County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

LEROY D. BACA, SHERIFF

November 30, 2004

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

AUTHORIZE THE SHERIFF TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CALIFORNIA DEPARTMENT OF JUSTICE AND ACCEPT A GRANT AWARD FOR THE NO-SUSPECT CASEWORK DNA BACKLOG REDUCTION PROGRAM (ALL DISTRICTS) (3 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Authorize the Los Angeles County Sheriff's Department to enter into the attached Memorandum of Understanding (MOU) with the California Department of Justice (DOJ), pursuant to the No-Suspect Casework DNA Backlog Reduction Program and any subsequent amendments, modifications, extensions, and/or augmentations to said grant should such action(s) be required.

2. Authorize the Department, as an agent for the County, to accept a grant award in the amount of $5,840 from the California DOJ on behalf of the National Institute of Justice (NIJ) for the purpose of funding overtime to work on no-suspect cases.

3. Approve and instruct the Chair to accept the grant-funded items, specifically an Applied Biosystems Incorporated (ABI), Prism 7000 Sequence Detection System (SDS) valued at $47,000, and seven Identifiler DNA kits valued at $19,600 (or $2,800 each). The California DOJ will purchase these items from the grant funds awarded by NIJ.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The United States Department of Justice, Office of Justice Programs, NIJ, has awarded a No-Suspect Casework DNA Backlog Reduction grant to the California DOJ and eleven local DNA Consortium Laboratories, one of which is the Los Angeles County Sheriff's Department's crime laboratory. The California DOJ submitted a grant application to NIJ on behalf of the statewide local crime laboratories via the California Association of Crime Laboratory Directors (CACLD) DNA Consortium. NIJ awarded the California DOJ funding for the program and as an eligible crime laboratory, the Sheriff's Department's Scientific Services Bureau (SSB) will receive $5,840 in federal funding with no local match required. Also, SSB will receive an ABI Prism 7000 Sequence Detection System (SDS) and seven Identifiler DNA kits, cumulatively valued at $66,600.

The objective of the No-Suspect Casework DNA Backlog Reduction Program is to analyze no-suspect cases that are currently backlogged in the California State and local crime laboratories and maximize the usefulness of the Combined DNA Index System (CODIS) DNA databases. This program is limited to cases that do not have a sexual component, since California already has provided state grant funding (California Cold Hit Project) to local and state crime laboratories to work the backlog of unsolved sexual assault cases. A no-suspect case is any backlogged case with biological evidence where no investigative leads have been established, all investigative leads have been exhausted, or named suspects have been eliminated. A backlogged case is either in the laboratory, or at the law enforcement agency awaiting submission to a laboratory, and is at least 30-days old. The scope of the project is limited so that each crime laboratory is able to commit to analyzing no-suspect cases from their own jurisdiction. Outsourcing cases or services is not planned. The key to the success of this project will be to work cases that have the best chance of resulting in a CODIS hit. Each laboratory is obligated to complete 15 no-suspect homicide cases or 30 eligible no-suspect cases of a lesser crime or a combination of both. In order to successfully achieve the objectives of the No-Suspect Casework DNA Backlog Reduction Program, the Department will use the grant funds to pay for overtime to complete the eligible no-suspect cases. The equipment under this grant will be used for the no-suspect cases and may also be used for other forensic samples at the same time.

Implementation of Strategic Plan Goals

The No-Suspect Casework DNA Backlog Reduction Program conforms to the County of Los Angeles' Strategic Plan Goal #3: Organizational Effectiveness. With the grant funds, SSB will be able to specifically work no-suspect backlogged cases thus

promoting the efficiency of the Crime Lab, as well as maintaining the safety and security of the residents of Los Angeles County.

FISCAL IMPACT/FINANCING

The term of the No-Suspect Casework DNA Backlog Reduction Program is from September 16, 2003, to May 31, 2005. The MOU was received from the California DOJ at the end of August 2004. The funding will pay for overtime for criminalists to work on the no-suspect cases. The California DOJ, via the grant funds awarded by NIJ, will purchase the equipment and have the items delivered to the crime lab. There is no requirement for matching funds from Los Angeles County or the Department during the term of this program.

The revenue has been included in the Department's Fiscal Year 2004/2005 budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

This MOU and Board letter have been reviewed and approved as to form by County Counsel and the affected departments.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact on current services within the Department. The District Attorney's Office and Public Defender's Office will not be able to measure the impact at this time as actual cases have not been filed.

CONCLUSION

Upon approval by your Board, the Department requests that your Board please provide four (4) individually adopted copies of this action to the Department. The Department's contact for this requested Board action is Michelle Day, Grants Coordinator, at (323) 526-5212.

Sincerely,

LEROY D. BACA
SHERIFF

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

CALIFORNIA DEPARTMENT OF JUSTICE

AND THE

LOS ANGELES COUNTY SHERIFF
SCIENTIFIC SERVICES BUREAU

No Suspect Casework DNA Backlog Reduction Program

The U.S. Office of Justice Programs, National Institute of Justice (NIJ), has awarded a No Suspect Casework DNA Backlog Reduction grant (award number 2003-DN-BX-K117) to the California Department of Justice (DOJ) on behalf of the State of California and eleven local DNA Consortium Laboratories. This Memorandum of Understanding (hereinafter referred to as the "MOU") is made and entered into between the California Department of Justice and the Los Angeles County Sheriff Scientific Services Bureau pursuant to the No Suspect Casework DNA Backlog Reduction Program (hereinafter referred to as the "Program"). The MOU shall be in effect for the duration of this Program, which is from September 16, 2003 to May 31, 2005.

Purpose And Scope of the Program

The purpose of the Program is to reduce the no suspect DNA case backlog and to maximize the use of the Cal DNA Data Bank. DNA evidence profiles from backlogged no-suspect cases will be produced and compared with over 250,000 felon profiles in the Data Bank for possible "hits".

The services carried out by the DOJ and the DNA Consortium Laboratory shall be consistent with those contained in the grant proposal and budget (see attachment 1) for funding by NIJ including all post-award modifications approved by NIJ. Changes shall not be made to the proposed objectives and products of grant activities without prior written approval from the DOJ.

Definitions

- DNA Consortium Laboratory

An accredited, public crime laboratory that has signed the initial Program Participation Form and is actively participating in the Program.

- Grant Obligation
  Each DNA Consortium Laboratory completes 15 no-suspect homicide/sexual assault cases or 30 eligible no-suspect cases of a lesser crime or a combination of both, based on the "two for one" rule, by May 31, 2005. Homicide cases and sexual assault cases must have first priority.

- Eligible No-Suspect Case
  A no-suspect case is any backlogged case with biological evidence where no investigative leads have been established, all investigative leads have been exhausted, or named suspects have been eliminated. Homicide cases and sexual assault cases have first priority. Sexual assault cases not eligible for the Cold Hit Project qualify for this grant.

- Backlogged Case
  A backlogged case is a case that is either in the laboratory, or at the law enforcement agency awaiting submission to a laboratory, and is at least thirty days old.

- "Two for One" Rule
  Once all eligible no-suspect homicide/sexual assault cases are completed, two no-suspect cases of a lesser crime can be substituted for one homicide/sexual assault case.

Responsibilities

The DOJ will:

- Provide reimbursement, in an amount not to exceed **$ 5,840.00** to the Los Angeles County Sheriff Scientific Services Bureau, for overtime worked to complete eligible no-suspect cases.

- Purchase equipment and supplies as specified in the grant including delivery to the Los Angeles County Sheriff Scientific Services Bureau. Decals for the identification of the equipment provided under the grant will be supplied by DOJ.

- Provide time keeping logs and forms for monthly reports and invoices.

- Prepare all progress reports, budget reports, and the final report to the NIJ.

- Continuously monitor and evaluate the progress of the Program.

- Perform audits, if necessary, to ensure adherence to the grant requirements and specifications.

The Los Angeles County Sheriff Scientific Services Bureau will:

- Use the equipment and supplies provided under this grant to meet the grant obligations. The equipment should be used for no-suspect samples until the eligible no-suspect case backlog is eliminated. Then the equipment may be used for any forensic samples. If, when getting closer to elimination of the no-suspect case backlog, this equipment provides more capacity than is needed to eliminate the backlog, the equipment may also be used for other forensic samples at the same time.

- Use overtime reimbursements provided under this grant, up to a maximum amount of $ 5,840.00, to meet the grant obligation.

- Submit a monthly progress report by the fifteenth of the month. (See below: Reporting Requirements).

- Invoice the DOJ for overtime worked by the fifteenth of the month following the period in which the overtime is worked. (See below: Invoicing).

- Make all grant-related records available for audit by the DOJ.

Reporting Requirements

- The monthly progress reports will be submitted in the DOJ-specified format. (See attachment 2).

- Progress reports will be sent to:

  California Department of Justice
  Jan Bashinski DNA Laboratory
  1001 West Cutting Blvd., Suite 110
  Richmond, CA 94804
  Attention: Melinda Gee
  melinda.gee@doj.ca.gov (510) 620 3303

- The first progress report is due on September 15, 2004.

Invoicing

- Monthly invoices will be submitted in the DOJ-specified format. (See attachment 3). A timekeeping log, accounting for all hours worked during the period, will accompany each invoice. (See attachment 4).

- The total reimbursement amount under this grant will not exceed **$ 5,840.00**. The final 10% of the grant award, approximately $ 600, will be withheld until all grant obligations are met.

- Indirect costs will not be reimbursed.

- Overtime reimbursement requests for overtime worked between September 16, 2003 and August 31, 2004 must be submitted by September 15, 2004.

- Under the guidelines of this grant, equipment and supply purchases are made by the DOJ. DNA Consortium Labs will not be reimbursed for equipment and supplies.

- Invoices and accompanying time logs will be sent to:

  California Department of Justice
  Jan Bashinski DNA Laboratory
  1001 West Cutting Blvd., Suite 110
  Richmond, CA 94804
  Attention: Melinda Gee
  melinda.gee@doj.ca.gov (510) 620 3303

Non-Compliance

In the case of non-compliance with the terms of this MOU, equipment may be recalled and reimbursement stopped until the non-compliance has been addressed. The DOJ will request guidance on appropriate action from the NIJ.

Audits

The DOJ is the recipient of this grant and will ensure compliance with the conditions specified in this grant. The Los Angeles County Sheriff Scientific Services Bureau agrees to comply with the organizational audit requirements of the U.S. Office of Management and Budgets (OMB) Circular A-133, Audits of States, Local Governments, and non-Profit Organizations.

Grant Period

The period of this agreement is from September 16, 2003 to May 31, 2005.

Termination of Agreement

This agreement may be terminated by either party with 30 days written notice. Should the agency terminate this agreement before the end of the grant period, DOJ will request guidance from the National Institute of Justice concerning the return of equipment and funds.

Term of Agreement

This agreement is effective upon signing by all parties.

By: _____ _____
Leroy D. Baca, Sheriff — Date
Los Angeles County Sheriff's Department

By: _____ 8-26-04
Barry Fisher, Laboratory Director — Date
LASO Scientific Services Bureau

By: _____ 8-20-04
Patrick Lunney, Director — Date
DOJ, Division of Law Enforcement

By: _____ 8-23-04
Lance Gima, Chief — Date
DOJ, Bureau of Forensic Services

By: _____ _____
Jim Lombard, Assistant Director — Date
DOJ, Administrative Services Division