



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Paul Joseph

SUBJECT: See Below

DATE: May 26, 2026

Approved

Date:

6/5/26

COUNCIL DISTRICT: Citywide

SUBJECT: Third Amendment to the Agreement with the Santa Clara Valley Medical Center for the Provision of Sexual Assault Forensic Exam Services for the San José Police Department

RECOMMENDATION

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the Third Amendment to the Agreement with the Santa Clara Valley Medical Center to increase the maximum total compensation by \$1,264,000 for a new not to exceed amount of \$4,505,750 for the remaining option terms, subject to the appropriation of funds.

SUMMARY AND OUTCOME

Approval of this action will enable the City to amend the current agreement for the cost of sexual assault forensic exam services performed by the Santa Clara Valley Medical Center, ensuring sufficient contractual capacity through June 30, 2027.

BACKGROUND

A Sexual Assault Forensic Exam (SAFE) is a medical forensic exam intended to collect and preserve evidence of a sexual assault, a key element of investigations into sexual assaults conducted by the San José Police Department's (Department) Sexual Assault Investigations Unit. On November 5, 2021, the Children, Seniors, and Families Committee (CSFC) of the County of Santa Clara Board of Supervisors held a Special Joint Meeting with the City of San José's Public Safety, Finance and Strategic Support Committee, which included discussion of access, authorization, cost, reimbursement from the California Office of Emergency Services (Cal OES), barriers to access,

mandatory reporting requirements, and recommendations related to removing barriers to accessing SAFEs for survivors. This meeting resulted in protocol changes within the County of Santa Clara and the Department expanding the offering of a SAFE outside the 10-day window. Survivors are not denied a medical evidentiary examination.

As a result of the protocol changes, the volume of SAFEs performed has increased by approximately 220% over five years, or an average of 44% per year. Further, the cost to analyze SAFEs has also increased. In accordance with the fee schedule approved by the Santa Clara County Board of Supervisors, the costs for laboratory services increased by an average of 5% in 2024-2025, and 8% in 2025-2026, and the cost for exams increase by an average of 5% in 2024-2025 and did not increase in 2025-2026. An amendment to the agreement with Santa Clara Valley Medical Center to increase the maximum compensation amount is necessary to accommodate the combination of increased volume and costs of SAFEs.

ANALYSIS

The Third Amendment to the Agreement with Santa Clara Valley Medical Center will update the maximum compensation for the remainder of the Agreement term by \$1,264,000, from \$3,241,750 to \$4,505,750, subject to the appropriation of funds. This increase accommodates the costs of SAFEs through the end of 2025-2026, and the estimated cost in 2026-2027.

Any victim of a sexual assault who seeks a medical evidentiary examination shall be provided with a medical evidentiary examination and shall not be required to participate or to agree to participate in the criminal justice system, either prior to the examination or at any other time. Approval of this action will ensure the cost reimbursement of sexual assault forensic exam services is not delayed as Cal OES will not reimburse exam fees greater than one year of the medical evidentiary examination.

EVALUATION AND FOLLOW-UP

The County of Santa Clara typically announces rate increases in December, so the rate increase, if any, for the second half of 2026-2027 is not known and is therefore not included in the total compensation. Further adjustments to the agreement may be recommended in the future to accommodate this future rate increase.

FISCAL IMPACTS

The Department expects to spend a total of \$1.2 million on SAFEs by June 30, 2026, exceeding the existing budget of \$650,000 that had not been adjusted to accommodate

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the elevated level of SAFE activity and County of Santa Clara fee increases. As a result, a budget action to increase the Police Department's Non-Personal/Equipment appropriation by \$570,000 is included in the Approval of Various Budget Actions for Fiscal Year 2025-2026 memorandum that will be considered by the City Council at their meeting on June 16, 2026. In 2026-2027, the Department may likely need to spend approximately \$1.3 million for SAFEs, which would exceed the \$733,350 budget for 2026-2027. As a result, the Administration will continue to monitor expenses and likely bring forward additional budget adjustments in 2026-2027 and will look to right-size the 2027-2028 Base Budget.

On average, the cost of an individual SAFE performed by Santa Clara Valley Medical Center is approximately \$2,316, including laboratory fees. It is important to note that the City is eligible to have this cost partially reimbursed from Cal OES. California Penal Code §13823.95 directs Cal OES to reimburse law enforcement to offset the cost of conducting medical evidentiary examinations for victims of sexual assault as follows:

- Up to \$911 for victims that are undecided, at the time of an examination, whether to report the assault to law enforcement.
 - Examinations must have occurred on or after October 1, 2020.
- The actual cost of the examination up to \$1,127 for victims that have determined, at the time of the examination, to report the assault to law enforcement, to the extent funds are available.
 - Examinations must have occurred on or after July 1, 2021.

For 2025-2026, through February 28, 2026, the Department has been reimbursed \$275,011 by Cal OES. However, reimbursement of costs can be drawn out and delayed and therefore not consistent with the costs incurred in any one specific fiscal year.

BUDGET REFERENCE

The table below identifies the fund and appropriation to fund the amended contract recommended as part of this memorandum.

Fund #	Appn. #	Appropriation Name	Total Appropriation	Amount for Contract	2025-2026 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
001	0502	Non-Personal / Equipment	\$27,693,657	\$1,218,350*	760	2/10/2026 31308

*Estimated expenditures for 2025-2026.

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COORDINATION

This memorandum was coordinated with the City Attorney's Office and the City Manager's Budget Office.

PUBLIC OUTREACH

This memorandum will be posted on the City Council Agenda website for the June 16, 2026 City Council meeting.

BOARD, COMMISSION, COMMITTEE RECOMMENDATION AND INPUT

No board, commission, or committee recommendation or input is associated with this action.

CEQA

Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

PAUL JOSEPH
Chief of Police

For questions, please contact Jennifer Otani, Division Manager, Police Department, at jennifer.otani@sanjoseca.gov or (408) 537-1625 or Joanna Zywno, Administrative Officer, Police Department, at Joanna.Zywno@sanjoseca.gov or (408) 537-1625.