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CITY OF OAKLAND

AGENDA REPORT

2010 SEP 16 PM 4:44

To: Office of the City Administrator
Attn: Dan Lindheim
From: Police Department
Date: September 28, 2010

Re: An Informational Report on the Progress of the Untested Sexual Assault Evidence Kit Project Conducted by the Oakland Police Department Criminalistics Laboratory

SUMMARY

As requested by the Public Safety Committee on December 1, 2009, staff has prepared a follow-up informational report on the progress of the Untested Sexual Assault Kit Project (hereafter "The Project"). On July 1, 2009, the Criminalistics Laboratory began the project to analyze 489 sexual assault kits in 435 open cases occurring since October 1, 2003 which previously had not been requested for analysis.

FISCAL IMPACT

This is an informational report, only. The Project is conducted primarily on regular time; no General Fund overtime was used. The overtime required was supported by use of grant funds.

BACKGROUND

As previously reported, by conducting a hard census in 2008-09, the Laboratory identified 489 untested sexual assault evidence kits in 435 cases that had accumulated in the Property and Evidence Unit since September 30, 2003. We worked with Special Victim Unit personnel to determine which kits met the several eligibility requirements for enrollment in the Project. These requirements were as follows:

- The untested kit had to be associated with an open case in the Oakland jurisdiction;
- The incident had to have occurred between October 1, 2003 and June 30, 2009; and
- No request for analysis of the kit was previously submitted to the laboratory as of June 30, 2009.

The project began July 1, 2009 as a new performance based budgeting initiative. The analytical plan called for the screening of 400 kits in the first year and the remaining 89 cases in the second year. It was anticipated that this would be accomplished by dedicating 3 FTE Forensic Biology Unit analysts to the task, limiting analysis to kit samples only, and employing a streamlined batch analysis approach.

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KEY ISSUES AND IMPACTS

As reflected in Table 1 below, considerable progress has been made toward the goal of completing work on 40% of the 489 kits by June 30, 2010. Highlights are as follows:

- 29% of kits (142) were completed as of June 30, 2010.
- 39% of kits (191) were completed as of July 31, 2010.

**TABLE 1
 Untested Sexual Assault Project Progress:
 Kits Completed**

	As of July 1, 2009	As of June 30, 2010	As of July 31, 2010	Program Total as of July 31, 2010	1 st Year Goal	% of Goal Completed by Jun 30, 2010
Untested Kit Inventory	489	347	298	298		
Kits Canceled	0	26	28	28		
Kits Analyzed	0	116	163	163		
Total Kits Completed*	0	142 (29%)	191 (39%)	191	196	29%

* Kits completed is sum of kits canceled and kits analyzed.

As reflected in Table 2 below, considerable progress has been made toward the goal of screening 400 kits in the first year. Highlights are as follows:

- 338 kits (84.5%) were processed as of June 30, 2010.
- 340 kits (85%) were processed as of July 31, 2010.

**TABLE 2
 Untested Sexual Assault Project Work in Progress—Screening**

	As of July 1, 2009	As of Jun 30, 2010	As of Jul 31, 2010	Program to date total July 31, 2010	1 st Year Goal	% of Goal Completed by Jun 30, 2010
Kits Received by Lab	0	384	384	384	400	96%
Total Kits Screened	0	312	312	312	400	78%
Total Kits Canceled	0	26	28	28		

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Total Kits Processed*	0	338 (84.5%)	340 (85%)	340	400	85%
Kits remaining to be screened	489	151	149	149	89	

* Kits processed is the sum of kits screened and kits canceled.

Kits may be canceled for several reasons:

- The kit contains biological reference material, only (i.e., it does not contain any physical evidence of the sexual assault by which the perpetrator could be identified);
- The kit is one obtained from the suspect, but there is no reference sample available from the complainant in the case; and
- The kit was destroyed after the start of the project.

DNA Database Associations

As of July 31, 2010, 18 Combined DNA Index System (CODIS) eligible profiles in 18 cases were entered into the DNA database. Eleven associations in 11 cases were made to individuals in the database for a 61% hit rate¹. Two associations were made to the same individual. Two of the individuals identified via CODIS were previously convicted of sexual assaults in the Oakland jurisdiction and are currently incarcerated.

The outcome of CODIS searches is conveyed as a matter of routine to the appropriate investigative unit for follow-up investigation.

PROGRAM DESCRIPTION

A streamlined batch approach is used in which all kits will eventually cycle through the analytical process by the June 30, 2011 project end date. The first step is a screening that identifies those samples suitable for DNA typing. Suitable samples move on to DNA typing. A portion of the samples typed are expected to yield profiles that are suitable for searching in CODIS.

Completion of casework by the batch approach employed is not expected to be linear (i.e., it is not a first-in-first-out process). The batch approach front loads the process with screening: 80% of the kits were expected to be screened in the first year. While some DNA analysis and CODIS searching is expected to occur during the first year, those activities will represent the majority of

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.

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the work conducted in the second year. A kit is counted as completed only after a report is published. Reports are published after all applicable analytical work is completed.

Despite the non-linearity of the batch process, our goal for the year ending June 30, 2010 was to screen 400 kits and complete work on 40% (196) of the 489 total kits in the project. We came very close to meeting the first year goal and we expect to complete the project by June 30, 2011.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no Americans with Disabilities Act (ADA) or senior access issues contained in this report.

SUSTAINABLE OPPORTUNITIES

Social Equity: Analysis of physical evidence in sexual assault cases will assist the Police Department in conducting effective investigations of child abuse and sexual abuse, by identifying crimes of a serial nature, and ultimately by identifying perpetrators through the use of available DNA databases. Apprehending and prosecuting offenders will improve public safety and the welfare of women and children in the community while making the City safer.

Economic: With the reduction of child abuse and sexual assault cases, and the subsequent apprehension and prosecution of offenders, the physical atmosphere and the reputation of Oakland will improve, affording the City an opportunity for further financial growth.

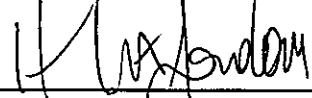
Environmental: There are no environmental concerns associated with this report.

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RECOMMENDATION

Staff recommends acceptance of this informational report.

Respectfully submitted,


for Anthony W. Batts
Chief of Police

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

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