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OFFICE OF THE CITY CLERK  
OAKLAND

**CITY OF OAKLAND  
AGENDA REPORT**

To: **2010 SEP 30 PM 5:07** Office of the City Administrator  
Attn: Dan Lindheim  
From: Police Department  
Date: October 12, 2010

**Re: A Report and Proposed Resolution Authorizing the City Administrator, on Behalf of the City of Oakland, to 1) Accept and Appropriate Grant Funds in an Amount Not to Exceed Three Hundred Seventy-One Thousand Six Hundred Twenty-Two Dollars (\$371,622) from the U.S. Department of Justice, National Institute of Justice (USDOJ/NIJ) for Implementation of the Fiscal Year 2010 Forensic Casework DNA Backlog Reduction Grant Program in the Police Department, 2) Approve a Waiver of the Central Services Overhead, and 3) If Grant Funding is Increased, Authorizing the City Administrator To Accept and Appropriate Additional Funds From USDOJ/NIJ Without Return to Council**

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**SUMMARY**

This report and resolution authorizes the City Administrator, on behalf of the City of Oakland, to accept and appropriate grant funds in an amount not to exceed \$371,622 from the U.S. Department of Justice, National Institute of Justice (USDOJ/NIJ) for implementation of the Fiscal Year 2010 Forensic Casework DNA Backlog Reduction Program. The proposed program period is October 1, 2010 through March 30, 2012. The funds will be used to offset costs to the Police Department's Criminalistics Division, Forensic Biology Unit, relative to increased capabilities in analyzing biological evidence associated with criminal cases.

**FISCAL IMPACT**

Approval of the proposed resolution will 1) authorize the application, acceptance and appropriation of U.S. Department of Justice, National Institute of Justice, grant program funds for the Police Department's Fiscal Year 2010 Forensic Casework DNA Backlog Reduction Program for the project term beginning October 1, 2010, in the estimated amount of \$371,622, 2) waiver of the CSO costs associated with this grant award as the grantor does not allow it, and 3) authorize the acceptance of additional funds (should they be awarded) from USDOJ/NIJ without return to Council. Funding will be appropriated to the Federal Grant Fund (2112); Criminalistics Division Org. (102610); Criminalistics Division Program (PS05), in a Project Account to be determined. The funding agency does not require a matching funds component. Proposed expense allocations are as follows:

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<b>Description and Use of Funds</b>	<b>Amount</b>
Criminalistics Division Staff Travel/Training	<b>\$27,250.00</b>
Forced Air Chamber	<b>\$16,663.50</b>
Laboratory Benches	<b>\$13,085.00</b>
Large Capacity Freezer	<b>\$62,557.50</b>
Freezer Shelving	<b>\$24,145</b>
Expert DNA Typing System Genemapper IDX software	<b>\$76,825</b>
Server – Computer and appropriate software	<b>\$10,087.25</b>
Digital Cameras for evidence documentation	<b>\$3,721.75</b>
Biology Unit Staff overtime for analyses on backlogged cases	<b>\$33,806.00</b>
Services to prepare laboratory for benches, forced air cabinet, and freezer installation	<b>\$57,500.00</b>
DNA Typing Supplies	<b>\$45,981.00</b>
<b>Total</b>	<b>\$371,622</b>

The manager of the Department’s Criminalistics Division is responsible for the management of this grant award.

## **BACKGROUND**

The Fiscal Year 2010 DNA Forensic Casework Backlog Program was created to assist laboratories that conduct DNA analysis to improve DNA laboratory infrastructure and analysis capacity so that DNA samples can be processed efficiently and cost effectively, as well as to analyze backlogged forensic DNA casework samples from Uniform Crime Report (UCR), Part 1 Violent Crimes. These improvements are critical to preventing future DNA backlogs and to helping the criminal justice system use the full potential of DNA technology. The improvements allow staff to process DNA samples in a more efficient and cost-effective manner. Grant funds will support the purchase of DNA typing equipment and supplies, training for laboratory scientists, enhanced evidence processing and storage capacity, technological improvements and overtime cost for the analyses of backlogged sexual assault cases.

The Forensic Biology Unit case completion time for the year 2009 was 197 business days from the date of request from the investigator to the publication of the report. This is lower than

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previous years due to increased implementation of automated DNA typing instrumentation. Upon implementation of the GeneMapper IDX DNA typing result interpretation software, the efficient use of laboratory space, and a fully trained staff, the turnaround time is expected to decrease to less than 100 business days. This decrease in turnaround time and the increase in the number of DNA samples analyzed will enable the lab to increase the number of cases completed annually.

The DNA profiles obtained from probative evidence will be entered into the Combined DNA Index System (CODIS). Based upon past experience with DNA profiles obtained from suspectless cases, staff anticipates a 35% 'Hit-Rate'<sup>1</sup>. This will assist not only Oakland Police Department investigators, but also the Alameda County District Attorney, and other law enforcement, prosecutorial, and judicial agencies in the surrounding area.

### **KEY ISSUES AND IMPACTS**

The advent of DNA technology has revolutionized law enforcement's ability to analyze biological evidence at a genetic level, in particular, semen evidence encountered in sexual assaults. Coinciding with this revolution in genetic analysis is the utilization of computer-based DNA databases. The DNA analysis of the biological evidence associated with unsolved sexual assault and homicide cases and subsequent searches of these DNA profiles against the CODIS and against other case profiles can determine if any matches exist. The outcome of such cross-referenced searches can lead to the arrest and prosecution of violent individuals. Additionally, DNA typing may lead to the elimination of a particular individual as a crime suspect. The ability of the laboratory to conduct the DNA analyses as a routine matter, with a shorter turn-around time, will ultimately lead to solving crimes.

### **PROJECT DESCRIPTION**

**Objective #1:** *Increase current DNA processing capacity with an expert system, equipment, and remodel of existing space.*

The Laboratory will increase the number of cases and decrease the turnaround time for the completion of all cases in which biological material is to be subjected to DNA typing by reducing the potential bottleneck locations. This will be accomplished by adding a dedicated server for the transfer and storage of electronic data generated as a result of the analyses of physical evidence, an expert system to assist in the DNA data interpretation, a conveniently located freezer and remodel of existing space. The list below illustrates the equipment that will be purchased with these grant funds:

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<sup>1</sup> "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.

<b>Equipment / Remodel</b>	<b>Purchased Number</b>	<b>Current Number</b>	<b>Increased Capacity</b>
High Speed / Large Storage Server	One	Shared with OPD	Reduce Wait Time Due to Limitations of Current Server
Walk-In Freezer with High Density Storage	One	Off-Site	Eliminated Evidence Retrieval Time
Digital Cameras	Six	Four Functional	Each Scientist has Own Camera
Expert System (Genemapper IDX)	Ten Licenses	None	Assist in Data Interpretation
Temperature Controlled Drying Cabinet	One	None	Restrict Location and Properly Dry Moist Items
Benches	Three separate rooms (evidence drying location, examination room, PCR room)		More Efficient Use of Existing Space

The amount of time spent by the scientist evaluating DNA typing data, especially complex mixtures, is significant. Aspects of the expert system software make the evaluation of complex mixtures more efficient. The efficiency of evaluating such mixtures will be enhanced in software quantitative evaluations and determining all possible genotype combinations. DNA profiles evaluated by the mixture capabilities of the expert system would be evaluated by scientist prior to acceptance for entry into CODIS, as required by the NDIS procedures. Funds are being requested for the purchase of the appropriate expert system software for the biology unit staff. The analyses of backlog cases can result in a CODIS association to a named individual. These cases may result in requests for additional analyses by the police, prosecution or defense. The freezer capacity of the OPD to store sexual assault evidence collection kits in a convenient location is very limited. Thus, the backlog kits are stored at an off-site facility. The retrieval of these kits is dependent upon the availability of OPD property staff. This leads to a lag time in obtaining these backlogged kits for analysis. We are seeking to increase the frozen storage capacity by installing a large walk-in freezer with high density storage capacity on-site.

The biology unit criminalists are relied upon by investigators to conduct crime scene searches and to collect physical evidence. The physical evidence oftentimes is received in a moist condition. The ability to render this evidence into a suitable storage condition is vital to the preservation of the biological material. The purchase of a forced air, temperature controlled chamber will allow such preservation.

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The forensic biology unit has several DNA analysis instruments and robots controlled by computer programs. These programs can readily accept imported information for subsequent instrumental procedures and export the analytical data electronically. The transfer of this type of data electronically significantly reduces the criminalist's data entry and retrieval process. The laboratory currently has limited storage space on a shared OPD computer server. We will purchase a standalone dedicated laboratory server with adequate storage space to facilitate in the electronic transfer and storage of electronic data, backup capabilities, and appropriate software.

The 340 square foot PCR Laboratory is located in two former photography darkrooms. This space has not been remodeled for the current DNA processes. The remodel will include the removal of an existing dark room sink, cabinetry, and shelving, repair of the walls and floor, and purchase of mobile benches. Mobile benches will also be purchased for a second examination room.

**Objective #2:** *Evaluation, screening, DNA typing, CODIS entry and report writing on fifty backlog cases.*

The Crime Laboratory's Forensic Biology Unit staff analysis of fifty (50) backlog cases, including case evaluation, biological evidence examination and screening, DNA typing, technical review, and data entry into CODIS will be conducted, in part, on overtime. The overtime will be funded through this grant for the criminalists and technical lead. The average minimum number of laboratory hours needed, per sexual assault kit, is approximately forty (40). Therefore, not all of the analyses will be conducted on overtime. The supplies needed for the evaluation of the physical evidence in these cases will be funded through this grant. The supplies will include items for evidence processing (tubes, gloves, masks, bench pads, scalpels etc.) microscopic examination supplies (slides and coverslips), DNA extraction kits, quantitation kits, typing kits and the corresponding instrument supplies (buffers, POP-4, capillaries, tubes, plates, internal standards, etc.). Additionally, the current laboratory's digital cameras are no longer functioning properly. These digital cameras will be replaced and small tripods will be purchased to facilitate the photography of the evidence.

**Objective #3** *Maintain the ability to enter DNA profiles obtained from the biological evidence into CODIS by meeting the continuing education requirements of FBI DNA QAS, ASCLD/LAB, and the American Board of Criminalistics. During the grant period, ten Forensic Biology Unit staff members (one has less than three years of experience) will need to attend training and continuing education programs.*

The continuing education of the Forensic Biology Unit scientific staff will be needed to comply with the laboratory's ASCLD-LAB accreditation, individual scientist's certification, NDIS requirements for CODIS data entry, and the FBI DNA Quality Assurance Standards mandatory educational requirements. The Laboratory does not have an independent budget for training. Upon attendance of these conferences and training events, it is anticipated that case completion time will improve to less than 100 days on average as a result of the new technologies learned, and training of additional Forensic Biology Unit staff.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** Whenever possible, supplies and equipment will be purchased locally.

**Environmental:** There are no environmental issues associated with this report.

**Equity:** Provisions for continuing education and supplies funded by this grant will enhance the Department's ability to analyze biological evidence in sexual assault cases in a more timely fashion.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

There are no ADA or senior citizen access issues contained in this report.

### **RECOMMENDATION**

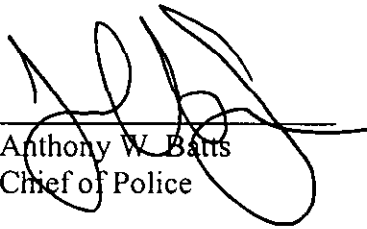
The Oakland Police Department recommends that the City Council authorize the City Administrator to 1) accept grant funds in an amount not to exceed \$371,622 from the U.S. Department of Justice, National Institute of Justice, Fiscal Year 2010 Forensic Casework DNA Backlog Reduction Grant Program and appropriate said funds to the Police Department, 2) and if funding is increased, authorizing the City Administrator to accept and appropriate additional funds without return to Council.

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**ACTION REQUESTED BY THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

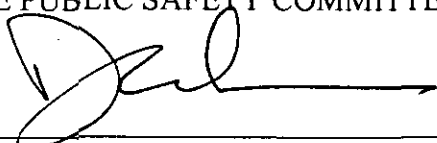


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APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:



Office of the City Administrator

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# OAKLAND CITY COUNCIL

*A. Macaulay*  
City Attorney

2010 SEP 30 PM 5:59 **RESOLUTION No. \_\_\_\_\_ C.M.S.**

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO 1) ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED THREE HUNDRED SEVENTY-ONE THOUSAND SIX HUNDRED TWENTY-TWO DOLLARS (\$371,622) FROM THE U.S. DEPARTMENT OF JUSTICE, NATIONAL INSTITUTE OF JUSTICE (USDOJ/NIJ) FOR IMPLEMENTATION OF THE FISCAL YEAR 2010 FORENSIC CASEWORK DNA BACKLOG REDUCTION GRANT PROGRAM IN THE POLICE DEPARTMENT, 2) APPROVE A WAIVER OF THE CENTRAL SERVICES OVERHEAD, AND 3) IF GRANT FUNDING IS INCREASED, AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE ADDITIONAL FUNDS FROM USDOJ/NIJ WITHOUT RETURN TO COUNCIL**

**WHEREAS**, it is anticipated that grant funds in an amount not to exceed \$371,622 shall be awarded by the U.S. Department of Justice, National Institute of Justice to support the Police Department's fiscal year 2010 implementation of the Forensic Casework DNA Backlog Reduction Program and approval for a waiver of the Central Services Overhead is requested, because the grant disallows it; and

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

**WHEREAS**, the grant term for the proposed initiative is October 1, 2010 through March 30, 2012; and

**WHEREAS**, the City Council previously authorized acceptance of similar grant funds by 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; now, therefore be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator or his designee to accept grant funds in an amount not to exceed \$371,622 from the U.S. Department of Justice, National Institute of Justice and to increase revenues and appropriate said budget to the Police Department and approve a waiver of the Central Services Overhead; and be it

**FURTHER RESOLVED:** That in the event that the USDOJ/NIJ is able to increase the original grant amount, the Oakland City Council authorizes the City Administrator or his designee to accept and appropriate any additional funds without return to Council; and be it



**FURTHER RESOLVED:** That said grant funds shall be maintained in the Federal Grant Fund (2112), Criminalistics Division Org. (102610), Criminalistics Division Program (PS05), in a Project Number to be established; and be it

**FURTHER RESOLVED:** That the City Administrator or his 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, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

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