



CITY OF DEL REY OAKS

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The Honorable Stephanie E. Hulse
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 Hulse,

This letter is written in response to the June 24, 2019 Monterey Civil Grand Jury Final Report - “Rape Kit Processing in Monterey County” (Report), and shall serve as the City’s response pursuant to Penal Code sections 933 and 933.05. The responses contained in this correspondence were approved by the City of Del Rey Oaks City Council at their regular meeting of August 27, 2019.

The City of Del Rey Oaks Police Department (the “Department”) understands its responsibility in investigating sexual assault reports in a professional and timely manner. The mission statement of the Department explicitly lists professional law enforcement and dedicated community service among its priorities. As you may be aware, the Department recently merged with the Monterey Regional Airport Police Department in an effort to improve efficiencies, and to provide higher quality services to the City and the Airport. As a result of the merger, the Department’s training budget for specialized investigations, such as sexual assault investigations, nearly tripled.

The Department has also initiated a Patrol Detective Program that strives to provide a level of investigative training to its investigators similar to those that larger agencies with full-time investigative staff are able to provide to their personnel. This includes training in the area of sexual assault investigation. The Department also participates in on-going and regular meetings with other law enforcement agencies and the District Attorney’s Office to discuss and coordinate sexual assault cases.

The City’s comments follow in the order that they were presented in the Report. The Report’s findings and recommendations are displayed in **bold** type. It should be noted that no in-person discussion of these laws, processes, or the Department’s procedures regarding sexual assault investigation or reporting took place between the Grand Jury and the City of Del Rey Oaks. Also, no officials from the Department were interviewed for this report.

Please note, for all of the following responses, the City of Del Rey Oaks can, of course, only provide information as it regards the City and the Department. The City cannot respond on behalf of other Monterey County Local Enforcement Agencies (LEAs) mentioned in the Report.

FINDINGS

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

DISAGREE WHOLLY. The Department tracks and is aware of the status of sexual assault rape kits that have been collected in relation to investigations conducted by the Department. Due to Del Rey Oaks' low crime rate, and extremely low rate of sexual assault incidents requiring the collection of these kits, the Department does not have a backlog of such kits, and the kits are well managed.

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.

DISAGREE WHOLLY. The Department participates in regular meetings with other law enforcement agencies and the District Attorney's Office to coordinate sexual assault investigations as necessary. The Department is part of the Sexual Assault Response Team (SART), which works with Sexual Assault Nurse Examiners (SANE), during investigations. Any DNA evidence obtained is submitted to the Rapid DNA Service (RADS). The Department also reports the status of sexual assault forensic evidence through the Sexual Assault Forensic Evidence Tracking (SAFE-T) program through the California Department of Justice (CDOJ), as is required by Penal Code section 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.

DISAGREE WHOLLY. The Department has reported Rape Kit status information to the CDOJ as required by Penal Code section 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."

DISAGREE WHOLLY. The Department is one of the smallest Police Departments on the California Central Coast. All Department personnel are assigned to patrol duties, except for the Chief of Police. The Department has no dedicated investigative staff, as department size and case load does not justify such a position. The Department has, however, initiated a Patrol Detective Program, in which selected officers are trained by the California Commission on Peace Officer Standards and Training (POST) and the Institute of Criminal Investigation (ICI), in courses for specialized investigations, including a sexual assault investigation course. When a sexual assault does occur, these specially trained officers are removed from patrol duties and are allowed to devote themselves full time to investigation of the assault. These officers are the primary investigators for sexual assault crimes in the City.

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

DISAGREE PARTIALLY. With the recent consolidation of the Monterey Regional Airport Police

Department and the Department, one of the priorities identified for the new combined department has been training. The Department *has nearly tripled its training budget* over the last two years to ensure critical patrol and investigation training is being provided to staff. This includes ICI sexual assault investigations training for the Department's Patrol Detectives.

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.

DISAGREE PARTIALLY. The Department does not have the resources or case load to justify full-time investigators. It does, however, utilize a Patrol Detective Program that places a priority on training detectives in sexual assault investigations as previously described. Additionally, the Department has officers and sergeants that were previously assigned as detectives in other large urban California police agencies, including a 20-year Los Angeles Police Department supervisory gang-homicide detective. These personnel (as well as other selected officers) are highly experienced, well trained, have been through ICI courses, and have attended, or will be attending, sexual assault investigation training as described above.

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

AGREE. The 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.

AGREE. The Department has implemented DNA testing protocols that are in compliance with CDOJ guidelines.

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

DISAGREE WHOLLY. The Department complies with all state mandates and employs contemporary best practices to investigate sexual assaults. The Department attends regular 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 as is necessary.

RECOMMENDATIONS

Recommendation 1 does not apply to this agency.

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.

The Department will assign a representative to participate in the District Attorney led centralized reporting initiative upon its creation by the District Attorney's Office. (As previously described, the Department already participates in regular meetings with the District Attorney's office regarding sexual assaults. And will continue to do so going forward.

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

This recommendation has been implemented. Prior to July 1, 2019, the Department report to the CDOJ the required data outlined in Penal Code section 680.4. Additionally, the Department will continue to report such data to the CDOJ going forward.

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.

This recommendation has already been partially implemented. The Department will work with the Del Rey Oaks City Attorney's Office to determine what can publicly be reported and will report items related to Penal Code section 680.4 on the Department's webpage on an annual basis.

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.

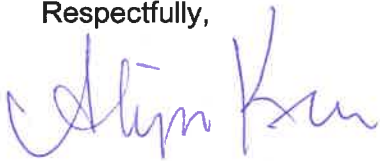
This recommendation has already been implemented. The Department continually researches grant opportunities, and leverages successful grant awards with the Departments operating budget.

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 has already been implemented. As previously described, the Department has highly experienced investigative staff and has or will be sending all investigators through ICI courses, to include California POST approved sexual assault investigations training.

We hope that this information addresses the Grand Jury's findings and recommendations. Please contact Del Rey Oaks Chief of Police Jeffrey J. Hoyne should you have any questions or require additional information.

Respectfully,



Alison Kerr
Mayor