

AGENDA



Recommendation for Council Action

Austin City Council		Item ID	69042	Agenda Number	15.
Meeting Date:	3/23/2017			Department:	Management Services
Subject					
Authorize execution of an interlocal agreement with Travis County that commits the City and the County to each procure the services of identified professionals who will address criminal justice-related issues arising from the closing of the Austin Police Department lab that processed DNA evidence; and that commits the City and the County to share the costs of these two professional services contract equally, in an amount not to exceed \$1,919,024. Related to Item(s): 16, 17, 45					
Amount and Source of Funding					
Funding in the amount of \$353,406 is currently available in the Fiscal Year 2016-2017 Operating Budget of the Austin Police Department. Funding for the remaining 12 months of the original contract period is contingent upon available funding in future budgets.					
Fiscal Note					
A fiscal note is not required.					
Purchasing Language:					
Prior Council Action:					
For More Information:	Rey Arellano, Assistant City Manager, (512) 974-2222				
Council Committee, Boards and Commission Action:					
MBE / WBE:					
Related Items:	Contract with Van Daal Consulting, Agenda Item 69043, March 23, 2017.				

Additional Backup Information

This interlocal agreement defines obligations and responsibilities of the City of Austin and Travis County regarding two professional service agreements (PSAs) to address and rectify criminal justice-related issues arising from the closure of the Austin Police Department's DNA lab.

Under PSA One, the City will be responsible for contracting with an expert consultant to address recommendations presented in the Texas Forensic Science Commission's (TFSC) audit report and evaluate the impact of the findings to DNA evidence in Travis County criminal cases. The consultant will also research and identify options and best practices for appropriate DNA lab testing services going forward. Staff is requesting authorization to negotiate and execute this PSA via a separate Request for Council Action in an amount not to exceed \$850,000.00. Should the City Council and the Travis County Commissioners Court approve the interlocal agreement, the County would pay for half of the costs incurred for hiring the consultant for these purposes.

Under PSA Two, the County will be responsible for contracting with the Capital Area Private Defenders Service

(CAPDS) to review DNA evidence processed by the APD DNA lab and used to secure convictions in Travis County courts for legal materiality. This legal review is necessary because some criminal cases that relied upon DNA analysis performed by the APD lab are impacted by the Audit Report findings. CAPDS will also provide litigation services to defendants who were convicted of a crime based on DNA evidence deemed material to the case and processed by the APD DNA lab. Should the City Council and the Travis County Commissioners Court approve the interlocal agreement, the City would pay for half of the costs incurred for hiring CAPDS for these purposes.

For FY2017, the anticipated expense under this interlocal agreement is \$706,812 (PSA One is \$285,000; PSA Two is \$421,812). This City's allocation under the proposed interlocal agreement is \$353,406. APD received \$1,419,000 in the FY2016-2017 Operating Budget to provide funding to fully staff the APD DNA laboratory. The breakdown of that \$1,419,000 included \$827,530 in salary funding for 8 employees and \$591,470 in commodity funding for DNA equipment and supplies. Due to the closure of APD's DNA laboratory, those 8 employees were not hired, and the equipment funds have not been spent. APD intends to use \$353,406 of the \$1,419,000 to fund the City's portion of this agreement.

The primary goal of this agreement is to address the TFSC audit recommendations; provide prospective recommendations for the provision of DNA analysis services for the Austin community in the future; and provide an avenue for defendants to rectify convictions in which DNA evidence may have been improperly tested.