



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

County Manager's Office

**DATE:** July 25, 2003

**BOARD MEETING DATE:** August 5, 2003

**TO:** Honorable Board of Supervisors  
**FROM:** John L. Maltbie, County Manager  
**SUBJECT:** Proposed Responses to the 2002-2003 Grand Jury Report

**I.**

Accept this response to the 2002-2003 Grand Jury report and recommendations concerning the Handling of Forensic Evidence

**II.**

The 2002-2003 Grand Jury issued a report on the Handling of Forensic Evidence on May 13, 2003. The County is mandated to respond to the Grand Jury within 90 days from the date that reports are filed with the County Clerk and Elected Officials are mandated to respond within 60 days. Responses by the Sheriff and the District Attorney have previously been forwarded to the Grand Jury. Copies of their responses, as well as the proposed County response, are attached.

This response to the Grand Jury's findings and recommendations keeps the commitment of responsive, effective and collaborative government through goal number 20: Government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain.

## Handling Forensic Evidence

### **Recommendation 5.21:**

**With input from the Management Oversight Board and support of the Sheriff, the Crime Lab should immediately develop and submit a five-year Strategic Plan to the Board of Supervisors that delineates milestones necessary to establish the San Mateo County Forensic Laboratory as an organization with budget autonomy and reporting to the Board of Supervisors by June 2008. The lab would remain accountable to the Management Oversight Board for quality of service, operational effectiveness, staff and funding level recommendations.**

**Response:** Disagree. The San Mateo County Forensic Laboratory will benefit from input and direction from a newly created Oversight Board comprised of the Sheriff, District Attorney, County Manager and representatives from the Police Chiefs Association and City Managers Group; however the administration of the Lab is the responsibility of the Sheriff. Such administration ensures accountability while increased involvement by key stakeholders and customers will improve service quality. The Board of Supervisors annually reviews and approves the Crime Lab budget as a unit of the Sheriff's Office.

**Assign a lab employee fully aware of all current functions of the Crime Lab to perform a new self-audit designed to document actions necessary to bring the standards of the lab to the required level. Analysis of the deficiencies and corrective action steps should be documented with a determination of funds necessary to accomplish the requirements approved by the Board of Supervisors.**

**Response:** Concur. The new Quality Control Manager will perform this function in conjunction with the Laboratory Manager. Recommendations on funding are made to the Board of Supervisors as a part of the annual budget process through the Sheriff's Office budget.

### **Recommendation 5.41:**

**In order to fulfill its obligation to ensure county officers faithfully perform their duties, the Board of Supervisors and the County Manager must furnish the funds and staff levels necessary to perform those duties, and should immediately:**

- 5.41.1 Authorize and fund the Sheriff's Office budget to accommodate a Laboratory Administrative Director**
- 5.41.2 Develop an ongoing budget evaluation process that independently funds the Crime Lab to the level necessary to maintain equipment, services, systems, and staff levels required to attain and retain accreditation**

**Response:** A Quality Control Manager has been added to the Crime Lab in the FY 2003-04 Recommended Budget which will address the need for quality control accountability as identified in the Grand Jury's report. The Crime Lab budget is determined by the Sheriff's Office with input from the Oversight Board and is approved by the Board of Supervisors. Accreditation of the Lab is a priority; however, adjustments in equipment, services, systems and staff levels must be made within established budget targets and cost recovery structure.

**The County Board of Supervisors should authorize a plan to charge for Crime Lab services only when the Crime Lab is an accredited and independent entity fully staffed to meet client requirements. Input from the Management Oversight Board should be used to establish funding levels that drive the fees for services performed. The fee implementation timeline should consider budget development cycles of the lab and its clients. All users of Crime Lab services, regardless of their affiliation with the county general budget, should be required to pay the scheduled fees.**

**Response:** Disagree. The Board of Supervisors has approved a resolution authorizing the Sheriff to negotiate with the cities to establish a fee schedule. An Oversight Board was created to finalize an agreeable fee schedule and to provide ongoing input and oversight to the Crime Lab's operations. Under the plan adopted by the Oversight Board, fees will commence in January 2004. Crime Lab users fees are essential to correcting deficiencies in the current system and will provide a more stable source of ongoing funding for the lab.

**Recommendation 5.43:**

**Once the Crime Lab has DNA STR testing capability, the Board of Supervisors and the County Manager should reduce the District Attorney's Office budget by approximately \$50,000 per year; and increase the Sheriff's budget by approximately \$50,000 per year, until such time as the lab imposes fees for services on all users. The Sheriff should assign this budget increase specifically to the Crime Lab budget.**

**Response:** Concur. The cost of providing DNA STR testing will be included in the Crime Lab budget and removed from the District Attorney's Office budget when outsourcing for the tests is no longer necessary.

**Recommendation 5.44:**

**The Sheriff's Office and the County Manager should restructure the Crime Lab's existing budget so it is afforded greater procedural autonomy in relation to the other budgetary sections within the Sheriff's Office.**

**Response:** Disagree. It is the opinion of the Sheriff, shared by the County Manager, that the existing budget structure adequately captures revenues and costs associated with Crime Lab operations.

**Recommendation 5.45:**

**The Crime Lab budget should address annual recurring capital requirements for equipment, instruments, and systems.**

**Response:** The Laboratory Manager and Sheriff's Director of Fiscal Services are working on this recommendation. See Sheriff's response #27.

**Recommendation 5.46:**

**If analysis discloses that outsourcing of work or particular tasks is more cost-effective (as discussed in the Laboratory Operations section of this report), the Crime Lab budget should accommodate such ongoing outsourcing.**

**Response:** Concur. The Sheriff's Office will continue to review types of analysis that are performed infrequently to determine when outsourcing is appropriate and more cost effective.

**Recommendation 5.80:**

**In accordance with the commitment made to the OCJP, the Board of Supervisors should immediately authorize and fund the addition of a second Property Officer to assist with the submission of evidence and control of the evidence room of the Crime Lab in order to meet the standard of quality control required for accreditation.**

**Response:** Concur. This position was added to the Crime Lab staff in the FY 2003-04 Recommended Budget.