



## Recommendation for Action

**File #: 22-2906, Agenda Item #: 22.**

**9/15/2022**

### **Posting Language**

Authorize negotiation and execution of an interlocal agreement with Travis County relating to services arising from the closing of the Austin Police Department lab that processed DNA evidence, in an amount not to exceed \$2,200,000.

### **Lead Department**

Forensic Science.

### **Fiscal Note**

Funding in the amount of \$555,000 is available in the Fiscal Year 2022-2023 Operating Budget of the Forensic Science Department. This amount covers the City's share of costs for the initial 12-month term of the agreement. Funding for the remaining contract period is contingent upon available funding in future budgets.

### **Prior Council Action:**

March 23, 2017 - Council authorized execution of an interlocal agreement with Travis County to procure professional services relating to the APD DNA lab closure and share costs on a 9-0 vote with Council Members Casar and Garza off the dais.

### **For More Information:**

Dana Kadavy, Director, Forensic Science.

### **Additional Backup Information:**

This interlocal agreement documents the obligations and responsibilities of the County and City regarding funding a professional services agreement (PSA) with the Capital Area Private Defenders (CAPDS) Forensic Project and temporary staff from the Travis County Juvenile Public Defender's Office (JPDO) to address and rectify the criminal justice-related issues arising from the closing of the Austin Police Department (APD) Lab that processed DNA evidence. Under this interlocal agreement, the City and County agree to equally share costs for CAPDS and JPDO to conduct legal materiality reviews of the DNA evidence used in past convictions and to litigate cases where a person may have been wrongfully convicted. This interlocal agreement continues funding this work, which was started after the City and County entered the original 2017 interlocal agreement. That 2017 agreement expires on September 30, 2022.

The performance of CAPDS Forensic Project's services and the JPDO's work continue to be necessary to ensure that all past convictions based on evidence analyzed in the former APD DNA Unit are valid or will be rectified, and it is necessary to continue funding the work required to achieve justice for the community and persons involved in the criminal legal system. This interlocal agreement serves the best interest of the community and demonstrates that the City and County have a mutual interest in sharing the costs to ensure that justice is served.

This interlocal agreement has an initial two-year term, with two one-year renewal options, for a total potential four-year term. The total anticipated costs under the agreement are not to exceed \$4,400,000, with the City's share of responsibility not to exceed \$2,200,000.

**Strategic Outcome(s):**

Safety.