



Gateway  
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Pinnacles

# SOLEDAD

CALIFORNIA

January 27, 2020

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

Re: City of Soledad's Response to the 2018-2019 Monterey County Civil Grand Jury  
Final Report "Rape Kit Processing In Monterey County."

Dear Ms. Garcia,

The City of Soledad received a letter from you dated January 23, 2020 to inform us that the City's response to the 2018-2019 Monterey Civil Grand Jury Report Rape Kit Processing in Monterey County was not received.

We have found that the staff report and response letter was approved by the City Council at its September 4, 2019 Council Meeting, however, we failed to send to you the final executed response letter.

Enclosed, please find a copy of the staff report and executed response letters. The letters are identical, with one dated September 4, 2019 and one dated January 27, 2020.

Our sincere apologies for the delay.

If you have any questions, please contact me at (831) 223-5016.

Sincerely,

Michael McHatten  
City Manager



## COUNCIL COMMUNICATION

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**SUBJECT:                   RECEIVE AND ACCEPT THE CITY'S RESPONSE LETTER TO THE CIVIL GRAND JURY'S REPORT REGARDING RAPE KIT PROCESSING IN MONTEREY COUNTY AND APPROVE TRANSMITTAL OF THE RESPONSE LETTER**

**MEETING**

**DATE:                       September 4, 2019**

**Recommendation**

It is recommended that the City Council receive and accept the City's response letter to the Civil Grand Jury's report regarding rape kit processing in Monterey County and approve transmittal of the response letter.

**Background**

The 2018-2019 Monterey County Civil Grand Jury conducted research into how sexual assault forensic evidence, commonly called "rape kits," is being processed by law enforcement agencies ("LEAs") in Monterey County. After conducting interviews with Monterey County LEAs, the Civil Grand Jury published its report on or around June 14, 2019, and then forwarded its findings and recommendations to the City Councils of each city in the County. The Civil Grand Jury has asked that each City Council respond to its findings by providing one of the following responses:

1. That the City Council agrees with the finding; or
2. That the City Council disagrees wholly or partially with the finding, in which case the City Council must specify the portion of the finding that is disputed and shall include in the response an explanation of the reasons for the disagreement.

With respect to each recommendation, the City Council must report one of the following actions:

1. That the recommendation has been implemented, with a summary regarding the implemented action;
2. That the recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation; or
3. That the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared

- for discussion by the City Council (this timeframe not to exceed six months from the date of publication of the report); or
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

### **Review and Analysis**

The Civil Grand Jury has requested a response from the Soledad City Council on a number of findings and recommendations highlighted in its report. Chief Sills and Staff prepared an initial response letter from the Soledad City Council that was presented to the Council at the August 7 Council meeting. After expressing some misgivings concerning the wording of several responses to Grand Jury findings, primarily having to do with the need to clarify the City's compliance with existing regulations concerning the processing of rape kits and the City's commitment to provide adequate training and/or be otherwise prepared to investigate sexual assault cases, the Council requested that Staff modify the City responses and bring the same back for Council review at the September meeting. Please refer to attached draft letter for modifications. The City's response is time sensitive, and is due by no later than September 14, 2019.

### **Financial Consideration**

The City is not expected to experience any appreciable fiscal impact from responding to the Civil Grand Jury. There may be costs, in an amount unknown at this time, associated with implementation of all of the Grand Jury's recommendations.

### **Alternatives**

- Accept the prepared responses to the Civil Grand Jury and direct that they be forwarded to the Honorable Stephanie E. Hulseley.
- Request changes to the responses and then direct that they be forwarded to the Honorable Stephanie E. Hulseley.



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City Manager

**Attachment:** City's Response Letter



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Re: City of Soledad's Response to the 2018-2019 Monterey County Civil Grand Jury Final Report "Rape Kit Processing In Monterey County."

Dear Judge Hulsey:

This letter will serve as the City Council of the City of Soledad's response in regard to the Findings and Recommendations of the 2018-2019 Monterey County Civil Grand Jury Final Report- "Rape Kit Processing in Monterey County." As requested by the Grand Jury, the City of Soledad respectfully submits the following responses to the Findings (1-9) and Recommendations (2-6) as identified for a response in the Report.

## **Civil Grand Jury's Report- Findings**

- F1)** *LEAs in Monterey County lacked awareness and provided unclear and inconsistent information as to whether there are any backlogged Rape Kits.* The City Council partially disagrees with the finding. While the City recognizes that this finding may apply to some LEAs in Monterey County, the Soledad Police Department keeps current and complete records of Rape Kit processing, has been and continues to be in compliance with Rape Kit processing requirements, and has no kits held in evidence that have not been processed.
- 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 City Council agrees with the finding that there is no local centralized place to post information related to the status of Rape Kits. This can result in a lack of consistency in the managing and tracking of 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.* The City Council partially disagrees with the finding. While the City recognizes that some LEAs may not have been prepared to report the status of Rape Kits as required by PC 680.4, the

Soledad Police Department was aware of the requirement and did submit its report before the July 1, 2019 deadline.

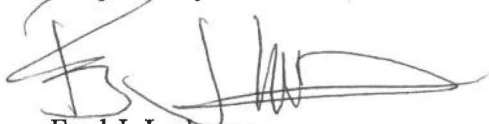
- F4)** *There is advanced training available for sexual assault investigators, but LEAs are instead relying upon senior investigators to provide “on the job training to other investigators within their respective departments.”* The City Council agrees with the finding. Due to insufficient staffing, the City’s police department has been unable to take advantage of advanced training courses. Therefore, the Department relies upon Field Training Officers to provide the training for new recruits and less experienced officers.
- F5)** *Training for advanced skills in the forensics of sexual assault investigations is not prioritized in the budgeting process.* The City Council partially disagrees with the finding. The City has budgeted adequate funds to allow for training for sexual assault investigations. However, limited staff and the need to comply with other basic training requirements have resulted in an inability to send Department personnel to advanced sexual assault investigations courses. Notwithstanding, enhancing the Department’s overall skillset in investigating sexual assault cases remains a high priority.
- 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 City Council agrees with this finding. Because of limited staffing, the Soledad Police Department does not have a Department Detective or Investigator and our field officers are forced to conduct follow-up on sexual assault cases that they receive while working patrol.
- F7)** *All jurisdictions can expedite the investigations of rape crimes through access to the RADS processing to facilitate timely resolution of rape cases.* The City Council agrees with the finding. The Soledad Police Department has been in compliance with the use of RADS since its inception in September of 2016.
- 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 City Council agrees with the finding.
- F9)** *There is no centralized authority coordinating all LEAs in Monterey County regarding collection, processing and reporting of sexual assaults.* The City Council agrees with the finding.

## **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 recommendation has not been implemented, but once the Monterey County District Attorney’s Office develops a centralized interagency model, this can be accomplished.

- R3)** *By July 1, 2019, every Monterey County LEA should report to the CDOJ the required data outlined in PC 680.4. That recommendation has been implemented and the Soledad Police Department is in compliance with the law.*
- 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 requires further analysis, to be undertaken within the next six months, as to whether PC 680.4 imposes additional requirements to report this same information to the public. With regard to making annual reports to the governing body of the City of Soledad, the recommendation will be implemented.*
- 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. The recommendation requires further analysis within the next six months. Although additional funding can be sought to pay for such training, inadequate staffing of a small agency will continue to make it difficult to send personnel to training without compromising the overall patrol strength of the City.*
- 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 recommendation requires further analysis within the next six months. Although certain staff members may be dedicated as certified sexual assault investigators, the Department may not have the ability to add increased funding to pay for the necessary training or the ability to pay those designated investigators stand-by pay. The Department can only make a department budgeting request- the City Council is ultimately responsible for the allocation of funds for ongoing and new programs.*

Respectfully submitted,



Fred J. Ledesma

Mayor, for and on behalf of the City Council of the City of Soledad

c: Michael McHatten, City Manager  
Eric Sills, Chief of Police



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