

2011 OCT 20 PM 2:31
To: Office of the City Administrator
Attn: Deanna Santana
From: Police Department
Date: October 25, 2011

REVISED

Re: A Report and Proposed Resolution Authorizing the City Administrator, on Behalf of the City of Oakland, to 1) Accept and Appropriate Grant Funds in an Amount Not to Exceed Four Hundred Forty-Three Thousand Two hundred and one Dollars (\$443,201) from the U.S. Department of Justice, National Institute of Justice (USDOJ/NIJ) for Implementation of the Fiscal Year 2011 Forensic Casework DNA Backlog Reduction Grant Program in the Police Department For the Period October 1, 2011 through March 31, 2013, And Approve The 3% Cap on Central Services Overhead Charges As Allowed By the Granting Agency, And 2) Waive the Advertising and Bidding Requirements For The Purchases of DNA Typing Supplies In The Amount of \$25,200.00 From Applied Biosystems, In The Amount \$7,410.00 From Qiagen, And In The Amount Of \$5,800.00 From Promega

SUMMARY

Staff has prepared a report and resolution authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate grant funds in an amount not to exceed \$443,201 from the U.S. Department of Justice, National Institute of Justice (USDOJ/NIJ) for implementation of the Fiscal Year 2011 Forensic Casework DNA Backlog Reduction Program. The proposed program period is October 1, 2011 through March 31, 2013. The funds will be used to offset costs to the Police Department's Criminalistics Division, Forensic Biology Unit, relative to increased capabilities in analyzing biological evidence associated with criminal cases.

FISCAL IMPACT

Approval of the proposed resolution will authorize the City Administrator to accept and appropriate grant funds from the U.S. Department of Justice, National Institute of Justice, grant program to the Police Department Criminalistics Division for the Fiscal Year 2011 Forensic Casework DNA Backlog Reduction Program in the amount of \$443,201. Funding will be appropriated to the Federal Grant Fund (2112); Criminalistics Division Org. (102610); Criminalistics Division Program (PS05), in a Project Account to be determined. There are no matching funds requirements associated with the acceptance of this grant, which will be managed by the Criminalistics Division manager. The proposed expense allocations are as follows:

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Description and Use of Funds	Amount
Criminalist 1 Personnel and Fringe Benefits (18 Months)	\$188,178
Forensic Technician Personnel and Fringe Benefits (18 Months)	\$122,533
Total	\$310,711
Criminalistics Division Staff Travel/Training	\$28,632
Ultrapure water filtration system	\$6,500
Laboratory Glassware Sterilizer	\$700
Biology Unit Staff overtime for analyses on backlogged cases	\$30,854
DNA Typing Supplies	\$ 52,508
3% Cap on Central Services Overhead	\$13,296
Total	\$443,201

Salaries (\$195,662) for 1.0 newly trained Criminalist (\$79,000 annually x 1.5 yrs = \$118,500) and 1.0 Forensic Technician (\$26.38 x 2,925 hours = \$77,162) is proposed to be funded through this award. The current fringe benefit rate for the addition of the proposed positions is 58.80% of salaries. Based on this calculation rate, the benefits associated with the Criminalist and the Forensic Technician in this category will cost \$115,049. There are no fringe benefits associated with Criminalists' overtime.

The Oakland Police Department's federally approved indirect cost rate is 13.64% associated with salaries, which totals \$30,897. This grant award, however, specifically limits indirect costs to 3% of the total Federal portion of this award. Based on this calculation, indirect costs are calculated at \$13,296 (\$443,201 x 3%).

KEY ISSUES AND IMPACTS

The advent of DNA technology has revolutionized law enforcement's ability to analyze biological evidence at a genetic level, in particular, semen evidence encountered in sexual assaults. Coinciding with this revolution in genetic analysis is 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 CODIS and against 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. Additionally, DNA typing may lead to the elimination of a particular individual as a crime suspect. The ability of the laboratory to conduct the DNA analyses as a routine matter, with a shorter turn-around time, will ultimately lead to solving crimes.

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The Forensic Biology Unit case completion time for year 2010 was 220 business days from the date of request from the investigator to the publication of the report. This rate can be reduced with the increased use of automated DNA typing instrumentation by a Forensic Technician. Utilizing the services of a Forensic Technician will significantly increase the time Criminalists have to spend on DNA data interpretation, the most time consuming part of the DNA typing process. This will also increase the efficient use of laboratory space as the Forensic Technician will be operating the robots versus several Criminalists. Thus the turnaround time is expected to decrease to less than 100 business days. This decrease in turnaround time and the increase in the number of DNA samples analyzed will enable the lab to increase the number of cases completed annually.

The DNA profiles obtained from probative evidence will be entered into the Combined DNA Index System (CODIS). Based upon past experience with DNA profiles obtained from suspectless cases, staff anticipates a 35% 'Hit-Rate'¹. This will assist not only Oakland Police Department investigators, but also the Alameda County District Attorney, and other law enforcement, prosecutorial, and judicial agencies in the surrounding area.

BACKGROUND

The Fiscal Year 2011 DNA Forensic Casework Backlog Program was created to assist laboratories that conduct DNA analysis to improve DNA laboratory infrastructure and analysis capacity so that DNA samples can be processed efficiently and cost effectively, as well as to analyze backlogged forensic DNA casework samples from Uniform Crime Report (UCR), Part 1 Violent Crimes. These improvements are critical to preventing future DNA backlogs and to helping the criminal justice system use the full potential of DNA technology. The improvements allow staff to process DNA samples in a more efficient and cost-effective manner. Grant funds will support the funding of new Criminalist I and Forensic Technician positions, purchasing DNA typing supplies, training of laboratory scientists, technological improvements, and overtime cost for the analyses of backlogged cases.

PROJECT DESCRIPTION

Objective #1: *Reduce the casework backlog through overtime and purchase of supplies*

The Crime Laboratory's Forensic Biology Unit staff analysis of 100 backlog cases, including case evaluation, biological evidence examination and screening, DNA typing, technical review, and data entry into CODIS will be conducted (in part) on an overtime basis. The overtime will be funded through this grant for the criminalists and technical lead. The supplies needed for the

¹ "Hit Rate" is defined as that portion of all cases examined in which at least one suspect is identified. Multiple suspects may be identified in some portion of the cases examined. In "named" cases, investigators frequently request multiple suspects be examined.

evaluation of the physical evidence in these cases will be funded through this grant, which includes items for evidence processing (pipet tips, tubes, gloves, masks, bench pads, scalpels etc.), microscopic examination supplies (slides and coverslips), DNA extraction kits (QIAGEN), quantitation kits (Promega), typing kits and the corresponding instrument supplies (buffers, POP-4, capillaries, tubes, plates, internal standards – Applied Biosystems.) These reagents and supplies from these particular vendors have undergone rigorous validation studies. No vendor substitutions are acceptable.

Objective #2: Increase capacity in the Forensic Biology Unit

The Laboratory will increase the number of cases and decrease the turnaround time for the completion of all cases in which biological material is to be subjected to DNA typing by reducing the potential bottleneck locations. This will be accomplished by funding a Criminalist to conduct casework and a Forensic Technician to assist the Criminalists in the non-interpretive casework process. The amount of time spent by the scientist evaluating DNA typing data, especially complex mixtures, is significant. The Forensic Technician can conduct the routine analytical steps in the process freeing time for the Criminalists to conduct the data interpretation. Additionally, an ultrapure water filtration system (ultra pure water is needed for the DNA typing reagents) and a laboratory glass sterilizer will be purchased to decrease time spent on non-casework duties.

The list below illustrates the equipment that will be purchased with these grant funds:

Personnel / Equipment	Grant Funded	Current Number	Increased Capacity
Criminalist 1	One	Nine	Increase number of cases worked
Forensic Technician	One	One under Solving Cold Cases with DNA 2009 Grant. Expires March 2012	Significantly reduce Criminalists time spent conducting routine analytical procedures
Ultra pure water filtration system	one	None	Reduce dependency on bottled water
Laboratory Glassware Sterilizer	one	None	Reduce time Criminalist spend hand washing glassware

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Objective #3 *Maintain the ability to enter DNA profiles obtained from the biological evidence into CODIS by meeting the continuing education requirements of FBI DNA QAS, ASCLD/LAB, and the American Board of Criminalistics. During the grant period, ten Forensic Biology Unit staff members (one has less than three years of experience) will need to attend training and continuing education programs.*

The continuing education of the Forensic Biology Unit scientific staff will be needed to comply with the laboratory's ASCLD-LAB accreditation, individual scientist's certification, NDIS requirements for CODIS data entry, and the FBI DNA Quality Assurance Standards mandatory educational requirements. The Laboratory does not have an independent budget for training. Upon attendance of these conferences and training events, it is anticipated that case completion time will improve to less than 100 days on average as a result of the new technologies learned, and training of additional Forensic Biology Unit staff.

Waiver of the advertising and bidding process

Section 2.04.050.1.5 of the Oakland Municipal Code ("OMC") authorizes the City Council to waive the advertising and competitive bidding requirements of OMC Section 2.04.050 after a finding and determination that it is in the best interests of the City to do so. It is in the best interest of the City to waive the advertising and bidding process because purchasing DNA supplies from vendors other than Qiagen, Promega, and Applied Biosystems would be ineffective due to incompatibility.

SUSTAINABLE OPPORTUNITIES

Economic: Enhancing the Lab's ability to more efficiently and effectively process DNA evidence will significantly help to secure prosecutions, thereby removing predators from the streets creating an environment where businesses can thrive and customers feel safe to shop.

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

Social Equity: Provisions for continuing education and supplies funded by this grant will enhance the Department's ability to analyze biological evidence and identify predators in sexual assault cases in a more timely fashion, thereby increasing the chances of arrest and prosecution.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no ADA or senior citizen access issues contained in this report.

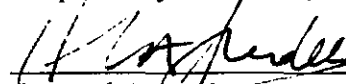
RECOMMENDATION

The Oakland Police Department recommends that the City Council authorize the City Administrator to accept grant funds in an amount not to exceed \$443,201 from the U.S. Department of Justice, National Institute of Justice, Fiscal Year 2011 Forensic Casework DNA Backlog Reduction Grant Program and appropriate said funds to the Police Department for the Period October 1, 2011 through March 31, 2013, and approve the 3% cap of the Central Services Overhead Charges as allowed by the grantor, and waive the advertising and bidding process for the purchases identified herein.

ACTION REQUESTED BY THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,


Howard A. Jordan
Interim Chief of Police

Prepared by: Jennifer Mihalovich
Criminalistics Division
Bureau of Investigation
and
Felicia Silva
Fiscal Services Division Manager
Office of the Chief of Police

**APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:**


Office of the City Administrator

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FILED
OFFICE OF THE CITY CLERK
OAKLAND

REVISED

Approved as to Form and Legality

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OAKLAND CITY COUNCIL

A. Macaulay
City Attorney

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO 1) ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED FORTY-THREE THOUSAND TWO HUNDRED AND ONE DOLLARS (\$443,201.00) FROM THE U.S. DEPARTMENT OF JUSTICE, NATIONAL INSTITUTE OF JUSTICE (USDOJ/NIJ) FOR IMPLEMENTATION OF THE FISCAL YEAR 2011 FORENSIC CASEWORK DNA BACKLOG REDUCTION GRANT PROGRAM IN THE POLICE DEPARTMENT FOR THE PERIOD OCTOBER 1, 2011 THROUGH MARCH 31, 2013, AND APPROVE THE 3% CAP ON CENTRAL SERVICES OVERHEAD CHARGES AS ALLOWED BY THE GRANTING AGENCY, AND 2) WAIVE THE ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS FOR THE PURCHASES OF DNA TYPING SUPPLIES IN THE AMOUNT OF \$25,200.00 FROM APPLIED BIOSYSTEMS, IN THE AMOUNT OF \$7,410.00 FROM QIAGEN, AND IN THE AMOUNT OF \$5,800.00 FROM PROMEGA

WHEREAS, grant funds in an amount not to exceed \$443,201.00 were awarded by the U.S. Department of Justice, National Institute of Justice to support the Police Department's fiscal year 2011 implementation of the Forensic Casework DNA Backlog Reduction Program; and

WHEREAS, approval for three percent (3%) of the Central Services Overhead, the maximum allowed by the grantor, is requested; and

WHEREAS, the Forensic Casework DNA Backlog Reduction Program was created to assist laboratories in reducing the number of cases in their backlog in which DNA analyses may be conducted on biological evidence; and

WHEREAS, the funds will be allocated to hire and train one Criminalist I and one Forensic Technician, to pay staff overtime on backlogged cases, and to purchase laboratory validated DNA typing supplies, an ultrapure water filtration system, and a laboratory glassware sterilizer in the amounts identified in the attached report; and

WHEREAS, the grant term for the proposed initiative is October 1, 2011 through March 31, 2013; and

WHEREAS, the City Council previously authorized acceptance of similar grant funds by Resolution No. 83030 C.M.S., dated October 19, 2010, Resolution No. 82291 C.M.S., dated September 22, 2009, Resolution No. 81624 C.M.S., dated October 21, 2008, Resolution No. 80869 C.M.S., dated October 2, 2007, Resolution No. 80129 C.M.S., dated September 19, 2006,

Resolution No. 79534 C.M.S., dated October 18, 2005, and Resolution No. 78909 C.M.S., dated November 16, 2004; and

WHEREAS, Oakland Municipal Code (“OMC”) Section 2.04.050.1.5 authorizes the City Council to waive the advertising and competitive bidding requirements of OMC Section 2.04.050 after a finding and determination that it is in the best interests of the City to do so; 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 waive advertising and bidding processes because purchasing DNA supplies from vendors other than those who manufacture DNA kits currently used by the Crime Lab would not be effective due to incompatibility; now therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator or her designee to accept grant funds in an amount not to exceed \$443,201.00 from the U.S. Department of Justice, National Institute of Justice and to increase revenues and appropriate said budget to the Police Department and approve the cap of three percent (3%) of the Central Services Overhead; and be it

FURTHER RESOLVED: That said grant funds shall be maintained in the Federal Grant Fund (2112), Criminalistics Division Org. (102610), Criminalistics Division Program (PS05), in a Project Number to be established; and be it

FURTHER RESOLVED: That said grant funds shall be used to fully fund one (1) Criminalist I position and one (1) Forensic Technician position to conduct examination of biological material during the term of the grant; and be it

FURTHER RESOLVED: That said grant funds shall be used to pay overtime and required training to Biology Unit staff for analysis on backlogged cases; and be it

FURTHER RESOLVED: That said grant funds shall be used to purchase laboratory validated DNA typing supplies utilized in the examination of biological material during the terms of the grant from Applied Biosystems in the amount of \$25,200.00, from Qiagen in the amount of \$7,410.00, and from Promega in the amount of \$5,800.00; and be it

FURTHER RESOLVED: That the City Council finds and determines that pursuant to OMC Section 2.04.050.1.5 and based upon the reasons stated above and in the City Administrator’s report accompanying this resolution, that it is in the best interests of the City to waive the advertising and competitive bidding requirements of the OMC for the purchases of DNA typing supplies in the amount of \$25,200.00 from Applied Bioystems, in the amount of \$7,410.00 from Qiagen, and in the amount of \$5,800.00 from Promega and so yaives the requirements; and be it

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 grant award

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the
Council of the City of Oakland, California