

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: January 25, 2010

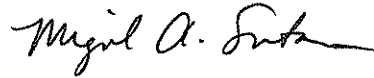
CAO File No. 0220-03790-0028

Council File No. 10-0089

Council District: --

To: Public Safety Committee

From: Miguel A. Santana, City Administrative Officer



Reference: Motion (Garcetti-Smith) dated January 15, 2010

Subject: **DNA ANALYSIS FUNDING**

SUMMARY

The subject motion recommends transfer of \$377,190 from Salaries General to Contractual Services within the Police Department. This would decrease funding provided in the 2009-10 Adopted Budget (C.F. 09-0600) for hiring of positions relating to DNA analysis and increase the funding provided for outsourcing of DNA analysis, with the goal of eliminating the current backlog of untested sexual assault kits.

The 2009-10 Adopted Budget contained six months' funding for 26 positions to expand the Police Department's capacity to screen, test, and analyze DNA evidence collected from crime scenes, victims, and suspects. This increased the total authorized staffing in the DNA/Serology Unit of LAPD's Scientific Investigation Division to 89. In addition to the increased staffing, \$1.5 million was added to the Contractual Services Account for outsourcing of DNA analysis, bringing the total General Fund budget for outsourcing to \$3.3 million.

According to the Mayor's 2009-10 Proposed Budget, these resources were intended to eliminate the sexual assault kit backlog by 2010-11. During the Budget adoption process, the Council moved all new positions and funding to the Unappropriated Balance, with the noted exception of the 26 positions added to the Police Department for DNA analysis (Budget and Finance Committee Report Item No. 8). However, these positions were still subject to the "hard hiring freeze" as described in Budget and Finance Committee Report Item No. 7. LAPD submitted to the Managed Hiring Committee (MHC - staffed by the Mayor, the Chief Legislative Analyst, and the City Administrative Officer) a request to unfreeze the positions on September 18, 2009. The request has been pending a decision in the MHC since that time.

Transferring these funds would have a minimal impact on the Police Department's operations and budget. Because all LAPD employees must undergo a background check prior to employment, and because the Department has not begun the hiring process for these positions, none of these positions would be filled sooner than May 2010. Inasmuch as the funds budgeted for this purpose will not be spent on salaries for these positions, it seems reasonable to transfer the funds to perform similar work through outsourcing.

The CAO has contacted the representatives of the MHC. The MHC indicates that given Council's priority, as stated in the Motion, to initiate capacity building by hiring Criminalists as soon as possible, as well as continuing to out-source to further reduce the backlog, it has approved unfreezing the 26 positions. The MHC recognizes that hiring will be phased-in due to practical limitations of training and assimilation of the staff into the SID laboratory. The phased-in hiring approach provides some mitigation to budgetary constraints.

Based on this information, this Office is recommending transferring four months' funding for 10 Criminalists and one Laboratory Technician (\$190,166), and six months' funding for the other 16 positions (\$681,255), to contractual services (for a total of \$871,421). The Department will put a priority on hiring the Criminalists, and should be able to hire them by May, 2010. The \$95,000 left in the salary account for this purpose will be sufficient to cover this cost. Due to the MHC approval, the Department will be able to begin the hiring process for the remaining positions, and will most likely be ready to hire them in the first quarter of 2010-11.

The Police Department has stated that without additional Criminalists, the Department will not have the capacity to process all of the approximately 1,200 DNA analysis cases received each year. Currently the Department can only process approximately 400 with City staff, though this number is rising as Criminalists hired during prior years become fully trained and more experienced.

The current backlog of untested sexual assault kits is approximately 1,200. With this additional funding for outsourcing, Department staff is confident that the entire backlog can be eliminated by the end of the current fiscal year. However, it should be noted that, unless additional positions are filled, the Department will always require significant outsourcing to keep pace with the incoming workload. This is not an efficient long term strategy, as the FBI requires law enforcement agencies to review all work done by independent labs prior to uploading the results into CODIS (the national DNA database). This review takes approximately four hours on average, and must be performed by high-level staff, pulling them away from their normal DNA supervisory duties and making the in-house portion of the operation less efficient.

(Recommendations follow)

RECOMMENDATIONS

That the Council, subject to the approval of the Mayor:

1. Authorize the Controller to transfer \$871,421 within the Police Department, Fund 100/70, from the Salaries General Account 1010 to the Contractual Services Account 3040; and,
2. Instruct the Police Department to provide monthly status reports to the Public Safety Committee and the Council on the status of the DNA evidence kit backlog and the reduction in the backlog due to outsourcing.

FISCAL IMPACT STATEMENT

The actions recommended herein would allow the Police Department to use \$871,421 in budgeted funds for one-time contractual services. There is no additional impact on the General Fund. This action complies with the City's Financial Policies in that one-time funding (available funds in the Salaries General account) are used for one-time expenditures (contractual services).

MAS:MC:04100090