

BOARD of SUPERVISORS



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## MEMORANDUM

### PUBLIC SAFETY COMMITTEE

#### SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor David Chiu, Chair  
Public Safety Committee

FROM: Gail Johnson, Committee Clerk

DATE: December 7, 2010

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, December 7, 2010

The following files should be presented as a **COMMITTEE REPORT** at today's Board meeting. These items were acted upon at the Committee Meeting on Monday, December 6, 2010, at 10:00 a.m., by the votes indicated.

Item No. 49            File No. 101190

Ordinance adding Article 15.7 to the San Francisco Police Code, requiring event promoters to register with the Entertainment Commission; prohibiting holders of certain entertainment-related permits, and registered promoters, from retaining an unregistered promoter to hold an event; and authorizing under certain circumstances for certain promoters reporting requirements, increased security plan requirements for events they promote, general liability insurance requirements, a criminal background check requirement, and other requirements.

#### RECOMMENDED AS A COMMITTEE REPORT

Vote:            Chiu:            Aye  
                    Mirkarimi:    Excused  
                    Elsbernd:     Aye

Item No. 50

File No. 101349

Ordinance implementing the California "Sexual Assault Victims' Bill of Rights" by amending the San Francisco Administrative Code to: (1) add Section 2A.89 to require the Police Department to develop and implement procedures to collect and test DNA samples in sexual assault cases and provide information and notices to victims, require the Police Department to report on DNA collection and testing performance as part of the budget submission, and make it the policy of the City and County of San Francisco to appropriate sufficient funds each fiscal year to ensure timely testing of DNA evidence in sexual assault cases; and (2) add Section 10.100-172 to establish the Police DNA Testing in Sexual Assault Cases Account.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote:	Chiu:	Aye
	Mirkarimi:	Excused
	Elsbernd:	Aye

Item No. 51

File No. 101443

Ordinance authorizing the San Francisco Police Department, on behalf of the City and County of San Francisco, to retroactively accept and expend grant funds in the amount of \$424,107 from the United States Department of Justice/National Institute of Justice "Solving Cold Cases with DNA" Grant Program; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of three (3) part-time positions (1.50 FTE total) in job classification Q4 Police Officer III in the San Francisco Police Department.

RECOMMENDED AS A COMMITTEE REPORT

Vote:	Chiu:	Aye
	Mirkarimi:	Excused
	Elsbernd:	Aye

cc: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Rick Caldeira, Deputy Director  
Cheryl Adams, Deputy City Attorney

1 [Accept and Expend Grant – Three Part-Time Q4 Police Officer III Positions –  
2 \$424,107]

3 Ordinance authorizing the San Francisco Police Department, on behalf of the City and  
4 County of San Francisco, to retroactively accept and expend grant funds in the amount  
5 of \$424,107 from the United States Department of Justice/National Institute of Justice  
6 “Solving Cold Cases with DNA” Grant Program; and amending Ordinance No. 191-10  
7 (Annual Salary Ordinance, FY 2010-2011) to reflect the addition of three (3) part-time  
8 positions (1.50 FTE total) in job classification Q4 Police Officer III in the San Francisco  
9 Police Department.

10 NOTE: Additions are single-underline italics Times New Roman;  
11 deletions are ~~strike through italics Times New Roman~~.  
12 Board amendment additions are double-underlined;  
13 Board amendment deletions are ~~strikethrough-normal~~.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Findings

16 (a) National Institute of Justice “Solving Cold Cases with DNA” Grant Program. The  
17 National Institute of Justice (NIJ) of the United States Department of Justice (DOJ) has a  
18 “Solving Cold Cases with DNA” grant program. The San Francisco Police Department applied  
19 for grant funding on behalf of the City and County, and was awarded \$424,107.

20 (b) Project. This purpose of this project, “Solving Cold Cases with DNA – San  
21 Francisco,” is to reopen and examine violent homicide and sexual assault cold cases and  
22 identify cases that have the potential to be resolved using DNA evidence that can be  
23 uploaded to the National Combined DNA Index System (CODIS) database to match evidence  
24 with suspects and individuals whose DNA is in the CODIS system.

25 (c) The term of the grant is from October 1, 2010 through March 31, 2012.

(d) The grant does not include any provision for indirect costs.

1 (e) The grant includes funds to hire three experienced, retired investigators on a part-  
2 time, special project basis to support project implementation. The investigators will work up to  
3 960 hours annually each.

4 Section 2. Authorization to Accept and Expend Grant Funds.

5 (a) The Board of Supervisors hereby authorizes the San Francisco Police Department  
6 to accept and expend, on behalf of the City and County of San Francisco, DOJ/NIJ grant  
7 funds in the amount of \$424,107 for the purpose of examining and resolving violent cold  
8 cases that have the potential to be resolved with DNA evidence.

9 (b) The grant does not include any provision for indirect costs and indirect costs are  
10 hereby waived.

11 (c) The San Francisco Police Chief, or designee, is authorized to furnish whatever  
12 additional information or assurances the DOJ/NIJ may request in connection with this grant, to  
13 execute any or all agreements or other documents, and to take any other steps necessary to  
14 accept, distribute and expend the grant funds.

15 Section 3. Grant Funded Positions; Amendment to FY 2010-11 Annual Salary  
16 Ordinance. The hereinafter designated section of Ordinance Number 191-10 (Annual Salary  
17 Ordinance FY 2010-11) is hereby amended to add three (3) part-time (960 annual hours)  
18 grant-funded positions at the San Francisco Police Department, as follows:

19 Department: POL - 38 Police Department

20 Program: ACB Investigations

21 Subfund: 2S PPF GNC

22 Index Code: 380733

<u>Amendment</u>	<u># of Pos.</u>	<u>Class and Item No.</u>	<u>Compensation Schedule</u>
<i>Add</i>	<i>1.50 FTE</i>	<i>04 Police Officer III</i>	<i>\$3,371 B \$4,251</i>

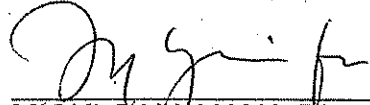
1 APPROVED AS TO FORM:

2  
3 By:

  
KATHARINE PORTER  
Deputy City Attorney

APPROVED AS TO CLASSIFICATION  
DEPARTMENT OF HUMAN RESOURCES

4  
5  
6 By:

  
MICKI CALLAHAN, Director  
Department of Human Resources

7  
8 RECOMMENDED:

  
GEORGE GASCON, Chief of Police  
Police Department

9  
10  
11 APPROVED:

  
GAVIN NEWSOM, Mayor

12  
13  
14 APPROVED:

  
BEN ROSENFELD, Controller



**LEGISLATIVE DIGEST**

[Accept-Expend FY 2010 Department of Justice grant; Amend Annual Salary Ordinance, FY 2010-11]

**Ordinance authorizing the San Francisco Police Department, on behalf of the City and County of San Francisco, to retroactively accept and expend grant funds in the amount of \$424,107 from the United States Department of Justice/National Institute of Justice “Solving Cold Cases with DNA” Grant Program; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY 2010-2011) to reflect the addition of three (3) part-time positions (1.50 FTE total) in job classification Q4 Police Officer III in the San Francisco Police Department.**

Existing Law

Not applicable.

Amendments to Current Law

The proposed ordinance authorized the Police Department to retroactively accept and expend \$424,107 in grant funds from the United States Department of Justice, National Institute of Justice “Solving Cold Cases with DNA” grant program. The grant does not include any provision for indirect costs and the proposed ordinance waives indirect costs. Finally, the proposed ordinance authorized the Police Chief, or designee, to furnish any necessary additional information or assurances, execute any or all agreements or documents, and take any other steps necessary to accept, distribute and expend the grant funds.

Background Information

The Police Department will use the funds to hire three experienced, retired police investigators on a part-time, special project basis. The investigators will reopen and examine violent homicide and sexual assault cold cases and identify cases that have the potential to be resolved using DNA evidence, and attempt to resolve those cases through DNA matches.





**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** San Francisco Police Department  
**DATE:** October 29, 2010  
**SUBJECT:** Accept and Expend Ordinance for Subject Grant

**GRANT TITLE:** Solving Cold Cases with DNA – San Francisco

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Attached please find the original and 4 copies of each of the following:

- Proposed grant ordinance; original signed by Department, Mayor, Controller
- Grant information form, including disability checklist
- Grant budget
- Grant application
- Letter of Intent or grant award letter from funding agency
- Other (Explain): Legislative Digest

**Special Timeline Requirements:**

**Departmental representative to receive a copy of the adopted ordinance:**

Name: Dana Lang

Phone: 415-553-1120

Interoffice Mail Address: 850 Bryant Street, SFPD Fiscal – Room 511

Certified copy required Yes

No

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).

**File Number:** \_\_\_\_\_  
(Provided by Clerk of Board of Supervisors)

**Grant Information Form**  
(Effective July 2006)

Purpose: Accompanies proposed Board of Supervisors ordinances authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying ordinance:

1. Grant Title: **Solving Cold Cases with DNA – San Francisco**
2. Department: **San Francisco Police Department**
3. Contact Person: **Dana Lang** Telephone: **415-553-1120**
4. Grant Approval Status (check one):  
 **Approved by funding agency**                       **Not yet approved**
5. Amount of Grant Funding Approved or Applied for: **\$424,107**
- 6a. Matching Funds Required: **None**  
b. Source(s) of matching funds (if applicable):
- 7a. Grant Source Agency: **U.S. Department of Justice (DOJ)/ National Institute of Justice**  
b. Grant Pass-Through Agency (if applicable):
8. Proposed Grant Project Summary: **This project will reopen and examine violent cold cases and expand the availability of evidence-testing lab services for cases that have the potential to be resolved using DNA evidence.**
9. Grant Project Schedule, as allowed in approval documents, or as proposed:  
Start-Date: **October 1, 2010**    End-Date: **March 31, 2012**
10. Number of new positions created and funded: **Three part-time positions**
11. Explain the disposition of employees once the grant ends? **Discontinue project-funded positions**
- 12a. Amount budgeted for contractual services: **\$150,000**  
b. Will contractual services be put out to bid? **Yes**  
c. If so, will contract services help to further the goals of the department's MBE/WBE requirements? **N/A**  
d. Is this likely to be a one-time or ongoing request for contracting out? **One-time request**
- 13a. Does the budget include indirect costs?                       Yes                       No

b1. If yes, how much? \$ **N/A**  
b2. How was the amount calculated? **N/A**

c. If no, why are indirect costs not included?  
 **Not allowed by granting agency**       To maximize use of grant funds on direct services  
 Other (please explain):

c2. If no indirect costs are included, what would have been the indirect costs? **The grant prohibits including indirect costs.**

14. Any other significant grant requirements or comments: **No.**

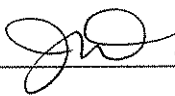
**\*\*Disability Access Checklist\*\***

15. This Grant is intended for activities at (check all that apply):

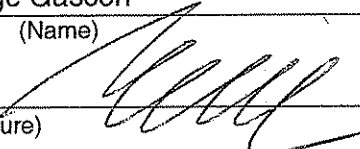
<input checked="" type="checkbox"/> Existing Site(s)	<input checked="" type="checkbox"/> Existing Structure(s)	<input checked="" type="checkbox"/> Existing Program(s) or Service(s)
<input type="checkbox"/> Rehabilitated Site(s)	<input type="checkbox"/> Rehabilitated Structure(s)	<input type="checkbox"/> New Program(s) or Service(s)
<input type="checkbox"/> New Site(s)	<input type="checkbox"/> New Structure(s)	

16. The Departmental ADA Coordinator and/or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

Comments:

Departmental or Mayor's Office of Disability Reviewer:   
~~(Alice Villagomez 553-1341)~~  
Justine Hinderliter 553-1343

Date Reviewed: 10/14/10

Department Approval:	George Gascón	Chief of Police
	(Name)	(Title)
	<u></u>	
	(Signature)	

**DNA COLD CASE – PROJECT BUDGET**  
Grant No. 2010-DN-BX-L015 (18 months)

<u>Budget Item</u>	<u>Amount</u>
Part-Time Investigators	\$183,658
Overtime for Investigations (existing staff)	\$51,656
Fringe Benefits on Salaries	\$14,799
Travel	\$19,994
Supplies - Two Lap Top Computers	\$4,000
Contractual - Outsource DNA Evidence	\$150,000
Total Project	<u><u>\$424,107</u></u>



Department of Justice  
Office of Justice Programs

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Office of the Assistant Attorney General

Washington, D.C. 20531

September 1, 2010

Chief George Gascon  
City And County of San Francisco Police Department  
850 Bryant Street  
Room 511  
San Francisco, CA 94103

Dear Chief Gascon:

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 Solving Cold Cases with DNA in the amount of \$424,107 for City And County of San Francisco Police Department. The project period is, "Solving Cold Cases with DNA - San Francisco."

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, Charles Heurich, Program Manager at (202) 616-9264; 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,

A handwritten signature in black ink, appearing to read "Laurie Robinson".

Laurie Robinson  
Assistant Attorney General

Enclosures



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 And County of San Francisco Police Department 850 Bryant Street Room 511 San Francisco, CA 94103		4. AWARD NUMBER: 2010-DN-BX-K015	
1A. GRANTEE IRS/VENDOR NO. 946000417		5. PROJECT PERIOD: FROM 10/01/2010 TO 03/31/2012 BUDGET PERIOD: FROM 10/01/2010 TO 03/31/2012	
3. PROJECT TITLE Solving Cold Cases with DNA - San Francisco		6. AWARD DATE 09/01/2010	7. ACTION Initial
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).		8. SUPPLEMENT NUMBER 00	
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY10(NJ - COPS DNA/Forensics) Pub. L. No. 111-117, 123 Stat. 3034, 3138; 28 USC 530C		9. PREVIOUS AWARD AMOUNT \$ 0	
15. METHOD OF PAYMENT GPRS		10. AMOUNT OF THIS AWARD \$ 424,107	
		11. TOTAL AWARD \$ 424,107	
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Laurie Robinson Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL George Gascon Chief of Police	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 9-7-2010
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B DN 60 00 00 424107		21. JDNSGT0258	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

**National Institute of Justice  
Solving Cold Cases with DNA  
CFDA No. 16.560**

**Grant No. 2010-90769-CA-DN**

**Application submitted by:**

**San Francisco Police Department  
City and County of San Francisco, California  
850 Bryant Street**

**March 11, 2010**

## **PROGRAM NARRATIVE**

### **ABSTRACT**

The San Francisco Police Department (SFPD) has over 2,000 unsolved cold cases that could potentially be solved with additional investigation and testing. Increased demand for DNA analysis of evidence in current cases has severely impacted the limited capacity of the San Francisco Criminalist Laboratory DNA Section. As a result, many violent crimes are relegated to cold case status and not analyzed. This project proposes to reopen and examine violent cold cases, and to expand the availability of evidence-testing lab services for cases that have the potential to be resolved using DNA evidence.

This project will enable the San Francisco Police Department to hire two part-time (960 hours/year) experienced investigators to review a large portion of the 2,064 homicide and sexual assault cold cases, who will work closely with the existing Cold Case Unit to identify approximately 100 cases that have the potential to be resolved with DNA evidence, and to coordinate with the San Francisco Crime lab as well as to outsource to a local accredited lab to identify and analyze DNA evidence that can be uploaded into the CODIS data base. This project will enhance the San Francisco Police Department's knowledge base through cold case training, and assist the department to develop strategies to resolve many violent homicide and sexual assault cases using DNA evidence.



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## **I. INTRODUCTION**

San Francisco is the 4<sup>th</sup> most populous city in California and the 12<sup>th</sup> most populous city in the United States, encompassing a land area of 49 square miles. The San Francisco Police Department serves an estimated population of 1.2 million people, which includes approximately 808,976 people residing within the city, as well as a large daytime-commuter population and thousands of visitors, tourists, and others present in the City every day. The San Francisco Police Department has 2,325 sworn officers and 400 civilian employees, making it the 11<sup>th</sup> largest Police Department in the United States. For five years prior to 2009, homicides in San Francisco averaged 92 per year. In 2009 this number dropped to 45 homicides; however, violent crimes remain an issue in San Francisco.

San Francisco is the financial, cultural and transportation center of the larger San Francisco Bay Area, a nine-county area with 7.4 million people. This city has a diverse, international character, where over 100 languages are spoken. There are large numbers of immigrants from Asia and Latin America – 39% of San Francisco residents were born overseas. Homicides and sexual assaults are more likely to become cold cases when they involve immigrants, transients, homeless or unidentified people. Homicide crimes are also more likely to become cold cases when the deaths are gang- and drug-related. San Francisco has many active, violent and long-standing gangs, presenting a greater potential for unsolved homicide cases. Marginalized victims are historically averse to reporting rapes and assaults, allowing serial offenders to victimize at-risk persons over and over again. San Francisco has a large population of marginalized and vulnerable victims, including runaways, prostitutes, substance abusers and the mentally ill, and given its size and reputation for high risk lifestyles, this has created an environment with great potential for serial offenders to operate undetected within its borders.

## **II. PURPOSE, GOALS, AND OBJECTIVES:**

The San Francisco Police Department (SFPD) has over 2,000 violent unsolved homicide and sexual assault cold cases that could potentially be solved if additional resources were available. For the ten-year period January 2000 through December 2009, there were 910 reported but unresolved rapes in San Francisco. In San Francisco every reported rape case is assigned and investigated. Over the past 25 years there have been 1,151 unsolved homicides, many of which have potential DNA evidence.

San Francisco's Cold Case Unit was created in 2007 with three investigators. In 2010, two additional investigators were added. This unit closely collaborates with the San Francisco District Attorney's office and the San Francisco Criminalist Lab. The investigators work closely with their SFPD colleagues who investigate current cases in the Homicide and Sexual Assault Units.

During the two-year period 2007 - 2009, 70% of SFPD's investigated cold cases were either sexual assaults or homicides. As a result of these investigations, the District Attorney was able to charge suspects in 33% of the sexual assault cases and 60% of the homicide cases. During 2009 two high-profile cold cases involving infamous serial killers were resolved using DNA. In October of 2009 DNA evidence was found to link serial killer Richard Ramirez, known as the "Night Stalker", to the 1984 homicide of 9-year old Mei Leung, a homicide that had haunted San Francisco for 25 years. In December of 2009, DNA evidence solved a 1979 homicide of a jogger. The DNA stored was linked to serial killer David Carpenter, also known as the "Trailside Killer."

SFPD is extremely interested in obtaining resources to focus on the large number of cold cases in order to apprehend perpetrators before they have a chance re-offend over time and bring closure to victims' families. This grant application proposes to hire two experienced, part-time investigators to review and assess unsolved cases, and to outsource lab services to local accredited private laboratories in cases that are beyond the San Francisco Crime Lab's ability to review. In criminal cases where no suspect has been developed biological evidence can be retrieved, and through DNA typing, the Criminalist Lab can search this evidence against the Combined DNA Indexing System (CODIS) database.

The San Francisco Crime Lab currently does not have the staff resources to investigate the current backlog of existing cold cases, so many of these cases will be outsourced to a local accredited crime lab. This outsourcing will relieve the burden on the San Francisco Crime Lab created by the review of these cold cases, allowing the lab to focus on current cases. The project allows for overtime for the Unit's current investigators to review cases more extensively and to travel to interview witnesses, many of whom would have relocated over time. This proposal provides other resources (office equipment, training and travel) that will facilitate resolution of cold cases.

The investigators will review violent homicide and sexual assault cold cases, and select 100 cases that have a strong potential to be solved using DNA evidence. Evidence for these cases will then be reviewed and submitted for crime lab analysis as cases are established as likely candidates. In California, the statute of limitations for sexual assault cases is ten years; therefore cases that occurred prior to 2001 will not be investigated. Since there is no statute of limitations

National Institute of Justice  
*Solving Cold Cases with DNA*

on homicides, cases will be reviewed as far back as possible in order to bring closure to the cases and to victims' families.

The San Francisco Crime Lab currently has evidence from potential cold cases where 9 marker DNA profiles were developed, which was the industry standard at the time. This grant will enable the retrieval of this evidence, for which 13 marker profiles can be developed and uploaded to the CODIS data base.

During the first few months of the project investigators will attend available and appropriate training, such as the California Department of Justice's "Cold Case Investigation," in Monterey, California, and POST-certified Cold Case Investigation courses. The next phase of the project is to review the results of submissions and actively investigate cases, including interviewing witnesses, and working closely with the District Attorney's Office to determine whether there is sufficient evidence to arrest, charge, and seek prosecution.

Finally, project results will be evaluated. SFPD intends to identify and prioritize 100 cold cases. We expect a minimum of 50% of these cases can be uploaded as a profile into the CODIS data base. Of the uploaded cases, at least 50% will be cleared and a suspect identified. Investigators will then continue the investigation and apprehension process and coordinate with the District Attorney staff to seek judicial resolution.

### **III. REVIEW OF RELEVANT LITERATURE**

**“DNA Links unsolved 1984 murder of girl to ‘Night Stalker’ Richard Ramirez”**, Associated Press, Oct. 2, 2009. For 25 years, the unsolved murder of 9-year old Mei Leung haunted San Francisco police homicide Inspector Holly Pera, a novice patrol officer at the time who now helps solve the department’s cold cases. On Thursday, Pera – who revived the case about five years ago – and San Francisco police said DNA evidence has linked the infamous serial killer, Richard Ramirez, known as the “Night Stalker,” to the April 10, 1984 homicide. Ramirez, 49, is being held on death row at San Quentin State Prison after being convicted in 1989 in Los Angeles for 13 murders. When Pera and her partner, Inspector Joseph Toomey, resurfaced the case, crime lab technicians extracted DNA samples from items collected from the crime scene 25 years ago.”

**“Indicting DNA Profiles is Vital in Old Rape Cases.”** Al Baker, New York Times, Oct. 19, 2009. “Frederick Bieber, a forensic expert and a professor of pathology at Harvard Medical School, hailed the effort to broaden DNA’s use, saying New York officials have “taken the lead” in pursuing hits between DNA samples and unsolved crimes. ‘Law enforcement around the world has learned to collect DNA from property crimes, which often leads to convictions for major crimes’, Dr. Bieber said. ‘They have widened the scope of cases from which they collect biological evidence....The fact that some rapists have arrests and convictions for other crimes illustrates the point that rapists ‘are not specialists.’ In the cases of Mr. Rondon, 34, Kevin Louis, 41, and Richard Thomas, 42, it was their connection to lesser crimes that led the authorities to link them through a DNA database to the John Doe rape indictments of their genetic profiles”

**“Push to solve cold cases has benefits -- and costs”**, USA Today, Dec. 28, 2005. Many cases illustrate both the opportunities and the drawbacks of DNA testing in long-unsolved rape cases at a time when the Bush administration is pushing a five-year, \$755 million DNA initiative aimed at clearing tens of thousands of cold cases involving rapes, homicides and kidnappings. The plan aims to bring justice to victims and take violent criminals off the streets. .... DNA changes everything.”

The San Francisco Police Department has committed five investigators to the Cold Case Unit, and has had recent high profile successes, enabling officers that were just starting out in their careers to assist in closing the case 25 years later. This grant will enable the department to increase the number of DNA profiles available in the CODIS database, and continue a media campaign (press releases, press conferences) which could have a deterrent effect on possible perpetrators.

#### **IV. IMPLEMENTATION PLAN**

##### **a. Identify Qualifying Cases**

Existing evidence will be retrieved, reviewed, and evaluated to determine if the case has the potential to be solved using DNA analysis. Approximately 100 cases with the greatest potential to be resolved using DNA evidence will be selected.

##### **b. Submission of Evidence for DNA Analysis, Typing and Uploading**

Selected cases will be further investigated and evidence will be submitted to an accredited local crime lab for analysis and uploading to the CODIS database. Investigators will prioritize these violent crimes cold cases based on the presence of probative biological evidence. They will coordinate with the Crime Lab to identify biological evidence and prepare stain material for subsequent DNA typing. The analysis should develop thirteen locus DNA profiles for unsolved cases, the current standard federal and state standard.

##### **c. Confirmation of Data Bank Matches and Coordination of Cases**

As project staff receive notifications of Data Bank matches from California Department of Justice or other interstate criminal justice agency for NDIS level matches, they will coordinate with District Attorney staff, the Commander of Investigations Bureau and the Medical Examiner, where applicable, to devise a strategy for further investigation and eventual judicial conclusion.

##### **d. Further Investigation**

As cases proceed, investigators will determine if victims and witnesses are available and willing to cooperate in the prosecution of the case. For cases in which victims, witnesses, and/or



victims' family members have relocated to other parts of the state or country, investigators will travel to obtain interviews. Investigators will coordinate with the District Attorney to ensure that identified cases lead to prosecution and judicial conclusion in the event of DNA testing is successful and result in a match in the CODIS data bank.

## **V. MANAGEMENT PLAN AND ORGANIZATION**

The San Francisco Police Departments Investigations Bureau under the leadership of Commander John Loftus will coordinate the management of this project. Captain Michael Biel, Supervisor of the Major Crimes Section, oversees the Homicide Detail. As the Officer in Charge of the Homicide Detail, Lieutenant Michael Stasko will be directly in charge of the Cold Case Unit.

Lieutenant Stasko will oversee the daily operations of the unit, the assignment of cases, review case files and engage in strategic planning sessions to assist his investigators. He will also manage the expenditure of funds to meet these goals.

The duties of one the existing full-time investigators will include the administration of this grant. Grant funds will be used to outsource the testing of evidence to an independent lab, hire part-time personnel, purchase of equipment and supplies, travel, overtime and training. The investigator who administers the grant will be tasked with documenting all expenditure of funds to ensure that the police department not only meets the terms of the grant, but also that the goals and objectives as related to funding are met. He will ensure that quarterly reports are completed and submitted in accordance with funding guidelines.

**VI. PLAN FOR COLLECTING REQUIRED PERFORMANCE MEASURE DATA:**

The investigator serving as grant administrator will collect performance measure data from each investigator at each weekly Cold Case Unit meeting. These meetings will include the 5 current investigators, an Assistant District Attorney, SFPD Crime Lab staff, and will include the 2 part-time investigators hired with this grant. The information gathered will conform to the data and objectives required of this solicitation, i.e.

- number of violent crime cold cases reviewed;
- number of cases in which biological evidence still exists;
- number of cases subjected to DNA analysis;
- number of cases that yielded DNA profiles cases;
- number of DNA profiles entered into CODIS
- number of CODIS hits

Quarterly/Semi-annual progress reports will also include information on the status of investigations, disposition of cases, and clearance and resolution of cases.

**VII. PROPOSAL SUMMARY:**

- **Hire two part-time investigators to re-open and examine cold cases.**
- **Provide Cold Case training to current and new investigators.**
- **Identify all violent cold cases that do not have a named suspect in a homicide or sexual assault.**
- **Research laboratory records in such cases for potential probative evidence that may contain DNA.**
- **Outsource lab work to a local private lab in order to prioritize cold cases and relieve the burden on the Crime Lab and further enable the processing of current cases.**
- **Examine DNA laboratory files for cases that have had prior DNA analysis and determine the value of retesting with STR analysis.**
- **Conduct complete investigation on assigned cases.**
- **Coordinate with the DA's Office to identify homicide and sexual assault cases that might lead to prosecution and judicial conclusion in the event DNA testing leads to a match.**

**APPENDIX 1 – LIST OF KEY PERSONNEL**

**List of Key Personnel:**

Inspector Joseph Toomey

Inspector Edward Wynkoop

Inspector John Cleary

Inspector Holly Pera

Inspector Rod Nakanishi

## **APPENDIX 2 – RESUMES OF KEY PERSONNEL**

**Inspector Joseph Toomey** is a 38-year veteran of the San Francisco Police Department. He was assigned to the Patrol Division as an Officer from 1972 to 1980. In 1980, he was promoted to Inspector, where he served with the General Work Detail from 1980 to 1996, and then to the Homicide Detail from 1996 to the present. While assigned to the General Work Detail, Inspector Toomey handled over 4,500 cases of serious aggravated assaults, shootings, kidnappings and domestic violence. While currently assigned to the Homicide Detail, Inspector Toomey has investigated and over 300 homicide cases, which include On-Call Homicide cases, Officer Involved Shooting cases, In-Custody death cases, Suspicious Death cases, and, for the last two years, Cold Cases. Inspector Toomey has attended numerous advanced training courses throughout his career as an Inspector, in the field of aggravated assault cases, homicides, officer involved shooting cases, wire-tap training and criminal profiling.

**Inspector Edward Wynkoop** is a 37-year veteran of the San Francisco Police Department. He holds a Bachelor's Degree in Political Science from California State University of San Francisco. He is a POST certified sworn peace officer and is employed as an Inspector with the San Francisco Police Department. Inspector Wynkoop is currently assigned to the Homicide Detail Cold Case Unit. He has been an inspector for the past twenty-two years. Beyond the basic Police Academy, he has extensive training in every aspect of investigations including but not limited to courses in Interview and Interrogation Techniques, Homicide and Violent Crime Investigation course, Officer Involved Shooting course, Search Warrant and Arrest Course, and a Crime Scene Investigation and Reconstruction course.

Inspector Wynkoop has investigated hundreds of cases involving crimes against persons and over one hundred and sixty death investigations during his tenure in the Homicide Detail.

**Inspector John Cleary** is a 30-year veteran of the San Francisco Police Department. He has been an Inspector for over 20 years. Inspector Cleary has extensive experience as an investigator in the Narcotics Unit, Vice Crimes Division, Juvenile Division, Fraud Detail and Burglary Detail. He has supervised numerous specialized units within the San Francisco Police Department Bureau of Inspectors. Inspector Cleary has been assigned to the Homicide Detail for the last six years and has been involved in over sixty homicide investigations. He has extensive training in all aspects of investigations including but not limited to Interview and Interrogation, DNA Evidence and Cold Case investigations.

**Inspector Holly Pera** has been with the San Francisco Police Department since 1980, and was assigned to the Patrol Division as an Officer and a Sergeant, and then to the Inspector's Bureau from 1986 to the present, where she was assigned to the Juvenile Division from 1986 to 1998, and then to the Homicide Detail from 1998 to the present. While assigned to the Juvenile Detail, Inspector Pera investigated over 4,000 cases of child abuse, sexual assault and serious and aggravated general assault cases. Also while assigned to the Juvenile Detail, Inspector Pera was a member of the Mayor's Security Detail from 1992 to 1996. While currently assigned to the Homicide Detail, Inspector Pera has investigated over 300 homicide cases, which include On-Call Homicide cases, Officer Involved Shooting cases, In-Custody Death cases, Suspicious Death cases and, for the last two years, Cold Cases. Inspector Pera has attended numerous advanced training courses throughout her career as an inspector. Her training has included but is

not limited to courses in the field of child abuse, sexual assault, aggravated assault cases, dignitary protection, homicide, officer involved shooting cases, wire-tap training and criminal profiling.

**Inspector Rod Nakanishi** has been with the San Francisco Police Department since 1980, and was assigned to the Patrol Division as an Officer and assigned to the Specialist Unit (counter sniper teams). In 1986 Rod was promoted to Inspector and Sergeant and assigned to the Fraud Detail, then became an investigator for child physical and sexual abuse cases. In 2000 Rod Kakanishi became a POST certified firearm and rifle instructor, and later became the Department Rangemaster, and was served on the Critical Incident Response Team. In 2008 Rod was assigned to the Sex Crimes Detail; He currently serves on the Cold Case Unit/Sex Crimes Detail and is assigned to Hostage Negotiation Team #3.

### **APPENDIX 3 – BUDGET NARRATIVE**

#### **OUTSOURCE DNA CASES:**

\$3,000 per case x 50 cases = **\$150,000**

The processing and typing of DNA in cases is labor intensive and costly. The San Francisco Police Department's Crime Lab has the capabilities to process a limited number of cases per year. Keeping up with the needs of current investigations along with the increasing expectations and demands of juries the lab is challenged to keep up. The management of this case load is extremely important to the overall effectiveness of the laboratory.

With the addition of Cold Cases to its duties, the laboratory is taxed to its maximum capabilities. The outsourcing of Cold Cases to a nearby accredited laboratory would not only ensure the cases get priority, it would allow the Crime Lab to increase its current capacity and focus on the more recent cases.

#### **HIRE TWO PART-TIME INVESTIGATORS:**

Annual Salary of one part-time Investigator is \$63.77/hr x 960 hours = \$61,221.51

18 month Salary for 2 Investigators = \$61,221.51 x 2 Investigators x 1.5 years = \$183,665

Fringe on 18 month of Project Salaries = \$183,664.53 x (.0765%) = \$14,050

**Total for 2 Inspectors for 18 months = \$197,715**

The investigators will be retired police officers with investigative experience and background in homicide and/or sexual assault cases. The investigators will review and screen inactive homicide and sex crimes cases to determine if there is potential DNA that is probative to the furtherance of the investigation. Their investigations will include but are not limited to meetings with Crime



Lab personnel, handling of evidence, procuring search and arrest warrants, locating of witnesses, suspects and the follow-up interviews and interrogation. The investigators will also review cases with the District Attorney's Office and see each case to its investigative limits or judicial resolution.

One investigator will also administer the grant and track activity of the Cold Case Unit investigators to ensure goals and objectives are met. Both investigators will not be eligible for overtime.

**TRAINING:**

Total for 4 persons = \$9,800

Tuition: \$2,300 per person x 4 = \$9,200

Food: \$30 per day x 5 = \$150 x 4 students = \$600

Travel: (no cost when class is held in Monterey and using department vehicle)

Each investigator will attend the Post certified Cold Case Investigation Course. This course is designed for the experienced peace officer who investigates homicide and violent crimes and who are willing to take on unsolved cases. Upon completion of the course students will be able to decide on possible courses of action which may move a case from an inactive status to an active investigation and possible resolution.

The course outline includes investigative procedures, methodology in cold case homicides, behavioral aspects of homicide investigations, crime scene interpretation, forensic pathology, forensic prosecution preparation, forensic sciences and optional resources.

The course is a POST Plan IV course. Under this plan only the cost for the lodging is reimbursed by POST. The cost of tuition, travel and a per-diem for food is non-reimbursable.

**TRAVEL:**

Estimate: \$20,000

Within the State (air fare, room and board for one night) \$600 per person

Within the Continental U.S. (air fare, room and board) \$1,200 per person

Cold Cases can range from one to forty years and everything in between. On occasion, victims, witnesses and family members of victims in these cases have relocated to other parts of the state and even the country. Suspects have also relocated or are incarcerated on another case and serving prison terms in other states.

In order to conduct a thorough investigation of the case, these individuals have to be re-interviewed and in some cases interrogated. Reference DNA samples must be collected and tested. Travel may be required to complete these tasks.

**COMPUTERS:**

Two (2) Lap Top Computers:

2x \$2,000 per computer = \$4,000

The two part-time inspectors added to the Cold Case Unit will each need one lap top computer. This equipment would be used daily to process information, write search and arrest warrants, search databases and communicate via email outside and within the Police Department.

**OVERTIME FOR INVESTIGATIONS:**

Overtime Rate for top step Inspector \$95.66 per hour + fringe (.0145%) = \$97.04

\$97.04 x 30 hours per month x 18 months = \$52,402

The Cold Case Unit will be staffed with five full time Inspectors who will be paid from the SFPD general fund. They will review inactive cases, view evidence to determine the presence of possible probative DNA, examine crime scene photographs, coordinate with Crime Lab personnel, meet with members of the District Attorney's Office, interview witnesses and interrogate suspects. The inspectors will investigate a case to its natural conclusion or a judicial resolution.

Most investigations will be conducted during on-duty hours (police department funded).

However, there may be instances that arise that require the investigators to conduct a portion of an investigation after the on-duty hours have been exhausted. These hours will be worked on an overtime basis and be funded by the grant. The unit's Lieutenant will monitor the need for working overtime and make that determination on a case by case basis. The Lieutenant will have the responsibility to ensure the overtime expenditure is kept within budget.

**PROJECT BUDGET:**

- Outsource to Private Lab – \$150,000
- Two Part-Time Investigators for 18 months – \$197,715
- Training for 4 persons – \$9,800
- Travel – \$20,000
- Two Lap Top Computers – \$4,000
- Overtime for Investigations – \$52,402
- **TOTAL PROJECT – \$433,917**

## **APPENDIX 4 – CHART FOR TIMELINE AND MILESTONES**

### **September 2010 – January 2011**

- Hire two former inspectors on a part-time basis dedicated to cold cases
- Begin review of the two thousand unsolved violent crime cases
- Locate, separate and organize case files
- Review previous testing results
- Prioritize cases
- Personnel attend the POST Certified Cold Case Investigations Course
- Submit evidence to the lab(s) for testing

### **February 2011 – August 2011**

- Anticipate completion and results from initial submittals
- Active Investigations
- Continue to submit evidence from additional cases to lab(s) for testing
- Evaluate results and expenditures
- Conduct follow-up investigations
- Review cases with Office of the District Attorney for charging

### **September 2011 – March 2012**

- Anticipate completion and results from previous submittals
- Active investigations
- Continue to submit evidence from additional cases to lab(s) for testing
- Evaluate results and expenditures

**APPENDIX 5 – LIST OF PREVIOUS AND CURRENT NIJ AWARDS**

<b>Grant or Program Name</b>	<b>Funder</b>	<b>Grant No.</b>
2008 DNA Efficiency Grant (Forensic Management System - DNA Module)	DOJ	2006-92888-CA-DA
Coverdell Forensic Science Improvement	DOJ	2008-91588-CA-DN
Coverdell Forensic Science Improvement	DOJ	2005-91999-CA-DN
Coverdell Forensic Science Improvement	DOJ	2004-91517-CA-DN
Coverdell Forensic Science Improvement	DOJ	2003-90807-CA-IJ
DNA Backlog Reduction Program	DOJ	2007-92290-CA-DN
DNA Backlog Reduction Program	DOJ	2007-92291-CA-DN
DNA Backlog Reduction Program	DOJ	2006-93448-CA-DN
DNA Backlog Reduction Program	DOJ	2005-93455-CA-DN
DNA Capacity Enhancement	DOJ	2006-92888-CA-DA
DNA Capacity Enhancement	DOJ	2005-93448-CA-DN
DNA Capacity Enhancement	DOJ	2004-91538-CA-DN

Note: Eleven of the twelve awards shown above ranged from \$8,000 - \$110,000; However, the first award shown on the list was larger (\$1 million)

**APPENDIX 6 – LIST OF OTHER AGENCIES TO WHICH YOU HAVE SUBMITTED THIS PROPOSAL**

*This proposal has not been submitted to any other agencies, organizations, or funding sources.*