

0160-01450-0016

TRANSMITTAL

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| TO The Council | DATE AUG 09 2013 | COUNCIL FILE NO. 12-0600-S163 |
| FROM The Mayor | COUNCIL DISTRICT | |

**Narcotics Analysis Laboratory Trust Fund Expenditure Plan
No. 16 – Overtime and Equipment Addendum**

Transmitted for your consideration. See the City Administrative Officer report attached.

Eric Coanelli
by RHM
MAYOR

[Handwritten mark]

MAS:AS:04140011ct

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: August 7, 2013

CAO File No. 0160-01450-0016

Council File No. 12-0600-S163

Council District: --

To: The Mayor

From: Miguel A. Santana, City Administrative Officer



Reference: Board of Police Commissioners Transmittal dated February 12, 2013

Subject: **NARCOTICS ANALYSIS LABORATORY TRUST FUND EXPENDITURE PLAN NO. 16 – OVERTIME AND EQUIPMENT ADDENDUM**

SUMMARY

The Los Angeles Police Department (LAPD) requests approval of the Narcotics Analysis Laboratory Trust Fund (NALTF) Expenditure Plan No. 16 (Plan) – Overtime and Equipment Addendum (Addendum). The NALTF Expenditure Plan No. 16, which provided a total of \$700,000 for training and equipment, was approved by the Mayor and Council in March 2013 (C.F. 12-0600-S163).

Subsequent to the approval of the Plan, the Board of Police Commissioners transmitted a supplemental request to NALTF No. 16 to provide additional funding for overtime and equipment (Addendum). As proposed by the LAPD, \$270,500 will be used to pay for casework overtime and the purchase of specialized equipment used by the LAPD's Scientific Investigation Division (SID) to analyze narcotics evidence.

Attached is a Fact Sheet from the LAPD dated August 6, 2013, which details how the casework overtime and equipment funds will be spent.

State law provides for the courts to collect a fee of \$50 at the time of a controlled-substance related conviction to reimburse law enforcement laboratories for costs incidental to analysis of controlled substances. The funds must be used to support the laboratories. Historically, the City has used these funds for training of LAPD staff and purchase of laboratory equipment. The City Attorney has determined that the NALTF can be used for "administrative costs" associated with the lab, which can be interpreted as salaries, including overtime, as long as there is sufficient tracking to show that the casework overtime funded by the NALTF was specifically related to the analysis of controlled substances as specified under California Health and Safety Code Section 11372.5.

Administrative Code Section 5.115.2 creates the NALTF and requires that the Mayor and Council approve an expenditure plan prior to disbursement of the funds.

RECOMMENDATIONS

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

1. Approve the Narcotics Analysis Laboratory Trust Fund (NALTF) Expenditure Plan No. 16 – Overtime and Equipment Addendum for \$270,500;
2. Authorize the Controller to establish appropriation accounts within Fund 863, Department 70, as follows:

| <u>Account No.</u> | <u>Account Name</u> | <u>Amount</u> |
|--------------------|---------------------|---------------|
| TBD | Casework Overtime | \$120,000 |
| TBD | Equipment | 150,500 |

3. Authorize the LAPD to prepare Controller's instructions for any technical adjustments, subject to the approval of the City Administrative Officer, and authorize and instruct the Controller to implement the instructions.

FISCAL IMPACT STATEMENT

Approval of the Narcotics Analysis Laboratory Trust Fund Expenditure Plan No. 16 – Overtime and Equipment Addendum authorizes the Los Angeles Police Department to spend \$120,000 on casework overtime and \$150,500 for equipment in the Scientific Investigation Division from the Narcotics Analysis Laboratory Trust Fund. There is no impact on the General Fund. This action complies with the City's Financial Policies in that one-time revenue is used for one-time expenditures.

MAS:AS:04140011c

Attachment

FACT SHEET**NARCOTICS ANALYSIS LABORATORY TRUST FUND
OVERTIME AND EQUIPMENT SPENDING PLAN REQUEST**

August 6, 2013

Background. Scientific Investigation Division (SID) requests that funds in the Narcotics Analysis Laboratory Trust Fund (NALTF) be used to provide the following items:

Narcotics Casework Overtime Funds

\$120,000 is requested for overtime to complete narcotics casework.

The task of the Narcotics Analysis Unit (NAU) of SID is to analyze narcotics evidence seized from felony drug offenders and transmit laboratory reports of the drug analyses to the District Attorney's Office (DA) in time for the DA to file charges within 48 hours of the arrest. With the current staffing levels in the NAU, a significant amount of this work must be completed on overtime.

In 2012, the total number of narcotics cases analyzed was 13,461 with 1,695 (12.6%) of those cases analyzed on overtime. The total number of overtime hours devoted to narcotics casework was 1,567. At an average hourly overtime pay rate of \$77, the cost to compensate all of the 2012 overtime in cash was \$120,659. The narcotics caseload for 2013 is projected to be nearly identical to that of 2012 and the amount of casework analyzed on overtime will be nearly the same as well.

Staff who analyze narcotics evidence dedicate their entire work days to the analysis of narcotics as it pertains to Health and Safety Code Section 11372.5. The use of NALTF funds for narcotics casework analysis on overtime will only be allocated to compensate staff who have completed 8 working hours devoted to narcotics evidence analysis and related tasks.

Coverdell grant funds in excess of \$200,000 have been used the past three years to pay for narcotics casework overtime. The use of Coverdell funds must be tracked carefully and detailed reports that explain the use of the funds must be submitted to the grantor. The staff of SID complied appropriately with the Coverdell grant requirements. This was evidenced in a 2011 audit by the grantor. The use of NALTF funds for narcotics casework overtime will similarly be appropriately managed by the staff of SID.

Equipment List

1. Fourteen (14) high precision analytical balances, four (4) top-loading balances, two (2) high capacity balances, fifteen precision calibration weights (\$70,500)

The high precision balances will be assigned to the fourteen criminalists in the SID Narcotics Analysis Unit. These balances have a higher level of precision than the balances currently in use. A higher level of precision is a requirement for accreditation under the new International System for forensic laboratories (ISO 17025). The SID

FACT SHEET

NARCOTICS ANALYSIS LABORATORY TRUST FUND OVERTIME AND EQUIPMENT SPENDING PLAN REQUEST

August 6, 2013

Criminalistics Laboratory will undergo ISO accreditation inspection in the fall of 2013. The added precision ensures that reported narcotics evidence weights in the milligram range meet acceptable ISO measurement uncertainty requirements. The narcotics evidence in many investigations and prosecutions have net weights in this milligram range. These fourteen high precision balances can measure narcotics evidence in the weight range of 0.1 milligram up to 120 grams.

The four top-loading balances will be assigned to the four criminalists who are analyzing narcotics casework at the Valley Detail of the Narcotics Analysis Unit. These new balances will replace four balances that are more than 10 years old. The older balances require frequent recalibration and their electronic displays often malfunction. The four balances requested have a weight capacity of 0.01 grams up 3,200 grams. They will be used for narcotics evidence items that exceed the 120 gram capacity of the high precision balances requested above. These four top-loading balances requested for the Valley Detail are similar to ten top-loading balances currently in use at the Hertzberg Davis Forensic Science Center Detail of the Narcotics Analysis Unit.

One of the two high capacity balances requested has a weight range of 0.1 grams up to 16 kilograms. It has a platform that is suitable for weighing larger quantities of narcotics evidence – quantities that exceed the 3,200 gram capacity of top-loading balances. This requested balance is to be used at the Hertzberg Davis Forensic Science Center Detail of the Narcotics Analysis Unit. It will replace a similar balance that is more than 10 years old and is past its useful service life. The older balance requires frequent recalibration and will not be suitable for use under the new ISO accreditation requirements.

The other high capacity balance requested has a weight range of 0.02 pounds up to 50 pounds. It has a large platform that allows for weighing boxes of narcotics evidence. This balance will be used by criminalists assigned to the SID Hazardous Chemical Team (HCT). The HCT is responsible for processing and analyzing all narcotics evidence cases where the evidence weighs in excess of 30 pounds. The new balance will replace a similar balance that is more than 10 years old. The old balance requires frequent recalibration and its electronic display often malfunctions.

The fifteen precision weights will be used to check the calibration of the requested balances. Determining that balances are properly calibrated on a regular basis is an accreditation requirement.

2. Fourier Transform Infrared Spectrometer with Attenuated Total Reflectance Accessory (FTIR-ATR) (\$39,000)

This FTIR-ATR instrument will replace two older FTIR instruments at the Valley Detail of the Narcotics Analysis Unit. It will be used to confirm the identity of narcotics

FACT SHEET

NARCOTICS ANALYSIS LABORATORY TRUST FUND OVERTIME AND EQUIPMENT SPENDING PLAN REQUEST

August 6, 2013

substances including cocaine and methamphetamine. This new instrument with the ATR accessory allows for rapid identification of powder and liquid residue samples with minimal sample preparation. It is similar to two FTIR-ATR instruments in use at the Hertzberg Davis Forensic Science Center detail of the Narcotics Analysis Unit.

3. Two (2) portable Raman Spectrophotometers (\$41,000)

The two Raman spectrophotometers will be used for rapid screening of powders and liquids for the presence of suspected controlled substances. These instruments will be a new technology in the Narcotics Analysis Unit. A Raman spectrophotometer was evaluated over several months by the staff of the Hertzberg Davis Forensic Science Center detail of the Narcotics Analysis Unit. They found this technology to be very reliable in screening materials for controlled substances.

These Raman spectrophotometers eliminate the need for many toxic and corrosive chemicals that are currently used to screen drug samples. A considerable amount of staff time is spent on the preparation, quality control testing and usage tracking of these chemicals. The chemical reagents also generate contaminated laboratory waste materials that must be properly stored and disposed of as hazardous waste.

This technology is able to screen for drugs without having to remove the material from the plastic bag or glass vial that contains it. The Raman analysis is performed more rapidly than the current chemical based screening methods. The change from chemical test methods to Raman spectrophotometry will provide improved efficiency as the time spent per screening test will be reduced.

LOS ANGELES POLICE COMMISSION

BOARD OF
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MAYOR

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CITY ADMINISTRATIVE OFFICER

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EXECUTIVE DIRECTOR

ALEXANDER A. BUSTAMANTE
INSPECTOR GENERAL

EXECUTIVE OFFICE
POLICE ADMINISTRATION BUILDING
100 WEST FIRST STREET, SUITE 134
LOS ANGELES, CA 90012-4112

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February 12, 2013

BPC #13-0052

The Honorable Antonio Villaraigosa
Mayor, City of Los Angeles
City Hall, Room 303
Los Angeles, CA 90012

Attention Mandy Morales

Dear Honorable Mayor:

RE: NARCOTICS ANALYSIS LABORATORY TRUST FUND EXPENDITURE PLAN NO.
16 – OVERTIME AND EQUIPMENT

At the regular meeting of the Board of Police Commissioners held Tuesday, February 12, 2013, the Board APPROVED the Department's report relative to the above matter.

The Board requests, subject to your approval, that this matter be forwarded to City Council for their approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS

MARIA SILVA
Commission Executive Assistant

Attachment

c: Chief of Police
ASB

INTRADEPARTMENTAL CORRESPONDENCE

BPC #13-0052
RECEIVED 8E

FEB 05 2013

POLICE COMMISSION

February 8, 2013
8.9

REVIEWED

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police


RICHARD M. TEFANK
EXECUTIVE DIRECTOR
2/5/13
DATE

SUBJECT: NARCOTICS ANALYSIS LABORATORY TRUST FUND EXPENDITURE
PLAN NO. 16 – OVERTIME AND EQUIPMENT

RECOMMENDED ACTIONS

That the Board of Police Commissioners (Board) REVIEW and APPROVE the Narcotics Analysis Laboratory Trust Fund Expenditure Plan No. 16 – Overtime and Equipment. The Expenditure Plan includes funding in the amount of \$270,500 that will be used to pay for casework overtime and the purchase of specialized equipment used by Scientific Investigation Division (SID) to analyze narcotics evidence.

1. That the Board TRANSMIT the Narcotics Analysis Laboratory Trust Fund Expenditure Plan No. 16 – Overtime and Equipment to the Mayor and the Los Angeles City Council for approval.
2. That the Board AUTHORIZE the City Controller’s Office to establish appropriation accounts within Fund 863 Department 70 as follows:

| <u>Account No.</u> | <u>Account Name</u> | <u>Amount</u> |
|--------------------|---------------------|---------------|
| TBD | Casework Overtime | \$120,000.00 |
| TBD | Equipment | \$150,500.00 |

3. That the Board AUTHORIZE the Los Angeles Police Department (LAPD) to prepare City Controller’s instructions for any technical adjustments, subject to the approval of the City Administrative Officer (CAO), and AUTHORIZE and INSTRUCT the City Controller to implement the instructions.

DISCUSSION

Section 11372.5 of the California Health and Safety Code provides that a \$50 fee shall be collected from every person for each narcotics offense for which they are convicted. The intent of the law is to reimburse law enforcement agencies for costs associated with the chemical analysis of controlled substances and the operation of their criminalistics laboratories.

The City of Los Angeles (City) has established the Narcotics Analysis Laboratory Trust Fund to receive, administer and disburse funds that are collected by the courts and forwarded to the City pursuant to this legislation. The City ordinance that established the fund requires that the Los Angeles City Council approve an expenditure plan prior to actual disbursement of funds.

The overtime and equipment to be purchased includes the following items:

| OVERTIME AND EQUIPMENT ITEMS | COST |
|--|---------------|
| Narcotics Casework Overtime | \$ 120,000.00 |
| Narcotics Evidence Balances and Calibration Weights | \$ 70,500.00 |
| Infrared Spectrometer (FTIR-ATR) for Narcotics Evidence Analysis | \$ 39,000.00 |
| Raman Spectrophotometers for Narcotics Evidence Analysis | \$ 41,000.00 |
| TOTAL | \$ 270,500.00 |

A fact sheet describing these items in detail is attached.

If you have any questions regarding this matter, please contact Police Administrator Yvette Burney, Commanding Officer, Scientific Investigation Division, at (323) 415-8100.

Respectfully,



CHARLIE BECK
Chief of Police

Attachment

BOARD OF
POLICE COMMISSIONERS
Approved: *February 12, 2013*
Secretary *Maria Silva*

INTRADEPARTMENTAL CORRESPONDENCE

January 29, 2013
8.9

TO: Chief of Police

FROM: Chief of Detectives

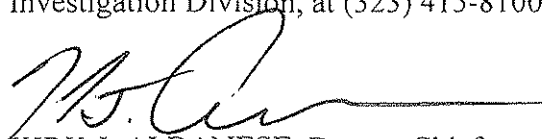
SUBJECT: NARCOTICS ANALYSIS LABORATORY TRUST FUND EXPENDITURE PLAN NO. 16 – OVERTIME AND EQUIPMENT

It is recommended that the Chief of Police approve and transmit to the Board of Police Commissioners the equipment and casework overtime portions of the Narcotics Analysis Laboratory Trust Fund Expenditure Plan No. 16. The plan totaling \$270,500 will be used to pay for narcotics casework overtime and the purchase of equipment for the analysis of narcotics evidence at Scientific Investigation Division (SID).

Section 11372.5 of the California Health and Safety Code provides that a \$50 fee shall be collected from every person for each narcotics offense for which they are convicted. The intent of the law is to reimburse law enforcement agencies for costs associated with the chemical analysis of controlled substances and the operation of their criminalistics laboratories. The City has established the Narcotics Analysis Laboratory Trust Fund (NALTF) to receive, administer and disburse funds that are collected by the courts and forward to the City pursuant to this legislation. The City ordinance that established the fund requires that the City Council approve an expenditure plan prior to actual disbursement of funds. The casework overtime allocation and specialized equipment to be purchased includes the following items:

| OVERTIME AND EQUIPMENT ITEMS | COST |
|--|---------------|
| Narcotics Casework Overtime | \$ 120,000.00 |
| Narcotics Evidence Balances and Calibration Weights | \$ 70,500.00 |
| Infrared Spectrometer (FTIR-ATR) for Narcotics Evidence Analysis | \$ 39,000.00 |
| Raman Spectrophotometers for Narcotics Evidence Analysis | \$ 41,000.00 |
| TOTAL | \$ 270,500.00 |

A fact sheet describing these items in detail is attached. If you have any questions regarding this matter, please contact Police Administrator Yvette Burney, Commanding Officer, Scientific Investigation Division, at (323) 415-8100.


KIRK J. ALBANESE, Deputy Chief
Chief of Detectives

Attachment