



CITY OF OAKLAND

# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Susan E. Manheimer  
Interim Chief of Police

**SUBJECT:** OPD Crime Lab Surveillance Use  
Policy and Supplies Procurement

**DATE:** October 7, 2020

City Administrator Approval   
Approval

Date Oct 28, 2020

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution: 1) Approving The Oakland Police Department (OPD) Crime Lab Criminalistics Laboratory DNA Instrumentation And Analysis Software Biometric Technology Use Policy; And 2) Waiving The City's Advertising And Competitive Bidding Requirements And Waiving The Request For Proposals/Qualifications (RFP/Q) Process Requirements For The Purchase Of Certified And Accredited Forensic Analytical Supplies, Equipment, Instrumentation, Software, And Related Services On An As-Needed Basis When Laboratory Forensic Science Subject Matter Experts Determine Such Supplies And / Or Services Are Required Based On Casework Conditions, The Laboratory's Validation Methods, Or Its Quality Assurance Program, Or Needed For The Timely Analysis Of Evidence, Or When The Materials Or Services Are Available From Only One Source, In The Amount Of Up To Six Hundred Thousand Dollars (\$600,000) Per Fiscal Year Through June 30, 2025, For A Total Cost Not To Exceed Three Million Dollars (\$3,000,000).**

## EXECUTIVE SUMMARY

The Oakland Police Department (OPD) requests:

1. The approval of the Biometric Technology Use Policy for DNA Instrumentation and Analysis software policy that was voted by the Privacy Advisory Committee (PAC) to favor City Council authorization at the PAC meeting on October 1 on the basis that the Surveillance Impact Report allows Council to determine that the benefits to the community of the biometric technology outweigh the costs (cost benefit determination); that the proposal will safeguard civil liberties and civil rights, and that, no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective.
2. City Council lift the purchase restriction against biometric technology given that the Department complied with the letter and spirit of resolution 88262 as amended and passed by Council on July 28, 2020. This request is made on the basis that the Crime Lab made a full and good faith effort to provide the Surveillance Impact Report and Use Policy to the PAC, gained PAC support and is contemporaneously seeking Council approval of the Use Policy along with the lifting of the purchase restriction.
3. The approval of a resolution waiving the City's advertising and competitive bidding requirements for the purchase of analytical supplies, instrumentation, equipment, quality

City Council  
November 10, 2020

assurance supplies, and related services, totaling no more than \$600,000 per year, for five years. These items are consistently needed by OPD's forensic crime laboratory (Crime Laboratory) for drug analysis, firearms analysis, latent print processing, body fluid identification, DNA analysis, crime scene response, and quality assurance processes. Funding for these purchases will come from OPD's General Purpose Fund Budget as well as from multiple grant (state and federal) sources - no additional general funding sources are requested.

## **BACKGROUND AND LEGISLATIVE HISTORY**

### ***Oakland Crime Lab + Oakland Privacy Advisory Commission***

Oakland's Surveillance Ordinance No.13489 C.M.S., adopted by the City Council on May 15, 2018 adds Chapter 9.64 to the Oakland Municipal Code (OMC), and covers policy areas related to surveillance technology. OMC 9.64.030.1.C requires City Council approval for new and existing surveillance technology; additionally, OMC Section 9.64.020.1 requires that, "Prior to seeking City Council approval for existing city surveillance technology under Section 9.64.030, city staff shall submit a Surveillance Impact report and Surveillance Use Policy to the Privacy Advisory Commission (PAC) for its review at a regularly noticed meeting. The surveillance impact report and surveillance use policy must address the specific subject matter specified for such reports as defined under 9.64.010."

The OMC 9.64 "surveillance technology" definition<sup>1</sup> refers to "biometric identification hardware or software." PAC Commissioners have stated that this reference necessitates that all Crime Lab technology that utilizes "biometric identification hardware or software" shall be considered as covered by all OMC 9.64 requirements, including bringing a Surveillance Impact Report (SIR) and Surveillance Use Policy (SUP) to the PAC for review before bringing to the City Council for adoption consideration.

OPD Crime Lab personnel brought an earlier version of the resolution accompanying this report to the July 28, 2020 City Council. This resolution would have provided the Crime Lab with a waiver from the City's Advertising And Competitive Bidding Requirements And Waiving The Request For Proposals/Qualifications (RFP/Q) Process Requirements – not from the OMC 9.64 Surveillance Technology Ordinance. PAC commissioners did explain to the City Council that the Crime Lab had not yet provided a Surveillance Impact Report (SIR) or Surveillance Use Policy (SUP) to the PAC. The City Council's motion was to adopt Resolution No. 88262 C.M.S, which granted a waiver of \$300,000 from the City's Advertising And Competitive Bidding

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<sup>1</sup> "Surveillance Technology" means any software, electronic device, system utilizing an electronic device, or similar technological tool used, designed, or primarily intended to collect, retain, analyze, process, or share audio, electronic, visual, location, thermal, olfactory, biometric, or similar information specifically associated with, or capable of being associated with, any individual or group. Examples of surveillance technology include, but is not limited to the following: cell site simulators (Stingrays); automatic license plate readers; gunshot detectors (ShotSpotter); facial recognition software; thermal imaging systems; body-worn cameras; social media analytics software; gait analysis software; video cameras that record audio or video, and transmit or can be remotely accessed. It also includes software designed to monitor social media services or forecast criminal activity or criminality, **biometric identification hardware or software.**

Requirements And Waiving The Request For Proposals/Qualifications (RFP/Q) Process Requirements for a period of six months, and bring forth a list of all technology used by the Crime Lab to the PAC by September 2020 (provided to PAC August 2020) to develop an appropriate SIR (**Attachment A**) and SUP (**Attachment B**) for these items in order to allow the PAC to make a recommendation to the City Council before the end of the calendar year. Both Attachment A and B were presented to PAC on October 1 and were favorably voted to recommend to City Council that they be adopted.

### ***Crime Laboratory Purchases***

The Forensic Biology/DNA Unit within the Criminalistics Division is responsible for analyzing submitted evidence for the presence of DNA. If a DNA profile is developed on evidence with a nexus to a crime, any developed DNA profile is eligible to be uploaded to the Combined DNA Index System (CODIS) which enables OPD to identify unknown individuals through DNA associations if the same profile had been entered previously. The unit receives over 500 case requests a year inclusive of homicides, sexual assault, weapons, burglary and cold cases. Evidence associated with these crimes can be crucial to confirming known suspects, identifying unknown persons, and importantly, excluding suspects whose DNA profiles do not match the evidence.

The unit has a number of instrumental platforms that are greater than 10 years old. While the technology is still sound and preventive maintenance plans are purchased annually to keep Crime Lab instruments running, there is a limited lifetime of any capital equipment. Anticipating the need to replace old instruments, a previous grant (DNA Backlog Reduction 2019 and authorized by Council) funded the replacement purchase of a DNA amplifier. In this upcoming grant submission (DNA Backlog Reduction 2020, brought forth as part of this slate of Crime Lab business) the replacement purchase of a DNA purification instrument is being sought.

At present, Resolution 88262 prohibits the purchase of “any new equipment or software that may be considered surveillance technology for use by the Crime Lab or that contains any new capabilities or features beyond the existing technology in our possession as of this date, until” the Department brings “forth a list of all technology used by the Crime Lab to the Privacy Advisory Commission (PAC) by September 2020 to develop appropriate Impact Statements and Use Policies for these items in order to allow the PAC to make a recommendation to the City Council before the end of the calendar year”.

Given that the Impact Statement and Use Policy was presented, voted by PAC unanimously in favor of recommending and that this policy is being considered as part of the slate of Crime Lab business, it makes sense to remove the prohibition against purchase of new equipment or software (biometric technology) that could be considered surveillance technology at this time.

### ***Crime Laboratory Operations***

OPD's Criminalistics Division, which operates the Crime Lab, is responsible for the scientific evaluation, analysis and interpretation of physical evidence. The Criminalistics Division also responds to select crime scenes requiring specialized forensic knowledge and skills of the Criminalistics staff. The Crime Lab is accredited to International Organization for

Standardization / International Electrotechnical Commission (ISO/IEC) 17025:2017 standards<sup>2</sup> by the ANSI National Accreditation Board (ANAB). Accreditation is required to maintain eligibility for federal grants pertaining to forensic science and for access to federal databases, CODIS (described previously) and the National Integrated Ballistic Information Network (NIBIN), which searches fired firearms cartridge cases to identify firearms used in crimes. ANAB is one of two organizations in the United States that accredits forensic science laboratories. The Crime Lab must meet numerous ANAB requirements, including full reassessments every four years, annual surveillance visits, annual external proficiency testing by ISO approved providers, and regular equipment and instrument maintenance and calibrations conducted by approved, suitable (*i.e.*, properly certified) providers. ISO 17025 standards require an evaluation of suppliers of materials and services and the ability of the crime lab to select appropriate suppliers for materials and services.

The Crime Lab constantly needs various forensic supplies, software, and services for use in drug analysis, firearms analysis, latent print analysis, body fluid screening, DNA analysis, crime scene response, and quality assurance processes (see page Table 1, on page 5, for more details). The Crime Lab requires access to several large forensic supply companies to acquire these supplies, which are used daily. These suppliers include, but are not limited to VWR, Fisher Scientific, and USA Scientific. These companies frequently offer discounted government pricing for public agencies such as OPD. The Crime Lab often orders 20 or 30 different items on one order from one supply vendor.

Oakland Municipal Code (OMC) Section 2.04.010 defines formal and informal bidding, OMC Section 2.04.040 gives the City Administrator authority to institute informal procedures for the purchase of supplies and OMC 2.04.05 requires an advertising and competitive bidding and Requests for Proposals / Qualifications (RFP/Q) process for related supplies and services. Therefore, in the absence of this Resolution, the Crime Lab must comply with the advertising and bidding process for each item needed. The Crime Lab cannot place one order with one forensic supply company when it needs to bid each item supplied by a specific forensic supply company. Additionally, the Crime Lab is faced with many more purchase orders and invoices when it must separately bid each needed supply. This multiple-purchase order process is conducted by scientific and supervisory staff, removing these subject matter experts from otherwise performing supervision and casework and straining the Crime Lab's very limited administrative capacity. Lastly, OMC Section 2.04.050.1.5 allows the City Council to waive the advertising and competitive bidding requirements after a finding and determination that it is in the best interests of the City to do so and OMC Section 2.04.051.A allows the City Council to waive the request for proposals/qualifications (RFP/Q) process requirements upon a finding and determination that it is in the best interest of the City to do so.

The City Council has authorized several sole-source contracts for large Crime Lab purchases where specific supplies and services were needed to maintain accreditation with Resolution No. 86529 C.M.S., dated December 13, 2016, Resolution No. 85943 C.M.S., dated January 5, 2016, and Resolution No. 85899 C.M.S., dated November 17, 2015. Similarly, the City Council has authorized the waiving of advertising and competitive bidding under the acceptance of National

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<sup>2</sup> In most major countries, ISO/IEC 17025 is the standard for which most labs must hold accreditation in order to be deemed technically competent.

Institute of Justice DNA Backlog and Capacity grant funds by Resolution No. 87996 C.M.S., dated January 21, 2020, Resolution No. 87428 C.M.S., dated September 27, 2018, Resolution No. 86982 C.M.S., dated November 2, 2017, Resolution No. 86532 C.M.S., dated November 22, 2016, Resolution No. 85223 C.M.S., dated October 21, 2014, Resolution No. 84686 C.M.S., dated November 5, 2013, Resolution No. 84041 C.M.S., dated October 2, 2012; Resolution No. 83672 C.M.S., dated December 15, 2011; 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.

### **ANALYSIS AND POLICY ALTERNATIVES**

OPD Crime Lab staff presented its DNA Instrumentation and Analysis and Software Surveillance Impact Report (SIR, **Attachment A**) and DNA Instrumentation and Analysis Software Biometric Technology Surveillance Use Policy (SUP, **Attachment B**) at the October 1, 2020 PAC meeting. The SIR (**Attachment A**) covers the following areas as required by the Surveillance Ordinance:

- Information describing the system and how it works;
- Purpose of the technology;
- Locations where, and Situations in which the technology may be used;
- Privacy Impact of the technology;
- Mitigations to prevent privacy impacts;
- Data Types and Sources;
- Data Security;
- Costs;
- Third Party Dependence;
- Alternatives Considered; and
- Track Record of Other Entities; and

The SUP (**Attachment B**) covers relevant areas required by OMC 9.64.030, including the following areas:

- Technology Description;
- Authorized Use;
- Use Restrictions;
- Data Access, Data Collection and Retention, and Security;
- Monitoring and Reporting; and
- System Training; and

City staff recommends approving the OPD Crime Lab DNA Instrumentation and Analysis Software Biometric Technology Use Policy. The PAC voted unanimously at the October 1, 2020 PAC meeting to recommend City Council adoption. Although Crime Lab staff question whether its biometric technology should be considered “surveillance technology” due to potential negative repercussions that the use of DNA biometrics as a scientifically supported investigative tool launched retrospectively implies that a resident or victim of crime would think they were prospectively surveilled by use of DNA technology as employed by the Crime Lab in the course of solving crime. That said, staff understands that the OMC 9.64 clearly identifies all biometric technology as surveillance technology and also understand the confidential nature of the work

performed and data collected, the value of treating these data confidentially and therefore welcomed the opportunity to work with the PAC to achieve the October 1, 2020 unanimous vote.

Staff also recommends approving the resolution so as to waive the advertising and competitive bidding requirements, and request for proposals/qualifications requirements because:

1. OPD Crime Lab staff have now complied with OMC 9.64 requirements;
2. Specific validated laboratory methods often require specific chemicals and reagents from specific providers;
3. Casework situations require the rapid acquisition of specific supplies and materials which may be available from only one source; and
4. It is not possible to anticipate when such casework situations will arise and thus would be very difficult for the Crime Laboratory to seek "sole source" purchasing authority each time such situations occur; and

The Crime Laboratory has conducted extensive validation studies using specific supplies, instrumentation, reagents, and software. Validation studies show that a method is fit for purpose and are a mandatory element of ISO 17025 Standards and the ANAB accreditation program. Where materials or instruments are part of a validated method, those specified materials must be used in the method. If the Laboratory is unable to procure the specified materials or services, the only alternative would be to revalidate analytical procedures - an impractical and time-consuming alternative that would be inefficient, expensive, and wasteful. Additionally, the Laboratory cannot always anticipate the requirements of future casework and must be able to acquire materials or services necessary to analyze the physical evidence at hand. Often, we are requested to work cases as a rush when a person must be arraigned within 48 hours of arrest or when a defendant request a speedy trial and does not waive time. To meet these legal requirements, we must be able to analyze the case evidence within the time frame mandated by law. In such cases, time is of the essence to expeditiously provide critical information to investigators and/or the courts, sometimes within 24 hours. Obtaining a "sole source" designation from City Council in these situations is impractical and may deleteriously affect the outcome of an investigation.

The City's competitive bidding process includes the consideration of suitable alternatives. However, with the Crime Laboratory, alternative products are often not acceptable. Crime Laboratory equipment often contains proprietary components that are under manufacturer warranty and cannot be serviced by any vendor other than the manufacturer. Examples include, but are not limited to: Life Technologies genetic analyzers used in DNA analysis; Perkin Elmer and Thermo-Fisher UV Visible spectrophotometers and the Fourier Transform Infrared (FTIR) spectrometer used in Drug Analysis; Foray Technologies ADAMS Digital Imaging System, the Coherent, Inc. TracER laser, the Foster + Freeman cyanoacrylate fuming cabinet, the Arrowhead Forensics FDC-5 environmental chamber used in the Latent Print Unit; and the Leeds microscopes used in the Firearms Unit.

As a second example, the Lab provides collection kits for specific types of evidence. One such kit was designed by the Alameda County Crime Laboratory to its specifications and is used for the collection of gunshot residue (GSR) from the hands of persons suspected of handling or discharging a firearm. This kit is only available from one vendor; there is no alternative source for this supply.

Lastly, the Laboratory is the OPD custodian of seized drug evidence. The Laboratory has designated the use of specific envelopes by OPD and outside agencies for the collection, packaging, and submission of suspected drug evidence. Since the 1980's, the required envelope is one that is secured by a pair of interlocking metal clasps that provide greater security than the use of tape, as tape will fail with time. This envelope is available from one vendor only - the Security Envelope Company located in Minneapolis, MN. The second closest facility is in San Diego which, if forced to use, would incur additional transportation, travel and overtime costs as well as added security risk. It is reasonable and justified to continue using Covanta.

As custodian, the Laboratory is responsible for the security of drug evidence and, ultimately, for its destruction by incineration. Because these materials are considered hazardous, OPD is required by law to dispose of them at a state regulated incinerator. The closest facility to Oakland is in the central valley and is operated by Covanta, Inc.

The Crime Lab also faces timeline challenges that do not always allow for effective compliance with the competitive bidding requirements. There are times when the evidence in a case is of a type that has not previously been seen by the laboratory or requires a unique solution to solve the analytical challenge at hand. Under these circumstances, laboratory standards or specialty equipment need to be acquired quickly. For example, new or novel drugs become available almost weekly on the illicit market and must be analyzed rapidly by the Crime Lab to meet court deadlines. Analysis of these drugs requires comparison to a known drug standard in order to identify the material. It is impractical and expensive to have every drug standard on hand. Not all drug standard supply companies stock the same materials, frequently making it impossible to obtain three bids for the material required. Ordering drug standards for these novel drugs is required to meet strict court-imposed deadlines, such as "no time waiver" cases. There is insufficient time in these cases to seek "sole source" designation from City Council to obtain the necessary standards under the current ordering rules unless a mechanism allowing rapid ordering of drug standards is authorized.

#### *Waiver of the Advertising and Bidding Process*

Sections 2.04.010, 2.04.040.D.2 and 2.04.050.1.5 (Bid Procedure Definition, Authority and Process) explains that the City can make exceptions to its competitive bidding process when City Council finds and determines that it is in the best interest of the City. It is not possible to anticipate when casework situations will arise which require additional supplies, instrumentation, reagents, or software. The City's advertising and competitive bidding requirements make it difficult for the Crime Lab to seek "sole source" purchasing authority each time such situations occur. Also, the Crime Lab employs forensic subject matter experts who possess the requisite scientific knowledge to determine which supplies, instruments, and services are most suited to the Laboratory's needs or which are required to successfully analyze evidence in particular cases. Therefore, staff believes that it is in the City's best interests to provide the OPD Crime Lab with the \$600,000 annual purchasing authority (for five years) separate from the City's advertising and competitive bidding requirements. This waiver would be for the purchase of certified and accredited forensic laboratory analytical supplies, equipment, instrumentation, instrument services and software on an as needed basis when crime lab subject matter experts determined such supplies and services are required by the following criteria:

- Forensic casework conditions
- The laboratory's validated methods, or its quality assurance program

- Needed for the timely analysis of evidence
- The materials or services are available from only one source

The Crime Lab also regularly needs to make many other, often smaller, purchases throughout the year. Table 1 below lists providers upon whom the Crime Lab currently depends for specific supplies, instrumentation, equipment, software and related services – all of which relate to casework, evidence custodial obligations, and quality assurance.

*Table 1: OPD Crime Lab Supplies and Services Needed on a Regular Basis*

VENDOR/SUPPLIER	CATEGORY	DESCRIPTION
<b>Laboratory Wide</b>		
CSI Forensic Supply	Goods	Gunshot Residue Collection Kit; Crime scene supplies
Fisher Scientific	Goods	General scientific laboratory supplies
Sigma Aldrich	Goods	Chemicals and reference standards
Uline	Goods	General laboratory and evidence packaging supplies
VWR	Goods	General scientific laboratory supplies
<b>Quality Management</b>		
American Society for Quality	Goods & Services	Quality assurance document repository, bookstore and training
ANSI National Accreditation Board	Services	ISO/IEC 17025:2017 Accreditation Body
Collaborative Testing Services, Inc	Services	ISO/IEC 17043 accredited proficiency test provider
Leeds Forensic Systems, Inc.	Services	Microscope and instrument calibration and maintenance
Leeds Precision Instruments, Inc.	Goods	Comparison and other optical microscopes
Mettler-Toledo Rainin, LLC	Goods & Services	Purchase, maintenance, calibration, and repair of pipettes
The REMI Group, LLC	Services	Service broker for analytical equipment, calibration, maintenance, and repair
Rice Lake Weighing Systems	Services	NIST <sup>3</sup> traceable instrument and weights calibration services
Ron Smith and Associates	Services	ISO/IEC 17043 accredited proficiency test provider
<b>Drug Analysis</b>		
Agilent Technologies	Goods & Services	Instrument and accessories vendor and service provider
Airgas	Goods	Compressed gases used in instrumental analyses
Cayman Chemicals	Goods	Analytical reference standards
Cerilliant Corporation	Goods	Analytical reference standards
Covanta, Inc.	Services	Closest California state regulated incinerator used for drug evidence destruction

<sup>3</sup> National Institute of Science and Technology



Full Spectrum	Services	Instrument maintenance and repair
Perkin-Elmer	Goods & Services	Instrument accessories vendor and service provider
Steraloids, Inc	Goods	Steroid reference standards
Security Envelope Company	Goods	Provider of OPD designed drug submission envelopes with irreversible metal clasp locking closure system
Thermo-Fisher	Goods & Services	Instrument and accessories vendor and service provider
Unity Lab Services	Goods & Services	Instrument and accessories vendor and service provider
<b>Firearms Unit</b>		
Autodesk	Goods	Crime scene reconstruction software
Brownells, Inc	Goods	Firearms and ammunition supplies
Cabella's	Goods	Firearms and ammunition supplies
Cheaper Than Dirt	Goods	Ammunition supplies
Grainger	Goods	Equipment and supplies
Leica Geosystems	Goods & Services	Crime scene digital imaging equipment and supplies; Crime scene software; Equipment maintenance and repair
Manthei Mess Systeme	Goods	Firearms identification software
Midway USA	Goods	Firearms and ammunition supplies
San Diego Police Equipment Co Inc.	Goods	Firearms and ammunition supplies
<b>Forensic Biology Unit</b>		
Arctic White, LLC	Goods	DNA analysis supplies
Aurora Biomed	Goods & Services	DNA analysis reagents and supplies; DNA instrument and equipment maintenance
Environmental Science and Research (ESR)	Services	DNA analysis software support
Life Technologies	Goods & Services	DNA analysis reagents and supplies; DNA instrument and equipment maintenance
Niche Vision Forensic, LLC	Goods & Services	DNA analysis software and support; Software training
Promega Corporation	Goods & Services	DNA analysis reagents and supplies; DNA instrument and equipment maintenance
Qiagen	Goods & Services	DNA analysis reagents and supplies; DNA instrument and equipment maintenance
Serological Research Institute (SERI)	Goods	Serology testing reagents and supplies
Thomas Scientific	Goods	DNA analysis reagents and supplies
Tri-Tech, Inc	Goods	Sexual assault evidence collection kits, Reference collection kits
USA Scientific	Goods	DNA analysis reagents and supplies
<b>Latent Print Unit</b>		
Adorama	Goods	Photography equipment, processing reagents and supplies

Arrowhead Forensics	Goods & Services	Processing reagents and supplies; Equipment maintenance and repair
Coherent, Inc	Services	Processing equipment maintenance and repair
EVIDENT	Goods	Processing reagents and supplies
Foray Technologies	Goods & Services	Digital image management system; Software support and maintenance
Forensic Comparison Software Company	Services	Forensic comparison software with temporary mini-AFIS database capability
Foster + Freeman Ltd	Goods & Services	Processing reagents and supplies; Equipment maintenance and repair
Safariland	Goods	Processing reagents and supplies
Sirchie	Goods	Processing reagents and supplies

The Crime Lab can more effectively focus its capacities on supporting OPD’s Bureau of Investigation’s (BOI) mission of investigating crimes if authorized to make the regular purchases from these different forensic supply companies to meet the needs listed above. The Crime Lab will also better support BOI if it can modify or add to the list in Table 1 to meet unknown, future casework demands. Consequently, the Laboratory requests the ability to order a material or service not specifically included on this list on a sole source basis when the material or service is critical to a validated analytical method, necessary to meet accreditation requirements, is legislatively required, or is so designated by a Crime Lab subject matter expert.

**FISCAL IMPACT**

No additional funding sources are requested. OPD is not seeking any additional funding and will continue to use the Crime Lab specific OPD General Purpose Fund (1010.102610.PS05), in addition to grant funding sources awarded directly or indirectly to the crime lab for purchases. Current and future grant sources include but are not limited to DNA Capacity Enhancement and Backlog Reduction Program, Proposition 69, and Coverdell grants.

### **PUBLIC OUTREACH / INTEREST**

The PAC reviewed the OPD Criminalistics Laboratory DNA Instrumentation And Analysis Software Biometric Technology Surveillance Impact Report (***Attachment A***) and Surveillance Use Policy (***Attachment B***) at the publicly noticed October 1, 2020 meeting. This report also complies with standard legislative noticing requirements.

### **COORDINATION**

The Budget Bureau and the Office of the City Attorney were consulted in 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 Social Equity:*** The public has a significant interest in ensuring that the OPD Crime Lab can effectively process evidence; successfully processed evidence helps OPD with investigations that bring leads to effective criminal prosecutions. The public safety for all Oakland residents and visitors is enhanced through greater OPD investigative capacity.

**ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE**

Staff Recommends That The City Council Adopt A Resolution: 1) Approving The Oakland Police Department (OPD) Crime Lab Criminalistics Laboratory DNA Instrumentation And Analysis Software Biometric Technology Use Policy; And 2) Waiving The City's Advertising And Competitive Bidding Requirements And Waiving The Request For Proposals/Qualifications (RFP/Q) Process Requirements For The Purchase Of Certified And Accredited Forensic Analytical Supplies, Equipment, Instrumentation, Software, And Related Services On An As-Needed Basis When Laboratory Forensic Science Subject Matter Experts Determine Such Supplies And / Or Services Are Required Based On Casework Conditions, The Laboratory's Validation Methods, Or Its Quality Assurance Program, Or Needed For The Timely Analysis Of Evidence, Or When The Materials Or Services Are Available From Only One Source, In The Amount Of Up To Six Hundred Thousand Dollars (\$600,000) Per Fiscal Year Through June 30, 2025, For A Total Cost Not To Exceed Three Million Dollars (\$3,000,000).

For questions regarding this report, please contact Sandra Sachs, Crime Laboratory Manager, at (510) 238-3386.

Respectfully submitted,



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***Attachments (2)***

**A:** *DNA Instrumentation and Analysis and Software Surveillance Impact Report*

**B:** *DNA Instrumentation and Analysis Software Biometric Technology Surveillance Use Policy*