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OAKLAND
2013 DEC -5 PM 1:40

AGENDA REPORT

TO: Deanna J. Santana
CITY ADMINISTRATOR

FROM: Sean Whent
Interim Chief of Police

SUBJECT: MOU for Continued Use of CODIS

DATE: October 21, 2013

City Administrator
Approval

Date

11/28/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council approve a Resolution authorizing the City Administrator, or her designee, on behalf of the City of Oakland (City) Police Department (OPD) Criminalistics Division Combined DNA Index System (CODIS) administrator, to enter into a Memorandum of Understanding (MOU) with the California Department of Justice (DOJ) Deoxyribonucleic Acid (DNA) Laboratory for the continued use of CODIS and Its Administration within the State of California.

BACKGROUND

This report and resolution authorizes the Oakland Police Department (OPD) Criminalistics Division CODIS administrator to enter into an MOU with the California DOJ/DNA Laboratory. The State of California DOJ DNA Laboratory is requiring the Criminalistics Division laboratory to enter into an MOU for OPD's continued participation in CODIS. The Criminalistics Division has been a CODIS participating Local DNA Index System (LDIS) laboratory for approximately 13 years. If OPD does not enter into an MOU with the State of California DOJ relatively quickly, OPD's ability to use CODIS may cease. Loss of the ability to search CODIS would be devastating to the laboratory's ability to solve crime with DNA.

The MOU is a living document to which minor changes may become necessary. Accordingly, staff seeks Council authority for the City Administrator or her designee to make these minor changes without having to seek Council approval beforehand.

The CODIS database is a nationwide DNA database administered by the Federal Bureau of Investigation (FBI). It consists of DNA profiles from known (convicted offenders and arrestees) and unknown (crime scene evidence) sources. Unknown DNA profiles are routinely searched

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against known DNA profiles in an attempt to solve crimes through DNA identification. The CODIS database is separated into three tiers:

- Local DNA Index Systems (LDIS);
- State DNA Index Systems (SDIS); and
- The National DNA Index System (NDIS).

The State of California DOJ/DNA Laboratory houses SDIS and performs DNA typing on all of arrestee / convicted offender DNA samples. The State also maintains an LDIS of evidence DNA profiles.

The OPD Criminalistics Laboratory maintains the local Oakland LDIS in the Crime Laboratory. The Forensic Biology Unit of the OPD Crime Laboratory examines evidence for biological material and performs DNA typing. Eligible DNA profiles from evidence are entered into our local LDIS and are searched against the local evidence DNA profiles. These OPD LDIS DNA profiles are submitted electronically to the California SDIS and searched weekly against the arrestee / convicted offender DNA profiles as well as DNA profiles developed from evidence at all LDIS crime laboratories within the State.

In the case of a public safety issue, the State of California DOJ Laboratory also conducts rush searches of evidence DNA profiles against the SDIS database upon request. Known and unknown DNA profiles are submitted electronically to NDIS by the California DOJ Laboratory and searched against all other DNA profiles in the United States and its territories.

Associations made between DNA profiles entered by the OPD Criminalistics Laboratory and other evidence or arrestee / convicted offender DNA profiles are reported to the appropriate investigative details within OPD. A vast majority of our cases submitted to CODIS result in an association made through CODIS, assisting in investigation and ultimate prosecution. These cases would remain unsolved without CODIS to aid in their resolution.

OUTCOME

The ultimate goal of the OPD Criminalistics Division's request to enter into an MOU with the California DOJ/DNA Laboratory is to continue to solve crimes using DNA.

It is anticipated that 65% of sexual assault cases and 90% of homicide and property crime cases will have biological material that can be subjected to DNA typing. Eligible DNA profiles will be entered into the CODIS. Based upon past experience with DNA profiles obtained from cases without suspects, we anticipate a 45% hit rate.¹ The outcome of such cross-referenced searches can lead to the arrest and prosecution of violent individuals.

¹ "Hit rate" is defined as that portion of all cases examined in which at least one suspect is identified through CODIS. Multiple suspects may be identified in some portion of the cases examined.

ANALYSIS

The advent of DNA technology has revolutionized law enforcement's ability to analyze biological evidence at a genetic level. Coinciding with this revolution in genetic analysis is the utilization of computer-based DNA databases such as CODIS. DNA analysis and subsequent database searches of DNA profiles recovered from evidence can provide information leading to arrest and prosecution.

PUBLIC OUTREACH/INTEREST

DNA analysis of biological evidence associated with unsolved sexual assault and homicide cases and subsequent searches of these DNA profiles against CODIS and other case profiles can determine if any matches exist. The outcome of such cross-referenced searches can lead to the arrest and prosecution of violent individuals and may also lead to the exoneration of a particular individual as a crime suspect. The ability of the Criminalistics Division to conduct searches in CODIS is vital to solving crime with DNA evidence. Continued access to the State DOJ CODIS database and through them the National DNA Index System (NDIS) database is within the public's best interests, as crimes will be solved potentially resulting in removal of criminals from the street.

COORDINATION

The City Attorney's Office and the Budget Office were consulted in preparation of this report.

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:	
Project Delivery	\$0
Total Project Costs	\$0

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

A vast majority of cases OPD submits to CODIS result in an association made through CODIS, assisting in investigation and ultimate prosecution. These cases would remain unsolved without CODIS to aid in their resolution.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic issues associated with this report.

Environmental: There are no environmental issues associated with this report.

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Social Equity: Continued use of CODIS will continue to enhance the Department's ability to solve criminal cases, making people of all lifestyles safer in Oakland.

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

Respectfully submitted,



Sean Whent
Interim Chief of Police
Oakland Police Department

Prepared by:
Shannon Cavness
Criminalist II
CODIS Administrator
OPD Criminalistics Division
Forensic Biology Unit

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Quenia Jones
City Attorney

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OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2013 DEC -5 PM 4:40
RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, ON BEHALF OF THE CITY OF OAKLAND (CITY) POLICE DEPARTMENT (OPD) CRIMINALISTICS DIVISION COMBINED DNA INDEX SYSTEM (CODIS) ADMINISTRATOR, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CALIFORNIA DEPARTMENT OF JUSTICE (DOJ) DEOXYRIBONUCLEIC ACID (DNA) LABORATORY FOR THE CONTINUED USE OF CODIS AND ITS ADMINISTRATION WITHIN THE STATE OF CALIFORNIA.

WHEREAS, the OPD Criminalistics Division has been using CODIS for approximately 13 years; and

WHEREAS, CODIS was created to assist laboratories in solving cases in which DNA analyses have been conducted on biological evidence; and

WHEREAS, staff recommends that the City Council make a finding and a determination that it is in the best interests of the City to authorize the City Administrator, or her designee, to enter into an MOU with the California DOJ DNA Laboratory; now, therefore, be h

RESOLVED, that the City Council hereby authorizes the CODIS Administrator to enter into an MOU with the California DOJ DNA Laboratory; and be h

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 MOU; and be it

FURTHER RESOLVED, that the City Attorney shall review and approve said MOU as to form and legality and copies of said MOU shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California