

MONTEREY COUNTY

OFFICE OF THE DISTRICT ATTORNEY

JEANNINE M. PACIONI, DISTRICT ATTORNEY



August 7, 2019

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

Re: District Attorney's Response to 2018-2019 Monterey County Civil Grand Jury
Final Report "Monterey County's Unenforced Rooster Keeping Ordinance"

Judge Hulseley:

Pursuant to Penal Code section 933.05(b) attached please find applicable responses from the District Attorney's Office.

Respectfully,

A handwritten signature in blue ink that reads "Jeannine M. Pacioni".

JEANNINE M. PACIONI
District Attorney,
County of Monterey

**THE MONTEREY COUNTY DISTRICT ATTORNEY'S
RESPONSES TO THE 2019 MONTEREY COUNTY
GRAND JURY FINAL REPORT**

Finding F19: *A dedicated Assistant District Attorney (ADA) for animal cruelty cases is crucial to keeping up with enforcement and prosecution in Monterey County.*

District Attorney's Response F19: Respondent disagrees with the finding. An ADA is an executive level supervisor in the D.A.'s Office. In the Monterey County District Attorney's Office, there are 3 ADAs out of a total of 57 attorneys. As executive level supervisors, ADAs do not have time to manage caseloads. Respondent also disagrees that a dedicated Deputy District Attorney is "crucial" to effectively prosecute animal cruelty cases in Monterey County. For example, there is no dedicated murder, robbery, kidnapping, or fish and wildlife prosecutor in Monterey County and the office effectively prosecutes these crimes, as we do a myriad of others. However, for more information, see our response to R11 below.

Recommendation R9: *By July 2020, the BoS should pass an Ordinance mandating that all County employees report animal welfare concerns of cruelty and notify appropriate agencies.*

District Attorney's Response R9: Respondent has concerns about the finding. State mandated reporting laws are directed at professions whose specific duties likely include contact with potential victims (see Penal Code section 11165.7—child abuse mandated reporters; Business and Professions Code section 4830.7—veterinary professionals are animal abuse mandated reporters). These laws are not directed at persons categorized by whether, for example, they are privately employed, or employed by a city, county, state or the federal government. Whether such a mandated reporter law provides a rational basis under the Equal Protection Clause of the U.S. Constitution is unknown to Respondent. Separately, whether it is good public policy to mandate that only County employees must report this particular class of crime seems dubious. Respondent is aware of no mandated reporting requirements for any other crime, including murder of a human being or child molest, directed solely at Monterey County employees. These questions are best answered by those with legislative authority.

Recommendation R11: *By January 2020, the District Attorney should assign a dedicated Assistant District Attorney (ADA) to accept and review all criminal animal cruelty referrals, from SPCA and Animal Control Services.*

District Attorney's Response R11: Respondent agrees to the finding in part. Respondent has now assigned a dedicated Deputy District Attorney to review all animal cruelty referrals from SPCA and Animal Control Services.