



City of Greenfield

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September 10, 2019

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

Dear Judge Hulsey:

Pursuant to Penal Code section 933.05(f), please consider this letter as the formal response (Response) from the Greenfield City Council (Council) to the 2018-19 Monterey County Civil Grand Jury Final Report, entitled *Rape Kit Processing in Monterey County* (Final Report), received by the Council on June 14, 2019.

The Final Report includes nine (9) Findings and five (5) Recommendations that require a response from the Council. Each of the Findings and Recommendations directed to the Council is addressed below in the order presented in the Grand Jury's Final Report. Information included in this Response was provided to the Council by the Greenfield Police Department (GPD or Department).

FINDINGS

Finding No. 1: LEAs in Monterey County lacked awareness and provided unclear and inconsistent information as to whether there are any backlogged Rape Kits.

Response:

- Agree***
- Partially Disagree – specify portion disputed and include explanation for disagreement***
- Wholly Disagree – specify portion disputed and include explanation for disagreement***

Explanation: The Council partially disagrees with this Finding. Since January 2016, all sexual assault rape kits received by the GPD have been entered and tracked in the Sexual Assault Forensic Evidence Tracking program (SAFE-T) through the California Department of Justice (CDOJ) as required pursuant to Penal Code section 680.4. The status of these rape kits is accurately tracked in SAFE-T. In addition, the GPD Evidence Technician is working with the CDOJ to clarify and report the status of all rape kits collected by the GDP prior to January, 2016.

Finding No. 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.

Response:

- Agree***
- Partially Disagree – specify portion disputed and include explanation for disagreement***
- Wholly Disagree – specify portion disputed and include explanation for disagreement***

Explanation (if applicable): The Council partially disagrees with this Finding. There is no centralized database specific to Monterey County to post information. However, information regarding sexual assaults is shared across jurisdictions. A GPD sergeant participates in bi-monthly meetings with Sexual Assault Investigators from other Monterey County law enforcement agencies and the Monterey County District Attorney’s Office to coordinate the reporting and management of sexual assault investigations across jurisdictions. Additionally, any DNA evidence obtained during an investigation is automatically submitted to the Rapid DNA Service (RADS) through the CDOJ. As noted in Finding No. 1, the GPD reports the status of all sexual assault forensic evidence to the SAFE-T program administered by the CDOJ.

Finding No. 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.

Response:

- Agree***
- Partially Disagree – specify portion disputed and include explanation for disagreement***
- Wholly Disagree – specify portion disputed and include explanation for disagreement***

Explanation (if applicable): The Council agrees with this Finding. While the GPD missed the July 1, 2019 reporting deadline, it is now in compliance with the requirements of Penal Code section 680.4 and is working with the CDOJ to clarify and report the status of all rape kits collected by the GDP prior to January, 2016.

Finding No. 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.”

Response:

- Agree***
- Partially Disagree – specify portion disputed and include explanation for disagreement***
- Wholly Disagree – specify portion disputed and include explanation for disagreement***

Explanation (if applicable): The Council partially disagrees with this Finding. Currently, the GPD has two detectives. One detective is assigned to the Major Crimes Unit Task Force (MCU). MCU investigates all freshly reported major crimes occurring in the cities of Greenfield and King City, including sexual assaults. This detective is directly supervised by a sergeant with extensive training and experience with sexual assault investigations. The detective assigned to

MCU has completed the California Commission on Peace Officer Standards and Training (POST) Institute of Criminal Investigation (ICI) Core Course. The Department's long-term training plan includes sending this detective to both the Institute of Criminal Investigation (ICI) Homicide Investigator Course as well as the Institute of Criminal Investigation (ICI) Sexual Assault Investigator Course.

The GPD created a General Crimes Detective position in April 2019. This detective investigates crimes that occur in the City of Greenfield that don't qualify as MCU cases, including delayed report sexual assaults. This detective is supervised by a captain with extensive training and experience with sexual assault investigations and consults with a sergeant who also has extensive training and experience with sexual assault investigations. This detective has attended the California Commission on Peace Officer Standards and Training (POST) Institute of Criminal Investigation (ICI) Core Course. The Department's long-term training plan includes sending this detective to the Institute of Criminal Investigation (ICI) Sexual Assault Investigator Course.

Finding No. 5: Training for advanced skills in the forensics of sexual assault investigations is not prioritized in the budgeting process.

Response:

- Agree***
- Partially Disagree – specify portion disputed and include explanation for disagreement***
- Wholly Disagree – specify portion disputed and include explanation for disagreement***

Explanation (if applicable): The Council disagrees with this Finding. The City of Greenfield and the GPD recognize the importance of advanced skills training and, as discussed at Finding No. 4, have allocated funding for all GPD detectives to receive additional sexual assault training.

Finding No. 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.

Response:

- Agree***
- Partially Disagree – specify portion disputed and include explanation for disagreement***
- Wholly Disagree – specify portion disputed and include explanation for disagreement***

Explanation (if applicable): The Council partially disagrees with this Finding. Prior to creating the General Crimes Detective position, patrol officers were utilized to investigate all sexual assaults not assigned to MCU. The GPD administration recognized this as a problem, and subsequently, created the General Crimes Detective position. As discussed at Finding Nos. 4 and 5, the General Crimes Detective will handle all sexual assaults not assigned to MCU and will receive the advanced skills training necessary to conduct thorough sexual assault investigations.

Finding No. 7: All jurisdictions can expedite the investigations of rape crimes through access to the RADS processing to facilitate timely resolution of rape cases.

Response:

- Agree**
- Partially Disagree** – specify portion disputed and include explanation for disagreement
- Wholly Disagree** – specify portion disputed and include explanation for disagreement

Explanation (if applicable): The Council agrees with this Finding. The Department automatically submits any DNA evidence obtained in the course of a sexual assault investigation to the Rapid DNA Service (RADS) through the CDOJ. Utilization of the RADS processing system is standard practice in Monterey County.

Finding No. 8: Most LEAs in Monterey County have implemented DNA testing protocols established by the CDOJ which have reduced the likelihood of unprocessed DNA evidence.

Response:

- Agree**
- Partially Disagree** – specify portion disputed and include explanation for disagreement
- Wholly Disagree** – specify portion disputed and include explanation for disagreement

Explanation (if applicable): The Council agrees with this Finding. The GPD has implemented DNA testing protocols that are in compliance with the CDOJ.

Finding No. 9: There is no centralized authority coordinating all LEAs in Monterey County regarding collection, processing and reporting of sexual assaults.

Response:

- Agree**
- Partially Disagree** – specify portion disputed and include explanation for disagreement
- Wholly Disagree** – specify portion disputed and include explanation for disagreement

Explanation (if applicable): The Council partially disagrees with this Finding. As noted at Finding No.2, the GPD participates in bi-monthly meetings with other Monterey County Sexual Assault Investigators, including the District Attorney, to share information and coordinate the reporting, tracking, and management of sexual assault investigations across jurisdictions.

RECOMMENDATIONS

Recommendation No. 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.

Response:

- Has been implemented** – include summary of implemented action
- Will be implemented in future** – include explanation and timeframe
- Requires further analysis** – include explanation, scope, and parameters of analysis, timeframe (not exceeding six mos. from the date of publication of the Grand Jury Report.)

- Will not be implemented because not warranted or reasonable – include explanation***

The GPD participates in bi-monthly meetings with other Monterey County Sexual Assault Investigators and the District Attorney's Office to share information and coordinate the reporting, tracking, and management of sexual assault investigations across jurisdictions. The GPD will continue to participate with the District Attorney's Office and other law enforcement agencies to ensure crimes are properly investigated and coordinated.

Recommendation No. 3: By July 1, 2019, every Monterey County LEA should report to the CDOJ the required data outlined in PC 680.4.

Response:

- Has been implemented – include summary of implemented action***
 Will be implemented in future – include explanation and timeframe
 Requires further analysis – include explanation, scope, and parameters of analysis, timeframe (not exceeding six mos. from the date of publication of the Grand Jury Report.)
 Will not be implemented because not warranted or reasonable – include explanation

Although the GPD missed the July 1, 2019 reporting deadline, it is now compliant with the reporting requirements of Penal Code section 680.4. Additionally, GPD is working with the CDOJ to determine and report the status of rape kits collected prior to January 2016.

Recommendation No. 4: By July 1, 2019, and annually thereafter, every Monterey County LEA should report to their governing board and the public the required data outlined in PC 680.4.

Response:

- Has been implemented – include summary of implemented action***
 Will be implemented in future – include explanation and timeframe
 Requires further analysis – include explanation, scope, and parameters of analysis, timeframe (not exceeding six mos. from the date of publication of the Grand Jury Report.)
 Will not be implemented because not warranted or reasonable – include explanation.

The GPD is working with the CDOJ to determine the status of rape kits collected prior to 2016 and anticipates receiving status determinations from the CDOJ by the end of October 2019. The GPD will confer with the Greenfield City Attorney to determine what information submitted to the CDOJ pursuant to Penal Code section 680.4 can be publicly reported and will report out such information at a duly scheduled meeting of the Greenfield City Council by October 31, 2019, or within thirty (30) days following receipt of status determinations received from the CDOJ, if such information is not received by October 31, 2019, and annually thereafter.

Recommendation No. 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.

Response:

- Has been implemented – include summary of implemented action*
- Will be implemented in future – include explanation and timeframe*
- Requires further analysis – include explanation, scope, and parameters of analysis, timeframe (not exceeding six mos. from the date of publication of the Grand Jury Report.)*
- Will not be implemented because not warranted or reasonable – include explanation*

It is unclear from the Final Report what the Grand Jury means by “recertification within the Sexual Assault and Forensic Division” means. Detectives are certified following completion of sexual assault investigation training; there are no recertification classes and the GDP is not aware of a “Sexual Assault and Forensic Division.” As discussed at Finding Nos. 4 and 5, the Council and the GPD have allocated funding for advanced sexual assault training for its detectives. By no later than November 30, 2019, GPD will research available grant opportunities to augment current funding levels in order to provide additional sexual assault training opportunities for Department detectives.

Recommendation No. 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.

Response:

- Has been implemented – include summary of implemented action*
- Will be implemented in future – include explanation and timeframe*
- Requires further analysis – include explanation, scope, and parameters of analysis, timeframe (not exceeding six mos. from the date of publication of the Grand Jury Report.)*
- Will not be implemented because not warranted or reasonable – include explanation*

As discussed in detail at Finding No. 4, the Council has already funded a General Crimes Detective position created by the GPD to handle all sexual assault cases not assigned to MCU. The detective assigned to this position has attended the California Commission on Peace Officer Standards and Training (POST) Institute of Criminal Investigation (ICI) Core Course. The Department’s long-term training plan includes sending this detective to the Institute of Criminal Investigation (ICI) Sexual Assault Investigator Course.

Sincerely,



Paul Wood
City Manager
City of Greenfield

cc: Monterey County Civil Grand Jury
Captain James Hunt, Greenfield Police Department
Travis E. Cochran, Greenfield City Attorney