



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Susan E Manheimer
Interim Chief of Police

SUBJECT: CA DOJ Sexual Assault Evidence
Testing Grant

DATE: October 7, 2020

City Administrator Approval 

Date: Oct 28, 2020

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator Or Designee To: 1) Accept And Appropriate One Hundred Fifty-Three Thousand Six Hundred Twenty-Seven Dollars (\$153,627) In Untested Sexual Assault Evidence Audit Grant Program Funds From The California Department Of Justice (CA DOJ) Bureau Of Forensic Services, To Process Untested Sexual Assault Evidence Kits In The Oakland Police Department's (OPD) Inventory; 2) Enter Into A Memorandum Of Understanding (MOU) With CA DOJ Bureau Of Forensic Services To Define Grant Reimbursement Rules; And 3) Authorize The City's General Purpose Fund To Contribute Ten Thousand Three Hundred Forty Nine Dollars (\$10,349) To Cover The Associated Central Services Overhead Charges.

EXECUTIVE SUMMARY

Adoption of the proposed resolution will allow OPD and California Department of Justice (CA DOJ) to enter into a MOU and receive a grant in the amount of \$153,627. The grant term is July 1, 2020 – June 30, 2022. Funding will be used to process approximately 97 untested sexual assault evidence kits in OPD's inventory that have been identified for testing. All funding will be spent on salary and overtime (Property and Evidence (PEU), Special Victim's Unit (SVU), and Criminalistics Laboratory (Lab) staff), and to purchase testing kits, reagents and supplies to complete the work.

BACKGROUND / LEGISLATIVE HISTORY

In 2018, the CA DOJ Bureau of Forensic Services Untested Sexual Assault Evidence Grant program (Audit Grant) was developed to assist county and city agencies to compile the number of untested sexual assault evidence kits statewide. The grant was supported by funds allocated with the passage of California (CA) Senate Bill (SB) 862 (CA Statutes. 2018, Chapter 449¹),

¹ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB862

which appropriated \$1 million to CA DOJ for grants to counties and cities, to count the number of untested sexual assault evidence kits in their possession. It was intended to support the requirements outlined in Assembly Bill 3118 (Chiu, 2018). These funds were available for Fiscal Year 2018-19, with a grant period beginning January 1, 2019 and ending June 30, 2019. The grant had an award formula, and Alameda County was allocated \$38,865.86. OPD applied for and received \$38,088 of those funds to count untested sexual assault kits in its possession prior to October 1, 2018.

ANALYSIS AND POLICY ALTERNATIVES

This year's testing grant is supported by funds allocated with the passage of the State of California Budget Act of 2019, which appropriated \$2 million to CA DOJ to award local law enforcement grants. These 2019-20 funds are available with a grant period ending June 30, 2022. Since agencies were encouraged to apply for amounts based on need, OPD applied for a total of \$272,734 to purchase and process supplies to test 169 kits using overtime; however, OPD was awarded a lesser amount of \$153,627 by CA DOJ (45 fewer than anticipated). OPD plans to test and process approximately 97 evidence kits with these grant funds.

To meet the June 30, 2022 grant project deadline, OPD needs to use current Property and Evidence (PEU), Special Victim's Unit (SVU), and Criminalistics Laboratory (LAB) staff to conduct the work. Each of these units is challenged by understaffing; staff will need to lengthen their shifts and/or add days of work to accommodate their current workload in addition this additional project. Funding will therefore be used to cover regular salary and overtime for Lab, PEU and SVU staff, as well as to purchase the 97 sexual assault evidence testing kits, reagents and supplies. OPD is also required to submit a final report to CA DOJ.

If this resolution to accept the Untested Sexual Assault Evidence Testing grant funds from CA DOJ Bureau of Forensic Services is not adopted, there is no way for the Oakland Police Department to accommodate this project due to lack of resources, both personnel and budget. The analysis of untested kits is being mandated and funded by the State of California through this grant and is the only means by which the City of Oakland can be compliant with the California Attorney General mandate.

FISCAL IMPACT

The budget for this grant allocates funds across three units of the department: PEU, SVU, and Lab. **Tables 1.1, 1.2, 1.3, and 1.4** below outline OPD personnel spending plan for the Untested Sexual Assault Evidence Grant Program Funds. **Tables 2 and 3** outline the equipment purchases and summarize total grant spending plans. **Table 1.1** shows that the Crime Lab will utilize regular time and overtime of staff forensic technicians to process sexual assault evidence. Crime Lab staff cannot accommodate this entire project on strictly using overtime; the grant guidelines do allow for funding of regular as well as overtime personnel costs – as long as the work achieves the stated goal of testing untested sexual assault evidence kits; this plan was noted in the grant application. The projected salary savings is estimated at \$65,199 and will towards helping offset OPD's overtime expense.

Table 1.1: Use of CA DOJ Grant Funds for Crime Lab Personnel Costs

Salary Expense	Amount
Reg Salary for Forensic Tech (LAB) – 171.32 hours @ \$39.43/hr	\$6,755
Reg Salary for Criminalist I (LAB) – 171.32 hours at \$48.77/hr	\$8,355
Reg Salary for Criminalist II (LAB) – 342.66 hours at \$54.45/hr	\$18,658
Reg Salary for Criminalist III (LAB) – 57.11 hours at \$60.69/hr	\$3,466
OT for Forensic Tech (LAB) – 57.11 hours @ \$59.15/hr	\$3,378
OT for Criminalist I (LAB) – 57.11 hours at \$71.00/hr	\$4,055
OT for Criminalist II (LAB) – 114.22 hours at \$78.68/hr	\$8,987
OT for Criminalist III (LAB) – 28.56 hours at \$91.04/hr	\$2,600
Total Crime Lab Personnel Cost	\$56,254

Table 1.2: Use of CA DOJ Grant Funds for Crime PEU Personnel Costs

OT for Police Property Specialist (PEU) – 45.70 hours at \$47.42/hr	\$2167
OT for Police Property Supervisor (PEU) – 22.85 hours at \$61.62/hr	\$1408
TOTAL	\$3,575

Table 1.3: Use of CA DOJ Grant Funds for Crime SVU Personnel Costs

OT for Police Officer (SVU) – 34.27 hours at \$91.43/hr	\$3,133
OT for Police Sergeant (SVU) – 22.84 hours at \$105.49/hr	\$2,409
OT for Police Lieutenant (SVU) – 11.42 hours at \$122.01/hr	\$1,393
TOTAL	\$6,935

Table 2: Use of CA DOJ Grant Funds for Crime Lab Equipment

Use of Funds	Amount
Sexual Assault Kits for DNA extraction, quantitation, and/or amplification – 97 kits @ approximately \$900 per test kit	\$86,863

Table 3: Total grant award

Use of Funds	Amount
Personnel Costs: Salary and OT	\$66,764
Supply Cost: Sexual Assault Evidence Kits	\$86,863
TOTAL	\$153,627

Funds will be allocated in the State of California Fund (2159); Criminalistics Organization (102610), Special Victims Organization (102130), and Property and Evidence Organization

(102120); in the Project to be determined. Based on the City's Central Services Overhead (CSO) rates of 15.5%, overhead charges associated with the grant's personnel costs will be approximately \$10,349. However, per the granting agency, indirect costs such as CSO charges are disallowed; staff therefore requests the City's General Purpose Fund contribute \$10,349 to cover the CSO charges.

PUBLIC OUTREACH / INTEREST

No public outreach was required beyond the standard City Council noticing requirements. This report was shared with the City's Privacy Advisory Commission (PAC); the PAC expressed that this report does not need further PAC scrutiny as the related Surveillance Use Policy has been recommended by the PAC for City Council adoption.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney and the Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities identified in this report

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

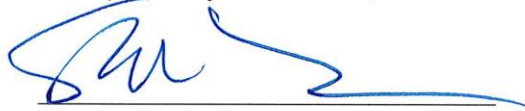
Race and Social Equity: The activities completed under this grant will position OPD to respond to a state mandate to test historical sexual assault exam kits which remain untested. It should be noted that the Lab's Contemporary Kit Program vets and analyzes all current Sexual Assault Kits well within the 120-day mandate set by the State of California – this timeline benefits current and future Oakland residents and visitors who are victims of sexual violence by giving potential investigative leads as quickly as possible. Examining historical kits may give closure to previous victims of sexual violence.

ACTION REQUESTED OF THE CITY COUNCIL

Adopt A Resolution Authorizing The City Administrator Or Designee To: 1) Accept And Appropriate One Hundred Fifty-Three Thousand Six Hundred Twenty-Seven Dollars (\$153,627) In Untested Sexual Assault Evidence Audit Grant Program Funds From The California Department Of Justice (CA DOJ) Bureau Of Forensic Services, To Process Untested Sexual Assault Evidence Kits In The Oakland Police Department's (OPD) Inventory; 2) Enter Into A Memorandum Of Understanding (MOU) With CA DOJ Bureau Of Forensic Services To Define Grant Reimbursement Rules; And 3) Authorize The City's General Purpose Fund To Contribute Ten Thousand Three Hundred Forty Nine Dollars (\$10,349) To Cover The Associated Central Services Overhead Charges.

For questions concerning this report, please contact Dr. Sandra Sachs at 510-238-2108.

Respectfully submitted,



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