



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
93721-2198

## Legislation Details (With Text)

**File #:** 19-0102

**On agenda:** 3/12/2019

**Final action:** 3/12/2019

**Enactment date:**

**Enactment #:** Agreement No. 19-110, Resolution No. 19-077,  
Resolution No. 19-078

**Title:** Retroactively authorize the Sheriff's previous submittal of an Untested Sexual Assault Evidence Grant Application to the California Department of Justice (DOJ), Bureau of Forensic Services, to compile the number of untested sexual assault evidence kits maintained in evidence; approve resolution authorizing the Chairman to execute a retroactive Memorandum of Understanding (MOU) with the California DOJ, for the Untested Sexual Assault Evidence Grant for the period of January 1, 2019 through July 1, 2019 (\$24,331); and adopt Budget Resolution increasing FY 2018-19 appropriations and estimated revenues for the Sheriff's Org 3111 in the amount of \$24,331 (4/5 vote)

**Attachments:** 1. Agenda Item, 2. Agreement A-19-110 with California DOJ, 3. Resolution No. 19-077, 4. Resolution No. 19-078

Date	Ver.	Action By	Action	Result
3/12/2019	1	Board of Supervisors	Approved (Consent Agenda)	Pass

**DATE:** March 12, 2019

**TO:** Board of Supervisors

**SUBMITTED BY:** Margaret Mims, Sheriff-Coroner-Public Administrator

**SUBJECT:** Retroactive Grant Application/Award for Untested Sexual Assault Evidence Grant Program

### RECOMMENDED ACTION(S):

- 1. Retroactively authorize the Sheriff's previous submittal of an Untested Sexual Assault Evidence Grant Application to the California Department of Justice (DOJ), Bureau of Forensic Services, to compile the number of untested sexual assault evidence kits maintained in evidence;**
- 2. Approve resolution authorizing the Chairman to execute a retroactive Memorandum of Understanding (MOU) with the California DOJ, for the Untested Sexual Assault Evidence Grant for the period of January 1, 2019 through July 1, 2019 (\$24,331); and**
- 3. Adopt Budget Resolution increasing FY 2018-19 appropriations and estimated revenues for the Sheriff's Org 3111 in the amount of \$24,331 (4/5 vote).**

There is no increase in Net County Cost associated with the recommended actions. The grant application was executed and submitted on December 12, 2018 to meet the State of California's DOJ requirements, contingent on your Board's approval. The California DOJ, Bureau of Forensic Services has awarded this grant statewide to assist county and city agencies in compiling the number of untested sexual assault evidence kits statewide. The Sheriff's Office will use the grant funds to research each individual case number in which a victim's sexual assault kit is maintained as evidence. Due to operational needs, much of the work to complete this task will be conducted on overtime so as not to interfere with the Department's ability to handle new cases. This item is countywide.

### ALTERNATIVE ACTION(S):

There is no viable alternative action. Assembly Bill 3118 (Chapter 950, Statutes of 2018) requires an audit of

all untested sexual assault evidence kits in their possession, no later than July 1, 2019. Failure to approve the recommended actions will impact the Department's ability to meet this requirement.

RETROACTIVE AGREEMENT:

The California DOJ's request for grant applications was published on November 6, 2018 with a filing deadline of December 14, 2018. In order to meet the filing deadline, the application was previously submitted to the California DOJ on December 12, 2018 contingent on your Board's approval. On January 14, 2019, the Sheriff's Office was notified by the California DOJ of the grant award and the application is being brought to your Board on the first available Board date.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The Sheriff's Office was allocated \$24,331 in grant funding for FY 2018-19. There is no match requirement for receipt of the funds. Approval of the third recommended action will increase the FY 2018-19 appropriations and estimated revenues in the Sheriff-Coroner-Public Administrator's Org 3111 in the amount of \$24,331.

DISCUSSION:

On November 6, 2018 the Office of the Attorney General/State of California forwarded the application to the Sheriff's Office to apply for funding to help determine the number of untested sexual assault evidence kits in the Department's possession. In addition to the application, a bulletin was also included that provided a summary of recently enacted Assembly Bill 3118, which requires every law enforcement agency, medical facility, crime laboratory, and other facilities, as specified in the statute, to conduct an audit of all untested sexual assault evidence kits in their possession, no later than July 1, 2019. The grant application was submitted December 12, 2018 to the State of California DOJ to meet the application deadline, contingent on your Board's approval. On January 14, 2019, the Sheriff's Office was notified the grant application for funds was approved for funding in the amount of \$24,331 effective from January 1, 2019 to July 1, 2019.

The provision of funding will allow the Sheriff's Office to count the number of untested victim sexual assault evidence kits dating back from the 1940's through September of 2018. Grant monies will be used to fund an Identification Technician with a Reserve Deputy Sheriff full-time for a period of three weeks to conduct the physical count and audit of all sexual assault kits maintained in evidence. In addition, a Deputy Sheriff and Identification Technician will research on overtime each individual case number in which a victim sexual assault kit is maintained as evidence.

The MOU contains indemnification language that is not the County's standard indemnification language. The MOU also requires the COUNTY to take responsibility for all liability resulting from the County's activities related to the Grant. Given the value and the nature of the Grant, the Sheriff recommends accepting the MOU as written.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - MOU with California Department of Justice  
On file with Clerk - Resolution  
On file with Clerk - Resolution (Org 3111)

CAO ANALYST:

Jeannie Z. Figueroa