LOS ANGELES POLICE COMMISSION

EXECUTIVE OFFICE
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November 25, 2009 BPC #09-0408

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

The Honorable City Council
City of Los Angeles
c/o City Clerk's Office
City Hall, Room 395
Los Angeles, California 90012

Attention: Pamela Finley

Dear Honorable Members:

RE: TRANSMITTAL OF THE GRANT APPLICATION FOR THE 2009 SOLVING COLD CASES WITH DNA PROGRAM FROM THE NATIONAL INSTITUTE OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE

At the regular meeting of the Board of Police Commissioners held Tuesday, November 24, 2009, the Board APPROVED the Department's report relative to the above matter.

This matter is being forwarded to you for approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS

ISABEL ROSAS
Commission Executive Assistant

Attachment

c: Chief of Police

INTERDEPARTMENTAL CORRESPONDENCE BPC#09-0408 BB

RECEIVED

NOV 12 2009

POLICE COMMISSION

November 12, 2009
1.17

REVIEWED

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

RICHARD M. TEFANK
EXECUTIVE DIRECTOR

11/16/09
DATE

SUBJECT: TRANSMITTAL OF THE GRANT APPLICATION FOR THE 2009 SOLVING COLD CASES WITH DNA PROGRAM FROM THE NATIONAL INSTITUTE OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE

RECOMMENDED ACTIONS

1. That the Board REVIEW and APPROVE this report.

2. That the Board of Police Commissioners (Board) TRANSMIT the attached grant application, pursuant to Administrative Code Section 14.6(a), to the Mayor, Office of the City Administrative Officer (CAO), Office of the Chief Legislative Analyst (CLA) and to the City Clerk for committee and City Council consideration.

3. That the Board REQUEST the Mayor and City Council to:

   A. AUTHORIZE the Chief of Police to ACCEPT the award of funds for the 2009 Solving Cold Cases With DNA Program in the amount of $1,128,519 for the period of May 1, 2009, through March 31, 2010, should funding be awarded from the National Institute of Justice, United States Department of Justice.

   B. AUTHORIZE the Chief of Police to negotiate and execute a Cooperative Agreement, subject to City Attorney approval as to form and legality;

   C. AUTHORIZE the Los Angeles Police Department (LAPD) to submit grant reimbursement requests to the grantor and deposit grant receipts in Fund 339, Department 70;

   D. AUTHORIZE the Controller to establish a grant receivable in Fund 339 in the amount of $1,128,519;

   E. AUTHORIZE the LAPD to establish an appropriations account to be determined within Fund 339, Department 70, for disbursement of the 2009 Solving Cold Cases With DNA program;

   F. AUTHORIZE the LAPD to spend up to the grant amount of $1,128,519 in accordance with the cooperative agreement;

G. AUTHORIZE the Controller to increase appropriations as needed from an appropriation account number to be determined in Fund No. 339, Department No. 70, to Fund No. 100, Department No. 70, account numbers and amount as follows:

Account No. 1090, Overtime General: $42,480
Account No. 1092, Sworn Overtime: $364,980

H. AUTHORIZE the Chief of Police or designee to negotiate and execute either new agreements or to amend any agreements with contract laboratory service providers, subject to the approval of the City Attorney; and,

I. AUTHORIZE the LAPD to prepare Controller Instructions for any technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE and INSTRUCT the Controller to implement the instructions.

DISCUSSION

The program provides funding to state and local units of government to identify, review and investigate "cold case" homicides or Uniform Crime Report (UCR), Part I sexual assaults that have the potential to be solved using DNA analysis, and to locate and analyze biological evidence associated with these cases. As a result of advances in DNA technologies, samples from crime scenes once thought to be unsuitable for DNA testing or samples that generated inconclusive results may now yield DNA profiles.

If funding is awarded, it will be used to: 1) review and prioritize 800 "cold" homicide and UCR, Part I sexual assault cases that have the potential of being solved through DNA analysis; 2) retrieve and evaluate biological evidence; 3) conduct DNA analysis of biological evidence likely to yield results from those cases reviewed; and, 4) conduct follow-up investigations. The LAPD expects 30% of those cases reviewed will have DNA evidence that can be screened and/or tested.

If you have any questions, Police Administrator Maggie Goodrich, Commanding Officer, Management, Analysis and Planning Bureau, is available to assist you at (213) 847-8900.

Respectfully,

BOARD OF POLICE COMMISSIONERS
Approved NOV 24 2009
Secretary

MICHAEL P. DOWNING
Chief of Police

Attachments

BUDGET NARRATIVE

The LAPD's budget for Solving Cold Cases with DNA promotes the apprehension of those individuals who have committed homicides and UCR, Part I sexual assaults through the review of casebooks or files for solvability, and retrieval and analysis of DNA evidence. In addition, the budget facilitates investigation of "cold" homicide and sexual assault cases prior to and after initial DNA testing or re-testing, ensuring successful prosecution of these crimes.

Personnel Services

Utilizing a total of $407,460, the LAPD will provide overtime to Detectives, Lab Technicians and Criminalists. The overtime will ensure that these individuals will be able to work on the Program, while carrying out their primary responsibilities.

Detectives, who receive an average of $70 an hour in overtime pay, will work 4,800 hours of overtime to review and investigate 800 cases for a total of $336,000. The 4,800 hours is derived by multiplying 6 hours, the average time to review a case, by 800 cases. Each week, a team of detectives will review multiple cases. Detectives working on the Program will be rotated to ensure that every one is provided an opportunity to learn and participate, and that no one burns out, since they may need to work overtime for other reasons like court appearances.

The LAPD will provide a total of $42,480 in overtime pay to Lab Technicians who will package DNA evidence for shipping to a contractor or rebook evidence when returned, and for Criminalists who will perform data review prior to uploading any developed DNA profiles into CODIS, as well as administrative tasks to oversee the laboratory portion and the work completed by the laboratory technicians. This amount is derived by determining the probability of locating

and retrieving DNA evidence from the 800 cases reviewed. The LAPD expects that 30% of the 800 cases reviewed will have biological evidence. At an average overtime pay of $43 an hour, the Lab Technicians will have to package 240 cases, taking 1.5 hours for each at a total cost of $15,480. In addition, the Criminalists who earn an average of $75 in overtime pay will require a total of $27,000 to perform data review prior to uploading developed profiles into CODIS. Criminalists anticipate uploading 54 DNA profiles into CODIS from the results provided by the contract laboratory. Thus, Criminalists will have to perform data review of profiles from 144 cases. The review of each case with a CODIS-qualifying profile will take approximately 2.5 hours.

The LAPD has also allocated $28,980 of overtime for investigative travel. Although this amount seems high, it only provides 23 trips for one-day or one night stays. Because Detectives cannot rely entirely on DNA evidence to prove their cases, they will have to travel to interview victims, witnesses and suspects. Detectives may have to travel to various cities or states. While some destinations may be relatively close in proximity to the City of Los Angeles, others are not. When traveling to distant destinations, detectives will require airfare, lodging, meals, incidentals and transportation.

Travel

Training is essential to the operation of the Units; therefore, the LAPD will utilize $44,814 for associated travel to various training courses and seminars. The focus of the courses will be varied involving sexual assault, homicide, and detective technique.

Equipment

During their field investigations, Detectives in CCHU and CCSU obtain buccal swabs from potential suspects; these swabs contain the suspect's DNA. Prior to transferring the swabs to SID for processing, they must be dried and the KinderPrint Dry Fast Swab Dryers will be used for this purpose at the CCHU and CCSU locations.

Consultants/Contractors

The LAPD will utilize a total of $655,750 for contract laboratory services. Due to an increasing demand on its services, the LAPD Laboratory cannot perform the screening and/or testing of the biological evidence that is retrieved. The LAPD anticipates that 30% or 240 of the 800 cases will have biological evidence that can be tested. Any biological evidence from the 240 cases will be shipped to a contract laboratory for screening. Three samples from each of the 240 cases (a total of 720 samples) will be screened at a cost of $350 per item for a total cost of $252,000. The LAPD further anticipates that 60% of the 720 samples or 432 samples will require DNA typing at a cost of $850 per sample for a total cost of $367,200. It is anticipated that multiple samples from the same case will usually yield only one DNA profile foreign to the victim. In those instances, only one sample will be uploaded into CODIS, resulting in approximately 142 unique DNA profiles added to the DNA database. Based on current rates, only 30% of these 142 uploaded profiles or 43profiles are expected to "hit" to a specific person. These 43 "hits" will require confirmatory testing: a new reference sample from each identified person in the CODIS database will have to be tested by the contract laboratory at a cost of $850 each for a total cost of $36,550.

Budget Detail Worksheet

A. Personnel—List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Name/Position	Compensation	Cost
Detectives in the Cold Case Units	800 cases x 6 hours per case = 4,800 hours 4,800 hrs. x $70 an hour in overtime pay = $336,000	$336,000
Detective (investigative travel time)	2 Detectives x $630 ($70 an hour of overtime pay x 9 hrs. per day) x 23 trips = $28,980	$28,980
Laboratory Technicians to Package Cases	240 cases x 1.5 hours per case x $43 an hour = $15,480	$15,480
Criminalists to Perform Data Review for CODIS Upload	144 cases (80% of the cases typed) x 2.5 hours x $75 per hour = $27,000	$27,000
	TOTAL	**$407,460**

Budget Detail Worksheet

B. Fringe Benefits—Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.

Name/Position	Compensation	Cost
		$0
	TOTAL	**$0**

Total Personnel & Fringe Benefits	**$407,460**

Budget Detail Worksheet

C. Travel—Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g. six people to 3 day training at $X airfare, $X lodging, $X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and any costs involved.

Purpose of Travel	Location	Item	Computation	Cost
Public Agency Training Council – Linguistic Statement Analysis	Las Vegas, Nevada			
		Airfare	$300 per ticket x 10 Detectives = $3,000	$3,000
		Lodging	$110 x 3 days x 10 detectives = $3,330	$3,330
		Meals	$45 x 3 days x 10 detectives = $1,350	$1,350
		Incidentals	$25 x 3 days x 10 detectives = $750	$750
		Transportation	$55 x 3 days x 2 cars = $330	$330
National Sexual Assault Conference – Rape and Sex Crimes Investigation	Alexandria, Virginia			
		Airfare	$900 per ticket x 10 Detectives = $9,000	$9,000
		Lodging	$110 per night x 3 days x 10detectives = $3,330	$3,330
		Meals	$45 per day x 3 days x 10 detectives = $1,350	$1,350
		Incidentals	$25 per day x 3 days x 10detectives = $750	$750
		Transportation	$55 per car x 3 days x 2 cars = $330	$330

Budget Detail Worksheet

Purpose of Travel	Location	Item	Computation	Cost
Practical Homicide Investigation Seminar	Denver, Colorado			
		Airfare	$500 per ticket x 5 Detectives = $2,500	$2,500
		Lodging	$110 per night x 3 days x 5 detectives = $1,650	$1,650
		Meals	$45 per day x 3 days x5 detectives = $675	$675
		Incidentals	$25 per day x 3 days x 5 detectives = $375	$375
		Transportation	$55 per car x 3 days x 1 cars = $165	$165
Travel for Investigation Purposes	Undetermined			
		Airfare	2 Detectives x $221.29 (average cost of round trip ticket) x 23 trips = $10,179	$10,179
		Meals	2 Detectives x $45 per day x 23 trips = $2,070	$2,070
		Incidentals	2 Detectives x $25 per day x 23 trips = $1,150	$1,150
		Transportation	2 Detectives x $55 x 23 trips = $2,530	$2,530
			TOTAL	**$44,814**

Budget Detail Worksheet

D. Equipment—List non-expendable items that are to be purchased. (Note: Organization's own capitalization policy for classification of equipment should be used). Expendable items should be included in the "Supplies" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Item	Computation	Cost
KinderPrint Dry Fast Swab Dryers	2 Dryers X $425 = $850	$850
	TOTAL	**$850**

E. Supplies—List items by type (office supplies, postage, training materials, copying paper, and other expendable items such as books, hand held tape recorders) and show the basis for the computation. Generally, supplies include any materials that are expendable or consumed during the course of the project.

Supply Items	Computation	Cost
		$0
	TOTAL	**$0**

F. Construction—As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Consult with the program office before budgeting funds in this category.

Purpose	Description of Work	Cost
		$0
	TOTAL	**$0**

Budget Detail Worksheet

G. Consultants/Contracts—Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of $450 per day require additional justification and prior approval from OJP.

Name of Consultant	Service Provided	Computation	Cost
Accredited DNA Laboratory			
	Screening	800 cases x 30% of cases having biological evidence = 240 cases 240 cases x 3 samples per case for a total of 720 samples x $350 per screening = $252,000	$252,000
	Typing	240 cases x 60% of cases screening positive for DNA = 144 cases 144 cases x 3 samples per case for a total of 432 samples x $850 per typing = $367,200	$367,200
	Confirmatory Typing	144 cases x 30% resulting in a hit that will require confirmatory typing = 43 profiles. 43 profiles x 1 sample per case x $850 per typing = $13,600	$36,550
		TOTAL	**$655,750**

Budget Detail Worksheet

H. Other Costs—List items (e.g. rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, and provide a monthly rental cost and how many months to rent.

Description	Computation	Cost
Behavior Analysis Training Institute – Investigative Interview & Interrogation Techniques	Registration: $472 per person x 10 Detectives = $4,720	$4,720
Public Agency Training Council – Linguistic Statement Analysis	Registration: $325 per person x 10 Detectives = $3,250	$3,250
Practical Homicide Investigation Seminar	Registration: $595 per person x 5 Detectives = $2,975	$2,975
National Sexual Assault Conference –	Registration: $375 per person x 10 Detectives = $3,750	$3,750
International Conference on Sexual Assault, Domestic Violence, and Stalking I	Registration: $495 per person x 10 Detectives = $4,950	$4,950

TOTAL $19,645

Budget Detail Worksheet

I. Indirect Costs—Indirect costs are allowed only if the applicant has a Federally approved indirect cost rate. A copy of the rate approval (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approved rate, one can be requested by contacting the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories.

Item	Computation	Cost
		$0
	TOTAL	**$0**

Budget Worksheet Summary

Budget Summary—When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal requested and the amount of non-Federal funds that will support the project.

Budget Category	**Total**
A. Personnel	$407,460
B. Fringe Benefits	$0
C. Travel	$44,814
D. Equipment	$850
E. Supplies	$0
F. Construction	$0
G. Consultants/Contracts	$655,750
H. Other	$19,645
I. Indirect Costs	$0
TOTAL PROJECT COSTS	**$1,128,519**

Federal Request **$1,128,519**

In Kind Match **$0**

1. ABSTRACT

The proposed Los Angeles Police Department's (LAPD's) Solving Cold Cases with DNA Program will focus on the following: 1) the review and prioritization of 800 "cold" homicide and UCR, Part I sexual assault (sexual assault) cases that have the potential of being solved through DNA analysis; 2) the retrieval and evaluation of biological evidence; 3) DNA analysis of biological evidence likely to yield results from those cases reviewed; and 4) follow-up investigations. In the City of Los Angeles, 46 out of every 100 homicides, and 80 out of every 100 rapes, are never solved. Compounding the problem is the fact that the 1,500 homicide cases that were identified but never reviewed date back to the 1960s. Moreover, the California statute of limitations that applies to sexual assault cases prevents charges from being filed after 10 years or requires that prosecution take place within one year of a "cold hit" or DNA match. The LAPD also faces another formidable challenge, an unknown number of the homicide and sexual assault cases may be gang and drug related.

The LAPD has based its strategy on the simple premise that Detectives take an average of six (6) hours to review and investigate to determine the availability of biological evidence. Since Detectives will review the cases after their regular work hours or on their days off, they can hopefully review 800 cases. Last year under the grant, 758 cases were reviewed. In addition, the LAPD has decided that it will not specify the total number of homicide or sexual assault cases that each Unit will review.

The review of "cold case" homicide and sexual assault investigations will be prioritized to ensure that the goal of reviewing 800 cases is met and exceeded, since biological evidence may not always be available. Detectives will prioritize both homicide and sexual assault cases in

a similar manner by first looking at those cases that occurred indoors or in enclosed spaces that have a known suspect who is not in custody.

During the entire review process, Detectives will work closely with Criminalists in the LAPD laboratory, Medical Examiners from the Los Angeles County Medical Examiners Office, the Los Angeles County District Attorney's and City of Los Angeles Attorney's Offices. A team approach is intended to provide institutional as well as general perspective, while fostering new, innovative approaches.

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3. NARRATIVE

a. Purpose, Goals, and Objectives

Purpose

The proposed Los Angeles Police Department's (LAPD's) Solving Cold Cases with DNA Program will focus on the following: 1) the identification, review and prioritization of up to 800 cold cases that have the potential of being solved through DNA analysis; 2) the retrieval and evaluation of biological evidence; 3) DNA analysis of biological evidence likely to yield results from those cases reviewed and prioritized; and 4) follow-up investigations after a "cold hit" or DNA match. Primarily, the LAPD would like to close many of the 800 cold case homicide and sexual assault investigations, providing closure to victims or their families.

In the City of Los Angeles, 46 out of every 100 homicides, and 80 out of every 100 rapes, are never solved. The LAPD's Cold Case Homicide Unit (CCHU) and Sexual Assault Unit (CCSU) receive these "cold" cases—the ones that no one wants because well over a year (average of five years for homicide investigations) has usually passed and there are no significant leads. Compounding the problem is the fact that 1,500 homicide cases, which date back to the 1960s, were identified but never reviewed. Moreover, the California statute of limitations that applies to sexual assault cases prevents charges from being filed after 10 years or requires that prosecution take place within one year of a "cold hit" or DNA match, essentially limiting the LAPD's review to 500 cases dating back to 1998. The LAPD also faces another formidable challenge, an unknown number of the homicide and sexual assault cases may be gang and drug related. As a result, even fewer leads may be available due to the fear of retaliation that prevents most witnesses from coming forward or from speaking to the police, making DNA analysis even more valuable in solving these crimes when biological

evidence is present. The City of Los Angeles has one of the highest concentrations of gangs in the nation—700 gangs and 40,000 gang members.

Although not all of the cold cases identified can be solved through DNA analysis, some may be solved through new DNA technologies that permit the testing or retesting of smaller quantities or of degraded samples. Therefore, old cases that were previously thought unsolvable may contain valuable DNA evidence, capable of identifying a perpetrator, or exonerating an individual who has been wrongfully convicted. For example, the LAPD solved a series of murders that were linked to Chester Turner through a review that it undertook when the Cold Case Homicide Unit was established in 2001. The LAPD submitted samples from 387 cases for DNA analysis. A full or partial profile was returned from 103 (26.6%) of those samples that were submitted. Fifty-four of the 103 cases resulted in a "cold hit" or a DNA match either to a suspect or linked crime scenes. Twelve (22.2%) of the 103 cases were linked to serial murder Turner. Turner was active in raping and killing women from 1987 through 1998. He was serving time for rape and was to be released when the work of the CCHU uncovered his crimes. The investigation that was undertaken by the CCHU not only identified one of the most active serial killers in Southern California, it also exonerated David Jones who had been convicted of a murder that Turner committed. The CCHU also solved a murder committed by Adolph Laudenberg, dubbed the "Santa Claus Killer" by the media. Laudenberg was suspected of having committed three murders in the Los Angeles area in the 1970s. Although he was convicted of only one count of murder, a predator was removed from the community and the families of the victims finally found some closure.

The Combined DNA Index System (CODIS) that was introduced by the Bureau of Federal Investigations (FBI) allowed LAPD investigators to obtain leads much more quickly as to the identity of the suspects in both the Turner and Laudenberg cases. An automated DNA information processing and telecommunications system, CODIS is implemented as a distributed database with three levels: the Local DNA Index System (LDIS), State DNA Index System (SDIS) and National DNA Index System (NDIS). Detectives can use CODIS to compare crime scene evidence to a database of DNA profiles obtained from convicted offenders or to link DNA evidence obtained from different crime scenes, thereby identifying serial criminals.

Moreover, achieving success in investigating cases, particularly cold cases, in California has become even more likely, since the passage of Proposition 69 in November of 2004. Proposition 69 calls for the immediate collection of DNA from 1) all adults and juveniles convicted of any felony offense; 2) adults and juveniles convicted of any sex offense or arson offense, or an attempt to commit any such offense (not just felonies); and 3) adults arrested for or charged with felony sex offenses, murder, or voluntary manslaughter (or the attempt to commit such offenses). In 2009, Proposition 69 will also allow law enforcement agencies to collect DNA samples from all adults arrested for or charged with any felony offense. As a result of Proposition 69, the number of DNA profiles in the State Database Index System (SDIS) will increase from 350,000 to well over a 1,000,000 in the next few years. The increase in profiles provides the LAPD an exceptional opportunity to solve cases in those instances where biological evidence from crime scenes is available for DNA analysis.

To realize the full crime solving potential of CODIS, DNA analysis has to be performed on biological evidence found at the crime scenes. However, like laboratories nationwide, the LAPD laboratory, despite its best efforts, continues to struggle meeting its current demand for analysis due to its limited resources. For example, many cases aren't re-tested even when re-testing can yield valuable information due to advances in DNA technology. Moreover, only a few samples are often tested, resulting in erroneous or partial leads. This is particularly true in sexual assault homicide cases, when the victim may have been penetrated by more than one individual.

In addition, the LAPD laboratory does not have experts to perform Mitochondrial (MtDNA), Y chromosome or DNA Witness testing. Although the tests aren't always accurate, they do provide information that can be useful in eliminating potential suspects or identifying victims.

Moreover, the Detectives from both LAPD's Cold Case Units cannot rely solely on witness testimony or DNA evidence to establish the identity and the guilt of perpetrators. DNA only provides clues as to who may have been at a crime scene and it does not always establish guilt. To prove their cases, Detectives must conduct thorough investigations both prior to when the DNA analysis is performed and after a "cold hit." The Cold Case Detectives must locate any personnel who worked on the case, and they must locate all witnesses. Because prosecutors may be concerned about the ability of witnesses to recall information, the Detectives must in many instances travel to obtain recorded testimony. In addition, prior to interviewing suspects, Detectives must do a "work-up" or gather information, contacting the suspect's family members, friends and acquaintances. Detectives may have to surreptitiously recover DNA samples from a suspect to confirm the "cold hit" or

to obtain a comparison sample when the samples recovered and tested from the crime scene do not match any profiles in CODIS or match the profile of an identified individual.

Moreover, Detectives require continuous training in interviewing techniques to elicit information from victims, witnesses, and suspected perpetrators. However, funding is seldom available for this purpose, since the City of Los Angeles is among those urban cities lacking funds to provide essential services; therefore, the LAPD receives a budget that primarily pays for the salaries of its employees and the most minimal of operating expenses. The City of

Los Angeles is expected to have a deficit of 400 million dollars in 2009. Moreover, the LAPD, which serves over four million residents, has among the lowest officer to population ratios in the nation, forcing it to focus on immediate law enforcement services.

In addition, the LAPD, like other large municipal police departments, experiences constant personnel changes due to promotions, retirements, and transfers or an influx of new personnel, making training essential under the best of circumstances. According to prevailing theory, the most important component of the cold case squad is the experience and training of its personnel, and the resources that it has available to it. There are currently nineteen Detectives assigned to the unit.

The rapid turnover of personnel also places a greater emphasis on the need for a team approach that includes Criminalists, Coroner examiners from the Los Angeles County Medical Examiner's Office, and prosecutors from the Los Angeles District Attorney's Office and the Los Angeles City Attorneys' Office, when it comes to solving cold cases. A team is more likely to provide institutional as well as general perspective, and to foster new, innovative approaches and ideas, during each step of the investigative process. Moreover,

the team may collectively have experience and training about various types of homicides and sexual assault investigations.

Goals and Objectives

Goal 1

The Cold Case Units will review 800 cases to prioritize those cases that have the potential to be solved through DNA analysis.

Performance Measure

To increase the number of the total homicide or UCR, Part I sexual assault cold cases where the files or evidence, or both have been reviewed for the presence of biological evidence.

Goal 2

Screen and/or test biological evidence identified and upload the resulting profiles to CODIS.

Performance Measure

Increase the number of homicide and violent sexual assault cold case DNA profiles that are uploaded to CODIS.

b. Review of Relevant Literature

The premise of Cold Case Squads or Units is that they can be especially useful in reviewing case files and examining physical evidence, and locating and working with past and potential witnesses from cases that are over a year old and have no significant leads—that is cold cases. These Squads are particularly advantageous in reducing the backlog of unsolved homicide cases.

Cases are reviewed and prioritized according to the likelihood of an eventual solution. Those cases deemed to have the highest potential for being solved receive attention first. They are cases in which the murder victim has been identified, the death was ruled a

homicide; suspects were previously named or identified either through witness testimony or through forensic methods, significant physical evidence can be processed or reprocessed for further clues, newly documented leads have arisen within the last 6 months; and witnesses are accessible and willing to cooperate. High priority cases generally involve those in which witnesses can identify suspects, forensic evidence testing has the potential to identify possible suspects, or the initial investigation identified witnesses who could not be located or need to be re-interviewed.

The resolution of cold cases is primarily rooted in the squad's ability to identify, locate and secure the testimony and cooperation of witnesses and informants. Investigators work to secure the participation of previously unknown or uncooperative witnesses.

Cold case investigations usually start by reviewing the case file, talking with all previous investigators tied to the case, and obtaining any notes they may have that are not in the case file. Investigators are particularly interested in reviewing or locating any gaps of information in the case, including people mentioned in statements that have not been contacted and questioned.

A Cold Case Squad, however, requires significant staffing and financial resources to pursue leads and track suspects. A Squad's success in reviewing files, obtaining victim and/or witness statements, may actually hamper its effectiveness if resources for pursuing additional leads are not available.

Moreover, Cold Case Squads have at their disposal technology, investigative methods, and resources that were not available to law enforcement agencies in the past. The most frequently cited technological tools are DNA analysis and fingerprint identification

systems. In addition, the Internet is also a valuable tool in locating witnesses or obtaining information.

DNA evidence is particularly important because when few other clues are left at a crime scene, it may provide the only indication as to perpetrators' or victims' identities and it can link different crime scenes to each other. Blood evidence has been found in 60% of murders and in a similar percentage of assaults and batteries. Hair has been found at the scene of 10% of robberies and six percent of residential burglaries. In some instances, DNA may also be the only evidence to suggest a crime was committed because it provides clues as to the identity of victims.

Moreover, DNA testing has become an established part of criminal justice investigations. It is a powerful tool because each person's DNA is unique (with the exception of identical twins). DNA is the fundamental building block for an individual's entire genetic makeup, and is a component of virtually every cell in the body. Because each person's DNA is the same as the DNA in the individual's skin cells, saliva, and other biological material, it is often left behind at crime scenes as clues to a victim's or perpetrator's identity.

DNA is generally used to solve crimes in one of two ways. In cases where a suspect is identified, a sample of that person's DNA can be compared to evidence from the crime scene. The results of the comparison may help to establish that the suspect committed the crime. In cases where a suspect has not yet been identified, biological evidence from the crime scene can be analyzed and compared to offender profiles in DNA databases to help identify the perpetrator.

Forensically valuable DNA evidence from crime scenes that are decades old may benefit from new technologies that permit the testing or re-testing of smaller quantities or of degraded samples. Therefore, old cases that were previously thought unsolvable may contain valuable DNA evidence, capable of identifying the perpetrator, or exonerating an individual who has been wrongfully convicted. Original forensic applications of DNA analysis were developed using a technology called restriction fragment length polymorphism (RFLP). However, RFLP analysis required a relatively large quantity of DNA for testing to be successful. Also, if a biological sample was degraded by environmental factors, RFLP analysis may not have been successful in producing results.

Newer DNA analysis techniques, like short tandem repeat (STR), enable laboratories to develop profiles from biological evidence invisible to the naked eye, such as skin left on ligatures, weapons, and gloves, or saliva from cigarette butts and soda cans. STR analysis is a forensic analysis that evaluates specific regions (loci) that are found on nuclear DNA. Most laboratories use STR analysis. The Polymerase Chain Reaction (PCR) analysis enhances DNA analysis and has enabled laboratories to develop DNA profiles from extremely small samples of biological evidence. When old biological evidence lacks a nucleated cell, such as hair shafts, bones and teeth or is very degraded and cannot be tested using RFLP, STR, or PCR analysis, MtDNA can be useful. MtDNA analyzes DNA found in the mitochondrion. For this reason, MtDNA testing can be very valuable. Mitochondria are inherited from an individual's maternal lineage and an individual's mother and great grandmother have identical MtDNA. Several genetic markers have been identified on the Y-chromosome that can be used in forensic applications. Y-chromosome markers target only the male fraction of a biological sample. Therefore, this technique can be very valuable if the

laboratory detects semen from multiple males within a biological evidence sample. Advancements in Y-chromosome testing may eventually eliminate the need for laboratories to extract and separate semen and vaginal cells from a vaginal swab or a rape kit prior to analysis.

DNA is often compared to fingerprint analysis in how matches are determined. When using either DNA or a fingerprint to identify a suspect, the evidence collected from the crime scene is compared with the "known" print. If enough of the identifying features are the same, the DNA or fingerprint is determined to be a match. If even one feature of the DNA or fingerprint is different, it is determined not to have come from the suspect. To identify individuals, forensic scientists scan 13 DNA regions that vary from person to person and use the data to create a DNA profile of that individual—sometimes called a fingerprint. There is an extremely small chance that another person has the same DNA profile for a particular set of regions. A marker by itself is not unique to an individual; if, however, two DNA samples are alike at four or five regions, odds are great that the samples are from the same person.

In 1994, the FBI established CODIS, a distributed database, and in 1997, it announced the selection of 13 STR loci or specific regions to serve as the standard, allowing for DNA test comparisons across the nation. CODIS, an automated DNA information processing and telecommunications system, is implemented as a distributed database with three hierarchical levels: local, state and federal. CODIS allows investigators to compare crime scene evidence to a database of DNA profiles obtained from convicted offenders and to link DNA evidence obtained from different crime scenes.

DNA profiles that are uploaded to CODIS dramatically enhance the chances that potential crime victims will be spared or that the families of victims will find closure when

the identity of perpetrators is established. However, the full potential of CODIS cannot be realized if DNA analysis does not take place.

One of the biggest problems facing the criminal justice system today is the substantial backlog of unanalyzed DNA samples and biological evidence from crime scenes, especially in sexual assault and murder cases. In many instances, public crime labs are overwhelmed by requests for DNA analysis. In addition, these labs may be ill equipped to handle the increasing influx of DNA samples and evidence. In a 2001 survey of public DNA laboratories, the Bureau of Justice Statistics (BJS) found that between 1997 and 2000, DNA laboratories experienced

a 73% increase in casework and a 135% increase in their casework backlogs. In addition, the demand on public laboratories is expected to increase as more states join the 23 that now require all convicted felons to provide DNA samples. According to one publication, NIJ estimates that there are between 500,000 and 1,000,000 convicted offender samples that are owed, but not yet collected.

c. Implementation Plan

Both the LAPD's CCHU and CCSU are established Units that have exceptionally qualified investigators; therefore, the LAPD can quickly implement its Solving Cold Cases with DNA Program. Moreover, both Units have already identified cases that require review.

The LAPD recognizes that successful investigations require experienced personnel, training to elicit information from victims, witnesses, suspects and the public, travel to conduct the investigations and equipment to ensure productivity. Keeping this in mind, the LAPD has developed a strategy that will allow it to maximize the use of personnel and resources.

Detectives will work overtime in teams to review and prioritize 800 cases. They have determined that each case takes an average of 6 hours to review and investigate in order to determine the availability of DNA evidence. There are currently 8 Detectives assigned to Cold Case Sex and 11 Detectives assigned to Cold Case Homicide. There is also a Lieutenant II, a Senior Management Analyst II, and a Senior Clerk Typist assigned to the Cold Case Special Section. Last year they screened 758 cases

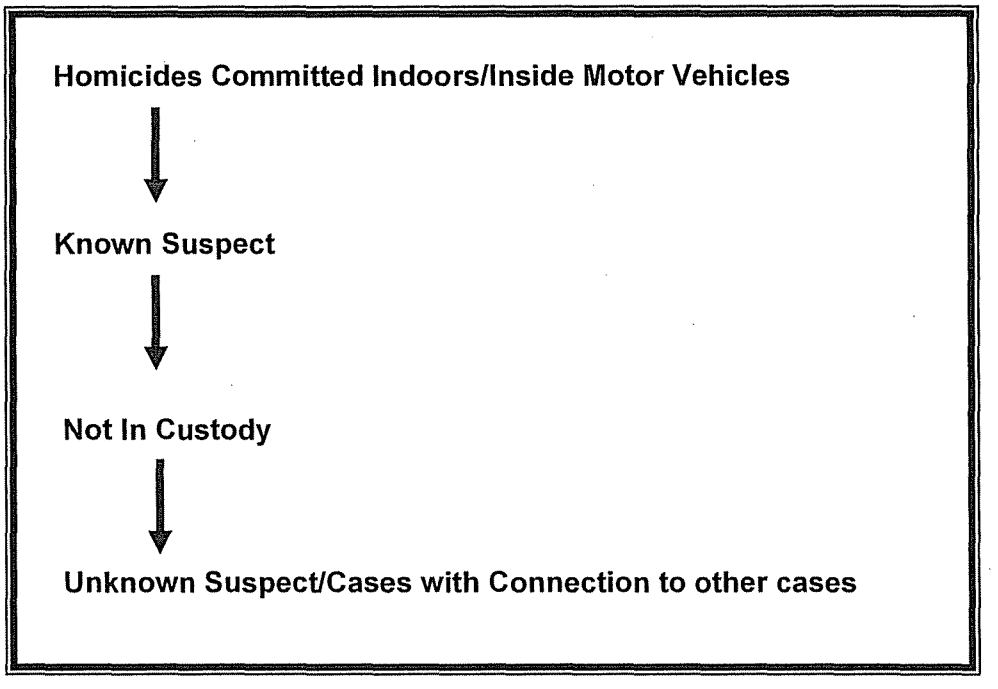
Moreover, each Unit has developed a method of prioritizing to ensure that only those cases that are likely to have biological evidence are reviewed. Those cases that do not meet the criteria for prioritization will be set aside for later review.

Methodology

The review of "cold case" homicide investigations will be prioritized according to Table 1. If an investigation after careful but calculated review of a file determines that biological evidence is unlikely to exist, the individual will move on to another case; thus, maximizing the Unit's ability to review more files. The Detectives will review the casebook, typed case summaries to evaluate solvability factors, particularly the availability of DNA evidence for testing or re-testing. They will select those cases that are committed indoors or in confined spaces because of the greater probability that DNA evidence exists. In addition, they will then select from those cases the ones that have a known suspect or suspects; thereby, increasing the likelihood of solving the cases with DNA. They will then determine the risk posed by the suspect. If the review reveals that the suspect is not in custody, the case will receive greater consideration since the individual is capable of committing more violent crimes.

The second step that Detectives will take is to follow-up on "cold hits." Those cases that produce multiple hits with a known, outstanding suspect will receive greater attention. They will be followed by those cases with a single hit to an outstanding suspect, especially if the suspect and the victim were strangers because DNA evidence cannot be contested easily. The next group of cases to receive priority is those that have a multiple hit to an unknown, outstanding suspect or a single hit to an unknown, outstanding suspect. Cases that will then receive consideration are those in which there has been a "cold hit" to a suspect already serving time for another crime but who may be due to be released.

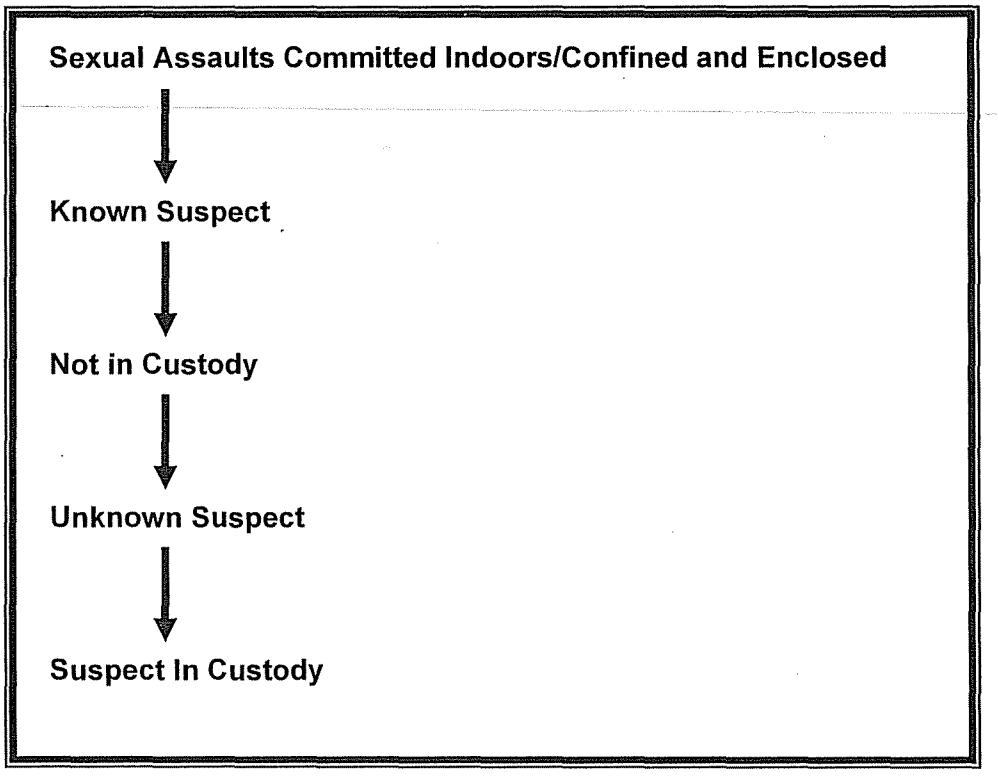
Table 1



Due to the statute of limitation concerns, the Detectives from the CCSU will review those cases that date back to 1998 first, working towards to the present. They will review each file to determine if a sexual assault kit might exist. This may require locating and interviewing victims or advocates who might have assisted the victim immediately after the

incident. Much like the homicide cases, priority will be given to those sexual assaults that were committed indoors, since biological evidence is more likely to exist from these crime scenes. In addition, they will give greater priority to cases with a known suspect who is not in custody. (See Table 2). They will then follow almost identical methodology as the detectives in the CCHU.

Table 2



The LAPD estimates that approximately 30% of the cases reviewed will have biological evidence that can be analyzed. Biological evidence from those cases will be forwarded to the LAPD's laboratory. Criminalists from the LAPD's Laboratory will package and ship the evidence to a contract laboratory for screening and/or testing. From experience, Criminalists in the LAPD Laboratory predict that 60% of the evidence forwarded for screening will be positive for DNA and will require testing. Once the profiles are returned,

the Criminalists will perform data review and upload to CODIS. If a "cold hit" occurs, the Criminalists will notify the Detectives. The Detectives will then be expected to obtain a new reference sample from the suspect for a final comparison or a confirmatory comparison. Criminalists envisage that only 30% of the uploaded profiles will produce a "hit" to a specific person. These hits will require confirmatory testing by the contract laboratory.

If the Detectives identify biological evidence from more than 30% of the cases, then the LAPD's Laboratory will treat those requests for screening and/or testing as if they were part of its backlog. Thus, the biological evidence from all of the cases will eventually be screened and/or tested.

d. Management Plan and Organization

The LAPD is one of the most well known and respected law enforcement agencies throughout the Nation. Serving an incredibly diverse population of 4 million in one of the largest geographic areas (468 square miles), the LAPD exceeds expectations. In addition, it has served as the lead agency in many multi-agency, multi-regional projects.

The LAPD will employ a team approach, bringing together Detectives from the Cold Case Units, Criminalists from the LAPD Laboratory, Medical Coroner Examiners from the Los Angeles County Medical Examiners Office, and prosecutors from the Los Angeles District Attorney's and City Attorney's Offices to optimize the chances of solving "cold" homicide and sexual assault cases. (See attached Letters of Support.) These individuals will work as part of the team, with each taking the lead in their areas of expertise and guiding the others. The Detectives III in the LAPD's Cold Case Units will each serve as coordinators and facilitators, making sure that questions and concerns are addressed and recommendations implemented. These Detectives will arrange the quarterly meetings to discuss progress on

specific cases. However, all team members will be available telephonically to consult with the Detectives or other members to ensure that information is readily exchanged.

The City Attorney's Office is not as likely to have a large role, since most of the crimes are likely to be prosecuted as felonies. However, in those instances when the District Attorney's Office cannot charge suspects with a felony due to insufficiency of the evidence or for other reasons, the City Attorney's Office may be able to prosecute them on the charge of having committed a misdemeanor.

Captain Denis J. Cremins, Commanding Officer, Robbery Homicide Division, will provide overall leadership to the project. A seasoned veteran of the LAPD, the Captain brings years of knowledge and experience to the position. He is currently overseeing the implementation of the DNA Expansion Program. He reports to Commander Patrick M. Gannon, Assistant Commanding Officer, Detective Bureau, and Deputy Chief Charlie Beck, Commanding Officer, Detective Bureau, both of whom are taking an active role in overseeing this project and the Scientific Investigation Division as a whole.

In addition, Lisa Kahn from the District Attorney's Office, who pioneered the use of DNA evidence in trials, will serve as a resource not only for her colleagues but also for those participating in the team. She has provided her expertise on numerous similar projects and is well respected throughout the legal community.

4. APPENDIXES

e. Bibilography/References

"Advancing Justice Through DNA Technology." Presidents Initiative on Advancing Justice, 2003.

Joyce, Elizabeth. "Pursuing the Power of DNA: Forensic DNA's Impact on Crime Victims and Their Advocates. National Center for Victims of Crime, 2003.

"Using DNA to Solve Cold Cases." National Institute of Justice, 2002.

Samules, Julie E and Asplen, Christopher. "The Future of Forensic DNA Testing: Predictions of the Research and Development Working Group." National Institute of Justice, 2000.

Travis, Jeremy. "The Unrealized Potential of DNA Testing." United States Department of Justice, Office of Justice Programs, National Institute of Justice, 1998.

Turner, Ryan, and Kosa, Rachel. "Cold Case Squads: Leaving No Stone Unturned." Bureau of Justice Assistance, 2003.

f. List of Key Personnel

Deputy Chief Charlie Beck, Commanding Officer, Detective Bureau

Commander Patrick M. Gannon, Assistant Commanding Officer, Detective Bureau

Captain III Denis J. Cremins, Commanding Officer, Robbery Homicide Division

Lieutenant II Thomas Thompson, Commanding Officer, Cold Case Special Section, Robbery Homicide Division

Senior Management Analyst II David Diliberto, Assistant Commanding Officer, Cold Case Special Section, Robbery Homicide Division

Detective III Tim Marcia, Supervising Detective, Cold Case Homicide Unit in the Robbery Homicide Division

Detective III Pamela Stirling, Supervising Detective, Cold Case Sexual Assault Unit, Robbery Homicide Division

Greg Matheson, Director of the LAPD Crime Laboratory, Scientific Investigation Division

Larry Blanton, Supervising Criminalist, DNA Serology Unit, Scientific Investigation Division

Jeff Thompson, Supervising Criminalist, DNA Serology Unit, Scientific Investigation Division

STAFF

Homicide Cold Case Unit

Name	Years of Law Enforcement Service	Time in Investigative Assignment
Detective Jeffrey Allen	16 years	6 years
Detective Susan Antenucci	20 years	1 year
Detective Richard Bengtson	14 years	8 years
Detective Linda Compton	18 years	5 years
Detective Elizabeth Estupinian	14 years	5 years
Detective Richard Jackson	29 years	22 years
Detective Peter Lee	6 years	1 year
Detective Louis Rivera	20 years	1 year
Detective Rosemary Sanchez	27 years	18 years
Detective Ken White	13 years	2 years

Cold Case Sexual Assault Unit

Name	Years of Law Enforcement Service	Time in Investigative Assignment
Detective Oscar Gamino	14 years	1 year
Detective Marta Miyakawa	20 years	2 years
Detective Nancy Nelson	23 years	5 years
Detective Virginia Rubalcava	20 years	11 years
Detective Silvina Yniguez	14 years	1 year
Detective Mike Zolezzi	13 years	1 year
Detective Carla Zuniga	21 years	2 years

h. List of Previous and Current NIJ Awards

(Current)

2004-2005 DNA Capacity Enhancement Program (Near Completion)

2004-2005 Forensic Casework DNA Backlog Reduction Program (Near Completion)

2005-2006 DNA Capacity Enhancement Program

2005-2006 Forensic Casework DNA Backlog Reduction Program

2005 DNA (Demonstration) Expansion Program (Near Completion)

i. Letters of Cooperation/Support or Administrative Agreements from Organizations Collaborating in the Project

STEVE COOLEY
LOS ANGELES COUNTY DISTRICT ATTORNEY

18000 CLARA SHORTRIDGE FOLTZ CRIMINAL JUSTICE CENTER
210 WEST TEMPLE STREET LOS ANGELES, CA 90012-3210 (213) 974-3501

May 11, 2007

Chief William J. Bratton
Los Angeles Police Department
150 N. Los Angeles Street, Sixth Floor
Los Angeles, CA 90012

Dear Chief Bratton:

The Los Angeles County District Attorney's Office strongly supports the Los Angeles Police Department's (LAPD) application for the Solving Cold Cases with DNA Program from the National Institute of Justice (NIJ). Both of our agencies have worked cooperatively for many years to increase our ability to solve crimes and prosecute perpetrators with forensic evidence.

Los Angeles City has one of the largest backlogs of violent crime cold cases. Advances in DNA technology and California's Prop 69 convicted offender database (over 800,000 profiles) have substantially increased the chance of identifying the perpetrators in cold cases. The Solving Cold Cases with the DNA Program will assist LAPD to better protect the public and ensure accuracy in the criminal justice system.

Prosecutors from my office will participate in quarterly multidisciplinary team meetings with LAPD detectives and criminalists and the Los Angeles County Coroner's Office. Deputy district attorneys will consult with LAPD detectives to ensure that charges are filed and that cases are vigorously prosecuted. In addition, they will educate detectives about laws impacting forensic investigations and the introduction of forensic evidence in legal proceedings.

If you have any questions regarding this correspondence, please do not hesitate to contact Forensic Sciences Advisor Lisa Kahn at (213) 893-2449. Good luck in this important endeavor.

Very truly yours,

STEVE COOLEY
District Attorney

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Law and Science Serving the Community

OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

May 10, 2007

Chief William J. Bratton
Los Angeles Police Department
150 North Los Angeles Street
Los Angeles, CA 90012

Re: "Solving Cases with DNA Program" Application

Dear Chief Bratton:

The Los Angeles City Attorney's Office is in full support of the Los Angeles Police Department (LAPD) application for funds from the National Institute of Justice to create the "Solving Cases with DNA Program." This program is intended to enhance LAPD's crime fighting capabilities and reduce overall crime within the City of Los Angeles.

Although it is unlikely that our office will be tasked with prosecuting the felony crimes solved due to this program, we are committed to assisting the LAPD in any way possible, including assuring that DNA samples are ordered to be taken from our defendants when appropriate and prosecuting any offenses referred to us as misdemeanors.

The Office of the City Attorney participates on Proposition 69 DNA subcommittees for both the Countywide Criminal Justice Coordinating Committee (CCJCC) and the California Council on Criminal Justice. Further, our Office will meet quarterly with the LAPD, the Los Angeles District Attorney's Office and the Los Angeles County Coroner's Office.

Sincerely,

Rockard J. Delgadillo
Los Angeles City Attorney

j. Timeline of Milestones

Months	Activity
Months one through three	• Hold First Meeting of Team • Review 48 or more case
Months four through six	• Hold Quarterly Meeting of Team • Review 48 or more cases (Total of 96 or more cases to have been reviewed).
Months seven through nine	• Hold Quarterly Meeting of Team • Review 48 or more cases (Total of 144 or more cases to have been reviewed).
Months ten through twelve	• Hold Quarterly Meeting of Team • Review 48 or more cases (Total of 196 or more cases to have been reviewed). •
Months twelve through eighteen	• Hold Final Meetings of Team • Should have completed reviewing all three hundred cases of homicides and UCR, Part I sexual assaults.