

Mayor:
CLYDE ROBERSON

Councilmembers:
DAN ALBERT
ALAN HAFFA
ED SMITH
TYLLER WILLIAMSON

City Manager:
HANS USLAR

August 27, 2019

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

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

Dear Judge Hulsey:

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 Monterey City Council at their regular meeting of August 20, 2019.

On behalf of the Monterey City Council, I would like to assure you that the City of Monterey is very invested in ensuring the Monterey Police Department (MPD) provides professional, modern, and thorough law enforcement services to the community. The MPD acknowledges the importance of investigating every sexual assault report and ensures that sexual assaults are investigated by trained sexual assault investigators. The MPD 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 Monterey partially disagrees with this finding. We cannot speak to the practices of other agencies. However, the Monterey Police Department (MPD) tracks and is aware of the status of sexual assault rape kits that have been collected in relation to investigations conducted by the MPD.

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 Monterey partially disagrees with this finding. We cannot speak to the practices of other agencies. The Monterey Police Department (MPD) participates in a monthly meeting with other law enforcement agencies and the District Attorney's Office to coordinate sexual assault investigations. The MPD 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 MPD 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 Monterey partially disagrees with this finding. We cannot speak to the practices of other agencies. The Monterey Police Department has reported the Rape Kit status information to the 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 Monterey disagrees with this finding. While we cannot speak to the practices of other agencies, the Monterey Police Department does not solely rely upon senior investigators to provide “on the job training to other investigators within their respective departments.” MPD sends all detectives to a Sexual Assault Investigator Course when assigned to the MPD Investigations Division. The three detectives currently assigned to the MPD Investigations Division have all 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 Monterey disagrees with this finding. The City of Monterey, through its Police Department budget, ensures that there is funding for all Monterey Police Department detectives to attend sexual assault training. This is a priority for the MPD.

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 Monterey partially disagrees with this finding. We cannot speak to the practices of other agencies. As described previously, the Monterey Police Department places a priority on training detectives in sexual assault investigations. Additionally, the MPD has patrol officers who were previously assigned as detectives and attended the sexual assault investigation training.

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 Monterey agrees with this finding. The Monterey Police Department already expedites the investigations of rape crimes through access and utilization of 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 Monterey agrees with this finding. The Monterey 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 Monterey partially disagrees with this finding. The MPD complies with all state mandates and employs contemporary best practices to investigate sexual assaults. The MPD 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 in the City of Monterey. As was previously described, the Monterey Police Department sends representatives to participate in monthly meetings with the District Attorney's Office regarding sexual assaults. The MPD 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 in the City of Monterey. The Monterey Police Department reported required data to the CDOJ by July 1, 2019, and will continue to do so, as outlined in Penal Code section 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 in the City of Monterey. The Monterey Police Department reports to their governing body and the public items related to PC 680.4, and MPD will strive to make available non-confidential information. The report submitted by the MPD to the CDOJ in compliance with Penal Code section 680.4 is a public record, and as such it will be disclosed in response to 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 in the City of Monterey. The Monterey Police Department consistently searches for grant opportunities and leverages any successful grant awards with the MPD 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.

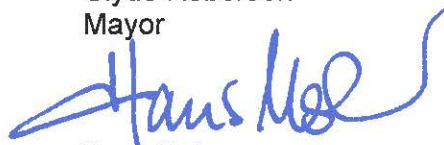
This recommendation has been implemented in the City of Monterey. As was previously described, all Monterey Police Department detectives are California POST-trained in sexual assault investigations. All sexual assault investigations in the City of Monterey are conducted by MPD detectives.

We hope that this information addresses the Civil Grand Jury's findings and recommendations. Please contact Monterey Police Chief Dave Hober at hober@monterey.org or (831) 646-3800 if you have any questions or require additional information.

Respectfully,



Clyde Roberson
Mayor



Hans Uslar
City Manager