

City of Carmel-by-the-Sea

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The Honorable Stephanie E. Hulseley Judge,
Superior Court of California County of Monterey
240 Church Street
Salinas, CA 93901

September 11, 2019

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

Dear Judge Hulseley,

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 Carmel-by-the-Sea City Council at their regular meeting of September 10, 2019.

On behalf of the City of Carmel-by-the-Sea City Council, I would like to assure you that the City of Carmel-by-the-Sea is committed to providing the highest level of service to its community. This includes the services provided by the Carmel Police Department in all incidents. The Carmel Police Department acknowledges the importance of investigating every sexual assault report and ensures that sexual assaults are investigated by trained sexual assault investigators. The Carmel 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.

Our comments follow in the order that they were presented in the report. The actual report language is displayed in **bold** type for readability.

FINDINGS

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

The City of Carmel-by-the-Sea partially disagrees with the finding. We cannot speak to the practices of other agencies. However, The Carmel Police Department (CPD) tracks and is aware of the status of sexual assault rape kits that have been collected in relation to investigations conducted by the CPD.

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 Carmel-by-the-Sea partially disagrees with the finding. We cannot speak to the practices of other agencies. The Carmel Police Department (CPD) participates in monthly meetings with other law enforcement agencies and the District Attorney's Office to coordinate sexual assault investigations. The CPD 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 CPD 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 Carmel-by-the-Sea partially disagrees with the finding. We cannot speak to the practices of other agencies. The Carmel Police Department does report their Rape Kit status information to 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.”

The City of Carmel-by-the-Sea disagrees with this finding. While we cannot speak to the practices of other agencies, the Carmel Police Department (CPD) sends all detectives to a Sexual Assault Investigator Course when assigned to the CPD Investigations Division. The detective currently assigned to the CPD Investigations Division has 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.

The City of Carmel-by-the-Sea disagrees with this finding. The City of Carmel-by-the-Sea and CPD ensures that there is funding for all CPD detectives to attend sexual assault training. This is a priority for the CPD.

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.

The City of Carmel-by-the-Sea partially disagrees with the finding. We cannot speak to the practices of other agencies. The Carmel Police Department (CPD) places a priority on training detectives in sexual assault investigations as described in Finding #4.

Additionally, the CPD has officers that were previously assigned as detectives, who attended the sexual assault investigation training, and 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 City of Carmel-by-the-Sea agrees with this finding. The Carmel 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 City of Carmel-by-the-Sea agrees with this finding. The Carmel 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 City of Carmel-by-the-Sea partially disagrees with this finding. The Carmel Police Department (CPD) complies with all state mandates and employs contemporary best practices to investigate sexual assaults. The CPD 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.

This recommendation has been implemented by the City of Carmel-by-the-Sea. As was previously described, the Carmel Police Department (CPD) participates in a monthly meeting with the District Attorney's office regarding sexual assaults. The CPD will continue to participate with the District Attorney's Office and other law enforcement entities in ensuring crimes are properly investigated and coordinated.

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 by the City of Carmel-by-the-Sea. The Carmel Police Department (CPD) reported required data to CDOJ 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.

This recommendation has been implemented by the City of Carmel-by-the-Sea. The Carmel Police Department reports to their governing body and the public items related to PC 680.4, and the Carmel Police Department (CPD) will work with the Carmel-by-the-Sea City Attorney's Office to determine what can publicly be reported upon any request.

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.

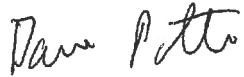
This recommendation has been implemented by the City of Carmel-by-the-Sea. The Carmel Police Department (CPD) consistently searches for grant opportunities and leverages any successful grant awards with the CPD operating budget.

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 been implemented by the City of Carmel-by-the-Sea. As was previously described, all Carmel Police Detectives are California POST trained in sexual assault investigations. All sexual assault investigation are handled by our detectives.

We hope that this information addresses the Grand Jury's findings and recommendations. Please contact Carmel Police Chief Paul Tomasi @ ptomasi@ci.carmel.ca.us or (831) 624-6403 if you have any questions or require additional information.

Respectfully,

A handwritten signature in cursive script, appearing to read "Dave Potter".

Dave Potter Mayor

A handwritten signature in cursive script, appearing to read "Chip Rerig".

Chip Rerig
City Administrator