



THE CITY OF SAN DIEGO

TODD GLORIA

MAYOR

September 20, 2022

Honorable Michael T. Smyth
Presiding Judge of the Superior Court
1100 Union Street, 10th Floor
San Diego, CA 92101

Re: Grand Jury Report: "Sexual Assault Kit Testing & Senate Bill 22"

Dear Judge Smyth:

Pursuant to California Penal Code Section 933.0S(a), (b) and (c), the City of San Diego provides the attached response to the findings and recommendations included in the above-referenced Grand Jury Report.

If you require additional information or have any questions, please do not hesitate to contact Matt Yagyagan, Deputy Director of Policy and Council Affairs, at 619-380-5075.

Sincerely,

A handwritten signature in black ink that reads "Todd Gloria".

TODD GLORIA
Mayor
City of San Diego

Attachments:

1. City of San Diego Response to San Diego County Grand Jury Report Titled "Sexual Assault Kit Testing & Senate Bill 22"

cc: Ed Lopatin, Foreperson, 2022/2023 San Diego County Grand Jury
Honorable Council President Sean Elo-Rivera and Members of the City Council
Honorable City Attorney Mara Elliot
Charles Modica, Independent Budget Analyst
Paola Avila, Chief of Staff, Office of the Mayor
Jay Goldstone, Chief Operating Officer
Christiana Gauger, Chief Compliance Officer

**City of San Diego Response to
San Diego County Grand Jury Report Titled
"Sexual Assault Kit Testing & Senate Bill 22"**

Pursuant to California Penal Code Section 933.05(a), (b) and (c), the City of San Diego provides the following response from the Mayor to the applicable findings and recommendations included in the above referenced Grand Jury Report.

RESPONSE TO FINDINGS:

Finding 1: *As a result of funding shortfalls, crime labs are understaffed and under-equipped to meet SB 22 requirements.*

Response: **The San Diego Police Department (SDPD) Chief of Police disagrees in part with the Grand Jury's finding.**

The SDPD Chief of Police agrees that the requirements of SB 22 necessitate additional crime lab resources. However, prior to SB 22, the SDPD crime lab was adequately staffed and equipped for work being performed.

Finding 2: *Availability of resources is often a limiting factor in the processing of Sexual Assault Kits (SAKs). Any concerted effort to process SAKs in a timely manner must include adequate staffing and financial resources.*

Response: **The SDPD Chief of Police agrees with the Grand Jury's finding.**

Processing SAKs timely requires an appropriate level of in-house expertise and resources, resources for a reliable contractor to process SAKs, or a combination of the two.

RESPONSE TO RECOMMENDATIONS:

Recommendation 22-21: *The Government Affairs Department for the City of San Diego lobby the California State Assembly for reintroduction of AB 18, or similar legislation, mandating reimbursement for the increased costs incurred by city police crime labs forensic evidence testing requirements of SB 22.*

Response: **The recommendation will not be implemented because it is not warranted or reasonable.**

The Mayor disagrees with lobbying for the reintroduction of AB 18 or similar legislation if the goal is to mandate reimbursements for increased costs due to the forensic evidence testing requirements of SB 22. AB 18 did not propose to mandate reimbursement of costs resulting from SB 22, and merely mirrored the standard state language regarding state mandates and local authority to impose fees for cost

recovery common to state legislation. This response to not implement the Grand Jury's recommendation is based on a number of reasons that include the following:

- The provisions of SB 22 already include the ability for City crime labs to seek reimbursement for SB 22 testing requirements, and SDPD is actively pursuing those reimbursement opportunities.
- AB 18 would have required reimbursements for testing SAKs obtained prior to the timeframe specified in SB 22. SDPD crime lab has already *voluntarily* tested those SAKs and therefore would likely not qualify for reimbursement from the Commission of State Mandates as the tests were not conducted in response to a mandate.
- SAK test claims must be filed within 12 months of the effective date of the mandated legislation or within 12 months of when a local agency incurred costs. Because SDPD has been voluntarily testing older SAKs, their associated costs would not qualify for reimbursement.
- Reintroduction of AB 18 or a similar bill does not guarantee reimbursement for SDPD work, and merely uses boiler plate language common to state legislation to attempt to classify duties assigned to local governments as not meeting the criteria for a state imposed mandate by citing authority to seek fees for cost recovery.

Recommendation 22-22: *The San Diego City Council to increase budget appropriations that will address the future needs in staff, training, and equipment for the San Diego Police Department Crime Lab to comply with the mandates of SB 22.*

Response: **The recommendation has been implemented.**

On June 13, 2022 the City Council approved the City of San Diego's Fiscal Year (FY) 2023 budget which included the addition of crime lab DNA support: 7.00 Laboratory Technician positions and total additional expenditures of approximately \$533,000. The FY 2023 budget was effective as of July 1, 2022.