

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK
2006 FEB 15 PM 4:16

To: Office of the City Administrator
Attn: Deborah Edgerly
From: Police Department
Date: February 28, 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 Three Hundred Sixty-Six Thousand Five Hundred and Twenty-Three Dollars (\$366,523) from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program, to Supplement Frontline Policing Services by Providing Funding for DNA Analysts in the Criminalistics Division of the Police Department

SUMMARY

A resolution has been prepared authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate a grant in an amount not to exceed \$366,523 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program; [formerly the Local Law Enforcement Block Grant (LLEBG) program]. The proposed program period is July 1, 2006 through June 30, 2007. The funds will be used to supplement frontline policing services by providing funding for DNA Analysts (Criminalists) in the Department's Criminalistics Division.

FISCAL IMPACT

It is anticipated that the Department will receive federal grant funds of up to \$366,523 for the Police Department's JAG program. 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. The program will be managed by the Criminalistics Division Manager. The program liquidation period is 90 days following the program end date. There is no match requirement. Expense allocations are as follows:

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Description and Use of Funds	Amount
Criminalist II (Two Positions)	\$109,380 ¹
Assistant Criminalist (One Position)	\$43,977 ²
Subtotal:	\$153,357
Fringe Benefits (\$153,357 x 0.99433%) ³	\$152,487
Subtotal:	\$305,844
Central Services Overhead (\$305,844 x 19.84%) ⁴	\$60,679
TOTAL	\$366,523

Interest earned on the federal portion of the grant must be appropriated to the JAG program and expended in accordance with the approved spending plan. The proposed resolution includes a request for the City Council to appropriate the interest earned to the JAG Project Account, as established by the Budget and Accounting Department for the program.

BACKGROUND

For the 11th year, the City of Oakland has been awarded funding from the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) program. The JAG program combines the previous Edward Byrne and Local Law Enforcement Block Grant (LLEBG) programs to afford applicant agencies with the flexibility to prioritize and place justice funds where they are needed most.

¹ Based on an 8-month employment term, for the period 10/3/06 to 5/29/07.

² Based on an 8-month employment term, for the period 10/3/06 to 5/29/07.

³ Fringe benefit calculations are estimated, based upon an hourly salary rate, and an anticipated provisional increase of 14.61% above the current 81.68% rate calculations for FY 2005/06.

⁴ Central Services Overhead (indirect cost) calculations are estimated, based upon an anticipated provisional increase of 2.07% above the current 17.77% rate calculations for FY 2005/06.

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KEY ISSUES AND IMPACTS

The advent of DNA technology has revolutionized law enforcement's ability to analyze biological evidence, in particular semen evidence encountered in sexual assaults, at a genetic level. Coinciding with this revolution of genetic analysis has been the utilization of computer-based DNA databases. The DNA analysis of the biological evidence associated with unsolved sexual assault and homicide cases, and subsequent searches of these DNA profiles against the Combined DNA Indexing System (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.

Since October 2000, the Police Department's Criminalistics Laboratory has participated in three state funded grant programs: the California Cold Hit Program (Cold Hit), the Forensic Casework DNA Backlog Reduction Program (DNA Backlog), and the DNA Capacity Enhancement Program (DNA Capacity). The primary goals of each initiative are to analyze biological evidence in backlogged, unsolved sexual assault and homicide cases, develop DNA profiles of perpetrators, and search said profiles in state and national databases in order to identify persons responsible for these crimes. The Cold Hit program, and its funding, ended on January 31, 2005. Funding associated with the DNA Backlog and the DNA Capacity programs, although ongoing, focuses on staff training, laboratory equipment purchases, as well as some personnel overtime costs.

PROJECT DESCRIPTION

The Criminalistics Division's utilization of DNA technology has proven itself successful beyond the agency's expectations. While final statistics are not yet in, the following achievements were reported as of December 31, 2005 for the period October 2000 through September 2005:

- 890 Cases Screened
- 577 Cases Categorized as Suitable for DNA Profiling
- 417 Profiles Uploaded to the State and National DNA Database (CODIS)
- 147 "Hits" in the Database to Name Offenders (27 homicides; 116 sexual assaults; 4 others to include burglary, robbery, and vehicular hit and run)
- 67 Case-to-Case Hits (8 homicides; 58 sexual assaults; 1 burglary)
- OPD named offender hit rate on unsolved homicides was 6.5%
- OPD named offender hit rate on unsolved sexual assaults was 28%
- OPD names offender hit rate on unsolved burglary, robbery, and vehicular hit and run was 1%

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- Overall hit rate when case-to-case hits are included was 51%

Some of these cases have been litigated and resulted in convictions. Other cases are being actively investigated and are expected to result in charges and litigation. Additional cases await the identification of the perpetrator. In one case, one sexual assault series involved a minimum of five sexual assaults committed by the same individual with the potential of additional victims being outside of Alameda County. This individual is currently awaiting trial. The likelihood of solving this series, and many other assaults and homicides, has improved dramatically with the passage of Proposition 69, a California initiative passed in the November 2004 election, which expanded DNA collection to all persons arrested for qualifying felonies.

The above noted statistics demonstrate the need for crime laboratories and law enforcement agencies to continue working unsolved, no-suspect cases in their jurisdiction. The Police Department estimates that these cases accumulate in our agency at a rate of 200-250 per year. Therefore, since September 30, 2003, when enrollment of cases in the Cold Hit Program ceased, it is estimated that 400 cases have accumulated and should be analyzed. The OPD expects 65% (260 cases) to produce searchable profiles. If past experience is predictive, 35% (91 cases) will result in a named offender hit or a serial crime connection made to assaults.

Analytical staff are needed to address this work. The JAG funds will allow the OPD to retain the services of DNA Analysts (Criminalists) for approximately another year. Without this ongoing effort, the backlog will continue to accumulate, the serial nature of certain sexual assaults will continue to go undetected, sexual assault and homicides will not be solved, and assaults that could have been prevented by early identification and apprehension of repeat perpetrators will continue.

SUSTAINABLE OPPORTUNITIES

Economic

Maintaining the Crime Laboratory's ability to analyze DNA evidence will increase efficiencies in solving homicide and rape cases. Civilian support for this project allows Police Officers to continue their community policing activities.

Environmental

There are no environmental issues associated with this report.

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Social Equity

Personnel funded by this grant will enhance the Department's ability to analyze biological evidence in homicide and sexual assault cases in a more timely and efficient manner.

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 \$366,523 from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant Program, and appropriate said funds to the Police Department.

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: Candice Jessie
Fiscal Services Division
Bureau of Administration

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

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OAKLAND CITY COUNCIL

Roe V. Green
City Attorney

RESOLUTION No. _____

OFFICE OF THE CLERK
C.M.S.

Introduced by Councilmember _____

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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 THREE HUNDRED SIXTY-SIX THOUSAND FIVE HUNDRED AND TWENTY-THREE DOLLARS (\$366,523) FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM, TO SUPPLEMENT FRONTLINE POLICING SERVICES BY PROVIDING FUNDING FOR DNA ANALYSTS IN THE CRIMINALISTICS DIVISION OF THE POLICE DEPARTMENT

WHEREAS, it is anticipated that grant funds totaling up to \$366,523 will be received from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant (JAG) Program, for frontline policing services through the provision of funding for DNA Analysts (Criminalists) in the Police Department; and

WHEREAS, the U.S. Department of Justice, Bureau of Justice Assistance, provides funding through the Edward Byrne Memorial Justice Assistance Grant program to units of local government for the purpose of reducing crime and improving public safety; and

WHEREAS, the JAG program funds shall be used to continue the employment of three Criminalists in the Police Department; and

WHEREAS, the proposed spending plan will facilitate the City Council's goal of crime reduction through City-wide community policing and other strategies; and

WHEREAS, the City Council previously authorized acceptance of similar grant funds by Resolution No. 79378 C.M.S. dated July 19, 2005; now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator or her designee to accept and appropriate a grant in an amount not to exceed \$366,523 from the U.S. Department of Justice, Office of Justice Program, Bureau of Justice Assistance, to be allocated to the Federal Grant Fund: 2112, Criminalistics Division Org.: 102610, Criminalistics Program: PS05, in a Project Account to be determined; and be it

FURTHER RESOLVED: That grant funds received for the JAG program shall not be used to supplant expenditures controlled by the City of Oakland; and be it

FURTHER RESOLVED: That the City Council accepts and authorizes the appropriation of the interest earned on the federal portion of the grant funds to the JAG Grant Fund to augment the approved spending plan; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator as agent of the City to conduct all negotiations, applications, agreements, and related actions which may be necessary for the completion of the aforementioned grant and funding agreements.

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