

# RAPE KIT PROCESSING IN MONTEREY COUNTY

## SUMMARY

Reports of sexual assault forensic evidence, “rape kits”, being backlogged, untested, and destroyed nationwide have been reported by news networks and have sparked ongoing media coverage throughout the United States. A rape kit is a package of items used by medical personnel for gathering and preserving physical evidence following an allegation of sexual assault. It generally includes a checklist, materials, and instructions, along with envelopes and containers to package any specimens collected during a forensic medical exam.<sup>1</sup>

These media reports allege that there are thousands of untested rape kits in the hands of Law Enforcement Agencies (LEAs) nationwide. If true, this jeopardizes public safety and potentially circumvents victims’ rights. As a result of the media exposure, LEAs have submitted thousands of rape kits for DNA testing and caused LEAs to reconsider how this evidence is processed and maintained.

The Monterey County Civil Grand Jury (MCCGJ) investigated how this critical forensic evidence is safeguarded and maintained to assure the protection of the rights of sexual assault victims. The focus of the investigation was to understand the process for rape kit processing and determine if LEAs in Monterey County have a backlog of untested rape kits.

The MCCGJ found that:

- LEAs in Monterey County lacked awareness and provided unclear and inconsistent information as to whether there are any backlogged rape kits.
- Most LEAs in Monterey County have implemented DNA testing protocols established by the California Department of Justice (CDOJ) which have reduced the likelihood of unprocessed DNA evidence. The Rapid DNA Service, or RADS, was instituted in Monterey County in 2016 and is facilitated through a Sexual Assault Response Team (SART).
- The data keeping related to these cases within and across the County LEAs is not unified and coordinated.

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<sup>1</sup> <https://www.rainn.org/articles/rape-kit>

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- Staffing resources for investigators within LEAs are inadequate for the workload.
- Recently enacted California law requires LEAs and other organizations handling DNA evidence to report the status of rape kits to the CDOJ by July 1, 2019; and it is unclear if County LEAs are prepared to meet these requirements.

The MCCGJ recommends that each LEA:

- should develop an interagency method to track sexual assault occurrences via a centralized database to post information to facilitate investigations.
- should develop systems to track ongoing rape kit evidence to ensure effective management of cases and simplified reporting.
- should augment their personnel resources on detective unit teams.
- should develop a program to obtain funds for advanced forensic expertise training and recertification within the Sexual Assault and Forensic Division.
- should provide an informational report to the LEAs' governing bodies and the public to include the data sent to the CDOJ fulfilling the new requirements set forth in the California Penal Code.

## GLOSSARY

CHOMP - Community Hospital of the Monterey Peninsula is a nonprofit healthcare provider with 248 licensed hospital beds and 28 skilled nursing beds.

CDOJ - California Department of Justice is a department in the State of California under the leadership of the California Attorney General. It includes three divisions, Legal Services, Law Enforcement and administration. The Attorney General is the State's chief law officer.<sup>2</sup>

CODIS - Combined DNA Index System (CODIS) is the United States national DNA database created and maintained by the Federal Bureau of Investigation.

DNA - Deoxyribonucleic acid, the molecule that contains the genetic code of organisms. DNA is found in almost every part of the body including skin, saliva, and live hair follicles.

LEA - Law Enforcement Agency. There are 18 unique LEAs in Monterey County.

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<sup>2</sup> <https://oag.ca.gov/careers/aboutus>

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MCCGJ - Monterey County Civil Grand Jury.

NMC - Natividad Medical Center is a 172-bed acute-care teaching hospital located in Salinas, California. The hospital is owned and operated by Monterey County and the hospital's emergency department receives approximately 52,000 visits per year.

RADS - Rapid DNA Service. In 2011, the RADS team, part of the California Attorney General's Bureau of Forensic Services, introduced new technology that dramatically increased the speed with which sexual assault kits can be tested. The program uses automation to reduce the time it takes to process DNA samples.

Rape Kit - A rape kit is a package of items used by medical personnel for gathering and preserving physical evidence following an allegation of sexual assault. It generally includes a checklist, materials, and instructions, along with envelopes and containers to package any specimens collected during the exam.

SAFE-T - Sexual Assault Forensic Evidence Tracking is a California State database in the CDOJ for tracking rape kit status.

SANE – Sexual Assault Nurse Examiner, a registered nurse who has completed additional education and training to provide comprehensive care to survivors of sexual assault.

SART – Sexual Assault Response Team – A multidisciplinary team, comprised of medical, social work, and law enforcement personnel who respond together to address sexual assault. This team promotes the implementation of a coordinated, multidisciplinary, and victim-centered first response to victims of sexual assault.

### **BACKGROUND**

The nationwide media reports of Rape Kit destruction, Rape Kit backlogs, and poorly conducted forensic investigations claiming this to be a systemic problem prompted the MCCGJ to investigate this issue in Monterey County. The inappropriate handling of evidence in these critical criminal cases has impacted victims of sexual assault and public safety in general.

Sexual assault and rape are not rare events in the United States. The Center for Disease Control notes that 1 in 5 women and 1 in 38 men have experienced an

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attempted or completed rape in their lifetimes.<sup>3</sup> The National Center for Victims of Crime provides detailed information about the demographics of the victims of these crimes.<sup>4</sup>

Over the past four years, Monterey County and its constituent LEAs have investigated approximately 150 rape related crimes a year. Over the past 10 years, the frequency of rape crimes has steadily increased. (See Appendix A.)

In 2014, the District Attorney of Manhattan championed a nationwide initiative to test thousands of backlogged Rape Kits<sup>5</sup>. Thirty-eight million dollars were awarded over a period of 3 years to 36 jurisdictions in 20 states. California was one of the recipients of these grant funds.

In 2015, the California State Attorney General applied for and received a grant of \$1.6 million to increase the efficiencies of DNA analysis at the CDOJ laboratories<sup>6</sup>. The grant from the District Attorney of Manhattan's grant program was used to improve and enhance California's RADS program previously implemented by the CDOJ in 2011. Monterey County implemented these protocols in 2016.

In California, several laws have been passed to address the backlog of unprocessed evidence in rape cases. (See Appendix B for a listing of these laws.) These laws have incrementally built protections for victims into the law.

The passage of California Assembly Bill AB 3118 (September 2018) and the resulting changes to the law, are critical to the timing of this report. California Penal Code Section 680.4 (see below) now requires all relevant agencies and facilities to audit the Rape Kit evidence in their possession and report information regarding the status of their Rape Kit backlog to the CDOJ by July 1, 2019<sup>7</sup>.

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<sup>3</sup> <https://www.cdc.gov/violenceprevention/sexualviolence/fastfact.html>

<sup>4</sup> [http://victimsofcrime.org/docs/default-source/ncvrw2015/2015ncvrw\\_stats\\_sexualviolence.pdf?sfvrsn=2](http://victimsofcrime.org/docs/default-source/ncvrw2015/2015ncvrw_stats_sexualviolence.pdf?sfvrsn=2)

<sup>5</sup> <https://www.manhattanda.org/our-work/signature-projects/ending-the-rape-kit-backlog/>

<sup>6</sup> <https://oag.ca.gov/news/press-releases/california-attorney-general's-office-awarded-16-million-grant-test-sexual>

<sup>7</sup> [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB3118](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB3118)

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It reads:

“(a) Each law enforcement agency, medical facility, crime laboratory, and any other facility that receives, maintains, stores, or preserves sexual assault evidence kits shall conduct an audit of all untested sexual assault kits in their possession and shall, no later than July 1, 2019, submit a report to the Department of Justice containing the following information:

(1) The total number of untested sexual assault kits in their possession.

(2) For each kit, the following information:

(A) Whether or not the assault was reported to a law enforcement agency.

(B) For kits other than those described in subparagraph (C), the following data, as applicable:

(i) The date the kit was collected.

(ii) The date the kit was picked up by a law enforcement agency, for each law enforcement agency that has taken custody of the kit.

(iii) The date the kit was delivered to a crime laboratory.

(iv) The reason the kit has not been tested, if applicable.

(C) For kits where the victim has chosen not to pursue prosecution at the time of the audit, only the number of kits.

(b) The Department of Justice shall, by no later than July 1, 2020, prepare and submit a report to the Legislature summarizing the information received pursuant to subdivision (a).

(c) The report required by subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

(d) Pursuant to Section 10231.5 of the Government Code, this section is repealed on July 1, 2024.”

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In December of 2018 and again in March of 2019, the California Attorney General released a formal notice of a State grant funding opportunity for local law enforcement agencies to provide funding to support local jurisdictions' readiness to comply with this new law.<sup>8</sup>

### **APPROACH**

The MCCGJ reviewed evidence kit processing procedures, the method of tracking and storing evidence, and the size of the processing backlog that exists across jurisdictions within Monterey County.

The MCCGJ conducted numerous interviews to determine how our local agencies have addressed the timely testing of evidence in rape cases. Interviews were held with the California Department of Justice Bureau of Forensic Services, the Monterey County District Attorney's office, senior law enforcement agencies, the SART, the Monterey County Rape Crisis Center and representatives of the Salinas Police Department, and the Monterey County Sheriff's Office.

### **DISCUSSION**

The facts listed below are the result of interviews conducted as a part of the MCCGJ investigation process, unless noted otherwise by footnotes.

The nationwide reports of Rape Kits going untested and even destroyed led the MCCGJ to research information regarding untested Rape Kits within the Monterey County LEAs.

#### **Evidence Collection and Processing of Rape Kits in Monterey County**

When a rape allegation is filed and reported to authorities, a consistent set of actions is initiated. If the victim consents, the victim is seen at one of two local hospitals where the SART is convened. This team includes a law enforcement officer, the SANE, and a victim's rights advocate. The SART, which serves all county LEAs, is designed to respond immediately to rape allegations. All LEAs have immediate access to the SART

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<sup>8</sup> <https://oag.ca.gov/news/press-releases/attorney-general-becerra-announces-new-grant-application-window-help-cities-and>

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and can activate the team when needed. The team performs its examinations in two medical facilities, the NMC and CHOMP. The SART performs the collection of bodily evidence and creates “Rape Kit”<sup>9</sup>. The SANE also collects a small set of samples that is sent to the CDOJ laboratory in Richmond, California for rapid analysis of the DNA samples (RADS).<sup>10</sup> The RADS testing process has been used since 2016 in Monterey County.

The complete Rape Kit will contain more evidence than that which is sent through the RADS process. Evidence is forwarded via a formal chain of custody to the investigating LEA. From that point, the Rape Kit processing is in the hands of the responsible LEA and is subject to strict evidence handling policies. The investigation and subsequent processing of Rape Kit evidence is done solely within the jurisdiction of the investigating LEA. Not all of these Rape Kits are processed. There are a number of reasons for this. The victim may withdraw the allegation, the case may not be judged to be prosecutable, or the RADS sample may provide confirmation key to prosecution. The possibility that the Rape Kit may be maintained without processing exists. This evidence is retained and destroyed in alignment with sections (e) and (f) of Penal Code 680.<sup>11</sup>

Rape Kit evidence (minus the RADS samples) is held within local jurisdictions’ evidence rooms. Because LEAs are independent entities with independent evidence processes, there is presently no method to ascertain how many Rape Kits remain untested across the County.

Not all rape allegations will have the evidence from a physical SART exam because not all reports of rape are current enough to gather evidence and some victims shower, bathe, etc. following an attack. Some victims choose not to have the SART exam because it is intrusive and potentially traumatizing.

When a victim is able and willing to have the SART exam, a set of RADS samples from that exam is sent to the CDOJ laboratory which processes the samples and has access to the State and National DNA databases for comparison.

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<sup>9</sup> <https://www.rainn.org/articles/rape-kit>

<sup>10</sup> <https://www.fbi.gov/services/laboratory/biometric-analysis/codis/rapid-dna>

<sup>11</sup> [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=680.](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=680)

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Monterey County, and its constituent LEAs, investigate approximately 150 rape related crimes per year. Of these, only a portion receive a SART exam.

The following table shows the number of SART exams by jurisdiction for the past five years, up to November of 2018 when the MCCGJ began its investigation.

**Number of SART Exams by Jurisdiction 2014-2018**

	2014	2015	2016	2017	2018 (Jan- Nov)
Salinas	35	31	41	38	34
MCSO	16	20	13	20	8
Monterey PD	14	14	14	9	9
Greenfield	4	5	0	2	4
Marina	5	3	7	3	2
Seaside	3	8	10	8	6
Soledad	3	2	4	2	2
Gonzales	2	2	0	0	0
CTF Soledad	1	2	0	1	2
SVSP	1	7	5	2	3
Presidio of Monterey PD	1	3	1	2	4
Del Rey Oaks	1	0	0	0	0
King City	1	2	1	5	2
NCIS	1	4	0	0	0
Other counties	0	3	6	0	2
CSUMB	0	2	1	3	7
CID	0	0	0	0	0
Carmel	0	1	0	1	0
CA State Parks	0	0	1	0	0
Pacific Grove	0	0	3	4	3
<b>TOTAL</b>	<b>88</b>	<b>109</b>	<b>107</b>	<b>100</b>	<b>88</b>

RADS was initiated in Monterey County in 2016. Since then there have been approximately 170 RADS packets sent to the CDOJ laboratory for processing. This



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process radically changes the timeline for DNA analysis and has been used as a first-tier approach to perpetrator identification.

If DNA evidence is obtained through the RADS process, further analysis of the Rape Kit evidence may not be processed if it is not critical to the prosecution's case.

### **The Rights of Every Victim**

The effective and efficient processing of Rape Kit evidence promotes the protection of victims' rights. California has made strides to improve these protections through enacting laws, and by targeting funds to make improvements in the evidence processing technologies, e.g. RADS technology at the CDOJ.

In 2017, California created the Sexual Assault Victims DNA Bill of Rights.<sup>12</sup> This provides guidance and direction to law enforcement personnel receiving victim allegations and complaints. It also provides for protective and supportive actions for victims of these crimes.

The Monterey County District Attorney's Office also promotes the rights of victims of crimes and victims of sexual assault.<sup>13</sup>

Monterey County has a well-established process for providing voluntary services for victims of rape through victim advocates. The Monterey County Rape Crisis Center provides immediate response as part of the SART and can provide ongoing counseling and support as requested by the victim. In addition, the County District Attorney maintains the Victims/Witness Program, which provides financial assistance for certain prescribed services.

Monterey County instituted the RADS processes in 2016. From that point forward, the SART examination process included RADS protocols. This protocol consists of the collection of three samples from the victim which are sent directly to the CDOJ laboratory for rapid DNA testing. This protocol has decreased turnaround for these

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<sup>12</sup> [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1312](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1312)

<sup>13</sup> <http://www.co.monterey.ca.us/government/departments-a-h/district-attorney/criminal-prosecution/child-sexual-assault>

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tests to as few as 20 days.<sup>14</sup> The testing of evidence from the full Rape Kit in LEAs' possession occurs at a slower pace. DNA processing turnaround time prior to RADS implementation in California and Monterey is not available. A national study done in Connecticut in 2010 reported an average turnaround time of 152 days.<sup>15</sup> In an article provided to an advocacy group, a CDOJ representative states:

“If we consider the traditional model of having the full kit transported to the law enforcement agency, waiting for a request to be made for analysis, and waiting for the kit to be analyzed in the crime laboratory, it is likely that many of the kits from the approximately 2,000 RADS cases would have taken years to process. Sadly, some would never have been processed.”<sup>16</sup>

### Rape Kit Related Information Management

The MCCGJ sought to understand the process by which LEAs tracked and managed the status of Rape Kit processing. We learned that not all LEAs use the same information management tools, and that these tools are not designed to produce the type of information that would support ease of access to descriptive trended data about Rape Kit status and disposition. Given the recently passed law requiring the submission of a detailed status of Rape Kit evidence to the CDOJ, we emphasize the lack of this capability at this time. While this is partially explained by the complexity of factors involved in processing LEA held Rape Kits, it also indicated a gap in information management.

There are two databases, one a federal and one a state level database, which centralize access to specific criminal justice data. These are CODIS and SAFE-T. They serve specific purposes described below. They do not provide the coordinated local data management that the MCCGJ expected to find.

- CODIS - Combined DNA Index System. The Federal Bureau of Investigation began development of CODIS as a pilot program in 1990. The program was formalized by the passage of DNA Identification Act of 1994, which established

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<sup>14</sup><http://www.endthebacklog.org/blog/guest-post-california-expands-rapid-dna-analysis-system>

<sup>15</sup> <https://www.cga.ct.gov/2010/rpt/2010-R-0086.htm>

<sup>16</sup> <http://www.endthebacklog.org/blog/guest-post-california-expands-rapid-dna-analysis-system>

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FBI jurisdiction over a DNA database. It is described as blending “forensic science and computer technology into a tool for linking violent crimes”<sup>17</sup>

- SAFE-T- Sexual Assault Forensic Evidence Tracking. A database that enables the State to track the collection and processing of sexual assault evidence kits<sup>18</sup>.

Discussions with various agencies and individuals also pointed to the need for a local centralized system to monitor and investigate sexual assault allegations across jurisdictions. While many LEAs use information management tools, our experience conducting this investigation led us to believe that these systems are not structured to support evidence status tracking across jurisdictions. Local cross jurisdictional evidence tracking could be an important tool for solving these crimes.

At the time of this writing, there are two bills in the California state legislature that support Rape Kit reform. AB 358<sup>19</sup>, which creates a statewide sexual assault evidence tracking system that allows victims to access the status of their Rape Kits, and AB 1496<sup>20</sup>, which establishes an enforceable timeline for LEA submission of Rape Kit samples to a lab for testing.

### **Assuring Adequate Personnel with a High Level of Investigative Expertise**

In order to assure timely and effective investigation of reported rapes, LEAs should be adequately staffed and investigative staff (detectives) should be trained and have the most current knowledge and tools. In our discussion with leaders in two LEA’s we learned that staffing has been limited. A high-ranking LEA official indicated that at one time their office was staffed with 37 investigators and now has approximately 12 investigators, a 67% decrease in qualified investigators.

The MCCGJ also learned that funding for training is constrained by budget limitations. Interviewees noted that training funds are often the last priority in the budgeting process. While sworn law enforcement personnel have a requirement for annual training, this may or may not include training to elevate expertise in the investigation of rape cases.

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<sup>17</sup> <https://www.fbi.gov/services/laboratory/biometric-analysis/codis>

<sup>18</sup> [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB41](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB41)

<sup>19</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB358](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB358)

<sup>20</sup> [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB1496](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1496)

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### **Preparing to Respond to AB 3118 (Penal Code 680.4)**

The MCCGJ approached this investigation expecting to see evidence of local preparation for the reporting requirements set in place by PC 680.4. We found limited awareness of the requirements of this change in law and readiness to provide the data as required to the CDOJ. While the RADS testing protocols facilitate the swift testing of DNA samples to aid investigations, this method is not applicable to all investigations and the remaining Rape Kit evidence may be crucial to the identification of perpetrators and the prosecution of the crime.

What we have interpreted as the lack of local information technology that effectively tracks the details of rape case status contributes to the perception that LEAs are not prepared to report this information. The passage of legislation to create a statewide system could accomplish this critical tracking capacity. The status of this legislation is uncertain and, lacking that, local readiness to account for Rape Kit data is essential to assuring the rights of victims of rape crimes.

### **DESTROYING OR DISPOSING OF EVIDENCE:**

For the past several years, nationwide media reports have focused on the hundreds of thousands of Rape Kits that have gone untested and left in crime lab storage rooms only to be destroyed at a later date. Rape kits are key evidence. Once the evidence is gone, it can never be used to prosecute a suspected rapist or release a wrongfully convicted person.

Causes for disposing of Rape Kits may include:

- Flawed and incomplete investigations
- Lack of LEA specialized training
- Victim refusal
- Victim lack of knowledge regarding their rights
- Victim fear and shame

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Section 680 of the Penal Code relating to evidence provides for the following<sup>21</sup>:

- (e) (1) If the law enforcement agency intends to destroy or dispose of Rape Kit evidence or other crime scene evidence from an unsolved assault case, a victim of a violation of Section 261, 261.5, 262, 286, 288a, or 289 shall be given written notification by the law enforcement agency of their intention.  
  
(2) All law enforcement agencies shall not destroy or dispose of Rape Kit evidence from an unsolved sexual assault case before at least 20 years has passed, or if the victim was under 18 years of age at the time of the alleged offence, before the victim's 40<sup>th</sup> birthday
- (f) Written notification under subdivision (d) or (e) shall be made at least 60 days prior to the destruction or disposal of the Rape Kit evidence or other crimes scene evidence from an unsolved sexual assault case.

### FINDINGS

- F1) LEAs in Monterey County lacked awareness and provided unclear and inconsistent information as to whether there are 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.
- 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.
- 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."
- F5) Training for advanced skills in the forensics of sexual assault investigations is not prioritized in the budgeting process.
- 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.

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<sup>21</sup> [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=680](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=680)

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- F7) All jurisdictions can expedite the investigations of rape crimes through access to the RADS processing to facilitate timely resolution of rape cases.
- F8) Most LEAs in Monterey County have implemented DNA testing protocols established by the CDOJ which have reduced the likelihood of unprocessed DNA evidence.
- F9) There is no centralized authority coordinating all LEAs in Monterey County regarding collection, processing and reporting of sexual assaults.

### **RECOMMENDATIONS**

- R1) By January 15, 2020, Monterey County District Attorney's Office should initiate and take the lead in developing a centralized interagency method to post and track sexual assault occurrences, Rape Kit collection and reporting to facilitate investigations among all LEAs.
- 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.
- R3) By July 1, 2019, every Monterey County LEA should report to the CDOJ the required data outlined in PC 680.4.
- 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.
- 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.
- 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.

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## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

From the following elected county officials within 60 days:

- Monterey County Sheriff  
Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)  
Recommendations: R2), R3), R4), R5), R6)
- Monterey County District Attorney:  
Findings: F2) and F9)  
Recommendations: R1), R2), R4)

From the following governing board officials within 90 days:

- Monterey County Board of Supervisors  
Finding: F5)  
Recommendation: R5)
- Salinas City Council  
Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)  
Recommendations: R2), R3), R4), R5), R6)
- Monterey City Council  
Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)  
Recommendations: R2), R3), R4), R5), R6)
- Greenfield City Council  
Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)  
Recommendations: R2), R3), R4), R5), R6)
- Marina City Council  
Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)  
Recommendations: R2), R3), R4), R5), R6)
- Seaside City Council  
Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)  
Recommendations: R2), R3), R4), R5), R6)
- Soledad City Council  
Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)  
Recommendations: R2), R3), R4), R5), R6)

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- Gonzales City Council  
Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)  
Recommendations: R2), R3), R4), R5), R6)
- Del Rey Oaks City Council  
Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)  
Recommendations: R2), R3), R4), R5), R6)
- King City City Council  
Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)  
Recommendations: R2), R3), R4), R5), R6)
- Carmel City Council  
Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)  
Recommendations: R2), R3), R4), R5), R6)
- Pacific Grove City Council  
Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)  
Recommendations: R2), R3), R4), R5), R6)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

### DISCLAIMER

This report was issued by the MCCGJ with the exception of one juror who worked within the last five years for an organization being investigated. This juror was excluded from all parts of the investigation.



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**APPENDICES**

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Appendix A: Compiled from Open Justice Database:  
<https://openjustice.doj.ca.gov/crime-statistics/crimes-clearances>

Total Number of Rapes and Attempted Rapes for Monterey County and By Jurisdiction 2006 to 2017													
		2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Monterey County Total	Categories												
	Rape	116	123	99	125	82	94	94	82	125	160	162	168
	Forcible Rape	106	116	94	112	74	89	84	76	113	145	156	159
	Attempted Rape	10	7	5	13	8	5	10	6	12	15	6	9
Bv Jurisdiction	Categories												
CSU Monterey Bay	Rape	0	1	1	1	2	3	2	1	5	6	2	4
	Forcible Rape	0	1	1	1	2	3	2	1	5	6	2	4
	Attempted Rape	0	0	0	0	0	0	0	0	0	0	0	0
Carmel	Rape	2	0	0	0	3	0	0	2	1	2	0	1
	Forcible Rape	2	0	0	0	2	0	0	0	1	2	0	1
	Attempted Rape	0	0	0	0	1	0	0	2	0	0	0	0
Del Rey Oaks	Rape	0	0	0	0	0	0	0	0	0	2	0	0
	Forcible Rape	0	0	0	0	0	0	0	0	0	2	0	0
	Attempted Rape	0	0	0	0	0	0	0	0	0	0	0	0
Gonzales	Rape	0	1	3	1	0	1	1	2	2	2	0	2
	Forcible Rape	0	1	3	1	0	1	1	2	2	2	0	1
	Attempted Rape	0	0	0	0	0	0	0	0	0	0	0	1
Greenfield	Rape	0	4	3	3	3	4	1	1	5	3	3	7
	Forcible Rape	0	4	3	2	3	4	1	1	5	3	3	7
	Attempted Rape	0	0	0	1	0	0	0	0	0	0	0	0
King City	Rape	7	6	5	8	7	9	4	0	4	8	4	9
	Forcible Rape	7	5	5	7	7	7	3	0	2	3	3	7
	Attempted Rape	0	1	0	1	0	2	1	0	2	5	1	2
Marina	Rape	3	5	5	5	2	6	6	4	4	5	12	7
	Forcible Rape	3	4	5	3	2	5	4	2	3	5	11	6
	Attempted Rape	0	1	0	2	0	1	2	2	1	0	1	1
Monterey *	Rape	19	17	11	15	7	6	10	10	19	13	15	17
	Forcible Rape	19	17	11	14	7	6	9	10	18	11	15	17
	Attempted Rape	0	0	0	1	0	0	1	0	1	2	0	0
Monterey Airport	Rape	0	0	0	0	0	0	0	0	0	0	0	0
	Forcible Rape	0	0	0	0	0	0	0	0	0	0	0	0
	Attempted Rape	0	0	0	0	0	0	0	0	0	0	0	0
Monterey Co. Sheriffs Dept.	Rape	19	20	15	26	19	19	17	11	38	31	15	31
	Forcible Rape	19	20	15	26	17	19	17	11	35	29	18	28
	Attempted Rape	0	0	0	0	2	0	0	0	3	2	0	3
Monterey DPR	Rape	0	0	0	0	0	0	0	0	0	0	0	0
	Forcible Rape	0	0	0	0	0	0	0	0	0	0	0	0
	Attempted Rape	0	0	0	0	0	0	0	0	0	0	0	0
Pacific Grove	Rape	2	4	2	6	1	0	4	2	6	1	5	8
	Forcible Rape	2	4	2	5	2	0	3	2	6	1	5	8
	Attempted Rape	0	0	0	1	0	0	1	0	0	0	0	0
Salinas	Rape	45	51	38	47	23	34	41	56	32	76	86	71
	Forcible Rape	57	46	35	41	19	32	37	35	28	72	84	69
	Attempted Rape	8	5	3	6	4	2	4	1	4	4	2	2
Sand City	Rape	1	2	0	0	0	1	1	0	0	1	0	0
	Forcible Rape	1	2	0	0	0	1	1	0	0	1	0	0
	Attempted Rape	0	0	0	0	0	0	0	0	0	0	0	0
Seaside	Rape	12	11	13	13	10	7	4	7	5	7	10	8
	Forcible Rape	10	11	12	12	10	7	4	7	5	6	9	8
	Attempted Rape	2	0	1	1	0	0	0	0	0	1	1	0
Soledad	Rape	6	1	3	0	4	4	3	6	4	3	7	3
	Forcible Rape	6	1	2	0	3	4	2	5	3	2	6	3
	Attempted Rape	0	0	1	0	1	0	1	1	1	1	1	0
CA Highway Patrol	Rape	0	0	0	0	0	0	0	0	0	0	0	0
	Forcible Rape	0	0	0	0	0	0	0	0	0	0	0	0
	Attempted Rape	0	0	0	0	0	0	0	0	0	0	0	0
Union Pacific RR	Rape	0	0	0	0	0	0	0	0	0	0	0	0
	Forcible Rape	0	0	0	0	0	0	0	0	0	0	0	0
	Attempted Rape	0	0	0	0	0	0	0	0	0	0	0	0
Note: Forcible rape prior to 2014													

# RAPE KIT PROCESSING IN MONTEREY COUNTY

## APPENDIX B: California Laws Relevant to Rape Kit Processing

AB 3118- (2018) signed into law September 2018- requires all law enforcement agencies, Labs and medical facilities to report the status of untested Rape Kits in their position by July1, 2019.

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB3118](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB3118)

AB 1312 (2017)- signed into law January 1, 2018 - Establishes the Sexual Assault Victims' DNA Bill of Rights.

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1312](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1312)

AB 1475 (2015) authorizes counties to establish interagency response teams (SART) to address interagency coordination for sexual assault cases.

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB1475](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB1475)

AB 1517 (2014)- sets several nonbinding timelines for the submission and processing of Rape Kit evidence for LEAs and the DOJ.

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201320140AB1517](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140AB1517)