



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: LeRonne Armstrong
Chief of Police

SUBJECT: California Department of Justice
(CA DOJ) Sexual Assault
Evidence Testing Grant

DATE: December 6, 2021

City Administrator Approval

Date: Jan 20, 2022

RECOMMENDATION

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator To: 1) Accept and Appropriate Sixty Eight Thousand Eight Hundred Ninety Four Dollars (\$68,894) In Untested Sexual Assault Evidence Testing Grant Program Funds, From The California Department Of Justice (CA DOJ) Bureau Of Forensic Services, To Process Untested Sexual Assault Evidence Kits In The Oakland Police Department's (OPD) Inventory; And 2) Enter Into A Memorandum Of Understanding (MOU) With CA DOJ Bureau Of Forensic Services To Define Grant Reimbursement Rules.

EXECUTIVE SUMMARY

Approval of the proposed resolution will authorize OPD to accept a grant of \$68,894 to fund processing of approximately 73 untested sexual assault evidence kits in OPD's inventory that have been identified for testing by the Department. All funding will be spent on salary and overtime for Property and Evidence (PEU), Special Victim's Unit (SVU), Criminalistics Laboratory (LAB) staff, and to purchase testing kits, reagents and supplies to complete the work. The resolution also authorizes a MOU between OPD and CA DOJ to define reimbursement rules.

BACKGROUND / LEGISLATIVE HISTORY

In 2018, the CA DOJ Bureau of Forensic Services Untested Sexual Assault Evidence Grant program (Audit Grant) was developed to assist county and city agencies to compile the number of untested sexual assault evidence kits statewide. The grant was supported by funds allocated with the passage of SB 862 (Chapter 449¹), which appropriated one million dollars to the DOJ for grants to counties and cities to count the number of untested sexual assault evidence kits in their possession. It was intended to support the requirements outlined in Assembly Bill 3118 (Chiu, 2018). These funds were available for 2018-19 with a grant period beginning January 1,

¹ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB862

2019 and ending June 30, 2019. The grant had an award formula, and Alameda County was allocated \$38,865 (OPD applied for and received \$38,088).

Last year, a grant (Testing Grant) was awarded by funds allocated with the passage of the State of California Budget Act of 2019 (0820-101-0001), which appropriated Two Million to CA DOJ to award local law enforcement grants to ensure that local law enforcement agencies test sexual assault forensic evidence identified during the Audit Grant Period. OPD applied for a total of \$272,734, and was awarded \$153,627 with a revised Testing Grant project scope of processing 97 kits by the Crime Lab.

ANALYSIS AND POLICY ALTERNATIVES

This year, a grant (Testing Grant 2) was extended to laboratories. OPD applied for a total of \$68,894 to purchase and process supplies to test 73 kits by the Crime Lab. The passage of the State of California Budget Act of 2021 (AB 128, 2021) appropriates four million dollars to CA DOJ to award local law enforcement grants to ensure that local law enforcement agencies test sexual assault forensic evidence identified during the Audit Grant period. The first testing grant awarded funds for analysis of the sexual assault kits with no strings attached, whereas Testing Grant 2 requires that the applicant agency splits the cost of the grant with Cal DOJ. Personnel time for the project counts toward splitting this cost.

The personnel cost equivalent for OPD Crime Lab staff to conduct the work on 73 kits is \$90,156, which was offered to match the funds for sexual assault evidence testing kits, reagents and supplies totaling \$68,894. OPD is also required to submit a final report to CA DOJ.

OPD cannot process these sexual assault kits without this additional funding – sexual assault kits cost almost \$1,000 each; there is no additional budget to fund the required personnel costs.

The analysis of untested kits is being mandated by the California Attorney General. In order for it not to be an unfunded mandate, the State of California is offering this grant. This grant is the only means by which the City of Oakland can be compliant with the California Attorney General mandate.

An MOU is required to be executed between the Department, City of Oakland and the California Department of Justice. An equivalent MOU was executed for the first awarded Testing Grant last year.

FISCAL IMPACT

The budget for this grant allocates funds to the Criminalistics Laboratory (LAB) to fund the following costs incurred to analyze the kits accordingly:

	Use of Funds	Amount
	Sexual Assault kit reagents = \$900 x73 kits	\$65,700
	Christmas Tree Stain for kit screening = 5 kits at \$55 / kit	\$275
	Scalpel = 100 boxes at \$19 / box	\$1900

96 well plates = 30 plates at \$95/case of 10 plates	\$285
Gloves = 1 case at \$186 / case	\$186
Report generation, dissemination and discover = paper binders folders CDs for 73 cases at \$7.50 each	\$548
	TOTAL
Sexual Assault Kits for DNA extraction, quantitation, and/or amplification – 73 kits @ \$900/kit	\$68,894

Personnel costs offered as grant match for supplies:

Use of Funds	Amount
Reg Salary for Forensic Tech – 4 hours x 73 kits @ \$39.43/hr	\$11,514
Reg Salary for Criminalist I – 17 hours x 73 kits at \$48.77/hr	\$19,069
Reg Salary for Criminalist II – 17 hours x 73 kits at \$54.45/hr	\$46,283
Reg Salary for Criminalist III – 3 hours x 73 kits at \$60.69/hr	\$13,291
TOTAL	\$90,156

Funds will be allocated in the State of California Fund (2159); Criminalistics Organization (102610); in the Project to be determined.

PUBLIC OUTREACH / INTEREST

No public outreach was required in the development of this report and resolution.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney and the Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: There are no ongoing economic opportunities identified in this report; the opportunity is to claim this grant money using personnel resources already necessary to test untested sexual assault kits.

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

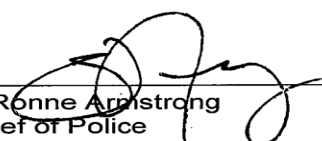
Social Equity: The activities completed under this grant will position OPD to respond to a state mandate to test historical sexual assault exam kits which remain untested. It should be noted that the Laboratory's Contemporary Kit Program vets and analyzes all current Sexual Assault Kits well within the 120-day mandate set by the State of California which benefits current and future Oakland residents who are victims of Sexual Violence by giving potential investigative leads as quickly as possible. Examining historical kits may give closure to previous victims of Sexual Violence.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator To: 1) Accept and Appropriate Sixty Eight Thousand Eight Hundred Ninety Four Dollars (\$68,894) In Untested Sexual Assault Evidence Testing Grant Program Funds, From The California Department Of Justice (CA DOJ) Bureau Of Forensic Services, To Process Untested Sexual Assault Evidence Kits In The Oakland Police Department's (OPD) Inventory; And 2) Enter Into A Memorandum Of Understanding (MOU) With CA DOJ Bureau Of Forensic Services To Define Grant Reimbursement Rules

For questions concerning this report, please contact Dr. Sandra Sachs at 510-238-2108.

Respectfully submitted,



LeRonne Armstrong
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City Council
February 1, 2022

