



R. SCOTT OWENS
DISTRICT ATTORNEY

PLACER COUNTY DISTRICT ATTORNEY

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TO: Honorable Board of Supervisors
FROM: R. Scott Owens, District Attorney
DATE: August 26, 2014
SUBJECT: Approve the Amended Agreement between the Placer County District Attorney's Office and the California Department of Justice

ACTION REQUESTED

Approve the amended Agreement with the California Department of Justice for forensic alcohol testing, toxicological drug and solid dosage analysis, and reimbursement of a criminalist for the period of July 1, 2012 through June 30, 2015 in the amount of \$513,514, and authorize the District Attorney, upon review and approval by Risk Management and County Counsel, to execute documents required.

BACKGROUND

On August 24, 2010, your Board of Supervisors approved the initial Memorandum of Understanding (MOU) between the District Attorney's office and the California Department of Justice. The District Attorney has now renegotiated this MOU and two related agreements with the DOJ to provide forensic alcohol testing services, toxicological drug analysis services and analysis of solid dosage drug samples. This agreement also covers the cost of one criminalist to provide these services. This agreement has been utilized by the District Attorney's office for the past four years, since FY 2010-11.

Drug and alcohol testing services are a necessary element utilized by the District Attorney in order to determine if a suspect was under the influence of a controlled substance. The chemical testing done in order to determine a suspect's blood alcohol can be accomplished by either an evidential breath tester (EBT), a chemical test of the suspect's blood, or both. The EBTs must be calibrated and maintained on a regular basis in order to utilize the breath test results in court. Chemical testing of a suspect's blood is done in certain cases to determine whether a DUI suspect was impaired by a substance other than alcohol. The testing regarding drug-induced impairment is referred to as toxicological drug analysis, or toxicology.

This amendment is for an extension through June 30, 2015. This extension will allow DOJ to continue the scope and services specified. The terms and conditions of the existing MOU shall remain in effect until June 30, 2015.

FISCAL IMPACT

These funds were budgeted for FY 2012-13 in the amount of \$144,858, for FY 2013-14 in the amount of \$188,078, as well as \$180,578 for the FY 2014-15 Proposed Budget, for a total cost of \$513,514. No additional General Fund contributions are necessary.

MEMORANDUM OF UNDERSTANDING AMENDMENT 3

BETWEEN THE

COUNTY OF PLACER

PLACER COUNTY DISTRICT ATTORNEY'S OFFICE

And

**STATE OF CALIFORNIA THROUGH THE, DEPARTMENT OF JUSTICE
(BUREAU OF FORENSIC SERVICES)**

FOR ANALYSIS OF SOLID DOSAGE DRUG SAMPLES

Larry J. Wallace, Director
California Department of Justice
Division of Law Enforcement

R. Scott Owens, District Attorney
Placer County District Attorney's Office

David Harper, Assistant Director
California Department of Justice
Division of Administrative Support

John Yoshida, Chief
California Department of Justice
Bureau of Forensic Services

This third amendment to the Memorandum of Understanding (MOU) for the analysis of solid dosage drug samples between the State of California, through the California Department of Justice (DOJ), Bureau of Forensic Services, and the County of Placer shall entered into on the first day of July 2014.

This third amendment is for a time extension through June 30, 2015, from the first amendment of July 1, 2012 through June 30, 2013. The first amendment continued the original annual cost of a Criminalist Range C as \$109,152.00 ($\$109,152/12=\$9,096$ per month). This dollar amount is sufficient to cover the reimbursement of the third amendment as well. This extension will allow DOJ to continue the scope and services previously specified. The terms and conditions of the original MOU, other than the new dates, shall remain in effect until June 30, 2015.

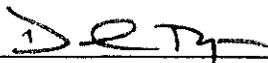
In witness whereof, the parties hereto have executed this MOU AMENDMENT on the day and year first hereinabove written.

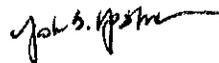
COUNTY OF PLACER

STATE OF CALIFORNIA,
DEPARTMENT OF JUSTICE

By: _____
R. Scott Owens, District Attorney
Placer County District Attorney's office

By:  _____
Larry J. Wallace, Director 7/8/14
California Department of Justice
Division of Law Enforcement

By:  _____
David Harper, Assistant Director
California Department of Justice
Division of Administrative Support

By:  _____
John Yoshida, Chief
California Department of Justice
Bureau of Forensic Services

Approved as to form:

By: _____
Gerald Carden, County Counsel
County of Placer

Addresses:

Placer County District Attorney's Office
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CA DOJ (Sacramento Laboratory)
Attn: Kurtis Smith, Director
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Sacramento, CA. 95820
Phone: 916 227 3777

