



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: Darren Allison
Interim Chief of Police

SUBJECT: MOU between the Oakland Police
Department and the Federal Bureau of
Investigation Laboratories

DATE: August 9, 2023

City Administrator Approval


Jestin Johnson (Aug 15, 2023 21:11 PDT)

Date: Aug 15, 2023

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland (City) To Allow The Oakland Police Department (OPD) To Enter Into A Memorandum Of Understanding (MOU) With The Federal Bureau Of Investigation (FBI) Laboratory Division For The Continued Use Of CODIS And Its Administration Within The State Of California.

EXECUTIVE SUMMARY

This report and resolution are to authorize the Oakland Police Department (OPD) to renew the MOU (**Attachment A**) with the FBI Laboratory Division. The previous MOU had an effective date of July 20, 2015. The FBI Laboratory Division is requiring the Criminalistics Division laboratory to have an MOU to continue OPD's participation in (Combined DNA Index System) CODIS and use of CODIS software. The Criminalistics Division has been a CODIS participating Local DNA Index System (LDIS) laboratory for over 20 years. OPD's ability to use CODIS is contingent upon renewal of this MOU. Loss of the ability to search CODIS would be devastating to the laboratory's ability to solve crime with DNA.

BACKGROUND AND LEGISLATIVE HISTORY

The CODIS database is a nationwide DNA database administered by the FBI. The database consists of DNA profiles from known (convicted offenders and arrestees) and unknown (crime scene evidence) sources. Unknown DNA profiles are routinely searched against known DNA profiles 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
- National DNA Index System (NDIS).

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The FBI Laboratory houses NDIS and oversees the entire CODIS program within the United States territories. The California Department of Justice DNA Laboratory houses SDIS, performs DNA typing on all arrestee and convicted offender DNA samples, and oversees the 24 California LDIS laboratory CODIS entries into the database.

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 and nationwide.

In the case of a public safety issue, the State of California Department of Justice (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.

ANALYSIS AND POLICY ALTERNATIVE

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 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.

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 experience with DNA profiles obtained from cases without suspects, we anticipate a 70% hit rate.¹ The outcome of such cross-referenced searches can lead to the arrest and prosecution of violent individuals. The goal of the OPD Criminalistics Division's request to renew an MOU with the FBI Laboratory is to continue to solve crimes using DNA technology and CODIS database.

CODIS hits provide investigative leads by identifying potential putative perpetrators of a crime. Holistic community safety and housing, economic, and cultural security are greatly increased through these investigative leads.

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.

FISCAL IMPACT

No fiscal impact on OPD or the City of Oakland.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for the proposed policy action beyond the standard City Council agenda noticing procedures, because of the OPD's longstanding participation in CODIS and because no new OPD policy will be required in order to approve the MOU.

COORDINATION

The Office of the City Attorney was 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: The public safety for all Oakland residents and visitors is enhanced through greater OPD investigative capacity. Continued use of CODIS will enhance the Department's ability to solve criminal cases, making people of all lifestyles safer in Oakland.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland (City) To Allow The Oakland Police Department (OPD) To Enter Into A Memorandum Of Understanding (MOU) With The Federal Bureau Of Investigation (FBI) Laboratory Division For The Continued Use Of CODIS And Its Administration Within The State Of California.

For questions regarding this report, please contact Bonnie Cheng, Supervising Criminalist and CODIS Administrator, at (510) 238-3386 x4904.

Respectfully submitted,



Darren Allison
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Attachment (A):
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