



MONTEREY COUNTY, CALIFORNIA
SHERIFF'S OFFICE
Keeping the peace since 1850

STEVE BERNAL
Sheriff-Coroner

August 15, 2019

Honorable Stephanie E. Hulseley
Judge of the Superior Court
240 Church Street
Salinas, CA 93901

Dear Judge Hulseley,

Please accept the following response to the 2018-19 Civil Grand Jury Report related to "Rape Kit Processing in Monterey County." The Grand jury findings and recommendations refer generically to Law Enforcement Agencies (LEAs) in Monterey County. The following responses will be exclusive to the Monterey County Sheriff's Office.

F1) LEAs in Monterey County lacked awareness and provided unclear and inconsistent information as to whether there are any backlogged Rape Kits.

The Sheriff disagrees wholly with this finding. The Sheriff's Office does not have ANY backlogged rape kits.

F2) 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 Sheriff's Office disagrees wholly with this finding. The Sheriff follows the "Sexual Assault Victims' DNA Bill of Rights" codified in penal code section 680. "The Sheriff's Office also follows penal code section 680.3. In all cases involving the collection of sexual assault kit evidence our Forensic Services Division creates an information profile for the kit in the Department of Justice's SAFE-T (Sexual Assault Forensic Evidence Tracking) database."

F3) 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 Sheriff's Office agrees with this finding.

F4) 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 Sheriff's Office disagrees wholly with this finding. California Penal Code Section 13516 requires sexual assault investigators to attend specialized training within 6 months of assignment. The Sheriff's investigation division sends sexual assault investigators to this training in accordance with state law.

F5) Training for advanced skills in the forensics of sexual assault investigations is not prioritized in the budgeting process.

The Sheriff's Office disagrees wholly with this finding. The Sheriff's Office budgeting process is utilized for investigatory training for detectives and crime scene investigators. Sexual assault kits are collected by medical professionals during sexual assault exams conducted at area hospitals.

F6) 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 Sheriff's Office disagrees partially with this finding. The Sheriff does not rely on less trained patrol deputies to serve as the primary investigators on sexual assault cases. Investigators with specialized training are always available to consult, assist, or take the lead on sexual assault cases when needed. Sexual assault cases are often complex and time consuming. Patrol Deputies must be available for emergency response calls and have to rely on investigators to spend the requisite time for these cases. The Sheriff's Office agrees there needs to be a strategic increase in investigations personnel. However, the Sheriff must balance the need for investigators with a more pressing need to increase minimum staffing levels for patrol deputies.

F7) All jurisdictions can expedite the investigations of rape crimes through access to the RADS processing to facilitate timely resolution of rape cases.

The Sheriff's Office agrees and already previously implemented this finding in accordance with state law.

F8) Most LEAs in Monterey County have implemented DNA testing protocols established by the CDOJ which have reduced the likelihood of unprocessed DNA evidence.

The Sheriff's Office agrees and already previously implemented this finding in accordance with state law.

F9) There is no centralized authority coordinating all LEAs in Monterey County regarding collection, processing and reporting of sexual assaults.

The Sheriff's Office disagrees wholly with this finding. Protocols for reporting and processing sexual assaults are established by the "Sexual Assault Victims' DNA Bill of Rights" codified in penal code section 680.

RECOMMENDATIONS

R2) 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 Sheriff's Office will not implement this recommendation. Protocols for reporting and processing sexual assaults are established by the "Sexual Assault Victims' DNA Bill of Rights" codified in penal code section 680.

R3) By July 1, 2019, every Monterey County LEA should report to the CDOJ the required data outlined in PC 680.4.

The Sheriff's Office has already implemented this recommendation

R4) 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 recommendation will not be implemented as this information is reported to the department of justice as required by state law.

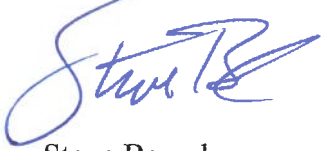
R5) By January 15, 2020, every Monterey County LEA should develop a funding source, such as grants, for additional expertise training and recertification within the Sexual Assault and Forensic Division.

This recommendation will not be implemented as it is unnecessary. The California Commission on Peace Officer Standards and Training already reimburses the county for sexual assault investigation training.

R6) 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.

The Sheriff agrees with this recommendation but can only make a department budget request for any additional positions. The Board of Supervisors is ultimately responsible for allocating funds for any ongoing or new programs. The Sheriff's Office currently has full-time Sexual Assault Investigators assigned.

Respectfully,



Steve Bernal
Sheriff-Coroner