of Justice, National Institute of Justice, for the Paul Coverdell National Forensic Science Improvement Act (NFSIA) Program; and

WHEREAS, the Department's NFSIA Program is designed to improve of forensic laboratory services through identification of latent prints associated with 226 unsolved homicides and address backlogged case requests for the examination and DNA typing of biological evidence; and

WHEREAS, the grant term for the NFSIA Program is October 1, 2003 through September 30, 2004; and

WHEREAS, based upon limited funding allocations, and in order to fully achieve program goals, the Department requests a waiver of Central Services Overhead fees; now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Manager or her designee to accept and appropriate a grant in the amount of \$239,354 from the U.S. Department of Justice, National Institute of Justice to the Department of Justice Grant Fund: 2112, Org.: 102610, in a Project Account to be determined; and be it

FURTHER RESOLVED: That the City Central Services Overhead costs of \$22,668 (17.77%) are hereby waived; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Manager as agent of the City to conduct all negotiations and related actions and to sign all applications and agreements that may be necessary for the completion of the aforementioned grant.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

9

PUBLIC SAFETY CMTE.

DEC 9 2003

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California