

RESOLUTION NO. 2019-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA ACCEPTING THE 2018-2019 MONTEREY COUNTY CIVIL GRAND JURY FINAL REPORT – “RAPE KIT PROCESSING IN MONTEREY COUNTY” AND DIRECTING THAT THE RESPONSES BE FORWARDED TO THE HONORABLE, LYDIA M. VILLARREAL, JUDGE OF THE SUPERIOR COURT”

WHEREAS, On June 24, 2019, the City received a copy of the 2018-2019 Monterey County Civil Grand Jury Final Report – “Rape Kit Processing in Monterey County”, and;

WHEREAS, The report requires the City of Marina to respond to Finding Numbers F1-F9; and Recommendation Numbers R2-R6, and;

WHEREAS, staff prepared written responses to the required comments set forth in the 2018-2019 Final Report (“EXHIBIT A”)

WHEREAS, Pursuant to California Penal Code Section 933(c), the City of Marina is required to submit comments on the report to the Honorable, Lydia M. Villarreal, Judge of the Superior Court within ninety (90) days following its transmittal

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina hereby:

1. Accepts responses to the 2018-2019 Monterey County Civil Grand Jury Final Report – “Rape Kit Processing in Monterey County”, (“EXHIBIT A”), and;
2. Direct that the responses be forwarded to the Honorable, Lydia M. Villarreal, Judge of the Superior Court.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular city council meeting duly held on the 7th of August 2019 by the following vote:

AYES, COUNCIL MEMBERS: Berkley, O’Connell, Morton, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: Urrutia

ABSTAIN, COUNCIL MEMBERS: None

ATTEST:

Bruce Delgado, Mayor

Anita Sharp, Deputy City Clerk

City of Marina

Response to Findings & Recommendations

2018-2019 – MONTEREY COUNTY CIVIL GRAND JURY FINAL REPORT - “RAPE KIT PROCESSING IN MONTEREY COUNTY”

The Honorable Lydia M. Villarreal
Presiding Judge of the Superior Court of California
County of Monterey
240 Church Street
Salinas, CA 93901

September 1, 2019

Re: 2018-2019 Monterey County Civil Grand Jury Final Report – “Rape Kit Processing in Monterey County”

Dear Judge Villarreal,

This letter is written in response to the Monterey Civil Grand Jury Final Report - “Rape Kit Processing in Monterey County.” As per the report dated June 24, 2019, this letter shall serve as the response to that report pursuant to Penal Code section 933 and 933.05. The responses contained in this correspondence were approved by the City of Marina City Council at their regular meeting of August 7, 2019.

Before responding to the specific findings and recommendations contained in the report, I would like to assure you that the City of Marina is very invested in ensuring the Marina Police Department provides professional law enforcement services in a contemporary manner. The Marina Police Department acknowledges the importance of investigating every sexual assault report and ensures that sexual assaults are investigated by trained investigators in sexual assault. The Marina Police Department also participates in on-going monthly meetings with other law enforcement agencies and the District Attorney’s Office to discuss and coordinate sexual assault cases.

FINDINGS

Finding 1 – LEAs in Monterey County lacked awareness and provided unclear and inconsistent information as to whether there are any backlogged rape kits.

This was never asked by the Civil Grand Jury of the Marina Police Department during their investigation. The City of Marina disagrees with this finding. The Marina Police Department tracks and is aware of the status of sexual assault rape kits that have been collected in relation to investigations conducted by the Marina Police Department.

Finding 2 – The lack of a centralized place to post information has resulted in a lack of consistency in the way that LEAs manage and track sexual assaults.

The City of Marina disagrees with this finding. The Marina Police Department participates in a monthly meeting with other law enforcement agencies and the District Attorney's Office to coordinate sexual assault investigations. The Marina Police Department is part of the Sexual Assault Response Team (SART) which works with Sexual Assault Nurse Examiners (SANE), during the investigation. Any DNA evidence obtained is submitted to the Rapid DNA Service (RADS). The Marina Police Department also reports the status of sexual assault forensic evidence through the Sexual Assault Forensic Evidence Tracking (SAFE-T) through the California Department of Justice as is required by PC 680.4.

Finding 3 – At the beginning of this investigation, not all the LEAs were prepared to report the Rape Kit status information to the CDOJ as required by PC 680.4.

The City of Marina disagrees with this finding. The Marina Police Department has reported the Rape Kit status information to the CDOJ as required by PC 680.4.

Finding 4 – There is advanced training available for sexual assault investigators, but LEAs are instead relying upon senior investigators to provide “on the job training to other investigators within their respective departments.”

This was never asked by the Civil Grand Jury of Marina Police Department during their investigation. The City of Marina disagrees with this finding. The Marina Police Department sends all detectives to a Sexual Assault Investigator Course when assigned to the Marina Police Department Investigations Division. The one detective and one detective supervisor currently assigned to the Marina Police Department Investigations Division have all completed the California Commission on Peace Officer Standards and Training (POST) Police, Institute of Criminal Investigation (ICI) Sexual Assault Investigator Course.

Finding 5 – Training for advanced skills in the forensics of sexual assault investigations is not prioritized in the budgeting process.

This was never asked by the Civil Grand Jury of Marina Police Department during their investigation. The City of Marina disagrees with this finding. The City of Marina and Marina Police Department ensures that there is funding for all Marina Police Department detectives to attend sexual assault training. This is a priority.

Finding 6 – Some LEAs rely on cross-training less experienced patrol officers to supplement understaffed investigative teams rather than prioritizing the strategic increase of well-trained investigators.

This was never asked by the Civil Grand Jury of Marina Police Department during their investigation. The City of Marina disagrees with this finding. The Marina Police Department places a priority on training detectives in sexual assault investigations as described previously. Additionally, the Marina Police Department has officers that were previously assigned as detectives and attended the sexual assault investigation training who are currently assigned to patrol.

Finding 7 – All jurisdictions can expedite the investigations of rape crimes through access to the RADS processing to facilitate timely resolution of rape cases.

The Marina Police Department has access to and utilizes the RADS processing system.

Finding 8 – Most LEAs in Monterey County have implemented DNA testing protocols established by the CDOJ which have reduced the likelihood of unprocessed DNA evidence.

The Marina Police Department has implemented DNA testing protocols that are in compliance with CDOJ.

Finding 9 – There is no centralized authority coordinating all LEAs in Monterey County regarding collection, processing and reporting of sexual assaults.

The Marina Police Department complies with all state mandates and employs contemporary best practices to investigate sexual assaults. The Marina Police Department attends monthly meetings with other Monterey County Sexual Assault Investigators including the District Attorney to share information and coordinate any investigations that may be occurring in other jurisdictions.

RECOMMENDATIONS

Recommendation 2 – By January 15, 2020, the governing bodies of all Monterey County LEAs should assign a representative to participate in the DA – led centralized reporting initiative.

As was previously described, the Marina Police Department participates in a monthly meeting with the District Attorney's office regarding sexual assaults. The Marina Police Department will continue to participate with the District Attorney's Office and other law enforcement entities in ensuring crimes are properly investigated and coordinated. However, Marina Police Department follows the protocols for reporting and processing sexual assaults that are established by the "Sexual Assault Victims' DNA Bill of Rights".

Recommendation 3 – By July 1, 2019, every Monterey County LEA should report to the CDOJ the required data outlined in PC 680.4.

The Marina Police Department is in compliance with PC 680.4 and has reported by July 1, 2019 and will continue to report the required data to the CDOJ outlined in PC 680.4.

Recommendation 4 – By July 1, 2019, and annually thereafter, every Monterey County LEA should report to their governing body and the public the required data outlined in PC 680.4.

The Marina Police Department will continue to work with the Marina City Attorney's Office to determine what can publicly be reported however Marina Police Department currently reports the information to the Department of Justice as required by state law.

Recommendation 5 – By July 15, 2020, every Monterey County LEA should develop a funding source, such as grants, for additional expertise training and recertification within the Sexual Assault and Forensic Division.

This recommendation is unnecessary. The California Commission on Peace Officer Standards and Training already reimburses the LEAs for Institute of Criminal Investigation Sexual Assault Investigator Course. However, the Marina Police Department will continue to search for grant opportunities and leverages any successful grant awards with the Marina Police Department operating budget to provide additional training for our detectives and officers.

Smaller agencies, such as Marina Police Department do not have a Sexual Assault and Forensic Division. Marina Police Department maintains an Investigation Division in which the detectives are trained in various crime classifications, to include Sexual Assault and Forensic techniques.

Recommendation 6 – By fiscal year 2020-2021, every Monterey County LEA should add or dedicate certified staff for Sexual Assault Investigations and include that increased cost in their budgets.

This recommendation will not be implemented. As was previously described, all Investigation Division detectives are California POST trained in sexual assault investigations. The Investigation Division detective(s) are assigned sexual assault investigations as they occur.

We hope that this information addresses the Grand Jury's findings and recommendations. Please contact Marina Police Department Chief Tina M. Nieto if you have any questions or require additional information.

Respectfully,

Bruce C. Delgado
Mayor

August 1, 2018

Item No. **8f(4)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of August 7, 2019

RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2019-, ACCEPTING THE 2018-2019 MONTEREY COUNTY CIVIL GRAND JURY FINAL REPORT – “RAPE KIT PROCESSING IN MONTEREY COUNTY AND DIRECTING THAT THE RESPONSES BE FORWARDED TO THE HONORABLE, LYDIA M. VILLARREAL, JUDGE OF THE SUPERIOR COURT

RECOMMENDATION:

It is recommended that the City Council:

1. Consider adopting Resolution No. 2019-, accepting the 2018-2019 Monterey County Civil Grand Jury Final Report – “Rape Kit Processing in Monterey County; and
2. Directing That the Responses Be Forwarded to the Honorable, Lydia M. Villarreal, Judge of The Superior Court.

BACKGROUND:

On June 24, 2019, the City received a copy of the 2018-2019 Monterey County Civil Grand Jury Final Report – “Rape Kit Processing in Monterey County”. The report requires the City of Marina to respond to Finding Numbers F1-F9; and Recommendation Numbers R2-R6.

Pursuant to California Penal Code Section 933(c), the City of Marina is required to submit comments on the report to the Honorable, Lydia M. Villarreal, Judge of the Superior Court within ninety (90) days following its transmittal.

ANALYSIS:

Staff has prepared written responses to the areas of concerns set forth in the 2018-2019 Final Report (“**EXHIBIT A**”).

Draft comments were previously circulated to the City Council. Staff is providing these written responses for City Council consideration in order to allow for appropriate input and any further direction. These responses must be submitted by September 21, 2019.

FISCAL IMPACT:

None

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Layne Long
City Manager
City of Marina