

CITY OF OAKLAND

AGENDA REPORT OFFICE OF THE CITY CLERK
OAKLAND

2011 DEC - 1 PM 5: 20

To: Office of the City Administrator
Attn: Deanna J. Santana
From: Oakland Police Department
Date: December 13, 2011

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 Five Hundred Fourteen Thousand Four Hundred Forty-Four Dollars (\$514,444) from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice To the Oakland Police Department for the Delivery of Training on DNA Evidence for Investigators, 2) Waive the Competitive Request for Proposal/Qualifications Process for the Services Provided by the Regional Training Center (RTC) in an Amount Not to Exceed Three Hundred Sixteen Thousand Fifty-Eight Dollars (\$316,058), and 3) Waive the Advertising and Bidding Requirements For the Purchase of Crime Scene Equipment and Supplies from SIRCHIE In an Amount Not to Exceed Forty Five Thousand Dollars (\$45,000), Foster and Freeman In an Amount Not to Exceed Twenty Six Thousand Dollars (\$26,000), and Safariland Forensic Source In An Amount Not to Exceed Fifteen Thousand Dollars (\$15,000), For the Program Period October 1, 2011 through June 30, 2014**

SUMMARY

A report and proposed resolution has been prepared authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate grant funds in the amount of \$514,444 from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), National Institute of Justice (NIJ) to the Oakland Police Department for Forensic Science Training Delivery. The proposed program period is October 1, 2011 through June 30, 2014. The funds will be used for equipment, supplies, travel, and personnel to deliver the Peace Officer Standards and Training (POST) certified course titled, "*DNA Evidence for Investigators*," which is a three-day training course offered in five Western Regional States.

FISCAL IMPACT

The approval of this resolution will authorize the Police Department (OPD) to accept grant funds in an amount not to exceed \$514,444 from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), National Institute of Justice (NIJ). Fund Appropriations will be allocated to the Federal Grant Fund 2112, Criminalistics Division Org 102610, Criminalistics Program PS05, in a Project Account to be determined. There is no match fund requirement or ongoing costs associated with the acceptance of this grant, which will be managed by the Police Department Criminalistics Division. The proposed expense allocations are as follows:

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Justification for Waiver of RFP/RFQ for Consultancy Services

The RTC presents and coordinates a wide range of training classes from small classroom events to large symposiums. The RTC is the largest POST presenter for the POST Institute of Criminal Investigations (ICI) and an equal size partner in the POST Instructor Development Institute (IDI). The RTC has a 40 year history with training and is well positioned and equipped to handle a collaborative venture with the City of Oakland and the OPD. The proposed consultant agreement with the RTC was detailed by the Police Department within the context of the original grant proposal submitted to the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice Forensic Science Training Delivery and Research Program. In order for OPD to be guaranteed the receipt of the full grant award amount of \$514,444.00, our agency is mandated to enter into a consultant agreement with the RTC. The RTC is the only training center familiar with the intricacies of this course and grant requirements. Therefore, a waiver of the request for proposal/qualifications process for the consultant services with the Regional Training Center would be in the best interest of the City.

Justification for Waiver of the Advertising and Bidding Process

Sirchie (www.sirchie.com) offers the most comprehensive, portable all inclusive biological evidence collection kit and crime scene collection tools. After researching several crime scene collection kit vendors, Sirchie provides the only portable kit with all necessary supplies included for the best price. Sirchie forensic supplies are used by law enforcement agencies around the world to identify, collect, record, analyze, evaluate, and archive physical evidence. Sirchie is an industry leader and sets the standard for others to emulate. Sirchie will customize its product and customer service, offering to meet our Department's specific needs. This is the only collection kit that contains the most comprehensive collection and packaging supplies in a convenient carrying case for the students to utilize in the field after completing this course. In the best interest of the City, we request a waiver of the advertising and bidding process for Sirchie.

Foster and Freeman USA, Incorporated (www.fosterfreeman.com) is the sole manufacturer and distributor of the Crime-Lite2[®], an alternative light source (ALS) kit for crime scene processing and visualizing potential biological materials. Crime-Lite2[®] LED forensic light sources offer a unique combination of high intensity, even illumination, and complete portability. Crime-lite2[®] ranges of light sources are suitable for laboratory and crime scene investigations. This is the only portable ALS kit with actual light output spectrum certification for each light source. In the best interest of the City, we request a waiver of the advertising and bidding process for Foster and Freeman USA, Inc.

Safariland (www.safariland.com) offers the finest forensic products for all types of instructional needs. They have a wide selection of crime scene sketching tools, evidence packaging containers, shipping cases, and photography supplies. This vendor is also the only one able to provide educational instructional aides, such as DNA supermodel kits, simulated blood typing

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lab activities, blood spatter analysis lab activities, and DNA detective lab activities, which are required to accomplish course objectives. Safariland provides the majority of products needed to successfully instruct the students and meet the requirements of this grant. In the best interest of the City, we request a waiver of the advertising and bidding process for Safariland.

BACKGROUND

Biological evidence has played a major role in solving cold cases, identifying missing persons or unknown individuals, and providing leads in homicide, sexual assault, and burglary cases. Crime scene investigators, criminal investigators, and district attorney investigators each play a vital role in the collection of biological evidence recovered in a criminal case. These different investigative units are often compartmentalized and the investigators may not be aware of the upstream or downstream role biological evidence plays in the overall investigation.

Techniques in the collection and processing of DNA evidence are advancing at a tremendous rate. Law enforcement personnel need to be constantly enlightened to these advances; however, a gap exists in training for law enforcement personnel who come into contact with or utilize biological and DNA evidence as a tool during the investigation of a case.

DNA Evidence for Investigators is a course developed with input from DNA analysts, district attorneys, crime scene personnel, and police officers on how to train criminal investigators on effective DNA uses. The purpose of this course is to close the gap by teaching investigators what, why, and how evidence is processed from various criminal incidences (i.e., homicides, sexual assaults, burglaries, robberies) and how to more effectively use the laboratory analysis to further their investigation. This 24-hour interactive course addresses the role biological evidence plays in a criminal investigation from crime scene to adjudication.

KEY ISSUES AND IMPACTS

DNA typing from biological material found at crime scenes can either link or eliminate a suspect from a crime as well as link crime scenes together. Knowledge on how to collect and use DNA increases the value of this powerful tool. The students (minimum 25% are OPD investigators) completing the course will be given a comprehensive biological evidence collection kit. This course will better prepare the students to collect and utilize biological evidence in their investigations. Investigators will learn about new technologies and which type of analysis would be suitable for their evidence type and case. Investigators will learn how to interpret laboratory reports as well as learn about legal aspects and statutes applied to biological evidence and database samples.

Funding from this program will enable OPD [in partnership with the Regional Training Center (RTC)] to deliver training to approximately 300 investigators in Five Western States, which are California, Washington, Oregon, Nevada, and Arizona. This project will be executed in

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partnership with the RTC to decrease the burden on OPD Criminalistics, Fiscal, and Training Divisions. The RTC is a governmental agency established in 1972, and is located in San Diego. The RTC was created to provide high quality training and organization development consulting services to public agencies. The RTC's services are aimed at enhancing the skills of public sector employees to meet the needs of individual citizens and the community at large.

The RTC (www.sdrtc.com) is well suited to partner with the City of Oakland and OPD to execute this grant project. At the present time, the RTC has a similar contract with the Westminster Police Department under the Human Trafficking of Minors grant in which the RTC coordinates twelve Human Trafficking of Minors classes a year. The RTC also is in partnership with the Commission on POST under the Violence Against Women Act (VAWA) grant and provides support for 31 VAWA courses in a year. The RTC is in a unique position in the law enforcement training community; their staff are trained in all aspects of government training with a specialty in law enforcement training and have presented effective training throughout California and in other states.

The *DNA Evidence for Investigators* training program has the potential to impact hundreds of criminal investigations in the Western regional states, especially those of the Oakland Police Department. Criminals are not confined to any one city or area - they are mobile; providing training to Oakland Police Department Investigators and surrounding agencies has the potential of thwarting, linking, or solving cases across jurisdictions.

PROGRAM DESCRIPTION

The purpose of the NIJ solicitation for Forensic Science Training Delivery and Research Program is to increase the number of no-cost educational opportunities for relevant criminal justice partners and professionals involved in treating victims of sexual assaults. This proposed project will fund the delivery of this course, leveraging existing forensic science training curricula on a regional level. Specifically, the identification, collection, preservation, and analysis of DNA evidence for law enforcement, forensic science professionals, correctional personnel, and court officers.

This training will be offered in 12 major cities in five Western regional states. Eight courses will be delivered in California and one each in Washington, Oregon, Nevada, and Arizona. Training will be provided at no cost to the participants (trainees and students) and is reflected in the budget. Each delivery is targeted for 25 participants with a goal of training approximately 300 law enforcement personnel by the conclusion of this project. OPD investigators will be given priority to attend the course. This 24-hour interactive course is for all law enforcement personnel interested in fully understanding the role biological evidence plays in a criminal investigation from crime scene to courtroom. The course will cover basic DNA theory, crime scene processing, laboratory analysis, Combined DNA Index System (CODIS) database uses, legal

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issues, and court preparation for presenting DNA cases. Investigators will be taught in a laypersons approach to DNA evidence and how it can be leveraged in a criminal investigation.

Deployment and completion of this program can only be accomplished in collaboration with the Regional Training Center (RTC). The services provided are vital to the successful execution of this grant proposal. These services are:

- Coordinate with OPD to set and manage the training dates;
- Coordinate with OPD and existing training locations to host the course;
- Provide and execute marketing for the course to include: developing, printing, and distributing advertisement flyers, telemarketing and email marketing;
- Develop and maintain web pages dedicated to this program;
- Register student attendees through the RTC website and registration system and maintain registration rosters for each class delivery;
- Production of course materials provided by the instructors for student *binders* and shipping of student materials to each training site;
- Provide POST training rosters for each course offering, and enter those into the POST Electronic Data Interchange (POST EDI) upon completion of each course offering;
- Provide logistical support for each course offering;
- Provide instructor and course assessment/evaluation sheets to attendees and provide these for review to the grant Principal Investigator after each course offering
- Provide documentation for all course offerings to meet the requirements of the grant, documentation to support the writing and submission of performance measures reports and financial reports; and
- Provide and manage attendee travel reimbursements and non-OPD trainer fees and travel reimbursements.

SUSTAINABLE OPPORTUNITIES

Economic: Increased use of forensic DNA technology, methodology, and education has the potential to increase the identification, charging, and successful prosecution of perpetrators of violent crimes, thereby making the City safer and more attractive as a place in which to live, visit, and conduct business.

Environmental: No environmental concerns are associated with this report.

Social Equity: The equipment and supplies received through the NIJ Forensic Science Training Delivery Grant Program will assist the Oakland Police Department in its effort to identify, document, collect, and preserve potential biological evidence to successfully investigate and

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prosecute violent crimes within and surrounding our community. The training and educational opportunities provided to outside law enforcement personnel in the Western Regional United States will further the professional reputation afforded by the Oakland Police Department and the City of Oakland.

DISABILITY AND SENIOR ACCESS

No Americans with Disabilities Act (ADA) or senior citizen access issues are associated with this report.

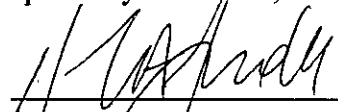
RECOMMENDATION

Staff recommends the City Council authorize the City Administrator to accept grant funds in an amount not to exceed \$514,444 from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice's Forensic Science Training Delivery Grant Program and appropriate said funds to the Police Department's Criminalistics Division for use in forensic DNA-related training, authorize a waiver of the Competitive Request for the Proposal/Qualifications process for the services provided by the Regional Training Center, and authorize a waiver of the advertising and bidding process for goods provided by Sirchie, Foster and Freeman, and Safariland.

ACTION REQUESTED OF THE COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



Howard A. Jordan
Interim Chief of Police

Prepared by:
Bonnie Cheng, Criminalist II
Criminalistics Division
Bureau of Investigation

Reviewed by:
Ms. Cynthia Perkins
Assistant to the Director
Oakland Police Department

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

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FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

A. Macaulay
City Attorney

RESOLUTION NO. _____ C.M.S.

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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 FIVE HUNDRED FOURTEEN THOUSAND FOUR HUNDRED FORTY FOUR DOLLARS (\$514,444) FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, NATIONAL INSTITUTE OF JUSTICE TO THE OAKLAND POLICE DEPARTMENT FOR THE DELIVERY OF TRAINING ON DNA EVIDENCE FOR INVESTIGATORS, 2) WAIVE THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATIONS PROCESS FOR THE SERVICES PROVIDED BY THE REGIONAL TRAINING CENTER IN AN AMOUNT NOT TO EXCEED THREE HUNDRED SIXTEEN THOUSAND FIFTY-EIGHT DOLLARS \$316,058, AND 3) WAIVE THE ADVERTISING AND BIDDING REQUIREMENTS FOR THE PURCHASE OF CRIME SCENE EQUIPMENT AND SUPPLIES FROM SIRCHIE IN AN AMOUNT NOT TO EXCEED FORTY-FIVE THOUSAND DOLLARS (\$45,000), FOSTER AND FREEMAN IN AN AMOUNT NOT TO EXCEED TWENTY-SIX THOUSAND DOLLARS (\$26,000), AND SAFARILAND FORENSIC SOURCE IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000), FOR THE PROGRAM PERIOD OCTOBER 1, 2011 THROUGH JUNE 30, 2014

WHEREAS, biological and DNA evidence has played a major role in solving cold cases, providing leads in homicide, sexual assault, and burglary cases, and identifying missing persons or unknown individuals, and;

WHEREAS, crime scene, law enforcement, criminal, and district attorney investigators each play a vital role in the collection of biological and DNA evidence recovered in such criminal cases; and

WHEREAS, a tremendous gap exists in training for law enforcement personnel who come into contact with or who utilize biological and DNA evidence as a tool during the investigation of a case; and

WHEREAS, it is anticipated that grant funds in an amount not to exceed \$514,444 will be received by the Oakland Police Department (OPD) from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice Forensic Science Training Delivery Grant Program to deliver the Peace Officer Standards and Training (POST) certified training course, titled *DNA Evidence for Investigators*; and

WHEREAS, the OPD in collaboration with the Regional Training Center (RTC) will deliver twelve, 24-hour *DNA Evidence for Investigators* courses in five Western Regional States for the purpose of training on biological and DNA evidence for investigators; and

WHEREAS, *DNA Evidence for Investigators* is a course developed with input from DNA analysts, district attorneys, crime scene personnel, and police officers on how to train criminal investigators on effective DNA uses; and

WHEREAS, the grant term for the proposed program initiative is October 1, 2011 through June 30, 2014; and

WHEREAS, the funds will be used to cover the student and non-OPD trainer travel cost, RTC services, OPD staff travel and training expenses, OPD staff overtime, and purchase equipment and supplies for the delivery of this course; and

WHEREAS, Oakland Municipal Code (“OMC”) Section 2.04.051.B. authorizes the City Council to waive the request for proposal/qualifications process of OMC Section 2.04.051.A after a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, staff recommends the City Council make a finding and a determination that it is in the best interests of the City to waive the proposal/qualifications process for the consultant agreement for services provided by the Regional Training Center because RTC is the only training center familiar with the course and grant requirements and the City is mandated to enter into an agreement with RTC in order to be guaranteed the receipt of the full grant award; and

WHEREAS, Oakland Municipal Code (“OMC”) Section 2.04.050.1.5 authorizes the City Council to waive the advertising and competitive bidding requirements of OMC Section 2.04.050 after a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, staff recommends the City Council make a finding and determination that is in the best interests of the City to waive the advertising and bidding process for goods purchased from Sirchie, Foster and Freeman, and Safariland for the reasons set out in the City Administrator’s report accompanying this resolution; and now, therefore be it

RESOLVED: that the City Council hereby authorizes the City Administrator or his designee to accept and appropriate grant funds in the amount of \$514,444 from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice; and be it

FURTHER RESOLVED: that said grant funds be maintained in the Federal Grant Fund (2112); Criminalistics Division Org. (102610); Criminalistics Program (PS05), in a Project Account to be determined; and be it

FURTHER RESOLVED: that said grant funds shall be used to cover student travel cost, RTC services, OPD and non-OPD personnel travel expenses, OPD personnel overtime, and equipment and supplies to deliver this training course; and be it

FURTHER RESOLVED: that the City Council finds and determines that pursuant to OMC 2.04.051.B and based upon the reasons stated above and in the City Administrator’s report accompanying this resolution, that it is in the best interests of the City to waive the request for proposal/qualifications process for consultant services with the Regional Training Center and so waives the requirements; and be it

FURTHER RESOLVED: that the City Council finds and determines that pursuant to OMC 2.04.050.I.5 and based upon the reasons stated above and in the City Administrator’s report accompanying this resolution, that it is in the best interests of the City to waive the advertising and competitive bidding requirements for the purchase of goods in an amount not to exceed \$45,000 from Sirchie, in an amount not to exceed \$26,000 from Foster and Freeman, and in an amount not to exceed \$15,000 from Safariland; and be it

FURTHER RESOLVED: that said grant funds received for the Forensic Science Training Delivery Grant program shall not be used to supplant expenditures controlled by the City of Oakland; and be it

FURTHER RESOLVED: that the City Council hereby appoints the City Administrator as agent of the City to conduct all negotiations, applications, agreements, and related actions, which may be necessary for the completion of the aforementioned grant.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE: BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID

AYES-

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the
Council of the City of Oakland, California