

REPORT FROM

## OFFICE OF THE CITY ADMINISTRATIVE OFFICER

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Date: December 13, 2012

CAO File No. 0220-03790-0036

Council File No. 10-1723

Council District: --

To: The Council

From: Miguel A. Santana, City Administrative Officer *MSH  
MSW*

Reference: Board of Police Commissioners Transmittal dated October 16, 2012

Subject: **2012 SOLVING COLD CASES WITH DNA PROGRAM GRANT**

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### SUMMARY

The Los Angeles Police Department (LAPD) requests retroactive approval to apply for and accept a \$500,000 grant award for the 2012 Solving Cold Cases with DNA Program and to execute a Cooperative Agreement with the United States Department of Justice, National Institute of Justice (NIJ) for the period of October 1, 2012 through March 31, 2014.

The Solving Cold Cases with DNA Program is administered by the NIJ and provides periodic funding to states and local governments to identify, review and investigate violent crime "cold cases" that have the potential to be solved using DNA analysis and to locate and analyze biological evidence associated with these cases.

The LAPD's major objectives for the 2012 Program are:

- Review and prioritization of 350 "cold" homicides that have the potential of being solved through DNA analysis;
- Retrieval and evaluation of biological evidence;
- DNA analysis of biological evidence likely to yield results from the cases reviewed; and,
- Completion of associated follow-up investigations.

The LAPD proposes to use overtime with existing employees and contract laboratories to help meet its goals for the 2012 Program and reduce the Department's cold case backlog. Under the cooperative agreement, the NIJ will reimburse the City for expenses occurred as follows:

Sworn Overtime	\$143,047
Civilian Overtime	73,466
Contractual Laboratory Services	272,900
Travel	3,770
Departmental Administration and Support	6,817
Total	<u>\$500,000</u>

PUBLIC SAFETY  
DEC 14 2012

BY \_\_\_\_\_  
CITY CLERK  
DEPUTY

2012 DEC 14 AM 8:05

RECEIVED  
CITY CLERK'S OFFICE

The LAPD will utilize \$216,513 to provide overtime to Detectives, Laboratory Technicians, Criminalists and Property Officers. Detectives will review and investigate the 350 cases. Laboratory Technicians and/or Criminalists will package DNA evidence for shipment to contractors and perform data review prior to uploading any developed profiles into the Combined DNA Index System (CODIS). Property Officers will retrieve and prepare evidence for processing. The overtime will ensure that these individuals will be able to work on the 2012 Program while continuing to carry out their primary responsibilities. The Department requests that half of the overtime funding (\$108,257) be transferred to LAPD overtime accounts for expenditure in Fiscal Year 2012-13, and the remainder (\$108,256) be transferred for expenditure in Fiscal Year 2013-14.

Due to an increasing demand on LAPD's laboratory services, the LAPD Laboratory will not be able to perform the screening and/or testing of all the identified biological evidence under the 2012 Program. The Department will utilize \$272,900 for contractual laboratory services to screen and/or test an anticipated 140 of the 350 cases. These cases will be shipped to an accredited contract laboratory for screening. The contractual funding also anticipates the need for further DNA typing and confirmatory testing of many of the samples.

The LAPD requests authority to execute amendments to contracts with existing laboratory service providers to include DNA analysis for the 2012 Program. The contracted services would augment the work of the LAPD's Scientific Investigation Division Laboratory. The existing contractors were secured through a 2007 competitive procurement process, and recent amendment approvals by Council (C.F. 12-0055) have allowed the extension of these contracts through March 31, 2014. Additionally, the LAPD issued a new Request for Proposals (RFP) for contract laboratory service in April 2011. Recommendations for the award of new contracts are currently pending Council approval (C.F. 12-0055-S2, C.F. 12-0055-S3).

The remainder of the grant will go towards travel for Detectives (\$3,700) to interview witnesses and/or suspects and for indirect costs (\$6,817) that support the Grant Specialist managing the grant. Further details on the award and cooperative agreement are provided in the transmittal from the Board of Police Commissioners dated October 16, 2012.

## **RECOMMENDATIONS**

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

1. Authorize the Chief of Police or designee to retroactively apply for and accept the 2012 Solving Cold Cases with DNA Program grant award in the amount of \$500,000 from the United States Department of Justice, National Institute of Justice for the period of October 1, 2012, through March 31, 2014;
2. Authorize the Chief of Police or designee to execute the 2012 Solving Cold Cases with DNA Program Cooperative Agreement on behalf of the City and submit all necessary documents relative to the grant award and to negotiate, execute and submit any other necessary agreements and documents relative to the grant, subject to the approval of the City Attorney as to form;

3. Authorize the Los Angeles Police Department (LAPD) to spend up to the grant amount of \$500,000 in accordance with the grant award agreement;
4. Authorize the Chief of Police or designee to amend and execute existing agreements, as necessary, with contract laboratory service providers Bode Technology and Orchid Cellmark, Inc. for DNA analysis services in accordance with the grant award agreement for the performance period of October 1, 2012 through March 31, 2014 for a total amount not to exceed \$272,900 and subject to the approval of the City Attorney as to form;
5. Authorize the LAPD to submit grant reimbursement requests to the grantor and deposit grant receipts in the Police Department Grant Trust Fund No. 339, Department 70;
6. Authorize the Controller to:
  - a. Establish a grant receivable in Fund 339 in the amount of \$500,000 and establish an appropriation account, account number to be determined, within Fund 339/70 for the receipt and disbursement of grant funds;
  - b. Increase appropriations in Police Department Grant Trust Fund No. 339/70 on an as-needed basis as follows:

From:

<u>Fund/Dept</u>	<u>Account</u>	<u>Amount</u>
339/70	70JXXX, 2012 Solving Cold Cases with DNA Grant	\$108,257

To:

<u>Fund/Dept</u>	<u>Account</u>	<u>Amount</u>
100/70	001092, Sworn Overtime	\$71,524
100/70	001090, Civilian Overtime	36,733
	Total	<u>\$108,257</u>

- c. Transfer appropriations within Fund 339/70 as follows:

From:

<u>Fund/Dept</u>	<u>Account</u>	<u>Amount</u>
339/70	70JXXX, 2012 Solving Cold Cases with DNA Grant	\$6,817

To:

<u>Fund/Dept</u>	<u>Account</u>	<u>Amount</u>
339/70	70G299, Police Fringe Benefits	\$6,817

7. Authorize the City Clerk to place on the City Council agenda on July 1, 2013, or the first meeting day thereafter, the following instructions:

Authorize the Controller to increase appropriations on an as-needed basis for the 2012 Solving Cold Cases with DNA Program from the Police Department Grant Trust Fund No. 339, Department 70 as follows:

From:

<u>Fund/Dept</u>	<u>Account</u>	<u>Amount</u>
339/70	70KXXX, 2012 Solving Cold Cases with DNA Grant	\$108,256

To:

<u>Fund/Dept</u>	<u>Account</u>	<u>Amount</u>
100/70	001092, Sworn Overtime	\$71,523
100/70	001090, Civilian Overtime	\$36,733
	Total	\$108,256

8. 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**

The 2012 Solving Cold Cases with DNA Program costs are fully reimbursable and acceptance of the grant does not require matching funds. There is no impact to the General Fund. The recommendations in this report comply with the City's Financial Policies in that one-time revenue is used for one-time purposes.

MAS:JCY:04130065

Attachment

# LOS ANGELES POLICE COMMISSION

BOARD OF  
POLICE COMMISSIONERS

ANDREA SHERIDAN ORDIN  
PRESIDENT

JOHN W. MACK  
VICE PRESIDENT

RAFAEL BERNARDINO, JR.  
RICHARD DROOYAN  
ROBERT M. SALTZMAN

MARIA SILVA

COMMISSION EXECUTIVE ASSISTANT I



ANTONIO R. VILLARAIGOSA  
MAYOR

RICHARD M. TEFANK  
EXECUTIVE DIRECTOR

ALEXANDER A. BUSTAMANTE  
INSPECTOR GENERAL

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

(213) 236-1400 PHONE  
(213) 236-1410 FAX  
(213) 236-1440 TDD

October 16, 2012

BPC #12-0404

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

The Honorable City Council  
City of Los Angeles  
c/o City Clerk's Office

Dear Honorable Members:

RE: TRANSMITTAL OF THE GRANT APPLICATION FOR THE 2012 SOLVING COLD  
CASES WITH DNA PROGRAMS

At the regular meeting of the Board of Police Commissioners held Tuesday, October 16, 2012, 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

A handwritten signature in cursive script that reads "Maria Silva".

MARIA SILVA  
Commission Executive Assistant

Attachment

c: Chief of Police

INTRADPARTMENTAL CORRESPONDENCE

BPC #12-0404

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POLICE COMMISSION

October 11, 2012  
1.17

REVIEWED

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

  
RICHARD M. TEFANK  
EXECUTIVE DIRECTOR  
10/9/12  
DATE

SUBJECT: TRANSMITTAL OF THE GRANT APPLICATION FOR THE  
2012 SOLVING COLD CASES WITH DNA PROGRAM

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE this report.
2. That the 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 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 2012 Solving Cold Cases With DNA Program grant award in the amount of \$500,000 from the National Institute of Justice, United States Department of Justice, for the period of October 1, 2012, through March 31, 2014;
  - B. AUTHORIZE the Chief of Police to negotiate and execute the Cooperative Agreement;
  - C. AUTHORIZE the Los Angeles Police Department (LAPD) to spend up to the grant amount of \$500,000 in accordance with the grant award agreement;
  - D. AUTHORIZE the Chief of Police, or designee, to negotiate, amend, and execute existing agreements, as necessary, with contract laboratory service providers Bode Technology and Orchid Cellmark, Inc. in accordance with the grant award agreement and subject to City Attorney approval as to form and legality;
  - E. AUTHORIZE the LAPD to submit grant reimbursement requests to the grantor and deposit grant receipts in Fund 339, Department 70;
  - F. AUTHORIZE the Controller to set up a grant receivable and establish an appropriations account, account number to be determined within Fund 339, Department 70, for disbursement of the 2012 Solving Cold Cases With DNA Program in accordance with the grant award agreement;

- G. AUTHORIZE the Controller to increase appropriations for 2012 Solving Cold Cases With DNA Program as needed from appropriation account number to be determined in Fund No. 339, Department No. 70, to Fund No. 100, Department No. 70, account number and amount as follows:

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Account No. 001092, Sworn Overtime:	\$71,523
Account No. 001090, Civilian Overtime:	\$36,733

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- H. AUTHORIZE the City Clerk to place on the City Council agenda on July 1, 2013, or the first meeting day thereafter the following instructions:

- a. AUTHORIZE the Controller to increase appropriations for 2012 Solving Cold Cases With DNA Program as needed from appropriation account number to be determined in Fund No. 339, Department No. 70, to Fund No. 100, Department No. 70, account number and amount as follows:

Account No. 001092, Sworn Overtime:	\$71,523
Account No. 001090, Civilian Overtime:	\$36,733

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

## DISCUSSION

The 2012 Solving Cold Cases With DNA Program provides funding to state and local units of government to identify, to review and investigate "cold" or unsolved cases of homicides or Uniform Crime Report, 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. The grant will fund overtime for sworn investigators (\$143,046) and civilian criminalists, lab technicians and property officers (\$73,467). Also funded will be investigative travel expenses (\$3,770), outside contract laboratory fees (\$272,900) and administrative expenses (\$6,817).

If you have any questions, please have a member of your staff contact Sr. Management Analyst Stella Larracas, Officer in Charge, Contracts and Grants Section, at (213) 486-0380.

Respectfully,



CHARLIE BECK  
Chief of Police

BOARD OF  
POLICE COMMISSIONERS  
Approved *October 16, 2012*  
Secretary *Maria Loh*

Attachments

INTR DEPARTMENTAL CORRESPONDENCE

September 25, 2012

1.17

**TO:** Chief of Police

**FROM:** Commanding Officer, Information Technology Bureau


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**SUBJECT:** TRANSMITTAL OF THE GRANT APPLICATION FOR THE  
2012 SOLVING COLD CASES WITH DNA PROGRAM

Attached for your approval and signature is an Intradepartmental Correspondence to the Board of Police Commissioners requesting retroactive approval to transmit the attached grant application for the 2012 Solving Cold Cases With DNA Program from the National Institute of Justice, United States Department of Justice, pursuant to Administrative Code Section 14.6(a), to the Mayor, Office of the City Administrative Officer, Office of the Chief Legislative Analyst and to the City Clerk for committee and City Council consideration. The Los Angeles Police Department is also requesting authorization to accept the \$500,000 of requested funding for the period of October 1, 2012, through March 31, 2014.

The 2012 Solving Cold Cases With DNA Program provides funding to state and local units of government to identify, review and investigate "cold" or unsolved cases of homicides or Uniform Crime Report, 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. The grant will fund overtime for sworn investigators (\$143,046) and civilian criminalists, lab technicians and property officers (\$73,467). Also funded will be investigative travel expenses (\$3,770), outside contract laboratory fees (\$272,900) and administration and support expenses (\$6,817).

If you have any questions, please contact me at (213) 486-0352 or Sr. Management Analyst Stella Larracas, Officer in Charge, Grants Section, at (213) 486-0380.

  
MAGGIE GOODRICH, Chief Information Officer  
Commanding Officer  
Information Technology Bureau

Attachments



Department of Justice  
Office of Justice Programs

National Institute of Justice

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Office of Justice Programs

Washington, D.C. 20531

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August 28, 2012

Chief Charlie Beck  
City of Los Angeles  
200 N. Spring Street  
SW Mezzanine Room M175  
Los Angeles, CA 90012

Dear Chief Beck:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 12 Solving Cold Cases with DNA in the amount of \$500,000 for City of Los Angeles. The project title is, "2012 Solving Cold Cases with DNA".

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Michael Dillon, Program Manager at (202) 514-5528; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

John H. Laub  
Director, National Institute of Justice

Enclosures



Department of Justice  
Office of Justice Programs  
Office for Civil Rights

Washington, D.C. 20531

August 28, 2012

Chief Charlie Beck  
City of Los Angeles  
200 N. Spring Street  
SW Mezzanine Room M175  
Los Angeles, CA 90012

Dear Chief Beck:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

#### Ensuring Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

#### Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

#### Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

## Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

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## Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEO), 28 C.F.R. § 42.301-308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

### 1) Meeting the EEO Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEO reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEO and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEO, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEO specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEO, but it does not have to submit the EEO to OCR for review. Instead, your organization has to maintain the EEO on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEO requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

### 2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

## Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEO, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office of Justice Programs  
Office of the Chief Financial Officer

Washington, D.C. 20531

August 28, 2012

Chief Charlie Beck  
City of Los Angeles  
200-N: Spring Street  
SW Mezzanine Room M175  
Los Angeles, CA 90012

Reference Grant Number: 2012-DN-BX-K010

Dear Chief Beck:

I am pleased to inform you that my office has approved the following budget categories for the aforementioned grant award in the cost categories identified below:

Category	Budget
Personnel	\$216,513
Fringe Benefits	\$0
Travel	\$3,770
Equipment	\$0
Supplies	\$0
Construction	\$0
Contractual	\$272,900
Other	\$0
Total Direct Cost	\$493,183
Indirect Cost	\$6,817
Total Project Cost	\$500,000
Federal Funds Approved:	\$500,000
Non-Federal Share:	\$0
Program Income:	\$0

Match is not required for this grant program.

All individual consultant fees in excess of \$450 per 8 hour day require prior approval of OJP.

The applicant is a local government unit and is not required to submit an indirect cost proposal. The applicant must retain the cost allocation plans on file for audit purposes.

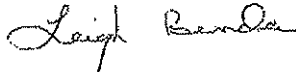
If you have questions regarding this award, please contact:

- Program Questions, Michael Dillon, Program Manager at (202) 514-5528
- Financial Questions, the Office of Chief Financial Officer, Customer Service Center(CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

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Leigh Benda  
Chief Financial Officer



Department of Justice  
Office of Justice Programs  
National Institute of Justice

Cooperative Agreement

PAGE 1 OF 8

1. RECIPIENT NAME AND ADDRESS (Including Zip Code)

City of Los Angeles  
200 N. Spring Street SW Mezzanine Room M175  
Los Angeles, CA 90012

4. AWARD NUMBER: 2012-DN-BX-K010

5. PROJECT PERIOD: FROM 10/01/2012 TO 03/31/2014

BUDGET PERIOD: FROM 10/01/2012 TO 03/31/2014

6. AWARD DATE: 08/28/2012

7. ACTION

Initial

1A. GRANTEE IRS/VENDOR NO.

956000735

8. SUPPLEMENT NUMBER

00

9. PREVIOUS AWARD AMOUNT

\$ 0

3. PROJECT TITLE

2012 Solving Cold Cases With DNA

10. AMOUNT OF THIS AWARD

\$ 500,000

11. TOTAL AWARD

\$ 500,000

12. SPECIAL CONDITIONS

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).

13. STATUTORY AUTHORITY FOR GRANT

This project is supported under FY12(NIJ - S&LLEA DNA/Other Forensics) Pub. L. No. 112-55, 125 Stat. 552, 616; 28 USC 530C

15. METHOD OF PAYMENT

GPRS

AGENCY APPROVAL

GRANTEE ACCEPTANCE

16. TYPED NAME AND TITLE OF APPROVING OFFICIAL

John H. Laub  
Director, National Institute of Justice

18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL

Charlie Beck  
Chief of Police

17. SIGNATURE OF APPROVING OFFICIAL

*John H. Laub*

19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

19A. DATE

AGENCY USE ONLY

20. ACCOUNTING CLASSIFICATION CODES

FISCAL YEAR	FUND CODE	BUD. ACT.	OPC.	DIV. REG.	SUB.	POMS	AMOUNT
X	B	DN	60	00	00		500000

21. LDNSGT0313



Department of Justice  
Office of Justice Programs  
National Institute of Justice

AWARD CONTINUATION  
SHEET  
Cooperative Agreement

PAGE 2 OF 8

PROJECT NUMBER 2012-DN-BX-K010

AWARD DATE 08/28/2012

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -  
  
mail:  
  
Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530  
  
e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)  
  
hotline: (contact information in English and Spanish): (800) 869-4499  
  
or hotline fax: (202) 616-9881  
  
Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).
6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



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8. The recipient agrees to comply with applicable requirements regarding Central Contractor Registration (CCR) and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ccr.htm> (Award condition: Central Contractor Registration and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm).
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. Due to the substantial Federal involvement contemplated in completion of this project, the National Institute of Justice (NIJ) has elected to enter into a cooperative agreement rather than a grant. This decision is based on NIJ's ongoing responsibility to assist and coordinate projects that relate to DNA analysis and capacity enhancement, and certain other forensic activities. NIJ will provide input and re-direction to the project, as needed, in consultation with the recipient, and will actively monitor the project by methods including, but not limited to, ongoing contact with the recipient. In meeting programmatic responsibilities, NIJ and the recipient will be guided by the following principles: responsibility for the day-to-day operations of this project rests with the recipient in implementation of the recipient's approved proposal, the recipient's budget (as approved by NIJ and OJP), and the terms and conditions specified in this award. Responsibility for general oversight and redirection of the project, if necessary, rests with NIJ. In addition to its programmatic reporting requirements, the recipient agrees to provide necessary information as requested by OJP and NIJ. These information requests may include, but are not limited to, specific submissions related to: performance, including measurement of project outputs/outcomes; meeting performance specifications; developmental decision points; changes in project scope or personnel; budget modifications; and/or coordination of related projects.
14. Unless otherwise authorized by NIJ in writing, expenses charged to this award must directly relate to: (a) identification, review, and prioritization of Uniform Crime Report (UCR), Part I Violent Crime "cold cases" (cases for which all significant investigative leads have been exhausted) that have the potential to be solved through DNA analysis; (b) identification, collection, retrieval, or evaluation of biological evidence from such cases that may reasonably be expected to contain DNA; or (c) performance of DNA analyses on such biological evidence, including the handling or screening of this evidence.



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15. (a) Accreditation and Privacy Requirements; CODIS; No Research

The recipient shall ensure that each DNA analysis conducted under this award will be performed either-- (1) by accredited government-owned laboratories, or (2) through an accredited fee-for-service vendor. The accreditation must be by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic science community. The laboratory must undergo external audits not less than once every 2 years that demonstrate compliance with the DNA Quality Assurance Standards established by the Director of the Federal Bureau of Investigation.

The recipient shall maintain each DNA analysis conducted under this award, and each stored DNA sample that results from this award, in accordance with the privacy requirements and restrictions on disclosure described in 42 U.S.C. section 14132(b)(3).

The recipient agrees to notify NIJ promptly upon any change in the accreditation status of any of its forensic science laboratories, if applicable.

The recipient shall ensure that all eligible forensic DNA profiles obtained with funding under this award will be entered into the Combined DNA Index System (CODIS), and, where applicable, uploaded to the National DNA Index System (NDIS).

The recipient shall ensure that none of the funds provided under this award are used for research or statistical projects or activities as defined by 28 C.F.R. Part 22, or for research as defined by 28 C.F.R. Part 46. Any questions concerning this provision should be directed to the NIJ program manager for the award.

(b) Nonsupplanting of State or Local Funds

The recipient shall ensure that federal funds made available through this award will not supplant State or local government funds, but instead will be used to increase the amount of funds that would, in the absence of federal funds, be available from State or local government sources for activities funded through this award.

The recipient agrees to notify NIJ promptly if the recipient receives new State or local government funding for any of the purposes included in the approved application for this award.

(c) Evaluations

The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

16. The recipient shall submit a report within 90 days of the end of the award period that, at a minimum-- (1) includes a summary and assessment of the program carried out with the funds made available under this Fiscal Year 2012 award, and (2) cites the number of additional "violent crime cold cases" reviewed for DNA evidence, the number of such cases in which biological evidence still existed, the number subjected to DNA analysis, the number that yielded viable DNA profiles, the number of resulting profiles entered into CODIS, and the number of CODIS hits as a result of this Fiscal Year 2012 award. The recipient shall ensure that all data and information necessary for the report are collected throughout the award period. The report must be submitted to the Office of Justice Programs, on-line through <https://grants.ojp.usdoj.gov/>.
17. The recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov/>) using the SF 425 Federal Financial Report form (available for viewing at [www.whitehouse.gov/omb/grants/standard\\_forms/ff\\_report.pdf](http://www.whitehouse.gov/omb/grants/standard_forms/ff_report.pdf)), not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the award period.



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18. The recipient shall submit semiannual progress reports. Progress reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.



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19. Within 45 days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds \$20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:

- 1) name of event;
- 2) event dates;
- 3) location of event;
- 4) number of federal attendees;
- 5) number of non-federal attendees;
- 6) costs of event space, including rooms for break-out sessions;
- 7) costs of audio visual services;
- 8) other equipment costs (e.g., computer fees, telephone fees);
- 9) costs of printing and distribution;
- 10) costs of meals provided during the event;
- 11) costs of refreshments provided during the event;
- 12) costs of event planner;
- 13) costs of event facilitators; and
- 14) any other costs associated with the event.

The recipient must also itemize and report any of the following attendee (including participants, presenters, speakers) costs that are paid or reimbursed with cooperative agreement funds:

- 1) meals and incidental expenses (M&IE portion of per diem);
- 2) lodging;
- 3) transportation to/from event location (e.g., common carrier, Privately Owned Vehicle (POV)); and,
- 4) local transportation (e.g., rental car, POV) at event location.

Note that if any item is paid for with registration fees, or any other non-award funding, then that portion of the expense does not need to be reported.

Further instructions regarding the submission of this data, and how to determine costs, are available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm).



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20. To assist in information sharing, the award recipient shall provide the NIJ program manager with a copy of all interim and final reports and proposed publications (including those prepared for conferences and other presentations) resulting from this award. Submission of such materials prior to or simultaneous with their public release aids NIJ in responding to any inquiries that may arise. Any publications (written, visual, or sound) - excluding press releases and newsletters - whether published at the recipient's or government's expense, shall contain the following statement: This project was supported by Award No. \_\_\_\_\_, awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice.

NIJ defines publications as any planned, written, visual or sound material substantively based on the project, formally prepared by the award recipient for dissemination to the public.

21. The recipient shall transmit to the NIJ program manager copies of all official award-related press releases at least ten (10) working days prior to public release. Advance notice permits time for coordination of release of information by NIJ where appropriate and to respond to press or public inquiries.
22. The Project Director and key program personnel designated in the application shall be replaced only for compelling reasons. Successors to key personnel must be approved, and such approval is contingent upon submission of appropriate information, including, but not limited to, a resume. OJP will not unreasonably withhold approval. Changes in other program personnel require only notification to OJP and submission of resumes, unless otherwise designated in the award document.
23. Pursuant to 28 C.F.R. Part 18, OJP may suspend or terminate funding under this award before the completion of the project funded by this award, for the recipient's failure to comply with these special conditions or with the project's goals, plans and methodology set forth in the approved application. In the case of suspension, the recipient will be unable to draw down funds until OJP determines that the recipient is in compliance.
24. The recipient agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.

**Environmental Assessment (EA):** The recipient agrees and understands that funded activities (whether conducted by the recipient or subrecipients or contractors) may require the preparation of an EA as defined by the Council on Environmental Quality's Regulations for implementing the Procedural Provisions of the National Environmental Policy Act (NEPA), found at 40 CFR Part 1500. An EA is a concise public document that briefly provides sufficient analysis for determining whether to prepare an environmental impact statement (EIS) or a finding of no significant impact for the proposed activity. If in completing an EA for a proposed activity, potential adverse environmental impacts are identified, the EA will serve as a vehicle for developing either alternative approaches or mitigation measures for avoiding or reducing the identified adverse environmental impacts.

**Modifications:** Throughout the term of this award, the recipient agrees that for any activity that is the subject of a completed EA, it will inform NIJ of-- (1) any change(s) that it is considering making to the previously assessed activity that may be relevant to environmental impact; or (2) any proposed new activities or changed circumstances that may require assessment as to environmental impact, such as new activities that involve the use of chemicals or involve construction or major renovation. The recipient will not implement a proposed change or new activity until NIJ, with the assistance of the recipient, has determined whether the proposed change or activity (or changed circumstances) will require additional review under NEPA. Approval for implementation will not be unreasonably withheld as long as any requested modification(s) is consistent with eligible program purposes and found acceptable under an NIJ-conducted environmental impact review process.



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25. The recipient may not obligate, expend, or draw down any funds until the program office has verified that the recipient has submitted all necessary documentation required to comply with the Department of Justice Procedures for Implementing the National Environmental Policy Act found at 28 CFR Part 61 (including Appendix D), and a Grant Adjustment Notice (GAN) has been issued removing this condition.

26. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

27. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

28. Approval of this award does not indicate approval of any consultant rate in excess of \$450 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.

29. Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service:

"This Web site is funded [insert "in part," if applicable] through a grant from the [insert name of OJP component], Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.



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Washington, D.C. 20531

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**Memorandum To:** Official Grant File

**From:** Michael Dillon, Program Manager  
**Subject:** Environmental Assessment for City of Los Angeles

NEPA Environmental Assessment - EA is or may be required

The recipient agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.

Environmental Assessment (EA): The recipient agrees and understands that funded activities (whether conducted by the recipient or subrecipients or contractors) may require the preparation of an EA as defined by the Council on Environmental Quality's Regulations for implementing the Procedural Provisions of the National Environmental Policy Act (NEPA), found at 40 CFR Part 1500. An EA is a concise public document that briefly provides sufficient analysis for determining whether to prepare an environmental impact statement (EIS) or a finding of no significant impact for the proposed activity. If in completing an EA for a proposed activity, potential adverse environmental impacts are identified, the EA will serve as a vehicle for developing either alternative approaches or mitigation measures for avoiding or reducing the identified adverse environmental impacts.

Modifications: Throughout the term of this award, the recipient agrees that for any activity that is the subject of a completed EA, it will inform NIJ of-- (1) any change(s) that it is considering making to the previously assessed activity that may be relevant to environmental impact; or (2) any proposed new activities or changed circumstances that may require assessment as to environmental impact, such as new activities that involve the use of chemicals or involve construction or major renovation. The recipient will not implement a proposed change or new activity until NIJ, with the assistance of the recipient, has determined whether the proposed change or activity (or changed circumstances) will require additional review under NEPA. Approval for implementation will not be unreasonably withheld as long as any requested modification(s) is consistent with eligible program purposes and found acceptable under an NIJ-conducted environmental impact review process.

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### 3. NARRATIVE

#### a. Statement of the Problem

In the City of Los Angeles, 46 out of every 100 homicides, and 80 out of every 100 rapes, go unsolved. There are currently more than 6,000 unsolved homicides dating back to the 1960's and many may have untested DNA evidence. Contributing to these unsolved cases are an unknown number of gang and/or drug related crimes that are very difficult to investigate because of the intimidation factor. Fear of retaliation leads to fewer witnesses coming forward resulting in unsolved cases. For these types of crimes, and where biological evidence is present, DNA analysis may be the only difference in a case remaining unsolved or not.

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 350 "cold" homicides 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) The completion of associated follow-up investigations.

The LAPD would like to solve as many of the 350 cold case homicide investigations as possible to provide closure to the families of the victims.

The LAPD's Cold Case Special Section, Homicide Unit (CCSS HU), reviews these "cold" cases - the unsolved homicides over five years old, where there are no significant leads - with the intent of solving those cases with related DNA evidence.

Detectives from LAPD's CCSS cannot rely solely on witness testimony or DNA evidence to establish the identity and/or the guilt of perpetrators. DNA only provides crime scene clues and it does not always establish guilt. To prove their cases, Detectives must conduct thorough investigations both prior to the DNA testing and after a "cold hit."

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The Cold Case Detectives must locate any personnel who worked on the case and all witnesses. Because prosecutors may be concerned about the ability of witnesses to recall information, the Detectives must, in many instances, travel out of the City to obtain recorded testimony. Prior to interviewing suspects or witnesses, Detectives must do a "work-up" or gather information, contacting the witness/suspect's family members, friends, and acquaintances. Detectives may have to surreptitiously recover DNA samples from a suspect, or other identified individual(s), to confirm a "cold hit" or to obtain a comparison sample when the samples recovered from the crime scene do not match any profiles in the Combined DNA Index System (CODIS).

**b. Project/Program Design and Implementation**

**Goals and Objectives**

To identify, review, and investigate "violent crime cold cases" that have the potential to be solved through DNA analysis, and to locate and analyze biological evidence associated with these cases.

Goal 1

The Cold Case Units will review 350 cases and prioritize those cases that have a DNA analysis solution potential.

Performance Measure

Percent of (UCR Part 1) "violent crime cold cases" reviewed and in which biological evidence exist.

## Goal 2

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

## Performance Measure

- 
- Percent of “violent crime cold cases” subjected to DNA analysis and that yielded viable DNA profiles.
  - Number of “violent crime cold cases” DNA profiles generated that have been entered into CODIS.
  - Number of CODIS hits resulting from “violent crime cold case” analyses.

The premise of Cold Case Squads or Units is that they can be especially useful in reviewing case files, examining physical evidence, and locating/interviewing the witnesses from those cases that are over five years old and have no significant leads. These Squads are particularly effective in reducing the backlog of unsolved homicide cases.

The potential for case solvability, determined during the review process, is a significant element in prioritizing which cases qualify for DNA analysis. Those cases deemed to have the highest solvability potential receive attention first. Cases that may have a higher probability of being solved usually have one or more of the following factors present:

- An identified victim and suspects previously named or identified;
- Significant physical and/or biological evidence that 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, testing of forensic evidence that has the potential to identify possible suspects, or the initial investigation identified witnesses who could not be located or need to be re-interviewed.

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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 never contacted or questioned but mentioned in statements.

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, is hampered if resources for pursuing additional leads are not available. 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 at a crime scene, it may provide the only indication as to the perpetrators' or victims' identities and

link different crime scenes to each other. Crime scenes in 60 percent of the murders and a similar percentage of assaults and batteries contain blood evidence. Hair is located at the scene of 10 percent of the robberies and 6 percent of the 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.

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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 the perpetrator's identity.

There are generally two ways to use DNA to solve crimes. In cases where there is a known suspect, there is a comparison made between that person's DNA and the 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 decades old crime scenes may produce a DNA profile using the new technologies that permit the testing or re-testing of smaller quantities or of degraded samples. Therefore, old cases previously classified as unsolvable may contain valuable DNA evidence, capable of identifying the perpetrator, or exonerating an individual wrongfully convicted.

DNA analysis is relatively similar to fingerprint analysis in how matches are determined. When attempting to identify a suspect, technicians place the unknown DNA or fingerprint(s) crime scene evidence into the appropriate automated system for comparison to known offenders. If enough of the identifying features are the same, the

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DNA or fingerprint is determined to be a match. If even one critical 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 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 uploaded to CODIS dramatically enhance the chances that there is a substantial decrease in potential crime victims and victims and/or their families will find closure when the identity of a perpetrator is established. However, the full potential of CODIS remains unknown 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 related murder cases. In many instances, public crime labs in a timely manner, cannot process all the 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 percent increase in casework and a 135 percent increase in their casework backlogs. In addition, the demand on public laboratories will increase as more states join the number that now require all convicted felons to provide DNA samples. According to one publication, NIJ estimates that between 500,000 and 1,000,000 convicted offender DNA samples have not collected.

#### **Implementation Plan**

The CCSS HU contains exceptionally qualified investigators that have successfully implemented past Solving Cold Cases With DNA Programs. The LAPD recognizes that successful investigations require experienced personnel 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 356 cases. They have determined that each case takes an average of five hours to review and investigate to determine the availability of DNA evidence, suspects, witnesses, and/or other corroborating evidence. There is currently a Lieutenant II, Officer in Charge, and 14

Detectives assigned to the CCSS HU. During the last awarded grant period (2010-2011), the Section screened 762 cases.

The CCSS HU developed a system to ensure that those cases reviewed first are those most likely to have biological evidence. Those cases that do not meet the criteria for this prioritization will be set aside for later review.

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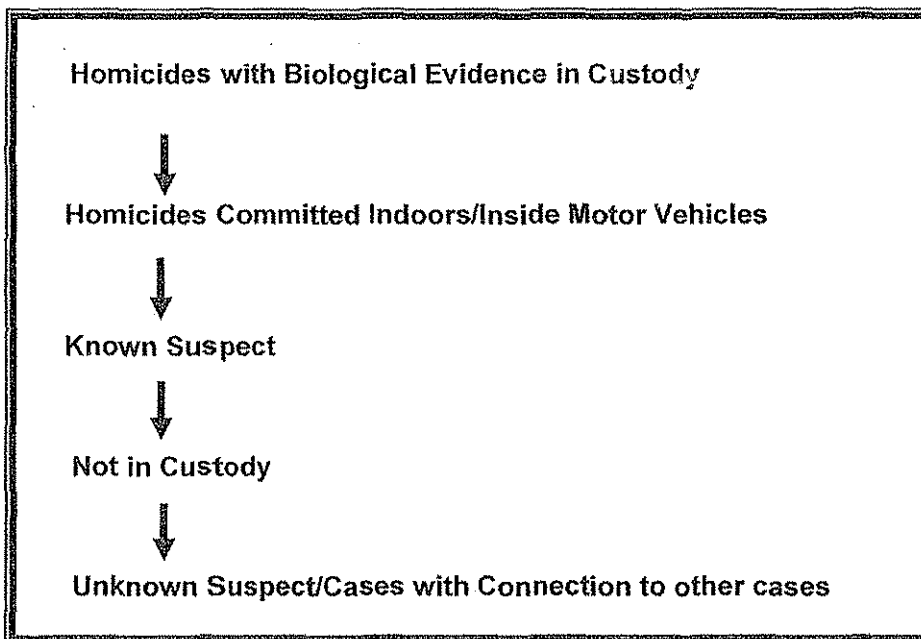
### **Methodology**

The review of "cold case" homicide investigations will be prioritized according to Table 1, below. If a screening, after the careful and calculated review of a file, determines that biological evidence is unlikely to exist, the detective will move on to another case, maximizing the CCSS HU ability to review more files. The Detectives will review the casebook and case summaries to evaluate solvability factors, particularly the availability of DNA evidence for testing or re-testing. They will first select those cases that have biological evidence in custody and were committed indoors or in confined spaces because of the greater probability that DNA evidence exists. 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 crimes that are violent.

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 along with cases having a single hit to an outstanding suspect, especially if the suspect and the victim were strangers because DNA evidence cannot be easily contested.

The next group of cases to receive priority is those that have a multiple hit (case-to-case) 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 or may not be due to be released.

**Table 1**



The LAPD estimates that approximately 45 percent of the cases reviewed will have biological evidence analyzed. This percentage was determined through experience. The previous estimate of 30 percent of reviewed cases producing leads based on DNA is lower than the actual number of cases rendering DNA evidence. The current LAPD prioritization process only allows Detectives to screen cases that have biological evidence booked into the freezers of the LAPD Property Division. When all of this freezer evidence is processed, this percentage may change.

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 percent of the evidence forwarded for screening will be positive for DNA and will require testing. Criminalists will perform data review on developed profiles and upload those profiles into CODIS. If a "cold hit" occurs, the Criminalists will notify the Detectives. The Detectives will obtain a new reference sample from the suspect for a final comparison or a confirmatory comparison. Criminalists predict that only 30 percent 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 45 percent 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, eventually screening and/or testing all identified biological evidence.

**c. Capabilities/Competencies**

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 DNA collection of:

- 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).

On January 1, 2009, Proposition 69 extended the collection of DNA to all adults arrested for or charged with a felony offense. It is projected this will result in the number of DNA profiles in the State Database Index System (SDIS) increasing to well over a 1,000,000 in the next few years. This 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. In 2010, LAPD had 950 CODIS DNA hits, a 48 percent increase over the previous year.

Not all cold cases are solvable through DNA analysis, but many now have a higher probability because of new DNA technologies that permit the testing or retesting of smaller DNA quantities or of degraded DNA samples. Therefore, old cases classified as unsolvable may now actually contain enough valuable DNA evidence capable of identifying a perpetrator or exonerating a wrongfully convicted individual.

For example, on Saturday, November 25, 2000, at approximately 0900 hours, victim Padilla, a 47-year-old male Hispanic owner of a beauty salon, was stabbed nearly 30 times in his hair salon located on Santa Monica Boulevard in Hollywood. After stabbing the victim, the suspect removed the victim's wallet from his pocket and fled westbound on Santa Monica Boulevard. The victim was pronounced dead upon arrival at the hospital.

An extensive investigation by Hollywood homicide detectives failed to identify a viable suspect. A male DNA profile that did not match the victim's DNA was obtained from a rock cocaine pipe and also from a partially smoked cigarette; both items were recovered from the crime scene by Scientific Investigation Division (SID) Criminalists. Hollywood homicide detectives requested that SID Serology upload the suspect's DNA

profile into CODIS. Detectives were subsequently informed that the suspect's DNA profile had been uploaded into CODIS. There were no hits.

On January 28, 2010, the CCSS, Robbery-Homicide Division (RHD), assumed investigative responsibility of this case. The case was screened under the Solving Cases With DNA grant. In June of 2010, RHD detectives requested a review of this case by the SID Serology Unit. Robbery-Homicide Division detectives were subsequently informed that the suspect's DNA was most likely uploaded into CODIS in March of 2001 as a "keyboard search," meaning it was uploaded into the system and searched for only one week with negative results. Detectives requested that the suspect's DNA profile be uploaded permanently into CODIS, and it was done on June 24, 2010.

On July 22, 2010, detectives were informed of a CODIS hit between the suspect's DNA and the DNA profile of a career criminal named Patrick Douglas Hubbard, a male Black born on January 1, 1964. Hubbard had numerous prior arrests and convictions, including a juvenile detained petition for robbery murder.

Detectives learned that Hubbard was serving a one year sentence for theft at the Georgia State Prison located in Reidsville, Georgia. His release date was scheduled for October 8, 2010. Detectives enlisted the help of the Georgia Bureau of Investigations, Agent Tracy Sands, and a search warrant for the DNA sample of Patrick Hubbard was approved by a Georgia Circuit Judge. On August 30, 2010, RHD detectives interviewed Patrick Hubbard at the Georgia State Prison. Hubbard denied knowing anything about the crime. Hubbard also denied ever being in the victim's beauty salon or ever being in Hollywood. The search warrant was served and Hubbard's DNA sample was obtained via buccal swabs.

Detectives requested expedited DNA analysis of additional evidence items recovered from the crime scene. Detectives also requested analysis of the victim's fingernail clippings for DNA. As a result, Hubbard's DNA was confirmed as matching the DNA profile recovered from the cocaine pipe and the partially smoked cigarette recovered from the crime scene. In addition, a mixture of Hubbard's DNA and the victim's DNA was discovered under the victim's right fingernail clippings.

A manual comparison of Hubbard's fingerprints and the latent prints recovered from the crime scene resulted in a match. One latent print recovered from inside of the bathroom door was identified as being that of Patrick Hubbard.

On September 29, 2010, Deputy District Attorney Hoon Chun, Los Angeles County District Attorney's Office, Organized Crime Unit, filed one count of murder and one count of robbery against Patrick Hubbard. Robbery-Homicide Division detectives walked the warrant through and obtained extradition approval from the District Attorney's Extradition Unit. The warrant was also placed into NCIC. Detectives notified Agent Sands of the Georgia Bureau of Investigations and the Tattall County Sheriff's Office. On October 8, 2010, upon his release from the Georgia State Prison, Patrick Hubbard was arrested by Tattall County Sheriff's Office for the murder warrant.

On November 19, 2010, after the extradition proceedings were completed, RHD detectives extradited Patrick Hubbard from Reidsville, Georgia, to Los Angeles and booked him for murder at the LAPD's Jail Division.

In October of 2011, after a two week trial, Patrick Hubbard was convicted of first degree murder after less than one hour of deliberation by the jury. On January 3, 2012, Patrick Hubbard was sentenced to 45 years to life in prison.

An additional example is: On August 14, 1989, at 0830 hours, Audrey Nelson was found dead inside a trash bin by a transient looking for cans to recycle. Nelson was nude and the cause of death was manual strangulation. She had also been sexually assaulted. She was a female White, 5'2", 110 pounds, 36-years-old with an arrest record for prostitution in San Diego and was known to be homeless in the Los Angeles Area.

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On September 3, 1989, at 0200 hours, Guadalupe Apodaca was found strangled to death in an abandoned garage. She also had signs of being sexually assaulted. Apodaca was a female Hispanic, 5'4", 105 pounds, and 46-years-old. She had an arrest record for prostitution and various narcotics violations. She was known to reside in the east side of Los Angeles. Both of these cases were investigated extensively. Eventually they went cold with no further leads to follow up on.

On May 6, 2009, Detective Rosemary Sanchez, Serial No. 22955 (retired), RHD, CCSS, screened the Apodaca case and under the auspices of the Solving Cold Cases With DNA grant, submitted the sexual assault kit along with the victim's fingernail kit to SID for DNA screening and testing.

On March 1, 2010, Detective Silvina Yniguez, Serial No. 31541, CCSS, screened the Nelson case and submitted the sexual assault kit to SID for DNA screening and testing under the Grant. As a result of the screenings, a DNA profile was developed from Apodaca's shirt and one from Nelson's sexual assault kit. These profiles belonged to one suspect resulting in a case to case hit. On April 26, 2012, CCSS, was notified of a CODIS hit on suspect Samuel Little, CII No. A04991088. Little has an extensive criminal record for rape and other offenses, including murder. Little has been a transient

for most of his adult life, living in numerous states. His current whereabouts are unknown and he has a 2009 felony warrant for narcotic violations in Los Angeles.

Detectives are coordinating with several out of state agencies and using local Department resources in an attempt to locate Little. Once he is located, Detectives will obtain a DNA sample from him for confirmation purposes. When he is positively identified through DNA, he will subsequently be arrested.

### **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 Crime Laboratory, Medical Coroner Examiners from the Los Angeles County Medical Examiner's Office, and prosecutors from the Los Angeles County District Attorney's and City Attorney's Offices to optimize the chances of solving "cold" homicide and sexual assault cases. These individuals will work as part of the team, with each taking the lead in their areas of expertise and guiding the others. A team is more likely to provide institutional knowledge as well as a general perspective in addition to fostering new, innovative approaches and ideas, during each step of the investigative process. The team will collectively have a variety of investigative/prosecutorial experiences to share.

The supervisors in the LAPD's CCSS will serve as coordinators and facilitators, considering all questions and concerns and implementing recommendations. These

individuals will arrange the quarterly meetings to discuss progress on specific cases.

However, all team members will be available telephonically to consult with other members to ensure a timely exchange of information.

The City Attorney's Office is not as likely to have a large role, since most of the subject crimes are 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 William P. Hayes, 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 Kevin McCarthy, Assistant Commanding Officer, Detective Bureau, and Deputy Chief Kirk Albanese, Chief of Detectives, both of whom are taking an active role in overseeing this project. Lieutenant Tom Thompson is the Officer in Charge of the Cold Case Special Section, Robbery-Homicide Division, and directs the investigators handling the cold cases.

#### 4. APPENDIXES

**d. Bibliography/References**

None

**e. List of Key Personnel**

See attachment

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**f. Resumes of Key Personnel**

See attachment

**g. Timeline of Milestones**

See attachment



Department of Justice  
Office of Justice Programs  
National Institute of Justice

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**  
**Cooperative Agreement**

PROJECT NUMBER  
2012-DN-BX-K010

PAGE 1 OF 1

This project is supported under FY12(NIJ - S&LLEA DNA/Other Forensics) Pub. L. No. 112-55, 125 Stat. 552, 616; 28 USC §30C

1. STAFF CONTACT (Name & telephone number)

Michael Dillon  
(202) 514-5528

2. PROJECT DIRECTOR (Name, address & telephone number)

Kurtis M. Kobayashi  
Grant Specialist  
100 West First Street  
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3a. TITLE OF THE PROGRAM

NIJ FY 12 Solving Cold Cases with DNA

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

2012 Solving Cold Cases With DNA

5. NAME & ADDRESS OF GRANTEE

City of Los Angeles  
200 N. Spring Street SW Mezzanine Room M175  
Los Angeles, CA 90012

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2012 TO: 03/31/2014

8. BUDGET PERIOD

FROM: 10/01/2012 TO: 03/31/2014

9. AMOUNT OF AWARD

\$ 500,000

10. DATE OF AWARD

08/28/2012

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Los Angeles Police Department (LAPD) has based its strategy on the simple premise that detectives takes an average of five (5) hours to review and investigate a cold case to determine the availability of biological evidence, suspects, witnesses, and/or other corroborating evidence. During the requested 18-month grant period, using \$141,750 in overtime funds supplied by the grant, Detectives will review and complete related investigations on approximately 350 cases during periods after their regular work hours and/or on their days off. In addition, the Scientific Investigation Division (SID), LAPD, will utilize \$272,900 from the grant award for the testing of DNA samples by DNA contract laboratory vendors, in an effort to identify perpetrators. There will also be an expenditure of \$65,100 in overtime to compensate SID personnel for retrieval of evidence and required preparation of the DNA samples prior to testing and shipping. Investigative travel for the purpose of determining the existence of available DNA samples associated with a cold case will cost \$3,770.

ca/ncf

## BUDGET NARRATIVE

The Los Angeles Police Department (LAPD) budget for the 2012 Solving Cold Cases With DNA Program (Program) promotes the apprehension of individuals, who have committed homicides and UCR Part I violent crimes, through the review of casebooks/files to determine the solvability by the retrieval and analysis of DNA evidence. In addition, the budget facilitates the investigation of "cold" homicides and other Part I violent crime cases prior to and after initial DNA testing, re-testing, or the receipt of a direct "hit" on a specific case, ensuring successful prosecution of these crimes. No other law enforcement agency has as great or similar need to review the volume (over 6,000) of unsolved cold case homicides. The goal of these cold case reviews is to bring the suspects to justice, no matter how much time has passed, and provide closure for the victims' families.

### Personnel Services

Utilizing a total of \$216,513 the LAPD will provide overtime to Detectives, Laboratory Technicians, Criminalists, and Property Officers. The overtime will provide the LAPD with the ability to allow these employees to perform their primary duty assignments and assist with the successful implementation of this Program.

Detectives, who receive an average of \$81 an hour in overtime pay, will work 1,750 hours of overtime to review and investigate 350 cases for a total of \$141,750. The 1,750 hours of overtime is an estimate based on multiplying 5 hours, the average time to review a case and conduct applicable follow-up, by 350 cases. Each assigned detective will review multiple cases weekly and generally, detectives assigned to the Cold Case Special Section Homicide Unit (CCSS HU), Robbery-Homicide Division will work on the Program. Controls will be in place to

ensure that every assigned detective has the opportunity to learn and participate, and that no one burns out, since there may be a need for these detectives to work overtime for other reasons in support of the LAPD mission. The LAPD has also allocated \$1,296 for investigative travel overtime. This provides each of the two detectives traveling together, two hours of overtime per day during four trips for one-day or one night stays.

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The LAPD has allocated a total of \$65,100 in overtime pay to either Laboratory Technicians or Criminalists for their work under this Grant. Laboratory staff will obtain evidence from Property Division, package DNA evidence for shipping to a contractor and/or rebook the evidence when returned. This also includes time to log in the returned contract laboratory reports and other associated grant related miscellaneous duties. The Criminalists will perform data review prior to uploading any developed DNA profiles into CODIS and complete administrative tasks including the supervision of the work completed by the laboratory technicians. In some instances, entry level Criminalists may perform the packaging, shipping, and rebooking functions of a Laboratory Technician. The overtime salary difference between a top step Laboratory Technician and an entry level Criminalist is less than two percent, and the Criminalist can perform the required technical and administrative reviews.

The LAPD expects that 40 percent (140 cases) of the 350 cases reviewed will have biological evidence. Laboratory Technicians, who receive an average \$61 an hour in overtime pay, will work approximately 595 hours of overtime packaging the 140 cases submitted by CCSSHU for DNA testing. The 595 hours of overtime is an estimate based on multiplying 4.25 hours, the average time to retrieve evidence from Property Division, package the DNA evidence from one case, send out and rebook the item, by 140 cases. This calculates to a cost of \$36,295. In addition, the Criminalists who earn an average of \$79 in overtime pay will require overtime for

several tasks. They will require .5 hours per case to review the 140 case packets generated by the Laboratory Technicians for a total of \$5,530 in overtime. They will also require 2.75 hours per case to perform data review for approximately 84 cases (231 hours), prior to uploading developed profiles into CODIS. This equates to an additional \$18,249 in overtime. In addition,

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Criminalists or Laboratory Technicians will require .75 hours to review 56 cases, not CODIS quality, log the findings, and generate reports for a cost of \$3,318 in overtime. In addition, the LAPD will need \$1,708 in overtime to package the anticipated 28 CODIS "hits" and ship the reference samples for confirmation.

The Property Division unit of the LAPD is responsible for, among other things, the storing and tracking of evidence taken into custody during criminal investigations. The retrieval of evidence, identified as possibly containing DNA, places an extra burden on the limited Property Division personnel resources and causes delays in providing items to Scientific Investigation Division (SID) for processing. In an effort to minimize these delays, LAPD has allocated \$8,367 in overtime for the retrieval and preparation of evidence prior to transfer to SID. Property Officers, who earn an average of \$41 an hour in overtime pay, will work approximately 165.51 hours of overtime retrieving the evidence from the projected 350 reviewed cases. Senior Property Officers, who earn an average of \$51 an hour on overtime pay, will work approximately 34 hours of overtime reviewing the applicable documentation associated with the evidence retrieval for the 350 cases.

### **Fringe Benefits**

There are no fringe benefits associated with overtime.

### Travel

Detectives will require a total of \$3,770 for investigative travel. Because detectives cannot rely entirely on DNA evidence to prove their cases, they will have to travel to various cities to interview victims, witnesses and suspects. 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. These trips will be limited to four for the term of this Grant.

### Consultants/Contractors

The LAPD will utilize a total of \$272,900 for contract laboratory services. Due to an increasing demand on its services, the LAPD Laboratory cannot perform the screening and/or testing of all the identified biological evidence. The LAPD anticipates 40 percent or 140 of the 350 cases will have biological evidence sent to a contract laboratory for screening. Three samples from each of the 140 cases (420 samples) screened at a cost of \$350 per item will cost \$147,000. The LAPD further anticipates that 60 percent of the 420 samples or 252 samples will require DNA typing at a cost of \$450 per sample for a total cost of \$113,400. Multiple samples from the same case will usually yield only one DNA profile foreign to the victim. In those instances, there is only one sample entered into CODIS, resulting in approximately 84 unique DNA profiles added to the DNA database. Based on current rates, only 30 percent of these 84 uploaded profiles or 25 profiles will identify ("hit") to a specific person. These 25 "hits" will require confirmatory testing. The testing of the new reference sample for each of these 25 identified people will cost of \$500 each for a total cost of \$12,500.

**Other Costs**

None

**Indirect Costs**

Another \$6,817 is required for Department Administration & Support. This funding will provide for salary costs incurred by the Grant Specialist managing this grant. The rates used are from the last approved CAP 32 rate.

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### 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.

<u>Name/Position</u>	<u>Compensation</u>	<u>Cost</u>
Detectives in the Cold Case Units	350 cases x 5 hours per case = 1750 hours  1750 hrs. x \$81 an hour in overtime pay = \$141,750	\$141,750
Detective (investigative travel time)	2 Detectives x \$162 (\$81 an hour of overtime pay x 2 hrs. per day) x 4 trips = \$1,296	\$1,296
Laboratory Personnel to retrieve evidence from Property, package, send out and subsequently return to Property	140 cases x 4.25 hours per case = 595 hours x \$61 an hour = \$36,295	\$36,295
Criminalists to Perform Reviews	140 cases x .5 hours per case = 70 hours x \$79 per hour = \$5,530	\$5,530
Criminalists to Perform Data Review for CODIS Upload	84 cases (60% of the cases typed) x 2.75 hours = 231 hours x \$79 per hour = \$18,249	\$18,249
Criminalists to Review Cases not CODIS Suitable	56 cases (40% of typed cases) x .75 hours = 42 hours x \$79 per hour = \$3,318	\$3,318
Laboratory Technicians to Package and Ship Reference Samples	28 samples x 1 hour per sample = 28 hours x \$61 per hour = \$1,708	\$1,708
Property Officer to Retrieve Evidence from Storage	165.51 hours for 350 cases, \$41 x 165.51=\$6,519	\$6,786
Senior Property Officer to Review Evidence Transfer	34 hours for 350 cases, \$51 x 34 hours=\$1,734	\$1,581
	<b>TOTAL.....</b>	<b>\$216,513</b>

**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.

<u>Name/Position</u>	<u>Compensation</u>	<u>Cost</u>
		\$0
	<b>TOTAL</b>	<b>\$0</b>
	<b>Total Personnel &amp; Fringe Benefits</b>	<b>\$216,513</b>

## 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.

<u>Purpose of Travel</u>	<u>Location</u>	<u>Item</u>	<u>Computation</u>	<u>Cost</u>
Travel for Investigative Purposes	Undetermined			
		Airfare	2 Detectives x \$221.29 (average cost of round trip ticket) x 4 trips = \$1,770	\$1,770
		Lodging	2 Detectives x \$110 per night = \$220 per day x 4 trips = \$880	\$880
		Meals	2 Detectives x \$60 per day 4 trips = \$480	\$480
		Incidentals	2 Detectives x \$25 per day x 4 trips = \$200	\$200
		Transportation	2 Detectives x \$55 x 4 trips = \$440	\$440
			<b>TOTAL</b>	<b>\$3,770</b>

## 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.

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<u>Item</u>	<u>Computation</u>	<u>Cost</u>
		\$0
	<b>TOTAL</b>	<b>\$0</b>

**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.

<u>Supply Items</u>	<u>Computation</u>	<u>Cost</u>
		\$0
	<b>TOTAL</b>	<b>\$0</b>

**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.

<u>Purpose</u>	<u>Description of Work</u>	<u>Cost</u>
		\$0
	<b>TOTAL</b>	<b>\$0</b>

## 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.

<u>Name of Consultant</u>	<u>Service Provided</u>	<u>Computation</u>	<u>Cost</u>
Accredited DNA Laboratories Orchid Cellmark Bode Technology Sorenson Forensics Serological Research Inst.	Screening	350 cases x 40% of cases having biological evidence = 140 cases  140 cases x 3 samples per case for a total of 420 samples x \$350 per screening = \$147,000	\$147,000
	Typing	140 cases x 60% of cases screening positive for DNA = 84 cases  84 cases x 3 samples per case for a total of 252 samples x \$450 per typing = \$113,400	\$113,400
	Confirmatory Typing	84 cases x 30% resulting in a hit that will require confirmatory typing = 25 profiles.  25 profiles x 1 sample per case x \$500 per typing = \$12,500	\$12,500
		<b>TOTAL</b>	<b>\$272,900</b>

## 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.

<u>Description</u>	<u>Computation</u>	<u>Cost</u>
NONE		0.00

**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.

<u>Item</u>	<u>Computation</u>	<u>Cost</u>
Dept. Administration and Support	Grant Specialist (Management Analyst II) (Annual salary times Admin & Support CAP 32 rate) $\$83,750 \times 8.14\% = \$6,817$	\$6,817
	<b>TOTAL</b>	<b>\$6,817</b>

**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.

<u>Budget Category</u>	<u>Total</u>
A. Personnel	\$216,513
B. Fringe Benefits	\$0
C. Travel	\$3,770
D. Equipment	\$0
E. Supplies	\$0
F. Construction	\$0
G. Consultants/Contracts	\$272,900
H. Other	\$0
I. Indirect Costs	\$6,817
<b>TOTAL PROJECT COSTS</b>	<b>\$500,000</b>

Federal Request \$500,000

In Kind Match \$0

APPLICATION  
NIJ-2012-3099

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**SOLVING COLD CASES WITH DNA**

National Institute of Justice  
Office of Justice Programs  
Department of Justice

May 21, 2012

Submitted by:

**LOS ANGELES POLICE DEPARTMENT**  
100 West First Street, Suite 842  
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## 1. ABSTRACT

In the City of Los Angeles, 46 out of every 100 homicides, and 80 out of every 100 rapes, go unsolved. There are currently more than 6,000 unsolved homicides dating back to the 1960s, archived by the Los Angeles Police Department. Included in these unsolved cases are an unknown number of gang and/or drug related crimes that were very difficult to investigate using the traditional methods, because of the witness intimidation factor. The Solving Cold Cases With DNA Grant provides investigators with hard to refute scientific evidence that in many cases identifies a suspect and is a major contributor to conviction despite the unwillingness of witnesses to come forward.

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 approximately 350 "cold" homicides with the potential of being solved through DNA analysis;
  - 2) The retrieval and evaluation of biological evidence related to these cases;
  - 3) DNA analysis of biological evidence likely to yield results from those cases reviewed;
- and,
- 4) The completion of associated follow-up investigations.

The LAPD has based its strategy on the simple premise that detectives takes an average of five (5) hours to review and investigate a cold case to determine the availability of biological evidence, suspects, witnesses, and/or other corroborating evidence. During the requested 12-month grant period, using \$141,750 in overtime funds supplied by the grant, Detectives will review and complete related investigations on approximately 350 cases during periods after their regular work hours and/or on their days off. In addition, the

Scientific Investigation Division (SID), LAPD, will utilize \$272,900 from the grant award for the testing of DNA samples by DNA contract laboratory vendors, in an effort to identify perpetrators. There will also be an expenditure of \$65,100 in overtime to compensate SID personnel for retrieval of evidence and required preparation of the DNA samples prior to testing and shipping. Investigative travel for the purpose of determining the existence of available DNA samples associated with a cold case will cost \$3,770.

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The review of "cold case" homicides or other Part I violent crime investigations will be prioritized to ensure that the goal of reviewing 350 cases is met and possibly exceeded, since biological evidence may not always be available. Detectives will continue to prioritize both homicide and other Part I violent cases in a similar manner by first looking at those cases that possibly have biological evidence booked into the LAPD Property Division and then placing a priority on screening those crimes that occurred indoors or in enclosed spaces that have a known suspect who is not in custody. Once these categories are complete, Detectives will screen unsolved homicide cases with evidence remaining in LAPD custody where a strong possibility exists there is evidence worthy of DNA testing.

During the entire review process, Detectives will work closely with Criminalists in the LAPD crime laboratory, personnel from the Los Angeles County Medical Examiners Office, the Los Angeles County District Attorney's and City of Los Angeles Attorney's Offices. This team approach should improve institutional knowledge as well as expand participants' general perspective, while fostering new, innovative approaches.

## 1A. RESUBMIT RESPONSE

Title of Project: 2011 Solving Cold Cases with DNA

Submission Date: March 8, 2011

Original NIJ Opportunity Number: NIJ-2011-2810

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Application Number: 2011-90519-CA-DN

Based on the feedback received from the Reviewer Comments and the reduced funds available to fund the project, the 2012 proposal was modified as follows:

- The number of hours allotted for the average time to review a case was decreased from 7 hours to 6 hours.
- Removed the cost of \$20,000 requested to scan log books dating from 1899 – 1993.
- Decreased the amount requested for travel purposes from \$7,452 to \$3,770.
- Decreased the amount allocated for consultants/contracts from \$945,100 to \$272,900.
- Decreased the overall budget for the grant from \$1,589,951 to \$500,000.
- Reduced the number of overtime hours from 5,600 hours to 1,170 hours.
- Decreased the per case cost from \$1,987 to \$1,429.
- Established a link between cold cases and gang/drug related crimes.