

REPORT TO COUNCIL

SUBJECT

Approve a Memorandum of Understanding with Santa Clara County for Crime Laboratory Services Related to Department of Public Safety Major Cases

BACKGROUND

For more than four decades, the Department of Public Safety (DPS) has partnered with the Santa Clara County District Attorney's Crime Laboratory for the processing of physical evidence. The services provided by the County Crime Laboratory are essential to the successful investigation and subsequent prosecution of criminal cases.

In 1982, DPS joined a county-wide partnership under an informal agreement to equitably share the costs of the County Crime Laboratory with other law enforcement agencies in Santa Clara County. All law enforcement agencies in the county operate under the same informal agreement. The cost sharing model was re-evaluated in 1995, and police chiefs and the crime lab jointly agreed upon and adopted a billing model based on a five-year average of cases submitted, rather than a per-case basis, to stabilize costs for agencies that experience drastic shifts in case load from year to year.

Staff believes the current cost sharing arrangement is equitable and in the best interest of the City and other participating agencies. On December 31, 2019, the Memorandum of Understanding (MOU) with the County of Santa Clara expired. Staff is requesting approval of a new MOU (Attachment 1), which commences on January 1, 2020 and will be in effect for ten years, expiring on December 31, 2029.

EXISTING POLICY

Goal SN-3 Safe and Secure City: Ensure a safe and secure environment for people and property in the community by providing effective Public Safety Response and prevention and education services.

Policy SN-3.3: Provide investigative services directed toward successful prosecution and conviction of criminal offenders.

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)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

DISCUSSION

The District Attorney's County Crime Laboratory is not a contract provider of forensic services to local law enforcement agencies; it operates as a partner with local law enforcement agencies in the

investigations of crime. The Crime Laboratory provides evidence processing and analysis when requested by user agencies and recovers the associated costs from those users.

Annual billing is calculated based on the total cost of Major Cases for the calendar year, and the County Crime Laboratory has agreed to recover approximately 55% of its costs. Each agency is billed based on the percentage of cases they submitted to the crime lab over the previous five years. The MOU contains a condition that the City's cost in any given year, compared to the prior year, shall not increase by more than 3%.

All major cases submitted by DPS to the Crime Laboratory are evaluated and approved by a DPS supervisor prior to submission, to ensure that the cases submitted warrant Crime Laboratory assistance. The cost sharing model and five-year average billing process create efficiencies that result in a lower cost to the City.

The existing arrangement has proven beneficial to all participating agencies. Staff supports the approval of an additional ten-year MOU and recommends that the City continue to utilize the County Crime Laboratory for processing of evidence.

FISCAL IMPACT

The cost of Crime Lab services is currently budgeted in the Department of Public Safety Operating Budget in Program 477. The FY 2019/20 budget for this service is \$177,620. Costs for the past four years are as follows:

FY2014/15	\$168,156.00
FY2015/16	\$181,120.00
FY2016/17	\$154,216.00
FY2017/18	\$153,455.00
FY2018/19	\$173,290.00
Average:	\$166,047.00

Based on the above, there is no anticipated fiscal impact resulting from this MOU to the department's budget plan.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

Authorize the City Manager to execute a Memorandum of Understanding between the City of Sunnyvale and Santa Clara County for services provided by Santa Clara County Crime Laboratory related to Department of Public Safety Major Cases, for a term of ten years commencing January 1, 2020.

Prepared by: Elaine Ketell, Senior Management Analyst
Reviewed by: Hyun (Jim) Choi, Deputy Chief, Special Operations
Reviewed by: Phan S. Ngo, Director, Department of Public Safety
Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Memorandum of Understanding with Santa Clara County for Crime Laboratory Services
Related to Department of Public Safety Major Cases