



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: Floyd Mitchell
Chief of Police

SUBJECT: OPD 2024 CGIC Grant Purchase
Authorization

DATE: August 16, 2024

City Administrator Approval


Jestin Johnson (Sep 6, 2024 09:51 PDT)

Date: Sep 6, 2024

RECOMMENDATION

Staff Recommends That the City Council Adopt A Resolution:

1) Authorizing the Crime Laboratory to Procure Equipment Supporting the National Integrated Ballistic Information Network (NIBIN) Funded with Grant Funds from the Office of Justice Programs (OJP), Bureau of Justice Assistance (BHA) for Local Law Enforcement Crime Gun Intelligence Center (CGIC) Integration Initiative to Meet the Grant Requirements; And

2) Waive the Advertising and Competitive Bidding Requirements for the Purchase of NIBIN System Elements to Include (1) A Used BrassTrax from Fairfield Police Department For Ninety Three Thousand Dollars (\$93,000) (2) a New Brasstrax from UltraForensics For One Hundred Fifty Five Thousand Dollars (\$155,000), (3) a New Matchpoint System from UltraForensics For Eighty Five Thousand Dollars (\$85,000), (4) Installation of all Systems By UltraForensics For Twenty Eight Thousand Dollars (\$28,000) and (5) Licenses and Service by UltraForensics For One Hundred Twenty Five Thousand Dollars (\$125,000).

EXECUTIVE SUMMARY

Adoption of this resolution will allow OPD to use a portion of the \$695,997 in grant funds awarded by the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) to further the objectives of the grant to support Local Law Enforcement Crime Gun Intelligence Center (CGIC) in investigations into violent gun crime. The OPD Crime Laboratory (Crime Lab), with these grant funds, will be able to improve throughput and turnaround times for analysis of cartridge case evidence and entry into the National Integrated Ballistic Information Network (NIBIN) administered by the Bureau of Alcohol, Tobacco and Firearms (ATF). In order to expeditiously procure the necessary NIBIN equipment earmarked in the grant, since this equipment exceeds the \$50,000 limit to sole source the purchase, this resolution calls for waiving the City's Advertising and Competitive Bidding Requirements because of the need to purchase specialized, laboratory-validated NIBIN support equipment, licenses, and service available only from UltraForensics in a timely fashion.

Public Safety Committee
September 24, 2024

BACKGROUND AND LEGISLATIVE HISTORY

Firearms Analysis is a cornerstone of modern law enforcement investigations into violent gun crime and is facilitated by use of ATF's National Integrated Ballistic Information Network (NIBIN). Cartridge case evidence may be left after a shooting event occurs. Evidence collected from crime scenes is submitted for uploading to NIBIN for the purpose of trying to identify the firearm originating the cartridge case evidence. The Local Law Enforcement Crime Gun Intelligence Center (CGIC) Integration Initiative is a competitive grant created by the DOJ/OJP/BJA to assist laboratories that conduct such investigations into violent gun crime.

The aggregate amount of funds awarded to the Oakland Police Department was based on a determination by the BJA which grant submissions were worthy to receive grant funding. In 2022, the Oakland Police Department (OPD) was awarded \$695,997 to fund many initiatives proposed in support of the local CGIC. Much of the grant funding was earmarked for instrumentation to be used to increase throughput and decrease turnaround times for uploading evidence images to NIBIN.

Cartridge case images entered into NIBIN have resulted in an approximate forty-seven percent hit rate.¹ This will assist not only OPD investigators, but also the Alameda County District Attorney, and other law enforcement, prosecutorial, and judicial agencies in the surrounding area.

Local Law Enforcement Crime Gun Intelligence Center (CGIC) Integration Initiative Program History

In 2020, OPD attempted to receive grant funding for the Local Law Enforcement Crime Gun Intelligence Center (CGIC) Integration Initiative to assist multiple entities within the police department. The competitive grant was not successful; however, guidance was given that the programmatic elements requested were too broad in nature.

In 2022, another grant application was submitted, this time focusing solely on the Crime Lab portion of investigations into violent gun crime. This application was successful and resulted in the award of \$695,997 which were accepted under Resolution No. 89617 C.M.S.

Development of a Strategic Plan² was a necessary component of the grant administration which guides the objectives of the CGIC.

ANALYSIS AND POLICY ALTERNATIVES

This policy advances the citywide priority of responsive, trustworthy government. Violent crimes which occur in Oakland and surrounding areas cause trauma as well as negative economic

¹ "Hit rate" is defined as that portion of cases uploaded to NIBIN in which an association to a previous entry in the database is made. This number reflects the approximate hit rate for Q2 2024.

² The Strategic Plan is a lengthy 27 page document, largely summarized within goals listed under the "Analysis and Policy Alternative" section.

impacts for victims and their families. The ability to solve crimes and close cases allows the victims to have closure and, in some cases, financial compensation. The funding from this grant provides the Crime Lab's Firearms Unit with expanded means to examine and analyze cartridge case evidence, which in turn will increase holistic community safety by providing investigative leads to apprehend violent individuals. The grant funding will further enable the Department to respond to these violent crimes and increase community trust of the Department. The Crime Lab will focus on five (5) goals with the implementation of the Local Law Enforcement Crime Gun Intelligence Center (CGIC) Integration Initiative as articulated in the Strategic Plan. Special attention should be paid to Goal #3 "Generate Investigative Leads" as the objectives involve procurement of specific instrumentation:

Goal #1: Reduce Gun Violence

Command staff has a stated objective to achieve a 10% reduction in crime in 2024. Key to this success, with its orientation to investigate violent gun crime, will be the revitalization of OPD's CGIC. As learned from other CGIC programs, success can only be achieved by obtaining confidence in the program which involves educating stakeholders on CGIC, disseminating meaningful data quickly and sharing successes with participants. Training also needs to occur for individuals and unit members on the critical path to success, such as patrol officers to identify firearm evidence and prosecutors what the CGIC model involves. Codifying all elements in a NIBIN investigation Standard Operation Procedure (SOP) is critical.

Goal #2: Conduct Systematic Investigations

The orientation of the Department needs to shift from operational and investigative units working in siloed environments toward a model where information is shared, and cases can be built on the totality of available information. This will require concerted effort to disclose information to disparate units, to codify procedures in guidance documents such as manuals and to disseminate in comprehensive training. It will also require significant buy-in from all stakeholders which can be achieved by conducting comprehensive investigations from the field through developing robust cases to bring to attorneys to charge.

Goal #3: Generate Investigative Leads

In order for the CGIC to be successful, investigative leads need to be produced promptly, but also based on the totality of evidence available. Not only are firearms and cartridge cases important, but ancillary evidence that could tie a suspect to these key pieces of evidence such as DNA and Latent Prints, imperative to build solid cases. Developing the best balance between efficiency and comprehensiveness will move OPD's CGIC approach toward more successful outcomes. Significant training and resources are required to accomplish this goal.

The specific objectives to be carried out are:

- Purchase bullet trap for test fires
- Develop fast track processing for NIBIN-eligible firearms
 - Test-fire all recovered guns

- Acquire BrassTrax instrument
- Track NIBIN-related leads and cases
 - Note: Leads are generated from entries correlated in MatchPoint
- Implement “go kits” to swab and print guns to streamline test fire entries
 - Swabbing Saturdays
 - Train officers in field collection of DNA and prints
 - Seek POST certification for course

Goal #4: Build Data-Informed Cases

Ongoing CGIC success after initial programmatic elements are adopted is contingent on building on successes, expanding the program to adopt intelligence analysis practices and continued education. Weekly NIBIN meetings to discuss leads have been adopted at which much of the intelligence should be discussed to uncover any trend or connections that a single perspective with data alone cannot. Data-informed case building will assess crime trends to predict next occurrences, thwart them and provide the highest probability of moving the case to a position where it could be prosecuted.

Goal #5: Bring the Most Violent Offenders to Justice

It has been shown that in our community experiencing violence, that a small percentage (<0.5%) of the population is responsible for almost half of the homicides³. In order to make Oakland a safer community, it is imperative to address the most violent offenders, build strong cases, partner with legal teams and bring these offenders to justice.

Sole Source Ineligibility

Acquisition of the BrassTrax (\$155,000) and MatchPoint (\$85,000) systems were attempted in FY 2023-2024. Although the vendor, UltraForensics, is a registered vendor for the City of Oakland, unfortunately, the purchase was unable to move forward because the sole source exemption process through the City Administrator is capped at \$50,000.

Waiver of the Advertising and Bidding Process

Three bids are impossible because the BrassTrax and MatchPoint equipment has previously been validated by the laboratory for use, this is the only equipment that will serve OPD’s needs, and this company is the only provider of these two platforms which support NIBIN.

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 from vendors other than UltraForensics by the Crime Laboratory would not be acceptable for this federal grant since it specifies the BrassTrax and MatchPoint platforms. The Firearms Unit has conducted extensive validation studies as part of the selection process in determining which instruments to implement in OPD’s processing scheme of cartridge cases. The use of other products which have not been validated would hence violate

³ Oakland Violence Problem Analysis 2019-2020, Barao and Braga, 46 page document, data available upon request

the Crime Lab's American National Standards Institute (ANSI) National Accreditation Board (ANAB) accreditation; 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 ANAB standards to maintain accreditation. The instrumentation to be purchased through this grant include the BrassTrax and MatchPoint platforms. These instruments including software and hardware from the specific vendor UltraForensics have undergone rigorous validation studies, and no vendor substitutions are acceptable.

In a unique opportunity, ATF informed Oakland PD that the Fairfield Police Department had a few years-old instrument that they had taken offline due to lack of caseload and personnel to justify keeping the expensive instrument online. Fairfield PD is willing to sell the instrument at a deeply discounted price (\$93,000 vs. \$155,000 new) and the requested resolution would allow that this purchase be authorized to move forward given the significant deep discount that this represents and the ability to stretch the grant funding to its maximum assistance to OPD's CGIC by funding both a MatchPoint system in addition to this second BrassTrax.

FISCAL IMPACT

The \$695,997 in grant funds from the DOJ/OJP/BJA for the implementation of the Local Law Enforcement Crime Gun Intelligence Center (CGIC) Integration Initiative are appropriated in the Federal Grant Fund (2112), Criminalistics Division Organization (102610), Criminalistics Division Program (PS05), in Project Number (1007284). The grant started on October 1, 2022, for a 36-month duration, and ends on September 30, 2025.

Fiscal Years	Fund Source	Organization	Project	Program	Amount
2022-2025	2112	102610	1007284	PS05	\$695,997

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for the proposed policy action beyond the standard City Council agenda noticing procedures, because no new Departmental policy will be required in administering the grant funds previously approved by Council.

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

ACTION REQUESTED OF THE CITY COUNCIL

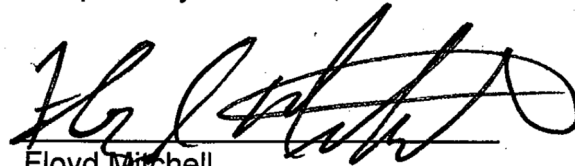
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For questions regarding this report, please contact Sandra Sachs, Criminalistics Laboratory Manager, at (510) 238-3386 x2108.

Respectfully submitted,



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