



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Floyd Mitchell
Chief of Police

SUBJECT: CA DOJ Sexual Assault Evidence
Submission Grant Program

DATE: August 16, 2024

City Administrator Approval


Jestin Johnson (Sep 24, 2024 10:21 PDT)

Date: Sep 24, 2024

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To: 1) Accept And Appropriate One Hundred Forty-Seven Thousand Six Hundred Forty-Six Dollars (\$147,646) In Sexual Assault Evidence Submission 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 (OPD); 2) Enter Into A Memorandum Of Understanding (MOU) With CA DOJ Bureau Of Forensic Services To Define Grant Reimbursement Rules; And 3) To Authorize The General Purpose Services Fund To Contribute Four Thousand Nine Hundred Seventy Four Dollars (\$4,974) To Cover The Related Central Services Overhead Charges.

EXECUTIVE SUMMARY

Adoption of this proposed resolution will allow the Oakland Police Department (OPD) to 1) accept the CA DOJ Sexual Assault Evidence Submission Grant of \$147,646, which will fund the screening and Deoxyribonucleic acid (DNA) typing supplies and reagents costs to process approximately 119 untested kits, 2) to enter into an MOU with CA DOJ, and 3) to authorize the general purpose services fund to contribute four thousand nine hundred seventy-four dollars (\$4,974) to cover the related central services overhead charges. The grant term is April 1, 2024 – March 1, 2027.

BACKGROUND / LEGISLATIVE HISTORY

The City Council previously authorized acceptance of CA DOJ Sexual Assault Evidence Kit grant funds in [Resolution No. 88359 C.M.S.](#), dated November 10, 2020. In 2018, the CA DOJ Bureau of Forensic Services Untested Sexual Assault Evidence Grant – Backlog Reduction (USAEG-BR) program 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), which appropriated \$1.814 million to the CA DOJ for grants to counties and cities to count the number

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

of untested sexual assault evidence kits in their possession. It was intended to support the requirements outlined in Assembly Bill 3118 (Chiu, 2018). This grant is the second phase of the original grant program.

The SAESG Program administered by CA DOJ provides funding to assist local law enforcement agencies in submitting and testing sexual assault evidence. A total of \$4 million in this new grant funding was available statewide. OPD applied for \$147,646 to process approximately 119 untested sexual assault evidence kits using overtime and to purchase DNA typing reagents and supplies. OPD is required to submit quarterly reports beginning October 1, 2024, and a final report to CA DOJ.

Privacy Policy for Biometric Technology

A list of technologies was introduced by the Crime Lab to the Privacy Advisory Commission (PAC) where both a Surveillance Impact Report and a Biometric Technology Use Policy for DNA Instrumentation and Analysis Software were provided to and recommended by the PAC. The City Council approved the Use Policy via the adoption of [Resolution No. 88388 C.M.S.](#) on December 1, 2020.

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 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 Forensic Biology Unit (FBU) with expanded means to examine and analyze approximately one hundred nineteen of these types of cases, which 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 in the Department.

FISCAL IMPACT

The table below details how OPD will utilize the CA DOJ Sexual Assault Evidence Submission Grant funds. The table lists the use of funding for FBU staff overtime and supply costs.

Personnel Cost	Amount
OT for Forensic Tech – \$69.24/hr. x 100 hours	\$6,924
OT for Criminalist I – \$85.62/hr. x 100 hours	\$8,562
OT for Criminalist II – \$103.74/hr. x 160 hours	\$16,598
OT for Criminalist III – \$120.03/hr. x 50 hours	\$6,002
Total Crime Lab Personnel Cost	\$38,086
Supply Cost	
Typing Reagents - \$900 x 119 kits	\$107,100
Christmas Tree Stain for kit screening – \$55 x 5 stain kits	\$275
Scalpels for Sampling kits - \$19 x 100 boxes	\$1,900
96-well Sample Plates - \$95 x 3 boxes	\$285
Total Supply Cost	\$109,560
TOTAL	\$147,646

The \$147,646 in grant funds from CA DOJ for the implementation of Sexual Assault Evidence.

The submission Grant program shall be appropriated in the State of California Fund (2159); Criminalistics Organization (102610), Criminalistics Division Program (PS05), in Project Number (TBD). The grant starts on April 1, 2024, and ends on March 1, 2027.

General Purpose Fund Contributions

Based on the City's Central Services Overhead (CSO) rate of 13.06 percent, overhead charges associated with the grant's personnel costs will be approximately \$4,974. The funding code for the Central Services Overhead will be General Purpose Fund (1010), Org (102610), Project (TBD), Central Services Overhead Account (58522), and Program (TBD).

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 to accept the grant funds.

COORDINATION

The Budget Bureau and the Office of the City Attorney were consulted by OPD on the production of this report and the accompanying resolution.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities identified in this report.

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

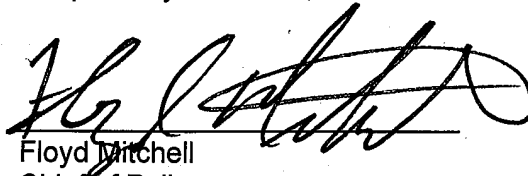
Race and Equity: The activities completed under this grant will position OPD to respond to a state mandate to test historical sexual assault exam kits which remain untested. It should be noted that the Lab's Contemporary Kit Program vets and analyzes all current Sexual Assault Kits well within the 120-day 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 provide closure to previous victims of sexual violence.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To: 1) Accept And Appropriate One Hundred Forty-Seven Thousand Six Hundred Forty-Six Dollars (\$147,646) In Sexual Assault Evidence Submission 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 (OPD); 2) Enter Into A Memorandum Of Understanding (MOU) With CA DOJ Bureau Of Forensic Services To Define Grant Reimbursement Rules; And 3) To Authorize The General Purpose Services Fund To Contribute Four Thousand Nine Hundred Seventy Four Dollars (\$4,974) To Cover The Related Central Services Overhead Charges.

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

Respectfully submitted,



Floyd Mitchell
Chief of Police
Oakland Police Department

Reviewed by:
Dr. Sandra Sachs, Criminalistics Laboratory
Manager
OPD, Criminalistics Division

Dr. Tracey Jones, Police Services Manager
OPD, Research and Planning

Prepared by:
Bonnie Cheng, Supervising Criminalist
OPD, Criminalistics Division