



Agenda Report

20-559

Agenda Date: 6/23/2020

REPORT TO COUNCIL

SUBJECT

Action on a Memorandum of Understanding with the County of Santa Clara Crime Laboratory for Major Case Work [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

BACKGROUND

Since the early 1980's, each law enforcement agency within Santa Clara County entered into separate agreements with Santa Clara County District Attorney's Crime Laboratory (Crime Laboratory) to conduct examinations of forensic evidence. The forensic examinations have included controlled substance analysis, firearms/tool marks, forensic biology, forensic toxicology, latent print processing, questioned documents, trace evidence, digital and multi-media evidence (e.g. computer forensics, audio and video analysis) and crime scene analysis (including bloodstain pattern analysis and footwear/tire impression evidence).

In 1995, the method of billing changed to minimize the impact of a sudden spike in major cases and to allow agencies to accurately budget for crime laboratory services. The new method calculated a five-year average of cases submitted to create a percentage of use compared to each agency in the county. This percentage of use is utilized to calculate the annual cost for each agency.

The last Memorandum of Understanding (MOU) between the County of Santa Clara and the City for major case work expired on January 1, 2020.

DISCUSSION

The Santa Clara County District Attorney's Crime Laboratory is a nationally accredited forensic laboratory servicing all criminal justice agencies within Santa Clara County.

The Crime Laboratory provides an integral service to support the investigation and prosecution of crimes that include, but are not limited to, homicide, sexual assault, crimes against children, other violent crime and property crime. In addition to completing forensic examinations, the Crime Laboratory interprets and analyzes results, provides expert testimony and manages reports pertaining to proficiency testing, audits, certifications, inspections and performance in compliance with state and federal standards.

The MOU does not include costs related to the analysis of drunk driving samples, narcotic samples, or samples from individuals arrested under the influence of a drug.

Billing Process

Each calendar year, the total cost of all major cases throughout the county is calculated. This cost includes personnel salaries and benefits, supplies, equipment, maintenance, etc. associated with

providing services to non-County law enforcement agencies. This calculation does not include the cost of working toxicology and controlled substance cases, or the cost of working major cases for county entities.

Then, based on the total number of major cases submitted to the Crime Laboratory, a percentage is calculated to determine how much to bill each City. Per the MOU, the Crime Laboratory agrees to recover approximately 55% of its' costs (based on actual costs for the prior year) for these services and each City is billed for the dollar amount calculated one year prior. At the same time, each City is provided with an amount to budget for the upcoming fiscal year.

In Fiscal Year (FY) 2018/2019, the actual cost to operate the Crime Laboratory was \$9,098,400 and 2,007 total cases were submitted; 1,528 of these cases were submitted by law enforcement agencies in Santa Clara County. Our Department submitted 5.2% of the total use, and the billing calculates to 50.5% of the Crime Laboratory's actual costs.

As a result, in January 2020, the City received a bill from the Crime Laboratory in the amount of \$191,084 for services in FY 2018/2019. This amount was based on the average number of submissions from 2014 - 2018.

A summary of major case submittals and amount paid to the Crime Laboratory is below:

Crime Laboratory Cost by Year	Number of Major Case Submittals	Percentage of Total Cases Submitted	Amount Paid
2014	85	6.8%	\$240,384
2015	60	5.1%	\$267,924
2016	75	5.7%	\$241,821
2017	87	5.8%	\$245,802
2018	61	3.9%	\$222,165
2019	80	5.2%	\$191,084

The Police Department's FY 2019/2020 invoice is anticipated in January 2021 and, per the County's estimate based on our agency's submittals over the past four years, should not exceed \$190,102. The proposed MOU is for ten years, through 2030. A not to exceed amount cannot be identified due to the unique billing process.

For reference, this is the only Crime Laboratory in Santa Clara County, therefore the Police Department does not have another local alternative for examination of forensic evidence.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There are sufficient funds in the Police Department's operating budget to cover the billing in FY 2019/20 for the FY 2018/19 services totaling \$191,084 and the projected cost of \$190,102 in FY 2020/2021 for services provided in FY 2019/20. Future adjustments in costs will be incorporated into the next two-year budget cycle.

COORDINATION

This report is coordinated with the Finance Department and City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

RECOMMENDATION

Approve the Memorandum of Understanding with the County of Santa Clara Crime Laboratory for Major Case Work.

Reviewed by: Patrick Nikolai, Chief of Police

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Memorandum of Understanding with the County of Santa Clara Crime Laboratory for Major Case Work