

CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK
2006

2005/11/29 PM 5:00

To: Office of the City Administrator
Attn: Deborah Edgerly
From: Police Department
Date: September 12, 2006

Re: A Report and Proposed Resolution Authorizing the City Administrator, on Behalf of the City of Oakland, to Accept and Appropriate Grant Funds in an Amount Not to Exceed One Hundred Ten Thousand Dollars (\$110,000) from the U.S. Department of Justice, National Institute of Justice (USDOJ/NIJ) for Implementation of the 2006 Forensic Casework DNA Backlog Reduction Grant Program in the Police Department

SUMMARY

This report and resolution authorizes the City Administrator, on behalf of the City of Oakland, to accept and appropriate a grant in an amount not to exceed \$110,000 from the U.S. Department of Justice, National Institute of Justice (USDOJ/NIJ) for the 2006 Forensic Casework DNA Backlog Reduction Program. The proposed program period is October 1, 2006 through September 30, 2007. The funds will be used to supplement the cost of processing DNA analysis on backlogged sexual assault cases for investigative purposes and, ultimately, prosecution. The Police Department's Criminalistics Division, Forensic Biology Unit, will conduct the DNA analyses.

FISCAL IMPACT

It is anticipated that the Department will receive federal grant funds in an amount not to exceed \$110,000 for DNA analysis of biological evidence. Revenues and appropriations will be allocated in the Federal Grant Fund: 2112, Criminalistics Division Org.: 102610; Criminalistics Program: PS05, in a Project Account to be determined. There are no matching fund requirements. Expense allocations are:

Description and Use of Funds	Amount
Laboratory staff overtime: DNA Technical Lead, Criminalist III, Criminalist IIs, and Criminalist I,	\$47,969
DNA Supplies and DNA Typing Kits	\$62,031
Total	\$110,000

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The applicable costs of Central Services Overhead (CSO) charges associated with the \$47,969 charges for salary and wages equals \$8,524, based on a 17.77% calculation rate. CSO charges will be expensed to the General Purpose Fund: 1010, Criminalistics Division Org. Code: 102610, Criminalistics Program Code PS05.

BACKGROUND

The advent of DNA technology has revolutionized the genetic analysis of biological evidence and, in particular, semen evidence encountered in sexual assaults. Coinciding with the revolution of genetic analysis has been the utilization of DNA databases (Combined DNA Index System – CODIS). The usefulness of the database rests on entering DNA profiles from probative evidence in all cases. Once entered into the database, the samples can be searched against profiles of convicted offenders and other evidence profiles locally, statewide, and nationally. A “hit” in such a search could link cases together and/or lead to the successful investigation and prosecution of a violent assailant. Based on past experience with DNA profiles obtained from suspectless cases, the crime lab has a 25% ‘Hit-Rate’¹.

Approximately 172 forcible sexual assault cases from the year 2004 have yet to be analyzed. The Laboratory anticipates an analyzing 40 of the backlogged cases and entering the probative DNA profiles into CODIS under the 2006 Forensic Casework DNA Backlog Reduction Program.

Due to the quantity of contemporary cases with suspects, current Criminalistics Laboratory Forensic Biology Unit staffing levels, and the current method of sample processing, the OPD is unable to absorb the analysis of all backlogged cases at this time. The analysis of any case involving biological material needs experienced DNA analysts, plus time and resources.

KEY ISSUES AND IMPACTS

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 sample matches exist. The outcome of such cross-referenced searches could lead to the arrest and prosecution of violent individuals, and/or the elimination of a particular individual as a suspect in a given crime. The ability of the laboratory to conduct the DNA analyses as a matter of routine, in a reduced turn-around time, will ultimately lead to the solving crimes in less time.

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 to be examined.

SUSTAINABLE OPPORTUNITIES

Economic

Whenever possible, supplies and equipment will be purchased locally.

Environmental

There are no environmental issues associated with this report.

Equity

Support personnel 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 accept grant funds in an amount not to exceed \$110,000 from the U.S. Department of Justice, National Institute of Justice, and appropriate said funds to the Police Department Criminalistics Division.

ACTION REQUESTED BY THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,


Wayne G. Tucker
Chief of Police

Prepared by: Jennifer Mihalovich
Criminalistics Division
Bureau of Investigation
and
Candice Jessie
Budget and Grants Administrator
Bureau of Administration

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

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OAKLAND CITY COUNCIL

Sheel
City Attorney

OFFICE OF THE CITY CLERK
2005 AUG 29 PM 4:59

RESOLUTION No. _____ C.M.S.

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RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000) FROM THE U.S. DEPARTMENT OF JUSTICE, NATIONAL INSTITUTE OF JUSTICE (USDOJ/NIJ) FOR IMPLEMENTATION OF THE 2006 FORENSIC CASEWORK DNA BACKLOG REDUCTION GRANT PROGRAM IN THE POLICE DEPARTMENT

WHEREAS, it is anticipated that grant funds in an amount not to exceed \$110,000 shall be awarded by the U.S. Department of Justice, National Institute of Justice to support the Police Department's 2006 Forensic Casework DNA Backlog Reduction Grant Program; and

WHEREAS, the Forensic Casework DNA Backlog Reduction Grant 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, 2006 through September 30, 2007; and

WHEREAS, the City Council previously authorized acceptance of similar grant funds by 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 her designee to accept grant funds in an amount not to exceed \$110,000 from the U.S. Department of Justice, National Institute of Justice and to increase revenues and appropriate said budget to the Police Department; and be it

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

FURTHER RESOLVED: That the City Administrator or her 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, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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