



# AGENDA REPORT


**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Floyd Mitchell  
Chief of Police

**SUBJECT:** CHP Toxicology Crime Laboratories  
Grant Funds for DUID

**DATE:** August 13, 2024

City Administrator  
Approval

  
Jestin Johnson (Sep 6, 2024 08:52 PDT)

Date  
Sep 6, 2024

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate A Grant Award In The Amount Of One Hundred And Seventy Thousand Five Hundred Dollars (\$170,500) From The State Of California Highway Patrol (CHP), Impaired Driving Section, For The Fiscal Year 2024-2026, To Be Administered By The Oakland Police Department (OPD) Crime Laboratory.**

## **EXECUTIVE SUMMARY**

Approval of these resolutions will allow laboratory improvements grant funds to be received by the OPD Crime Laboratory to ensure traffic safety by way of identifying Driving Under the Influence / Driving Under the Influence of Drugs (DUI/DUID) cases in real time and prevent future occurrences. The grant awards are from July 1, 2024 through June 30, 2026. The \$170,500 in grants awarded to OPD will be used to:

- Purchase supplies, chemicals and a service contract for the Liquid Chromatography Mass Spectrometer (LC/MS) instrument that was previously purchased
- Purchase testing kits and a service contract for the Laboratory's two oral fluid drug testing units (DT 5000)
- Cover specialized training for Crime Laboratory Staff

## **BACKGROUND AND LEGISLATIVE HISTORY**

In November 2016 California voters approved Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA), which legalized the recreational use of cannabis in California for people 21 and older. Proposition 64 also directed a portion of state cannabis tax revenue towards a grant program administered by the Board of State and Community Corrections (BSCC) to assist with law enforcement or other local programs addressing public health and safety associated with AUMA. With the passage of Proposition 64, in 2016 California voters mandated the state set aside funding for the California Highway Patrol (CHP) to disperse for the education, prevention, and enforcement of impaired driving laws. In early 2024 the of CHP released a Request for Proposals for grant applications for local jurisdictions, and OPD applied for and received grant funds under the toxicology portion. According to CHP grant requirements, the toxicology grant funds shall be used to purchase equipment, improve, and

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advance the standardization of practices in toxicology laboratories supporting driving under the influence of alcohol and other drugs (DUI/DUID), including cannabis and cannabis products.

Driving Under the Influence takes a major toll on the citizens of Oakland. In 2023, there were 258 DUI/DUID reports in Oakland. Approximately 97 collisions were DUI/DUID related and even more concerning, nine people were killed as a result. In total there were 270 arrests in 2023 for DUI/DUID offenses and in 2022 there were 248 DUI/DUID reports, so the alarming trend is on the rise. The correlation between DUI/DUID's and hit and runs, as well as fatal accidents is well known through studies from the National Highway Traffic Safety Administration (NHTSA).

**ANALYSIS AND POLICY ALTERNATIVES**

The City of Oakland continues to struggle with the amount of vehicle collisions that occur within its limits. The Police Department reports an excess of 5,000 collisions per year, and many involve fatal or serious injuries. The funds received by the Laboratory are specifically to be used for DUI/DUID collisions and traffic enforcement. This program would assist traffic enforcement operations in Oakland by giving officers another tool to help identify impaired drivers and remove them from the roadway. This will help minimize the unnecessary loss of life, injuries, and property damage caused by impaired drivers. The Laboratory will assist DUI/DUID investigations by quantitating suspected cannabis samples for THC and examining exhibits for other impairing substances.

**Table 1 - Oakland Collisions, Injuries, and Fatalities: 2021-2023**

Collision Type	2021				2022				2023			
	Collisions		Victims		Collisions		Victims		Collisions		Victims	
Fatal	34		34		36		38		30		31	
Injury	1907		2165		1804		2334		1140		1535	
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol - Involved	3	49	3	83	0	27	0	35	9	88	5	120
Hit & Run	12	830	12	903	12	543	14	650	13	398	14	491
Nighttime (2100-0259 hours)	15	188	15	221	21	318	23	418	11	174	11	231

**Table 1** shows that alcohol-involved, injury collisions peaked in 2023 at 88 resulting in 120 people being injured and 9 people killed. It is unknown what additional impairing substances, if any, are responsible for other collisions or hit & runs not initially reported as DUI/DUID's. However, the data clearly demonstrates a need to establish a scientifically supported program

to assess what drugs an impaired driver is under the influence of, in addition to alcohol, at the time of the accident.

The City of Oakland Police Department (OPD) faced many challenges over the last several years and this upcoming year is no different. The City of Oakland has dealt with a \$360 million dollar budget deficit over the last 2 years and the Police Department is expected to cut 15% of our budget per year. It is imperative for the Oakland Police Department Criminalistics Division (OPD Crime Lab) to seek grant funding to reduce the financial burden on the City and Police Department's budget. The OPD Crime Lab's Drug Analysis Unit is trained and accredited to perform qualitative solid dose drug analysis. Moreover, the laboratory does not have the instrumental setup and methods to perform traditional toxicology analyses. The Drug Analysis Unit lacks the training and is not equipped to test and measure drug concentration levels in different biological matrices. However, with the help of CHP grant funding, the OPD Crime Lab may expand their services to include methods to quantitate THC and other targeted cannabinoids.

Additional funding will also allow the laboratory to provide support for new programs and technology like portable oral fluid testing in the field providing additional information in real time as to whether a driver is under the influence of a single drug or exhibiting poly-drug impairment either in addition to alcohol or alone. The grant funding will allow the OPD Crime Lab to support law enforcement efforts and investigations for driving under the influence of drugs and ultimately increase traffic safety. The acceptance of this grant would result in the ability to assemble more data, in the field in real time, with a broader array of toxicology analytes, such as cocaine, methamphetamine and heroin. These data would be compiled to understand the breadth of impairment observed at DUI checkpoints.

Critically to the success of this grant, training funds have been identified to provide assistance to staff to understand better how to validate methods and how the metabolism of drugs leads to impairment of the human body to perform complex tasks such as driving.

Staff will operate the grant in accordance with OPD policies and the CHP grant requirements. During the grant cycle the OPD Crime Lab will report annual DUI/DUID related statistics. The statistics will include the following:

- Number of times the DT 5000 units have been used
- The drug(s) detected
- Number of DUI/DUID reports
- Number of DUI/DUID related collisions and fatalities

The OPD Crime Lab will also produce progress reports on the validation of the Liquid chromatography/Mass Spectrometer (LC/MS) analytical methods. In general, validation and implementation of new analytical instrumentation and methods is a time consuming and arduous process. Time will be needed to have meaningful data on the number of exhibits analyzed using the LC/MS. In the meantime, the OPD Crime Laboratory will provide progress reports on a quarterly basis.

**FISCAL IMPACT**

CHP will reimburse the City up to \$170,500 for the supplies, chemicals and training focused on intoxicated drivers during the grant period of July 1, 2024 to June 30, 2026. Funds for the grant will be allocated in the State of California Grant Fund (2159), Special Operations Organization (102610), Program (PS05), in the Project to be determined. The program will be managed by the Crime Lab Manager. The budget for the grant awards is outlined in Tables 2 and 3 below.

**Table 2**

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Organization</b>	<b>Project</b>	<b>Amount</b>
2024-26	2159	102610	TBD	\$170,500.00
<b>TOTAL</b>				<b>\$170,500.00</b>

**Table 3**

<b>Use of Toxicology Funds</b>	<b>Amount</b>
Drager Drug Test 5000 supplies and maintenance	\$32,200.00
Drug course travel costs and registration	\$4,300.00
Liquid chromatography/Mass Spec (LC/MS) supplies and	\$22,000.00
Liquid chromatography/Mass Spec (LC/MS) service contract	\$47,000.00
Liquid chromatography/Mass Spec (LC/MS) on-site training	\$65,000.00
<b>TOTAL</b>	<b>\$170,500.00</b>

**PUBLIC OUTREACH / INTEREST**

This item is of interest to the public as these grant funds will be used to protect public safety on Oakland's streets.

**COORDINATION**

This report and legislation have been reviewed by the Office of the City Attorney on the production of this report as well as the accompanying resolution.

**SUSTAINABLE OPPORTUNITIES**

**Economic:** There are no economic opportunities associated with this report.

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

**Race and Equity:** Driving Under the Influence of drugs and alcohol negatively impacts public safety and the quality of life of all Oaklanders regardless of the legality to consume them. Efforts

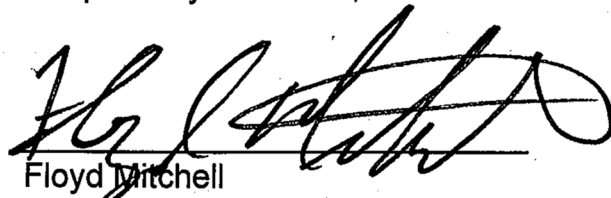
to address these problems will lead to quality life improvements and increased pedestrian and vehicle safety for all residents and visitors.

**ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE**

Resolution Authorizing The City Administrator To Accept And Appropriate A Grant Award In The Amount Of One Hundred And Seventy Thousand Five Hundred Dollars (\$170,500) From The State Of California Highway Patrol (CHP), Impaired Driving Section, For The Fiscal Year 2024-2026, To Be Administered By The Oakland Police Department (OPD) Crime Laboratory.

For questions regarding this report, please contact Dr. Sachs, OPD Criminalistics Laboratory Manager, at 510-238-2108.

Respectfully submitted,



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Oakland Police Department

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