



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Susan E. Manheimer  
Interim Chief of Police

**SUBJECT:** OPD 2020 DNA Backlog Reduction  
Program

**DATE:** October 14, 2020

City Administrator Approval  
Approval

Date

Oct 28, 2020

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt In Advance of Formal Award A Resolution Authorizing The City Administrator, Or Designee, To: 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed \$369,460 From The U.S. Department Of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) For Implementation Of The FY (Fiscal Year) 2020 DNA Capacity Enhancement For Backlog Reduction Program For The Oakland Police Department (OPD); And 2) Waive The City Advertising And Competitive Bidding Requirements For The Purchases Of DNA Typing Supplies and Instruments From (1) Qiagen For One Hundred Seventy-Five Thousand One Hundred Twenty Dollars (\$175,120), (2) Promega For One Hundred Fifty-Seven Thousand and Forty Dollars (\$157,040), And (3) Thermo Fisher/Life Technologies For Nineteen Thousand Ninety-Six Dollars (\$19,096).**

## **EXECUTIVE SUMMARY**

Adoption of the proposed resolution in advance of formal award will allow OPD to accept the BJA FY 2020 DNA<sup>1</sup> Capacity Enhancement and Backlog Reduction (CEBR) grant of \$369,460 in a timely manner thus expediting funds for staff training and DNA processing without potential delay of casework. The OPD Crime Laboratory (Crime Lab), with these grant funds, will be able to decrease the biological evidence analysis turnaround time and the backlog of cases. This resolution calls for waiving the City's Advertising and Competitive Bidding Requirements because of the need to purchase specialized laboratory-validated DNA typing equipment, reagents, and supplies available only from specific vendors.

## **BACKGROUND AND LEGISLATIVE HISTORY**

The DNA Capacity Enhancement for Backlog Reduction Program is a formula grant created by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (DOJ/OJP/BJA) to assist laboratories that conduct DNA analysis. The aggregate amount of FY 2020 funds expected to be awarded to eligible applicants from each State was based on a determination by the Bureau of Justice Assistance (BJA) of a primary and a secondary amount,

<sup>1</sup> DNA, or deoxyribonucleic acid, is the hereditary material in humans and almost all other organisms.

and then distributed among the eligible applicants within the State. The total (primary and secondary) amount available for California as indicated in the FY 2020 grant solicitation formula is \$9,828,035, of which \$369,460 is allocated to Oakland Police Department. OPD is anticipating a formal award letter by December 2020.

The City Council has previously authorized acceptance of similar DNA backlog grants:

- Resolution No. 87996 C.M.S., dated January 21, 2020;
- Resolution No. 87429 C.M.S., dated November 27, 2018;
- Resolution No. 87428 C.M.S., dated November 27, 2018,
- Resolution No. 86982 C.M.S., dated November 28, 2017;
- Resolution No. 86532 C.M.S., dated December 13, 2016;
- Resolution No. 85899 C.M.S., dated November 17, 2015;
- Resolution No. 85223 C.M.S., dated October 21, 2014;
- Resolution No. 84686 C.M.S., dated November 5, 2013;
- Resolution No. 84041 C.M.S., dated October 2, 2012;
- Resolution No. 83672 C.M.S., dated December 20, 2011;
- Resolution No. 83030 C.M.S., dated October 19, 2010;
- 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.

## **ANALYSIS AND POLICY ALTERNATIVES**

The goal of the program is to improve DNA laboratory infrastructure and analysis capacity so that DNA samples can be processed efficiently and effectively. The program also provides continuing education courses and training associated with DNA analyses required by the Federal Bureau of Investigation (FBI) DNA Quality Assurance Standards (QAS) mandatory education and training requirements, as well as funds to analyze backlogged forensic DNA casework samples. Improvements are necessary and critical to reduce current DNA backlogs, prevent future increases and to help the criminal justice system reach its full potential in the utilization of DNA technology.

Backlogged case requests from homicides, sexual assaults, robberies, assaults, and property crime cases will be enrolled into the FY 2020 DNA Backlog Reduction Program. The eligible DNA profiles obtained from evidence in these cases will be entered into the Combined DNA Index System (CODIS). DNA profiles entered into CODIS has resulted in an approximately seventy-three percent hit rate.<sup>2</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.

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<sup>2</sup> "Hit rate" is defined as that portion of cases with DNA profiles submitted to CODIS in which an association to a named individual or case-to-case (either solved or unsolved) is made to a DNA profile(s) in the database during the last 18 months.

**The Crime Lab will focus on three goals with the implementation of the FY 2020 DNA Backlog Reduction Program grant initiative:**

***Goal #1: Reduce the Average Turnaround Time***

The analysis of the backlogged cases will include case evaluation, biological evidence examination and screening, DNA typing, technical review, and data entry into CODIS. A minimum of 239 backlogged case requests will be analyzed using grant funds for DNA typing reagents and supplies. The supplies will include capillaries and associated polymer for the instruments, DNA extraction kits, quantitation kits, and typing kits. These readily available supplies will alleviate the time waiting for supplies to arrive at the Laboratory, thus reducing the turnaround time. Other laboratory funds will be used to purchase consumable supplies such as gloves, masks, scalpels, and plastic-ware.

***Goal #2: Provide Required Continuing Education for Each Criminalist and Forensic DNA Technician***

The Criminalistics Division must comply with several types of credentialing processes:

- ANSI-ASQ<sup>3</sup> National Accreditation Board accreditation (ANAB)
- National DNA Index System (NDIS) requirements for CODIS data entry
- American Board of Criminalistics certification educational requirements
- Federal Bureau of Investigation (FBI) DNA Quality Assurance Standards (QAS) mandatory education and training requirements

To comply with and maintain the Criminalistics Division's required accreditations, scientific staff must obtain continuing education credits. The Criminalistics Division and Forensic Biology Unit do not have independent budgets for training. This federal grant will fund travel and tuition for various conferences and training opportunities. It is anticipated that case completion time would improve, because of conference attendance, and training of Forensic Biology Unit staff may result in implementation of new technologies learned. By the end of the award period, it is expected that the Forensic Biology Unit Criminalists will have fulfilled a portion of their required continuing education through this grant.

***Goal #3: Increase Capacity of the Crime Lab for Forensic Casework***

The Crime Laboratory will use the grant funds to purchase two EZ2 DNA purification instruments. These instruments will replace two older model, lower capacity, EZ1 DNA purification instruments. The Crime Lab current model capacity is 14 samples per run, the newer replacement model capacity is 24 samples per run. Thus, replacing the older model EZ DNA purification instrument will increase the capacity of conducting DNA typing on case samples.

***Waiver of the Advertising and Bidding Process***

Section 2.04.050.1.5 (Bid Procedure) explains that the City can make exceptions to its competitive bidding process when City Council finds and determines that it is in the best interest of the City. Purchasing DNA supplies and typing instruments from vendors other than those who

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<sup>3</sup> ANSI = American National Standards Institute; ASQ = American Society for Quality:  
<http://asq.org/knowledge-center/z14.z19/index.html>

manufacture DNA kits and instruments used by the Crime Laboratory would not be acceptable for this federal grant. The Forensic Biology Unit has conducted extensive validation studies as part of the selection process in determining which typing kits and instruments to implement in our evidence processing scheme. The use of other products which have not been validated would hence violate the FBI DNA QAS.

OPD therefore believes that waiving the competitive bidding process in this instance is in the best interest of the City. The Crime Lab must adhere to FBI DNA QAS standards to enter DNA profiles into CODIS for searching. The reagents to be purchased through this grant include: DNA extraction kits and DNA purification instruments (Qiagen), DNA quantitation kits (Promega), DNA typing kits (Promega), DNA typing supplies (Thermo Fisher/Life Technologies). These reagents and instruments from these specific vendors have undergone rigorous validation studies and no vendor substitutions are acceptable.

**FISCAL IMPACT**

The table below details how OPD will utilize the USDOJ/NIJ FY 2020 DNA Backlog Reduction Grant Program funds. The table lists the use of funding for staff travel and training, and technology and supply costs.

<b>Budget Category</b>	<b>Amount</b>
<b>Instrument</b>	
DNA Purification Instruments (Qiagen)	\$112,000
<b>Total Instruments</b>	<b>\$112,000</b>
<b>Training and Travel</b>	
Travel, Lodging, and Registration Costs	\$18,204
<b>Total Training and Travel</b>	<b>\$18,204</b>
<b>Technology and Supplies</b>	
DNA Typing Reagents and Supplies (Qiagen)	\$63,120
DNA Typing Reagents and Supplies (Promega)	\$157,040
DNA Typing Reagents and Supplies (Thermo Fisher/Life Technologies)	\$19,096
<b>Total Technology and Supplies</b>	<b>\$239,256</b>
<b>TOTAL</b>	<b>\$369,460</b>

The \$369,460 in grant funds from the USDOJ/NIJ for the implementation of the FY 2020 DNA Backlog Reduction Grant Program shall be appropriated in the Federal Grant Fund (2112), Criminalistics Division Organization (102610), Criminalistics Division Program (PS05), in a Project Number to be established.

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Organization</b>	<b>Account</b>	<b>Project</b>	<b>Program</b>	<b>Amount</b>
2020-2021	2112	102610	TBD	TBD	PS05	\$369,460

### **PUBLIC OUTREACH / INTEREST**

The public has a significant interest in ensuring that the OPD Crime Laboratory can effectively process DNA evidence; successfully processed DNA evidence helps OPD with investigations by either rejecting individuals excluded by the evidence or leads to effective criminal prosecutions.

### **COORDINATION**

The Budget Bureau and the Office of the City Attorney were consulted by OPD 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 associated with this report.

***Race and Social Equity:*** Provisions for continuing education and supplies funded by this grant will enhance OPD's ability to analyze biological evidence in criminal cases in a timelier fashion. The public safety for all Oakland residents and visitors is enhanced through greater OPD investigative capacity, through the use of science-based methods which mitigates potential bias.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To: 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed \$369,460 From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The FY (Fiscal Year) 2020 DNA (Deoxyribonucleic Acid) Capacity Enhancement For Backlog Reduction Program For The Oakland Police Department (OPD); And 2) Waive The City Advertising And Competitive Bidding Requirements For The Purchases Of DNA Typing Supplies and Instruments From (1) Qiagen For One Hundred Seventy-Five Thousand One Hundred Twenty Dollars (\$175,120), (2) Promega For One Hundred Fifty-Seven Thousand and Forty Dollars (\$157,040), And (3) Thermo Fisher/Life Technologies For Nineteen Thousand Ninety-Six Dollars (\$19,096) For DNA Typing Supplies and Instruments.

For questions regarding this report, please contact Bonnie Cheng, Criminalist II, at (510) 238-3386.

Respectfully submitted,



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