

Your

**PUBLIC SAFETY and
BUDGET AND FINANCE COMMITTEES**

report as follows:

PUBLIC SAFETY COMMITTEE REPORT and COMMUNICATION FROM CHAIR AND VICE CHAIR BUDGET AND FINANCE COMMITTEE relative to the use of Police Department salary account funds to continue outsourcing of DNA analysis.

Recommendations for Council action, as initiated by Motion (Garcetti – Smith), 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 for the continued use of outside laboratories for DNA analysis.
2. INSTRUCT the Police Department to provide monthly status reports to Council, and to report to the Public Safety Committee on a quarterly basis on the status of the DNA evidence kit backlog and the reduction in the backlog due to outsourcing.

Fiscal Impact Statement: The City Administrative Officer (CAO) reports that this action will not impact the General Fund. The recommended actions recommended would allow the Police Department to use \$871,421 in budgeted funds for one-time contractual services. This action complies with City financial policies in that one-time funding (available funds in the Salaries General account) are used for one-time expenditures (contractual services).

Community Impact Statement Submitted: None

SUMMARY

On January 15, 2010, Council considered Motion (Garcetti – Smith) relative to the use of unspent Police Department salary account funds to continue outsourcing of DNA analysis. Motion states that the 2009-10 Adopted Budget included funding for outsourcing and hiring of 26 employees to perform DNA analysis. It is noted that despite the high priority of DNA analysis for the Council and Mayor, these positions have not yet been filled. While consideration of these positions is pending in the managed hiring process, Motion makers believe that it is critical that the Police Department have additional flexibility to achieve our shared goal of eliminating the backlog of untested samples by the end of this fiscal year. To this end, the Police Department should be able to continue the use of outsourcing while the new hire decisions are proceeding. Council referred Motion to the Public Safety Committee for consideration. Subsequently, Motion was also referred to the Budget and Finance Committee.

In a report to the Public Safety Committee dated January 10, 2010, the CAO reports that the 26 DNA analysis positions in the 2009-10 Adopted Budget are subject to the City's "hard hiring freeze." A request to unfreeze the positions has been pending in the Managed Hiring Committee since September 18, 2009. The CAO goes on to report that the Managed Hiring Committee has recently approved unfreezes for the 26 positions. Because all Police Department 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.

The CAO believes that inasmuch as the funds allocated for the salaries 26 positions will not be spent prior to May, 2010, it is advisable to use the funds for the outsourcing of DNA analysis. The CAO recommends that funds in the amount of \$871,421 be made available for this purpose.

At its meeting held January 25, 2010, the Public Safety Committee discussed this matter with representatives of Police Department and the CAO. Councilmember Garcetti and City Controller Greuel were in attendance to express support for the use of the unspent funds for outsourcing of DNA analysis to help eliminate the current backlog of untested sexual assault kits. During the public comment period, a representative of the DNA analysis employee union urged the Committee to use unspent funds to end furloughs for existing staff, rather than to contract out the work. It was stated that in-house DNA analysis is more cost-effective, and it eliminates the need for the review of outsourced kits as required by the Federal Bureau of Investigation (FBI). Representatives of justice for victims of violent crime advocacy groups spoke in support of the proposed use of unspent funds for outsourcing of DNA analysis, while also expressing support for filling vacant positions to perform the work in-house.

Public Safety Committee members expressed frustration that the hiring of the 26 DNA analysis positions had not been previously unfrozen by the Managed Hiring Committee. Committee members also questioned the FBI mandate to re-test in-house outsourced lab kits, and urged that the City pursue legislation to eliminate this requirement. The Committee went on to recommend that Council approve the CAO's recommendation to allocate \$871,421 in unspent funds allocated for the vacant 26 DNA analysis positions for outside DNA laboratory contractors. Committee further recommended that Council instruct the Police Department to report back in writing on a monthly basis, and to the Public Safety Committee on a quarterly basis, relative to the status of the DNA evidence kit backlog and the reduction in the backlog due to outsourcing.

At the Budget and Finance Committee meeting held the same day, the Committee Chair and Vice-Chair concurred with the action taken by the Public Safety Committee.

Respectfully submitted,

PUBLIC SAFETY
COMMITTEE

BUDGET AND FINANCE
COMMITTEE

- NOT OFFICIAL UNTIL COUNCIL ACTS -

<u>MEMBER</u>	<u>VOTE</u>
SMITH:	YES
CARDENAS:	ABSENT
PERRY:	ABSENT
REYES:	YES
ZINE:	YES

<u>MEMBER</u>	<u>VOTE</u>
PARKS:	YES
SMITH:	YES
HUIZAR:	ABSENT
KORETZ:	ABSENT
ROSENDAHL:	ABSENT