

OVERDUE RESPONSES TO THE 2018/19 CIVIL GRAND JURY REPORT

SUMMARY

The 2018/19 Monterey County Civil Grand Jury (Grand Jury) report, *Rape Kit Processing in Monterey County*, published on June 24, 2019, required responses from the Monterey County Board of Supervisors and eleven of the twelve city councils in Monterey County. The responses were due by September 12, 2019. Three cities — Soledad, Seaside, and Del Rey Oaks — failed to provide a timely response.

BACKGROUND

The Continuity Committee of the 2019/20 Civil Grand Jury is responsible for ensuring the seamless transition from one Civil Grand Jury to the next. One of the Committee's responsibilities is to monitor the filing of responses to the previous year's Civil Grand Jury reports, and advise the current Civil Grand Jury if those responses are complete and legally sufficient, or if additional follow-up is required.

California State Penal Code section 933(c) sets forth, in part:

No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations

DISCUSSION

The 90-day deadline for responses to the 2018/19 Civil Grand Jury report, *Rape Kit Processing in Monterey County*, was September 12, 2019.

Three cities failed to respond by the deadline: Soledad, Seaside, and Del Rey Oaks.

The Monterey County Civil Grand Jury Procedures Manual, relative to required responses to Civil Grand Jury recommendations, sets forth the following: “If a board or elected official fails to respond to one or more findings or recommendations, the jury should send a letter advising the board or official of the requirements of §933.05.” Such reminder letters were sent to the three City Councils on January 23, 2020. Following receipt of the reminder letters, the three cities responded as follows:

- The City of Soledad called and emailed to explain that the response had been approved by the City Council on September 4, 2019 but by some oversight the response letter never made it to the mayor for his signature. The mayor’s signature was obtained, and the response letter was received on February 6, 2020 (Exhibit A). The Civil Grand Jury verified that the response letter was listed on the September 4, 2019 City Council meeting agenda (Exhibit B). The minutes of the September 4, 2019 City Council meeting indicated that the letter was approved as part of the consent calendar (Exhibit C).
- The City of Seaside called and emailed to say that the response letter was being placed on the agenda for approval by the City Council at its February 20, 2020 meeting. The Civil Grand Jury verified that the approval of the city response was listed on the February 20, 2020 City Council meeting agenda (Exhibit D) along with the letter (Exhibit E).
- The City of Del Rey Oaks’ reply (Exhibit F) was prepared and presented to the City Council on August 27, 2019 by the Chief of Police. The response was approved at that time. The response letter to the Superior Court was prepared and signed on September 1, 2019. However, that response was never sent. After inquiry by this Civil Grand Jury, the City of Del Rey Oaks mailed the response. It

was received by the Superior Court and provided to Civil Grand Jury on March 9, 2020.

FINDINGS

- F1. The City of Soledad prepared a timely response but failed to follow-through to obtain a signature on the duly-approved response letter and to mail the letter in a timely matter.
- F2. The City of Seaside failed to comply with the requirements set forth in California Penal Code §933.05, but quickly corrected the omission once notified.
- F3. The City of Del Rey Oaks prepared a timely response but failed to follow-through by mailing out the duly approved response and letter in a timely matter.

RECOMMENDATIONS

When the 2019/20 Civil Grand Jury began our investigations, COVID-19 had not yet become a public health crisis. However, as we conclude our reports, we are tasked to specify a time frame within which to address our recommendations. We have done so, attempting to allow some extra time given the current situation. We ask the County Supervisors, Departments, Cities, and Special Districts responsible for enacting our recommendations to do their best to accomplish these goals as expeditiously as possible, given the effect of the current pandemic crisis on staffing availability.

- R1. The City of Soledad should develop and implement new procedures (if none currently exist), and review existing procedures for responding to the Civil Grand Jury's findings and recommendations to ensure that the city's response is delivered to the presiding judge on or before the due date. These procedures should be developed and implemented within 90 days of the publication of this report.
- R2. The City of Seaside should develop and implement new procedures (if none currently exist) and review existing procedures for responding to the Civil Grand

Jury's findings and recommendations to ensure that the city's response is delivered to the presiding judge on or before the due date. These procedures should be developed and implemented within 90 days of the publication of this report.

- R3. The City of Del Rey Oaks should develop and implement new procedures (if none currently exist), and review existing procedures for responding to the Civil Grand Jury's findings and recommendations to ensure that the city's response is delivered to the presiding judge on or before the due date. These procedures should be developed and implemented within 90 days of the publication of this report.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Civil Grand Jury requested responses from the following governing bodies within 90 days:

- Soledad City Council
Finding: F1
Recommendation: R1
- Seaside City Council
Finding: F2
Recommendation: R2
- Del Rey Oaks City Council
Finding: F3
Recommendation: R3

APPENDICES

Exhibit A – City of Soledad’s Response Letter to the Rape Kit Processing Report

Exhibit B – City Council Meeting Agenda for 4 September 2019, City of Soledad

Exhibit C – City Council Meeting Minutes for 4 September 2019, City of Soledad

Exhibit D – City Council Meeting Agenda for 20 February 2020, City of Seaside

Exhibit E – City of Seaside’s Response Letter to the Rape Kit Processing Report, Draft

Exhibit F – City of Del Ray Oaks Response Letter to the Rape Kit Processing Report

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

APPENDIX A



*Gateway
to the
Pinnacles*



January 27, 2020

The Honorable Stephanie E. Hulse
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

**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. Hulse.
- Request changes to the responses and then direct that they be forwarded to the Honorable Stephanie E. Hulse.



City Manager

Attachment: City's Response Letter



Gateway
to the
Pinnacles



September 4, 2019

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 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.

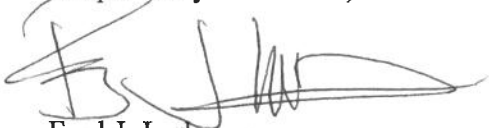
- F4)** *There is advanced training available for sexual assault investigators, but LEAs are instead relying upon senior investigators to provide “on the job training to other investigators within their respective departments.”* The City Council agrees with the finding. Due to insufficient staffing, 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



Gateway
to the
Pinnacles



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 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,

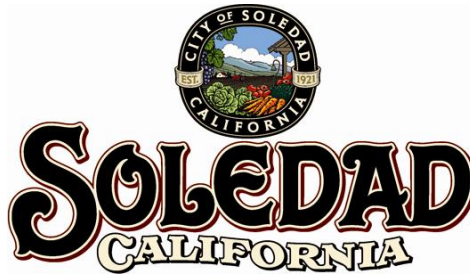


Fred J. Ledesma

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

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

APPENDIX B



CITY OF SOLEDAD

JOINT CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY
REGULAR MEETING AGENDA

WEDNESDAY, SEPTEMBER 4, 2019

5:30 P.M.

The public meeting will open at 5:30 and, after taking public comment for closed session items, the Council will immediately recess to closed session.

6:00 P.M.

The regular public open meeting will begin at 6:00, or as soon thereafter as the Closed Session is concluded, and any reportable action taken during the Closed Session will be reported out at that time.

CITY COUNCIL CHAMBERS
248 MAIN STREET
SOLEDAD, CALIFORNIA

WELCOME

Welcome to your City of Soledad City Council/Successor Agency Meeting. Your City Councilmembers/Agencymembers are:

Mayor/Chair Fred J. Ledesma
Mayor Pro Tem/Vice Chair Alejandro Chavez
Councilmember/Agencymember Carla Strobridge Stewart
Councilmember/Agencymember Anna Velazquez
Councilmember/Agencymember Marisela Lara

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC COMMENT- CLOSED SESSION ITEMS

At this time any member of the public may address the Council/Agency on Closed Session items appearing on the agenda. Speakers shall have limited time of three (3) minutes. Please be brief and to the point.

IV. CLOSED SESSION

A Closed Session will be held immediately prior to the open public meeting, and will begin at 5:30 p.m. The open public meeting will begin at 6:00 p.m., or as soon thereafter as the Closed Session is concluded or adjourned for consideration and conclusion at the end of the open public meeting.

1. The City Council will recess to closed session pursuant to Government Code Section 54956.9(a)(d)(1) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party: Claim of Calderon
2. The City Council will recess to Closed Session to consider personnel matters pursuant to Government Code Section 54957(B)(1)- City Manager Evaluation

V. CLOSED SESSION REPORTS

VI. PLEDGE OF ALLEGIANCE

VII. PEACEBUILDERS' PLEDGE

VIII. ADDITIONS/MODIFICATIONS TO THE AGENDA

Items of business may be added to the agenda upon a motion adopted by a minimum 2/3 vote finding that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted. Items may be deleted from the agenda upon request of staff or upon action of the Council.

IX. MAYOR/COUNCIL PRESENTATIONS

- Proclamation –National Recovery Month September 2019

X. PUBLIC COMMENT

At this time any member of the public may address the City Council on items not appearing on the agenda and items of interest to the public that are within the jurisdiction of the Council. Speakers shall have limited time of three (3) minutes. Please be brief and to the point. No action or discussion shall be taken on an item not appearing on the agenda, except that Councilmembers may briefly respond to statements made or questions posed by members of the public.

XI. MAYOR’S REPORT

XII. COUNCILMEMBERS’ ANNOUNCEMENTS AND REPORTS

Announcements and Reports on meetings attended by Councilmembers at City of Soledad expense as required by State law (AB1234).

XIII. COUNCILMEMBERS’ PRAISE

XIV. YOUTH COUNCIL’S REPORT

XV. PRESENTATIONS

- 2019 Young Legislators Program – Senator Anna Caballero’s Office

XVI. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine by the City Council and will be adopted by one action of the Council unless any Councilmember has any questions or wishes to make a statement or discuss an item. In that event, the Mayor will remove the item from the Consent Calendar for separate consideration.

C-1 Approval of Minutes

- a) Joint City Council/Successor Agency Regular Meeting Minutes of August 7, 2019

COUNCIL/AGENCY ACTION: _____

C-2 Approval of Warrants

#039034 - #039251

COUNCIL ACTION: _____

C-3 Resolution No. **5532**, A Resolution of the City Council of the City of Soledad Approving Reinstatement of the Laboratory Director Job Classification, Adopting a New Job Description, and Establishing a Salary Range

COUNCIL ACTION: _____

- [C-4](#) Resolution No. 5533, A Resolution of the City Council of the City of Soledad Approving the Job Classification of Senior Water Systems Operator, Adopting a Job Description, and Establishing a Salary Range

COUNCIL ACTION: _____

- [C-5](#) Resolution No. 5534, A Resolution of the City Council of the City of Soledad Considering the Liberty Chapel Church Request for Use of the Soledad Community Center on October 31, 2019 for their Annual Harvest Night Event, and Authorizing Sponsorship of the Event

COUNCIL ACTION: _____

- [C-6](#) 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

COUNCIL ACTION: _____

- C-7 ITEM REMOVED

- [C-8](#) Resolution No. 5535, A Resolution of the City Council of the City of Soledad Approving Construction Services Agreement Change Order No #2 with Teichert Construction, in an Amount not-to-exceed \$56,800, for the Gabilan Drive Storm Drain Improvements Project and Authorizing the City Manager to Execute said Change Orders on behalf of the City of Soledad

COUNCIL ACTION: _____

- [C-9](#) Resolution No. 5536, A Resolution of the City Council of the City of Soledad Accepting Dedication of a Reclaimed Water Pipeline Easement as Part of the Reclaimed Wastewater Transmission Pipeline Project

COUNCIL ACTION: _____

- [C-10](#) Receive and Accept City of Soledad Monthly Department Activity Reports

COUNCIL ACTION: _____

XVII. BUSINESS

[B-1](#) Consideration of one Appointment to the Soledad Planning Commission

COUNCIL ACTION: _____

[B-2](#) Resolution No. 5537, A Resolution of the City Council of the City of Soledad Approving an Amendment to Task Order No. 68 with Harris & Associates to Develop a Sanitary Sewer Master Plan and Capital Improvement Plan in the Amount of \$34,385 and Authorizing the City Manager to Execute Said Task Order on behalf of the City of Soledad

COUNCIL ACTION: _____

[B-3](#) Resolution No. 5538, A Resolution of the City Council of the City of Soledad approving a Consulting Services Agreement with PlaceWorks in an amount not to exceed \$110,625 for the City of Soledad Zoning Code Update and authorizing the City Manager to execute said agreement on behalf of the City of Soledad

COUNCIL ACTION: _____

XVIII. CITY MANAGER'S REPORT

- [Report of September 4, 2019](#)

XIX. COUNCILMEMBERS' ITEMS AND FUTURE AGENDA ITEMS

Comments from the Councilmembers on general items of concern and on matters that they wish to put on future agendas.

XX. ADJOURNMENT

XXI. CERTIFICATION

I, Michael McHatten, City Clerk of the City of Soledad, do hereby certify that a copy of the foregoing Joint City Council/Successor Agency Regular Meeting Agenda was posted at City Hall by Friday, August 30, 2019, at 5:00 p.m.



Michael McHatten, City Clerk/Secretary

08/28/2019

Date

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Clerk Michael McHatten at (831) 223-5014. Notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (RCRF 35.102-35.104).

“Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall located at 248 Main Street, Soledad, California during normal business hours.”

En caso que usted necesite ayuda en leer o en entender este aviso de Junta Publica, usted puede ponerse en contacto con la oficina del Edificio Municipal en 248 Calle Main o llamar al número (831) 223-5014, y el aviso será traducido para usted.

APPENDIX C

Minutes

City of Soledad Joint
City Council/Successor Agency
Regular Meeting

September 4, 2019

CALL TO ORDER

Mayor Ledesma called the City Council/Successor Agency Meeting to order at 5:34 p.m.

ROLL CALL

The Following Councilmembers/Agencymembers were present when the meeting was called to order:

Mayor/Chair	Fred Ledesma
Mayor Pro Tem/Vice Chair	Alejandro Chavez
Councilmember/Agencymember	Carla Strobbridge Stewart (Arrived at 5:40 p.m.)
Councilmember/Agencymember	Anna Velazquez (Arrived at 5:40 p.m.)
Councilmember/Agencymember	Marisela Lara

THE FOLLOWING COUNCILMEMBER WAS ABSENT

- None

PUBLIC COMMENT ON CLOSED SESSION ITEMS

- None

MEETING RECESS FOR CLOSED SESSION

- 5:35 p.m.

MEETING RECONVENED

- 6:08 p.m.

CLOSED SESSION ITEMS

1. The City Council will recess to closed session pursuant to Government Code Section 54956.9(a)(d)(1) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party: Claim of Calderon

2. The City Council will recess to Closed Session to consider personnel matters pursuant to Government Code Section 54957(B)(1)- City Manager Evaluation

CLOSED SESSION REPORTS

1. City Attorney Michael Rodriguez reported with respect to item no. 1, Council considered the claim and unanimously rejected the claim and gave direction to the attorney.
2. City Attorney Michael Rodriguez reported with respect to item no. 2, there was general discussion of the evaluation process. No other reportable action was taken.

PLEDGE OF ALLEGIANCE was led by Aaron Arriaga

PEACEBUILDERS' PLEDGE was led by Amber Solorio

ADDITIONS/MODIFICATIONS TO THE AGENDA

- None

MAYOR/COUNCIL PRESENTATIONS

- Mayor Ledesma read the Proclamation Honoring National Recovery Month. Sun Street Centers, South County Prevention Coordinator Ms. Darlene Acosta was present to accept the proclamation.

PUBLIC COMMENT

- Resident of Soledad Rosalba Saldana spoke in support of the YMCA.
- Executive Director of Special Kids Connect Lori Luzader spoke in support of the YMCA.
- Resident of Soledad Darlene spoke in support of the YMCA.
- Resident of Soledad Idel Aldaco spoke in support of the YMCA and the REACH program.
- Resident of Soledad Monica Valle spoke in support of the YMCA.
- Resident of Soledad Jesus Sanchez spoke in support of the YMCA.
- Resident of Soledad and Executive Director Joe Gonzales spoke in support of the YMCA.
- Resident of Soledad Laura Galvan asked the Council if there are any updates to report regarding Nielsen's Trailer Park.

MAYOR'S REPORT

- Mayor Ledesma wanted to remind Council of the upcoming ACCAPS semi-annual conference – Marijuana Symposium in Coalinga on September 19, 2019.
- Mayor Ledesma attended the Air Board meeting on August 21, 2019
- Mayor Ledesma attended the Mayor's meeting on August 26, 2019

COUNCILMEMBERS' ANNOUNCEMENTS AND REPORTS

- Councilmember Strobridge Stewart attended the Salinas Valley Promise Press Conference on 8/8. She also attended the Salinas Valley Solid Waste Authority meeting on behalf of Councilmember Lara on 8/15. She attended the county wide Homeless Pet Day on 8/17. She gave a presentation regarding South County Animal Rescue on 8/19 to the Soledad Youth Council.
- Mayor Pro Tem Chavez attended the Salinas Valley Promise Press Conference on 8/8 regarding Hartnell College.
- Councilmember Velazquez reported that there was no MST meeting in the month of August. On 8/9 she met with Araceli Flores from Monterey County Behavioral Health Services regarding resources for the South County youth. On 8/21 she met with CCA regarding the Census 2020. On 8/22 she attended a COPA meeting at Hartnell College that was a part of the Measure T forum. On 8/24 she attended the Family Paint Day at the Soledad YMCA. On 8/28 she attended Dole's Health and Safety Fair. On 8/29 she attended the H2A subcommittee meeting at Soledad City Hall.

COUNCILMEMBERS' PRAISE

- Councilmember Velazquez gave praise to the Girl Scout Group 30223 who started a free library at San Antonio Park in Soledad.
- Councilmember Strobridge Stewart welcomed back Darlene Noriega and thanked Francine Uy for filling in while Ms. Noriega was on leave.
- Mayor Pro Tem Chavez thanked Mr. Anthony Mena, a local coach in Soledad. He has a business called South County Speed Training. He trained kids throughout the summer and charged them a very minimal fee. He has motivated young people to look forward to being healthy and even looking towards college and also being great athletes.
- Mayor Ledesma gave praise to the City staff for being very supportive of each other.

YOUTH COUNCIL REPORT

Youth Commissioner Amber Solorio provided a report on the experience in attending the 8/22 Hartnell College Stake Holders meeting.

Youth Commissioner Aaron Arriaga reported on 8/20 Soledad High school held their annual club carnival. The Youth Commission was given the opportunity to set up a booth and clarify who they are and what they do. They were also able to post information as to dates of future meetings.

On 9/4/19 the Youth Commissioners took a tour of Eden Valley.

They are working on an engagement activity that will help bonding between the upper and lower classmen within the council.

The youth council plans on attending the Parks and Recreation meeting.

PRESENTATIONS

- Senator Anna Caballero Field Representative Vanessa Gonzalez gave a brief presentation and presented a PowerPoint on the 2019 Young Legislators Program that was held on June 22 – July 18, 2019 in the City of Greenfield.

CONSENT CALENDAR

C-1 Approval of Minutes

- a) Joint City Council/Successor Agency Regular Meeting Minutes of September 04, 2019.

C-2 Approval of Warrants

039034 - # 039251

- C-3 Resolution No. **5532**, A Resolution of the City Council of the City of Soledad Approving Reinstatement of the Laboratory Director Job Classification, Adopting a New Job Description, and Establishing a Salary Range

- C-4 Resolution No. **5533**, A Resolution of the City Council of the City of Soledad Approving the Job Classification of Senior Water Systems Operator, Adopting a Job Description, and Establishing a Salary Range

- C-5 Resolution No. 5534, A Resolution of the City Council of the City of Soledad Considering the Liberty Chapel Church Request for Use of the Soledad Community Center on October 31, 2019 for their Annual Harvest Night Event, and Authorizing Sponsorship of the Event
- C-6 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
- C-7 ITEM REMOVED
- C-8 Resolution No. 5535, A Resolution of the City Council of the City of Soledad Approving Construction Services Agreement Change Order No #2 with Teichert Construction, in an Amount not-to-exceed \$56,800, for the Gabilan Drive Storm Drain Improvements Project and Authorizing the City Manager to Execute said Change Orders on behalf of the City of Soledad
- C-9 Resolution No. 5536, A Resolution of the City Council of the City of Soledad Accepting Dedication of a Reclaimed Water Pipeline Easement as Part of the Reclaimed Wastewater Transmission Pipeline Project
- C-10 Receive and Accept City of Soledad Monthly Department Activity Reports

Motion: Mayor Pro Tem Chavez made a motion to approve items C-1 through C-10, with the exception of the removed item of C-7. Motion was seconded by Councilmember Strobridge Stewart and carried by unanimous vote:

Action:

Ayes: Chavez, Strobridge Stewart, Velazquez, Lara and Ledesma
Noes: None
Abstain: None
Absent: None

BUSINESS

- B-1 Consideration of one Appointment to the Soledad Planning Commission

Community and Economic Development Director Brent Slama presented the staff report.

Council Action:

Mayor Fred Ledesma appointed Ms. Sandy R. Fuerte as a Planning Commissioner.

- B-2 Resolution No. 5537, A Resolution of the City Council of the City of Soledad Approving an Amendment to Task Order No. 68 with Harris & Associates to

Develop a Sanitary Sewer Master Plan and Capital Improvement Plan in the Amount of \$34,385 and Authorizing the City Manager to Execute Said Task Order on behalf of the City of Soledad

Harris & Associates Senior Project Manager Leon Gomez presented the staff report.

Motion: Councilmember Strobridge Stewart made a motion to approve Resolution No. 5537. Motion was seconded by Councilmember Velazquez and carried by unanimous vote:

Action:

Ayes: Strobridge Stewart, Velazquez, Chavez, Lara and Ledesma
Noes: None
Abstain: None
Absent: None

B-3 Resolution No. **5538**, A Resolution of the City Council of the City of Soledad approving a Consulting Services Agreement with PlaceWorks in an amount not to exceed \$110,625 for the City of Soledad Zoning Code Update and authorizing the City Manager to execute said agreement on behalf of the City of Soledad

Economic Development and Housing Program Manager Jennifer Nieto presented the staff report.

Motion: Councilmember Velazquez made a motion to approve Resolution No. 5538. Motion was seconded by Mayor Pro Tem Chavez and carried by unanimous vote:

Action:

Ayes: Velazquez, Chavez, Strobridge Stewart, Lara and Ledesma
Noes: None
Abstain: None
Absent: None

CITY MANAGER'S REPORT

Community and Economic Development Director Brent Slama presented the City Manager report for City Manager McHatten.

- City Manager McHatten did circulate an email regarding setting a date for a Ground Break Ceremony for the Premier Cinema site
 - Councilmembers agreed on the date of Saturday, 9/28/2019 at 9:00 a.m.

COUNCILMEMBER'S ITEMS AND FUTURE AGENDA ITEMS

Councilmember Strobbridge Stewart thanked the young people that brought up the need for Behavioral Health services in South County. There are efforts being made now to find a location to be able to provide services. She will also be having a medical procedure on 10/04 and will not be able to attend the AMBAG or the SVSWA meetings in October. Also, she will not be able to attend the AMBAG meetings in the future due to meetings she needs to attend at her place of employment, and she ask that a different councilmember be appointed to that board. AMBAG meets the 2nd Wednesday of every month in Marina. As a reminder, SnipBus will be in Soledad 09/16 and 09/17, also Dog Days of Summer will be held on 09/28.

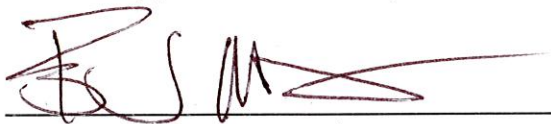
Councilmember Velazquez would like to move forward with an MOU between the City and the school district. She would also like to move forward with the \$10,000 that was allocated towards Leadership and development and start looking at what types of trainings will be held. She would also like Voler to do a video about the Youth Council focusing on what the Youth Council has been able to do so far. Regarding behavioral health; she would also like to move forward with having a shared space or forum for the residents and youth in Soledad so they can come and talk about their anxieties.

Mayor Ledesma gave praise to City Manager McHatten and Superintendent Vanoli for moving forward with sharing the school facility. Also, Soledad owns a shooting range; there is an opportunity to bid on the gun range and so this is a great thing for Soledad. Also, there will be a housing project happening for teacher housing; we should show that we are committed to education and should find a way to give the school the land so that the school district can build homes for teachers in Soledad.

ADJOURNMENT

Mayor Ledesma adjourned the Regular meeting at 7:29 p.m.

Minutes Approved: October 2, 2019



FRED J. LEDESMA, Mayor/Chairman



MICHAEL MCHATTEN, City Clerk/Agency Secretary

APPENDIX D



AGENDA
CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
Council Chamber
440 Harcourt Avenue
Thursday, February 20, 2020
7:00 PM

1. CALL TO ORDER

2. ROLL CALL – ESTABLISHMENT OF QUORUM

Ian N. Oglesby	Mayor
David R. Pacheco	Mayor Pro Tem
Jason Campbell	Council Member
Jon Wizard	Council Member
Alissa Kispersky	Council Member

3. INVOCATION AND PLEDGE OF ALLEGIANCE

4. REVIEW OF AGENDA

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

5. PUBLIC COMMENT

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

6. PUBLIC AGENCY COMMUNICATIONS

This is a time specifically set aside for representatives of public agencies to make brief comments of general interest to the City Council and the community.

7. PRESENTATIONS

A. POLICE DEPARTMENT 2019 ANNUAL PUBLIC SAFETY REPORT

B. 2019 BUSINESS OF THE FOURTH QUARTER

C. MONTEREY PENINSULA HOUSING COALITION

8. CONSENT AGENDA

A. APPROVE MINUTES FROM FEBRUARY 6, 2020

RECOMMENDATION: That the minutes be reviewed and approved.

B. APPROVE AND FILE CITY CHECKS

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of January 25, 2020 through February 7, 2020 including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending January 30, 2020. Total Accounts Payable and Payroll for the above referenced period is \$1,513,766.89.

C. PROCLAMATION DECLARING FEBRUARY 2020 AS BLACK HISTORY MONTH IN THE CITY OF SEASIDE

D. APPROVE CO-SPONSORSHIP AND WAIVE ALL FEES RELATED TO THE 2020 SUSTAINABLE SEASIDE 9TH ANNUAL SEASIDE EARTH DAY CELEBRATION AT SEASIDE CITY HALL LAWN ON APRIL, 26 2020

RECOMMENDATION: Approve a request from Sustainable Seaside's request for co-sponsorship to waive all fees in the approximate amount of Two Thousand, Eight Hundred and Seventy-Six Dollars (\$2,876.00) related to the Seaside Sustainable 9th Annual Seaside Earth Day Celebration at City Hall Lawn on April 26, 2020.

E. APPROVE CITY RESPONSE TO GRAND JURY REPORT ON RAPE KIT PROCESSING

RECOMMENDATION: Authorize submittal of letter.

9. PUBLIC HEARING

A. ADOPTION OF AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE 6.04.170 POTENTIALLY DANGEROUS AND VICIOUS DOGS (SECOND READING - ROLL CALL VOTE)

RECOMMENDATION: Adopt the second reading of the draft ordinance.

B. ADOPTION OF AN ORDINANCE MODIFYING ELECTION SIGN CODE REGULATIONS AND MODIFYING THE FEE SCHEDULE AS APPROPRIATE (SECOND READING - ROLL CALL VOTE)

RECOMMENDATION: Adopt the second reading of the draft ordinance modifying election sign code regulations and modifying the fee schedule as appropriate.

10. BUSINESS ITEMS

A. RECEIVE THE 2019-2020 MID-YEAR BUDGET REPORT, ACCEPT AND FILE THE REPORT, PROVIDE DIRECTION TO STAFF AND CONSIDER ADOPTION OF A RESOLUTION APPROVING THE PROPOSED BUDGET ADJUSTMENTS

RECOMMENDATION: Receive the FY 2019-2020 Mid-Year Budget Report, accept and file the report, provide direction to staff, and consider adoption of a Resolution approving the proposed budget adjustments.

B. REVIEW THE ESTABLISHMENT OF A COMMUNITY POLICING ADVISORY COMMITTEE

RECOMMENDATION: Discuss options relative to the establishment of a Community Policing Advisory Committee.

C. REVIEW ORDINANCE AND RESOLUTION REGARDING PLACEMENT OF ITEMS ON THE COUNCIL AGENDA

RECOMMENDATION: Provide clear direction on agenda setting procedures.

11. MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY COMMENTS AND REPORTS ON COMMITTEE ASSIGNMENTS

This is a time specifically set aside for members of the City Council, the City Manager and City Attorney to make brief comments of general interest to the community, make requests that items be added to future City Council meeting agendas as necessary and report on committee assignments.

12. COUNCIL MEMBER REQUESTS

A. REQUEST TO AGENDIZE A DISCUSSION OF THE MUNICIPALITIES, COLLEGES, SCHOOLS INSURANCE GROUP (MCSIG) PROVISION OF HEALTH BENEFITS TO ENSURE EQUITABLE, INCLUSIVE AND NON-DISCRIMINATORY PROVISION OF HEALTH BENEFITS (WIZARD)

13. ADJOURNMENT

Next Regularly Scheduled Meeting:
March 5, 2020
7:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. The City Council chamber is equipped with a portable microphone and assisted listening devices are available at all meetings. City Council Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Live streamed meeting videos as well as videos of past meetings are available on the City's website at: <http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.

APPENDIX E



SEASIDE CITY COUNCIL

440 Harcourt Avenue
Seaside, CA 93955
www.ci.seaside.ca.us

Telephone 831-899-6707
Fax 831-718-8594

The Honorable Lydia M. Villarreal
Presiding Judge of the Superior Court of California
County of Monterey
240 Church Street
Salinas, CA 93901

February 20, 2020

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

Dear Judge Villarreal,

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 Seaside City Council at their regular meeting on...

Before responding to the specific findings and recommendations contained in the report, I would like to assure you that the City of Seaside is committed to ensuring the Seaside Police Department (SSPD) provides professional law enforcement services in a contemporary manner. The SSPD recognizes the importance of employing well-trained sexual assault investigators to thoroughly investigate every sexual assault report. Each month, the SSPD visits with regional law enforcement agencies, and the Monterey County District Attorney’s Office, to discuss myriad issues, including the coordination of 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 SSPD meticulously tracks and is fully aware of the status of sexual assault rape kits that have been collected in connection with investigations led by the SSPD.

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 SSPD participates in a monthly meeting with other law enforcement agencies, and the District Attorney’s Office, to coordinate sexual assault investigations. The SSPD is part of the

Sexual Assault Response Team (SART), which works with Sexual Assault Nurse Examiners (SANE) during the investigation. DNA evidence obtained is submitted to the Rapid DNA Service (RADS). Additionally, the SSPD reports the status of sexual assault forensic evidence through the Sexual Assault Forensic Evidence Tracking (SAFE-T) to 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 SSPD 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 SSPD sends all detectives to a Sexual Assault Investigator Course when assigned to the SSPD Investigations Division. The three detectives assigned to the SSPD 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 Seaside and SSPD place a significant emphasis on professional development and specialized training, as reflected in our budget (\$117,950). We ensure our detectives have the most relevant training available and our budget supports it.

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 SSPD prioritizes sexual assault investigation training for our detectives. Moreover, the SSPD has officers that were previously assigned as detectives and attended the sexual assault investigation training who are currently assigned to patrol.

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 SSPD has access to and utilizes 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 SSPD 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 SSPD complies with all state mandates and employs contemporary best practices to investigate sexual assaults. The SSPD attends monthly meetings with other Monterey County Sexual Assault Investigators, including the District Attorney, to share information and coordinate any investigations which might involve 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.

As aforementioned above, the SSPD participates in a monthly meeting with the District Attorney's office regarding sexual assaults. The SSPD will continue to participate with the District Attorney's Office, and other law enforcement entities, to ensure 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.

The SSPD reported by July 1, 2019, and will continue to report the required data to the CDOJ outlined in PC 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.

The SSPD will work with the Seaside City Attorney to determine what can publicly be reported and will annually report items related to PC 680.4 on the SSPD webpage.

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.

The SSPD consistently searches for grant opportunities and leverages any successful grant awards with the SSPD 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.

As was previously described, all SSPD detectives are California POST trained in sexual assault investigations. All of the SSPD detectives are assigned sexual assault investigations.

We hope that this information addresses the Grand Jury's findings and recommendations. Please contact SSPD Chief Abdul D. Pridgen if you have any questions or require additional information.

Respectfully,

Ian Oglesby

Mayor

APPENDIX F



CITY OF DEL REY OAKS

650 CANYON DEL REY RD. • DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 • FAX (831) 394-6421

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

September 1, 2019

Re: 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 June 24, 2019 Monterey Civil Grand Jury Final Report - “Rape Kit Processing in Monterey County” (Report), and shall serve as the City’s response pursuant to Penal Code sections 933 and 933.05. The responses contained in this correspondence were approved by the City of Del Rey Oaks City Council at their regular meeting of August 27, 2019.

The City of Del Rey Oaks Police Department (the “Department”) understands its responsibility in investigating sexual assault reports in a professional and timely manner. The mission statement of the Department explicitly lists professional law enforcement and dedicated community service among its priorities. As you may be aware, the Department recently merged with the Monterey Regional Airport Police Department in an effort to improve efficiencies, and to provide higher quality services to the City and the Airport. As a result of the merger, the Department’s training budget for specialized investigations, such as sexual assault investigations, nearly tripled.

The Department has also initiated a Patrol Detective Program that strives to provide a level of investigative training to its investigators similar to those that larger agencies with full-time investigative staff are able to provide to their personnel. This includes training in the area of sexual assault investigation. The Department also participates in on-going and regular meetings with other law enforcement agencies and the District Attorney’s Office to discuss and coordinate sexual assault cases.

The City’s comments follow in the order that they were presented in the Report. The Report’s findings and recommendations are displayed in **bold type**. It should be noted that no in-person discussion of these laws, processes, or the Department’s procedures regarding sexual assault investigation or reporting took place between the Grand Jury and the City of Del Rey Oaks. Also, no officials from the Department were interviewed for this report.

Please note, for all of the following responses, the City of Del Rey Oaks can, of course, only provide information as it regards the City and the Department. The City cannot respond on behalf of other Monterey County Local Enforcement Agencies (LEAs) mentioned in the Report.

FINDINGS

Finding 1 – LEAs in Monterey County lacked awareness and provided unclear and inconsistent information as to whether there are any backlogged rape kits.

DISAGREE WHOLLY. The Department tracks and is aware of the status of sexual assault rape kits that have been collected in relation to investigations conducted by the Department. Due to Del Rey Oaks' low crime rate, and extremely low rate of sexual assault incidents requiring the collection of these kits, the Department does not have a backlog of such kits, and the kits are well managed.

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.

DISAGREE WHOLLY. The Department participates in regular meetings with other law enforcement agencies and the District Attorney's Office to coordinate sexual assault investigations as necessary. The Department 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 Department also reports the status of sexual assault forensic evidence through the Sexual Assault Forensic Evidence Tracking (SAFE-T) program through the California Department of Justice (CDOJ), as is required by Penal Code section 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.

DISAGREE WHOLLY. The Department has reported Rape Kit status information to the CDOJ as required by Penal Code section 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."

DISAGREE WHOLLY. The Department is one of the smallest Police Departments on the California Central Coast. All Department personnel are assigned to patrol duties, except for the Chief of Police. The Department has no dedicated investigative staff, as department size and case load does not justify such a position. The Department has, however, initiated a Patrol Detective Program, in which selected officers are trained by the California Commission on Peace Officer Standards and Training (POST) and the Institute of Criminal Investigation (ICI), in courses for specialized investigations, including a sexual assault investigation course. When a sexual assault does occur, these specially trained officers are removed from patrol duties and are allowed to devote themselves full time to investigation of the assault. These officers are the primary investigators for sexual assault crimes in the City.

Finding 5 – Training for advanced skills in the forensics of sexual assault investigations is not prioritized in the budgeting process.

DISAGREE PARTIALLY. With the recent consolidation of the Monterey Regional Airport Police

Department and the Department, one of the priorities identified for the new combined department has been training. The Department *has nearly tripled its training budget* over the last two years to ensure critical patrol and investigation training is being provided to staff. This includes ICI sexual assault investigations training for the Department's Patrol Detectives.

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.

DISAGREE PARTIALLY. The Department does not have the resources or case load to justify full-time investigators. It does, however, utilize a Patrol Detective Program that places a priority on training detectives in sexual assault investigations as previously described. Additionally, the Department has officers and sergeants that were previously assigned as detectives in other large urban California police agencies, including a 20-year Los Angeles Police Department supervisory gang-homicide detective. These personnel (as well as other selected officers) are highly experienced, well trained, have been through ICI courses, and have attended, or will be attending, sexual assault investigation training as described above.

Finding 7 – All jurisdictions can expedite the investigations of rape crimes through access to the RADS processing to facilitate timely resolution of rape cases.

AGREE. The Department has access to and utilizes 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.

AGREE. The Department has implemented DNA testing protocols that are in compliance with CDOJ guidelines.

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

DISAGREE WHOLLY. The Department complies with all state mandates and employs contemporary best practices to investigate sexual assaults. The Department attends regular 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 as is necessary.

RECOMMENDATIONS

Recommendation 1 does not apply to this agency.

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.

The Department will assign a representative to participate in the District Attorney led centralized reporting initiative upon its creation by the District Attorney's Office. (As previously described, the Department already participates in regular meetings with the District Attorney's office regarding sexual assaults. And will continue to do so going forward.

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. Prior to July 1, 2019, the Department report to the CDOJ the required data outlined in Penal Code section 680.4. Additionally, the Department will continue to report such data to the CDOJ going forward.

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 already been partially implemented. The Department will work with the Del Rey Oaks City Attorney's Office to determine what can publicly be reported and will report items related to Penal Code section 680.4 on the Department's webpage on an annual basis.

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.

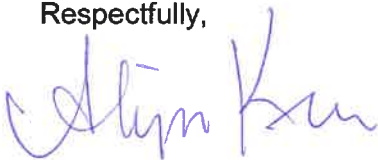
This recommendation has already been implemented. The Department continually researches grant opportunities, and leverages successful grant awards with the Departments operating budget.

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 already been implemented. As previously described, the Department has highly experienced investigative staff and has or will be sending all investigators through ICI courses, to include California POST approved sexual assault investigations training.

We hope that this information addresses the Grand Jury's findings and recommendations. Please contact Del Rey Oaks Chief of Police Jeffrey J. Hoyne should you have any questions or require additional information.

Respectfully,



Alison Kerr
Mayor