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May 24, 2023

BPC #23-091

The Honorable Karen Bass
Mayor, City of Los Angeles
City Hall, Room 303
Los Angeles, CA 90012

The Honorable City Council
City of Los Angeles, Room 395
c/o City Clerk's Office

Dear Honorable Members:

RE: NARCOTICS LABORATORY TRUST FUND EXPENDITURE BUDGET FISCAL YEAR
2023- 2024.

At the regular meeting of the Board of Police Commissioners held Tuesday, May 23, 2023, the Board APPROVED the Department's report relative to the above matter.

Respectfully,

BOARD OF POLICE COMMISSIONERS

A handwritten signature in blue ink that reads "Rebecca Muñoz".

REBECCA MUÑOZ
Commission Executive Assistant

Attachment

c: Chief of Police

INTRADEPARTMENTAL CORRESPONDENCE

[Signature] 5/10/23
RICHARD M. TIFANK DATE
EXECUTIVE DIRECTOR
23-091

May 10, 2023
8.9

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: NARCOTICS ANALYSIS LABORATORY TRUST FUND EXPENDITURE
BUDGET FISCAL YEAR 2023-2024

RECOMMENDED ACTIONS

1. The Board of Police Commissioners (Board) REVIEW and APPROVE the Narcotics Analysis Laboratory Trust Fund (NALTF) expenditure for Budget Fiscal Year (BFY) 2023-2024. The Expenditure Plan total includes funding in the amount of \$85,000 that will be used to pay for 'Toxicology and Narcotics Analysis' of evidence samples for drugs of abuse and continuing 'Training and Travel' for the Forensic Science Division (FSD).
2. The Board TRANSMIT the NALTF Expenditure BFY 2023-2024 to the Mayor and the Los Angeles City Council for approval.
3. The Board AUTHORIZE the City Controller's Office to establish appropriation accounts within Fund 863 Department 70 as follows:

<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
TBD	Toxicology and Narcotics Analyses	\$5,000.00
TBD	Training and Travel	\$80,000.00

4. The Board AUTHORIZE the Los Angeles Police Department (LAPD) to prepare City Controller's instructions for any technical adjustments, subject to the approval of the City Administrative Officer (CAO) and AUTHORIZE and INSTRUCT the City Controller to implement the instructions.
5. AUTHORIZE the Controller to re-appropriate funds from Fund 863/70, Accounts 70T170 and 70V170 to Fund 100/70 (account to be determined) for BFY 2023-24 by an amount not to exceed \$124,000.00.

DISCUSSION

California Health and Safety Code Section 11372.5 (copy attached) provides that a \$50.00 fee shall be collected from every person for each narcotics offense for which they are convicted. The intent of the law is to reimburse law enforcement agencies for costs associated with the chemical analysis of controlled substances and the operation of their criminalistics laboratories.

The City of Los Angeles (City) has established the NALTF to receive, administer and disburse funds that are collected by the courts and forwarded to the City pursuant to this legislation. The City of Los Angeles Administrative Code (copy attached) requires the City Council, subject to the approval of the Mayor, approve the expenditure plan prior to actual disbursement of funds.

The training and testing to be purchased includes the following items:

ANALYSIS AND TRAINING ITEMS	COST
Toxicology and Narcotics analysis for drugs of abuse	\$ 5,000.00
Training & Travel	\$ 80,000.00
TOTAL	\$ 85,000.00

A fact sheet describing these items in detail is attached.

If you have any questions regarding this matter, please have a member of your staff contact Forensic Science Division Commanding Officer Gabriel Gnanapragasam at (323) 415-8100.

Respectfully,



MICHEL R. MOORE
Chief of Police

**BOARD OF
POLICE COMMISSIONERS**
Approved *May 23, 2023*
Secretary *Rebecca Munoz*

Attachments

FACT SHEET

NARCOTICS ANALYSIS LABORATORY TRUST FUND SPENDING BUDGET FISCAL YEAR 2023-2024 REQUEST

May 2023

Background

For the budget fiscal year 2023-2024, Forensic Science Division (FSD) is requesting that Narcotics Analysis Laboratory Trust Fund (NALTF) funds be used for the following:

Toxicology and Narcotics Analyses

The \$5,000.00 is requested to pay for drug testing of both blood and urine samples from the FSD Toxicology Unit (TOX) and solid drug samples from the FSD Narcotics Analysis Unit (NAU), which will be outsourced to an appropriate laboratory.

The FSD TOX Unit continues to develop more test methods, thereby reducing the total number of blood and urine evidence samples processed by outside laboratories. In 2022, NALTF funds paid approximately \$3945 for toxicology analysis, a 62 percent decrease from 2021.

In November 2020, the FSD NAU developed a threshold test method to conclusively differentiate hemp from cannabis. Using instrumentation, the NAU qualitatively identifies cannabis using a 1% threshold. Recognizing the need to differentiate hemp from cannabis, the NAU developed and validated an in-house test method when Senate Bill 153 change the state law, permitting legal cultivation of industrial hemp. This test shows that the plant sample contains either less than or greater than 1% THC and is necessary to help refute potentially false claims of legal “hemp” cultivation. When needed, cases below 1% THC (that contain cannabis and/or hemp) will be outsourced to an accredited laboratory to complete a comprehensive quantitative analysis to determine if the sample contains above 0.3% concentration of tetrahydrocannabinol (THC), the legal definition of cannabis.

An allocation of \$10,000 remains from BFY 2022-2023 under the ‘Toxicology Analysis’ account and is currently being used to pay for analyses by outside laboratories for both the TOX and NAU.

Training and Travel

The \$80,000.00 is requested to fund attendance at courses for the continuing education, training, and development of scientific staff. An allocation of \$20,000.00 from the NALTF in BFY 2022-23 is currently being used to pay for training and travel.

Narcotics Analysis Unit and Toxicology Unit Casework Overtime Fund

No funds are being requested for BFY 23-23 to compensate NAU and TOX employees to complete casework devoted solid drug analysis in the FSD Narcotics Analysis Unit or drug testing of blood and urine samples in the FSD Toxicology Unit.

The FSD plans to re-appropriate the allocation of approximately \$124,000 currently being used to pay for casework overtime in these Units from NALTF BFY 2020-21 and 2021-22 to the current BFY 2023-24 account to track and manage.

NARCOTICS ANALYSIS LABORATORY TRUST FUND EXPENDITURE BFY 23-24

LIST OF TRAINING ATTENDED – JULY 2022 THROUGH FEBRUARY 2023

Courses are required to maintain national laboratory accreditation with the ANSI National Accreditation Board, to be up to date with new methods, procedures and technology, and/or to maintain expertise. The following is a list of courses funded through NALTF for Forensic Science Division staff between July 2022 and February 2023.

COURSES
IABPA 1-Day BPA Conference Online
CCI Firearms Safety (E101)
CACLD FALL 2022 MEETING
SWAFS Annual Conference
21st Annual AFQAM Training Conference
CCI S202-Shooting Incident Reconstruction
2022 Annual IABPA Conference
CAOT Lecture: Forensic Insight on the Mechanisms of Nystagmus
California Association of Toxicologists Semi-Annual Meeting
Forensic Technical Assessor Training

ARTICLE 19

RECEIPT OF ANALYSIS FEES AND ESTABLISHMENT OF THE NARCOTICS ANALYSIS LABORATORY TRUST FUND OF THE POLICE DEPARTMENT

Section

5.115.2 Creation and Administration of Fund.

Sec. 5.115.2. Creation and Administration of Fund.

(a) There is hereby created and established within the Treasury of the City of Los Angeles a special fund known as the “Narcotics Analysis Laboratory Trust Fund of the Police Department”, hereinafter referred to as the “Fund.”

(b) All money received by the Police Department pursuant to Section 11372.5 of the Health and Safety Code shall be deposited in the Fund.

(c) The Treasurer shall deposit in the Fund any interest earned from the deposit or investment of all money received pursuant to Subsection (b) of this section.

(d) No appropriation or expenditure shall be made from the Fund except for the purposes approved by Section 11372.5 of the Health and Safety Code and any equipment acquired thereby or otherwise through said statutory provisions shall be accounted for as required by Section 7.84, 7.85 and 7.88 of this Code.

(e) Appropriations from the Fund shall be approved by a majority vote of the City Council, subject to the approval of the Mayor, or passage by the Council over the Mayor’s veto by a two-thirds vote.

The Fund shall be administered and expenditures therefrom authorized by the Chief of Police.

No expenditure shall be made from the Fund, nor shall the Chief of Police disburse, seek to disburse or permit any monies in said Fund to be disbursed except for purposes that are consistent with Subsection (d) of this section and with a detailed plan for expenditures which has been approved upon a majority vote of the City Council, subject to the approval of the Mayor, or passage by the Council over the Mayor’s veto by a two-thirds vote. The expenditure plan and amendments thereto shall be approved by the Board of Police Commissioners and submitted concurrently to the Public Safety Committee, and to the Budget and Finance Committee of the City Council for their recommendations to the City Council.

The Chief of Police shall concurrently submit to the Board, to the City Controller and to the City Council quarterly, a detailed account showing amounts and general purposes for which Fund money has been disbursed.

(f) Whenever the City Controller or Chief of Police is mentioned herein, the powers and duties conferred may be exercised or performed by a designated subordinate.

**HEALTH AND SAFETY CODE - HSC**

DIVISION 10. UNIFORM CONTROLLED SUBSTANCES ACT [11000 - 11651] (*Division 10 repealed and added by Stats. 1972, Ch. 1407.*)

CHAPTER 6. Offenses and Penalties [11350 - 11392] (*Chapter 6 added by Stats. 1972, Ch. 1407.*)

ARTICLE 4. Miscellaneous Offenses and Provisions [11364 - 11376.5] (*Article 4 added by Stats. 1972, Ch. 1407.*)

11372.5. (a) Every person who is convicted of a violation of Section 11350, 11351, 11351.5, 11352, 11355, 11358, 11359, 11361, 11363, 11364, 11368, 11375, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11382, 11383, 11390, 11391, or 11550 or subdivision (a) or (c) of Section 11357, or subdivision (a) of Section 11360 of this code, or Section 4230 of the Business and Professions Code shall pay a criminal laboratory analysis fee in the amount of fifty dollars (\$50) for each separate offense. The court shall increase the total fine necessary to include this increment.

With respect to those offenses specified in this subdivision for which a fine is not authorized by other provisions of law, the court shall, upon conviction, impose a fine in an amount not to exceed fifty dollars (\$50), which shall constitute the increment prescribed by this section and which shall be in addition to any other penalty prescribed by law.

(b) The county treasurer shall maintain a criminalistics laboratories fund. The sum of fifty dollars (\$50) shall be deposited into the fund for every conviction under Section 11350, 11351, 11351.5, 11352, 11355, 11358, 11359, 11361, 11363, 11364, 11368, 11375, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11382, 11383, 11390, 11391, or 11550, subdivision (a) or (c) of Section 11357, or subdivision (a) of Section 11360 of this code, or Section 4230 of the Business and Professions Code, in addition to fines, forfeitures, and other moneys which are transmitted by the courts to the county treasurer pursuant to Section 11502. The deposits shall be made prior to any transfer pursuant to Section 11502. The county may retain an amount of this money equal to its administrative cost incurred pursuant to this section. Moneys in the criminalistics laboratories fund shall, except as otherwise provided in this section, be used exclusively to fund (1) costs incurred by criminalistics laboratories providing microscopic and chemical analyses for controlled substances, in connection with criminal investigations conducted within both the incorporated or unincorporated portions of the county, (2) the purchase and maintenance of equipment for use by these laboratories in performing the analyses, and (3) for continuing education, training, and scientific development of forensic scientists regularly employed by these laboratories. Moneys in the criminalistics laboratory fund shall be in addition to any allocations pursuant to existing law. As used in this section, "criminalistics laboratory" means a laboratory operated by, or under contract with, a city, county, or other public agency, including a criminalistics laboratory of the Department of Justice, (1) which has not less than one regularly employed forensic scientist engaged in the analysis of solid-dose controlled substances, and (2) which is registered as an analytical laboratory with the Drug Enforcement Administration of the United States Department of Justice for the possession of all scheduled controlled substances. In counties served by criminalistics laboratories of the Department of Justice, amounts deposited in the criminalistics laboratories fund, after deduction of appropriate and reasonable county overhead charges not to exceed 5 percent attributable to the collection thereof, shall be paid by the county treasurer once a month to the Controller for deposit into the state General Fund, and shall be excepted from the expenditure requirements otherwise prescribed by this subdivision.

(c) The county treasurer shall, at the conclusion of each fiscal year, determine the amount of any funds remaining in the special fund established pursuant to this section after expenditures for that fiscal year have been made for the purposes herein specified. The board of supervisors may, by resolution, assign the treasurer's duty to determine the amount of remaining funds to the auditor or another county officer. The county treasurer shall annually distribute those surplus funds in accordance with the allocation scheme for distribution of fines and forfeitures set forth in Section 11502.

(Amended by Stats. 2005, Ch. 158, Sec. 23. Effective January 1, 2006.)