

## RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

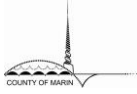
**REPORT TITLE:** "Sexual Assault in Marin: Evidence Collection, Processing and Backlog"  
**REPORT DATE:** April 25, 2018  
**RESPONSE BY:** County of Marin Board of Supervisors

### GRAND JURY RECOMMENDATIONS

- Recommendations numbered **R3-R4** have been implemented.
- Recommendation numbered **R1** has not yet been implemented but will be for FY 2018-19.
- Recommendation numbered **R2** requires further analysis.
- Recommendations numbered **R5-R6** will not be implemented because they are not warranted or reasonable.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
President, Board of Supervisors



County of Marin Response to Grand Jury Report Findings and Recommendations  
"Sexual Assault in Marin: Evidence Collection, Processing and Backlog"  
April 25, 2018

## **RESPONSE TO GRAND JURY RECOMMENDATIONS**

The Marin County Civil Grand Jury recommends the following:

### **R1. The County's contract with the Napa Solano SANE SART should be renewed.**

This recommendation has not yet been implemented but will be in FY 2018-19.

The Marin County District Attorney has advised that Napa Solano SANE SART is not requesting any funding modification for next fiscal year. Pending Board approval, the contract will be renewed.

### **R2. The County should investigate alternative financing in collaboration with Napa Solano SANE SART to address funding variations resulting from the number of rapes per capita and large geography serviced, as directed in California Penal Code Section 13898.2 (c).**

This recommendation requires further analysis.

Per advice of the Marin County District Attorney, consideration of R2 will involve a discussion with Marin County's Sexual Assault Response Team, as well as Napa Solano SANE SART personnel, with the goal of providing the best forensic sexual assault examination protocol.

We are pleased that the Grand Jury overall finds Marin's current Sexual Assault Examination protocol is effective; that the Napa Solano SANE SART team conducting the forensic examinations is well-qualified; and that the Kaiser Permanente Vallejo Medical Center is an appropriate central location with good access for the counties it serves.

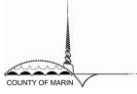
### **R3. Each law enforcement agency should complete an inventory of rape kits in their evidence lockers, and identify kits that have not been submitted to the California Department of Justice Crime Laboratory for DNA analysis.**

This recommendation has been implemented.

The Marin County Sheriff indicates that all rape kits collected by his office have already been submitted to the California Department of Justice Crime Laboratory for DNA analysis. There are no untested kits to inventory.

### **R4. Kits that have not been DNA tested should be sent to the California Department of Justice Crime Laboratory for processing, regardless of statute of limitations or prosecutorial value.**

This recommendation has been implemented.



County of Marin Response to Grand Jury Report Findings and Recommendations  
"Sexual Assault in Marin: Evidence Collection, Processing and Backlog"  
April 25, 2018

Prior to the Grand Jury's publication of this report, we understand that all untested sexual assault evidence kits were sent by the Marin County Sheriff's Office to the California Department of Justice Crime Laboratory for testing.

**R5. Law enforcement agencies should have a clearly defined policy regarding retention of kits.**

This recommendation will not be implemented because it is not warranted or reasonable.

The Marin County Sheriff's Office reports that it follows the recommendations of evidence retention established by the California Property and Evidence Association (CAPE), which compel indefinite retention of sexual assault evidence kits. The Sheriff's Office complies with this requirement and believes that it need not separately restate policies with which it already must comply.

**R6. Each law enforcement agency should have a clear, publicly available policy for keeping victims updated on the status of their rape kit processing and results.**

This recommendation will not be implemented because it is not warranted or reasonable.

The Marin County Sheriff's Office sexual assault investigators keep victims apprised of the status of their cases and maintain availability to those victims throughout any investigation. In addition, the Sheriff's Office provides sexual assault victims with access to the California Attorney General's Victims' Services Unit and the SAFE-T database.

The Sheriff indicates that requiring a separate written policy to direct sexual assault investigators to behave in a manner that is fundamental to his office's culture as a law enforcement agency would be redundant and unnecessary.



OFFICE OF THE DISTRICT ATTORNEY  
MARIN COUNTY, CALIFORNIA

Prevention \* Prosecution \* Protection

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Rosemary Slote  
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ATTORNEY

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CHIEF DEPUTY DISTRICT  
ATTORNEY

Robert J. French  
CHIEF INSPECTOR

Peggy M. Toth  
CHIEF, FINANCE  
AND ADMINISTRATION

June 22, 2018

Marin County Civil Grand Jury  
Ron Brown, Foreperson  
3501 Civic Center Drive, Room 275  
San Rafael, CA 94903

Re: Response by District Attorney Edward S. Berberian to the Civil Grand Jury  
Report Entitled: "Sexual Assault in Marin"

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Dear Mr. Brown:

**Recommendation 1: The County's contract with the Napa Solano SANE SART should be renewed.**

The District Attorney agrees with this recommendation and has been advised that Napa Solano SANE SART is not requesting a funding modification for the next year.

**Recommendation 2: The County should investigate alternative financing in collaboration with Napa Solano SANE SART to address funding variations resulting from the number of rapes per capita and large geography serviced, as directed in California Penal Code Section 13898.2(c).**

This recommendation requires further analysis and will involve a discussion with our County's Sexual Assault Response Team. The ultimate goal is to provide the best forensic sexual assault examination protocol. Any such discussion most assuredly would include Napa Solano SANE SART personnel.

Very truly yours,

EDWARD S. BERBERIAN  
DISTRICT ATTORNEY



# MARIN COUNTY SHERIFF'S OFFICE

1600 Los Gamos Drive, Suite 200, San Rafael, CA 94903

ROBERT T. DOYLE

Sheriff - Coroner

MICHAEL J. RIDGWAY

Undersheriff

June 12, 2018

Ron Brown, Foreperson  
Marin County Civil Grand Jury  
3501 Civic Center Drive #275  
San Rafael, CA 94903

Reference: Response by Sheriff-Coroner Robert T. Doyle to the 2017-2018 Civil Grand Jury Report Entitled, "Sexual Assault in Marin: Evidence Collection, Processing and Backlog"

Dear Mr. Brown,

As required by Penal Code Section 933.05, I offer the following response to the 2017-2018 Civil Grand Jury Report Entitled, Sexual Assault in Marin: Evidence Collection, Processing and Backlog"

This letter will serve as my response in my official capacity as the Sheriff – Coroner of Marin County. My response is specific to Sheriff's Office operations only, as I do not have the authority to speak on behalf of the municipal police agencies described in your report.

**Recommendation 3: Each law enforcement agency should complete an inventory of rape kits in their evidence lockers, and identify kits that have not been submitted to the California Department of Justice Crime Laboratory for DNA analysis.**

This recommendation will not be implemented because it is not warranted or reasonable.

All rape kits that have been collected by the Marin County Sheriff's Office have already been submitted to the California Department of Justice Crime Laboratory for DNA analysis. There are no untested kits to inventory.

**Recommendation 4: Kits that have not been DNA tested should be sent to the California Department of Justice Crime Laboratory for processing, regardless of statute of limitations or prosecutorial value.**

Recommendation 4 has already been implemented

Prior to the Grand Jury's publication of this report, all untested sexual assault evidence kits were sent to the California Department of Justice Crime Laboratory for testing.

AREA CODE 415

24-HOUR NUMBER  
479-2311

FAX  
473-4126

ADMINISTRATION  
473-7250

CIVIL  
473-7282

COMMUNICATION  
SERVICES  
473-7243

CORONER  
473-6043

COURTS  
473-7393

EMERGENCY  
SERVICES  
473-6584

INVESTIGATIONS  
473-7265

JAIL  
473-6655

MAJOR CRIMES  
TASK FORCE  
884-4878

PATROL  
473-7233

RECORDS  
473-7284

WARRANTS  
473-7297

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**Recommendation 5: Law enforcement agencies should have a clearly defined policy regarding retention of kits.**

This recommendation will not be implemented because it is not warranted or reasonable.

The Marin County Sheriff's Office follows the recommendations of evidence retention established by the California Property and Evidence Association (CAPE). CAPE retention policies compel indefinite retention of sexual assault evidence kits and the Sheriff's Office complies with that decree. Requiring a separate Sheriff's Office policy to compel the same action is redundant and unnecessary.

**Recommendation 6: Each law enforcement agency should have a clear, publicly defined policy for keeping victims updated on the status of their rape kit processing and results.**

This recommendation will not be implemented because it is not warranted or reasonable.

It is the culture of the Marin County Sheriff's Office sexual assault investigators to keep victims apprised of the status of their cases and to maintain availability to those victims throughout the investigation. In addition, the Sheriff's Office provides sexual assault victims with access to the California Attorney General's Victims' Services Unit and the SAFE-T database. Requiring a separate written policy to direct sexual assault investigators to behave in a manner that is fundamental to who we are as a law enforcement agency is redundant and unnecessary.

Yours truly,  
  
ROBERT T. DOYLE  
SHERIFF-CORONER