



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: CEO
Department No.: 012
For Agenda Of: October 10, 2017
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Mona Miyasato, County Executive Officer
Director
Contact Info: Jeff Frapwell, Budget Director

SUBJECT: City of Lompoc Reimbursement Request from DNA Identification Fund

County Counsel Concurrence

As to form: Yes

Other Concurrences: N/A

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- A. Authorize the County Treasurer-Tax Collector to issue a reimbursement to the City of Lompoc, using the County's DNA Identification Fund, in an amount not to exceed \$21,000, for the purchase of equipment to process, dry, and store evidence related to DNA, an appropriate use as specified in California Government Code 76104.6(b)(3); and
- B. Determine that the above actions are organizational and administrative activities of government that are not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the CEQA Guidelines.

Summary Text:

On July 24, 2017, the City of Lompoc submitted a request (Attachment A) for \$20,688 from the DNA Identification Fund, to use towards the purchase of DNA storage equipment. The City's current equipment is inadequate for these purposes, and subsequent to their July request, one of their storage freezers broke down, necessitating emergency repairs and putting DNA samples at risk. Cal. Gov. Code 76104.6(b)(3) allows the DNA Identification Fund to be used "To reimburse local sheriff, police, district attorney, and regional state crime laboratories for expenditures and administrative costs made or incurred in connection with the processing, analysis, tracking, **and storage** of DNA crime scene samples...." A group consisting of representatives from the County's CEO, Auditor-Controller, Treasurer-Tax Collector, Sheriff, and District Attorney Departments met to review the request and

unanimously agreed that it is an appropriate use of the DNA Identification Fund, as specified by State law.

During the course of this review, it became clear that a more formalized procedure for processing outside agency requests to utilize the DNA Identification Fund needs to be established. The CEO's Office will draft a recommended policy and bring it back to the Board at a later date.

Background:

In 2004, California voters passed Proposition 69, the DNA Fingerprint, Unsolved Crime and Innocence Protection Act (the Act). The Act levied an additional penalty of one dollar (\$1) for every ten dollars (\$10), or part of ten dollars (\$10), in each county upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses involving a violation of the Vehicle Code. Twenty-five percent (25%) of the funds collected are to be credited to the State DNA Identification Fund. Cal. Gov. Code § 76104.6(b)(2)(C). The remaining funds are to reimburse the "local sheriff, police, district attorney, and regional and state crime reporting laboratories for expenditures and administrative costs made or incurred in connection with the processing, tracking, and storage of DNA crime scene samples." Cal. Gov. Code § 76104.6(b)(3).

In 2011, AB 434 (Logue), was passed, and provided, in part, that if authorized by a resolution of the Board, and after all required distributions, a local sheriff or police department, or the district attorney's office, may use funds remaining in the County's DNA Identification Fund, either independently or in combination with remaining funds from another county, "to provide supplemental funding to a qualified local or regional state forensic laboratory for expenditures and administrative costs made or incurred in connection with the processing, analysis, and comparison of DNA crime scene samples and forensic identification samples, and testimony related to that analysis." Cal. Gov. Code § 76104.6(b)(3)(D)(i). Second District Supervisor Janet Wolf brought such a resolution, which was unanimously adopted, to the Board on December 15, 2015.

Fiscal Impacts:

As of the end of FY 2016-17, there was \$888,774 in Fund 1515, the DNA Identification Fund. Revenue into the fund has averaged \$240,000 per year in the past 10 years. Distributions from the fund have averaged \$155,000 per year over the same period, and are typically allocated toward: the State for their required portion; the Courts to defray the administrative costs of collecting the fees, and; the Sheriff and Probation Departments, for collecting, analyzing, and storing DNA samples. This has led to an average net income of around \$85,000 per year in the past 10 years.

The Lompoc request totals \$20,688, and consists of:

- Evidence drying cabinet - \$13,000
- 72 cubic foot commercial freezer - \$3,200
- 72 cubic foot commercial refrigerator - \$3,000
- Sales tax - \$1,488

Available funds are more than adequate to cover this request for reimbursement of one-time costs.

Attachments:

Attachment A – City of Lompoc Request

Authored by:

Paul Clementi, Principal Fiscal & Policy Analyst