

Follow-up Report to the 2018-2019 San Joaquin County Civil Grand Jury



Case #0318

Cold Cases in San Joaquin County:

On the Back Burner

Preface

This report contains the responses to the 2018-2019 San Joaquin County Civil Grand Jury report regarding Cold Cases in San Joaquin County. This follow-up report focuses on the 2018-2019 Grand Jury findings and recommendations, as well as the municipal and county law enforcement agencies' responses, which are presented verbatim in this report.

The 2019-2020 Grand Jury follow-up determinations are presented after the agency's response to each recommendation.

Discussions, findings, and recommendations from the 2019-2020 Grand Jury are in text boxes framed in black.

Complete copies of the original reports and the agency's responses may be found on the San Joaquin County Grand Jury website at: <https://www.sjcourts.org/grandjury/>

Summary

The recommendations of the 2018-2019 Grand Jury were largely adopted in the County. There is now a dedicated Cold Case Task Force within the various law enforcement agencies. Additional staffing has been assigned as needed to aid in the investigation and prosecution of cold cases, and a system for maintaining periodic contact with family members of cold case victims is now in place. There is also a partnership with the regional CA-DOJ crime laboratories to facilitate the timely testing of all DNA evidence.

Investigating cold case homicides, missing persons, and sexual assaults is about doing what is right and just – for the victims, for their survivor family members, and for our community. As noted in the 2018-2019 Grand Jury report, the Stockton Police Chief stated, “We think it’s so important that we have somebody assigned to these cases because we have hurting families who have never received closure.” Now, with the vast improvements in the staffing, funding, and processes throughout the county, those families may receive the closure that is their due.

Method of Follow-Up Investigation

The current Grand Jury reviewed the original 2018-19 report #0318, “Cold Cases in San Joaquin County.” The 2019-2020 Grand Jury reviewed the minutes of all City Council (Stockton, Escalon, Lodi, Manteca, Tracy, Ripon) and San Joaquin County Board of Supervisor meetings. They also interviewed San Joaquin County District Attorney Office staff.

The mandatory responses to the findings and recommendations were reviewed to determine:

- If the agencies’ responses were complete and comprehensible;
- If the agencies would implement the recommendations within the stated deadlines; and
- If confirmation was necessary. Confirmation could include written documentation, interviews or site inspections.

Summary of Responses and Grand Jury Conclusions

Respondent	Rec #	Response	Grand Jury Conclusion	
			Comments	Conclusion
SJ County Board of Supervisors	R3	Partially implemented		No further action taken
	R4	Partially implemented		No further action taken

Respondent	Rec #	Response	Grand Jury Conclusion	
			Comments	Conclusion
Stockton	R1	Implemented		No further action taken
	R2	Implemented		No further action taken
	R5	Partially implemented		No further action taken
	R8	Implemented		No further action taken
	R10	Implemented		No further action taken
Escalon	R1	Implemented		No further action taken
	R2	Implemented		No further action taken
	R8	Implemented		No further action taken
	R10	Implemented		No further action taken
Lodi	R1	Implemented		No further action taken
	R2	Implemented		No further action taken
	R8	Implemented		No further action taken
	R10	Implemented		No further action taken
Manteca	R1	Partially implemented		No further action taken
	R2	Implemented		No further action taken
	R8	Implemented		No further action taken
	R10	Implemented		No further action taken
Ripon	R1	Implemented		No further action taken

Respondent	Rec #	Response	Grand Jury Conclusion	
			Comments	Conclusion
	R2	Implemented		No further action taken
	R8	Implemented		No further action taken
	R10	Implemented		No further action taken
Tracy	R1	Implemented		No further action taken
	R2	Implemented		No further action taken
	R8	Implemented		No further action taken
	R10	Implemented		No further action taken
SJ County Sheriff	R1	Implemented		No further action taken
	R2	Implemented		No further action taken
	R3	Implemented		No further action taken
	R8	Implemented		No further action taken
	R10	Implemented		No further action taken
SJ County District Attorney	R1	Implemented		No further action taken
	R2	Implemented		No further action taken
	R4	Implemented		No further action taken
	R6	Implemented		No further action taken
	R7	Implemented		No further action taken
	R8	Implemented		No further action taken

Respondent	Rec #	Response	Grand Jury Conclusion	
			Comments	Conclusion
	R9	Implemented		No further action taken
	R10	Implemented		No further action taken

Recommendations, Agency Responses, and Grand Jury Results

Note: For the sake of brevity, **Findings** and **associated Agency Responses** are not listed here. They can be found online at <https://www.sjcourts.org/grandjury/>.

1.0 San Joaquin County Board of Supervisors Responses

2018- 2019 Grand Jury Recommendation R3: The San Joaquin County Sheriff utilize budget options and staffing reassignments as necessary to provide the equivalent of at least three full-time Sheriff's Detectives dedicated solely to cold case investigations no later than December 31, 2019.

Agency Response: *Partially has been implemented. In the 2019-2020 Adopted Final Budget, the Board of Supervisors approved the addition of two (2) Deputy Sheriffs to establish a Cold Case Unit consisting of an existing Sergeant and the two (2) new Deputy Sheriff positions.*

San Joaquin County Board of Supervisors approved the partial staffing requests at their meeting on August 27, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R4: The San Joaquin District Attorney utilize budget options and staffing reassignments as necessary to provide the equivalent of at least two full-time District Attorney Investigators dedicated solely to cold case investigations no later than December 31, 2019.

Agency Response: *Partially has been implemented. In the 2019-2020 Adopted Final Budget, the Board of Supervisors approved the addition of one (1) Deputy District Attorney IV to the Bureau of Investigation's Cold Case Homicide Unit to investigate, review, and prosecute cold case homicides and sexual assault cases. The new Deputy District Attorney IV, together with one-full-time Investigator and one part-time Investigator will form a Cold Case Task Force in the District Attorney's Office.*

San Joaquin County Board of Supervisors approved the partial staffing requests at their meeting on August 27, 2019. The 2019-2020 Grand Jury determined to take no further action.

2.0 Stockton City Council Responses

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold Case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

Agency Response: *The respondent agrees with this recommendation. The Stockton Police Department (SPD) defines cold case investigations as open cases in which all workable investigative leads have been exhausted. The SPD places the highest priority on safeguarding the lives of all those in the community we serve. The SPD also remains committed to being on the cutting edge of technology. Accordingly, the SPD will place the highest priority on cold cases in which there has been a loss of life, and physical and/or forensic evidence that can be analyzed is in existence. The SPD will also place a priority on other cold cases in which physical and/or forensic evidence exists, The SPD will also develop a cold case database to track the status of these investigations.*

Stockton City Council approved the updated cold case plan to define, prioritize, and digitally track cold case investigations at their meeting on August 20, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape) in addition to homicide no later than December 31, 2019.

Agency Response: *The respondent agrees with this recommendation. The SPD's definition of "cold case" currently includes all the above types of cases.*

Stockton City Council approved the updated cold case definition at their meeting on August 20, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R5: The City of Stockton utilize budget options and staffing reassignments as necessary to provide the equivalent of at least three full-time Police Detectives dedicated solely to cold case investigations no later than December 31 , 2019.

Agency Response: *The respondent partially agrees with this recommendation. Immediately following the passage of Measure A by voters in 2014, the Department developed a long-range staffing expansion plan to replenish the 100 sworn positions lost*

during the financial crisis and municipal bankruptcy. That plan included replenishing staffing within the Investigations Division, but that has yet to be completed due to many new hires still in training. As Measure A positions are steadily filled over the coming months, vacancies within all areas of the Department will be filled by priority need. Some level of additional staff dedicated solely to "cold case" investigations will be considered as the Investigations Division staffing replenishment is realized.

Barring additional funding, however, adding three full-time cold case detectives may not be feasible. In the interim, the SPD has 16 full-time robbery/homicide detectives, one full-time missing persons investigator, and seven full-time child abuse/sexual assault detectives. Additionally, the SPD currently utilizes two part-time detectives who are specifically assigned to cold case investigations. Each of these 25 investigators has been trained on cold case investigative techniques, and currently transition cold cases to active status when new workable leads are discovered.

Stockton City Council approved the partial staffing requests at their meeting on August 20, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

Agency Response: *The respondent partially agrees with this recommendation. The SPD will review and earnestly consider joining any new regional cold case task force, within our available capacity and resources. The SPD believes this type of task force is most effectively used for those cases which cross jurisdictional boundaries.*

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Agency Response: *The respondent agrees with this recommendation. The SPD currently maintains a database of all homicide cases and ensures contact is made with the primary family liaison on a regular basis. Specifically, the SPD contacts the primary family liaison no less than once a month for no less than one year. The SPD maintains monthly contact with the primary family liaison beyond that timeframe if the case remains active. Once the case is deemed "cold," the primary family liaison is advised, and the SPD then continues to contact the primary family liaison no less than once per year. The SPD plans to institute this same basic strategy on other cold cases once adequate staffing is realized.*

Stockton City Council approved the procedures for maintaining contact with cold case family members at their meeting on August 20, 2019. The 2019-2020 Grand Jury determined to take no further action.

3.0 Escalon City Council Responses

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold Case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

Agency Response: *The Escalon City Council agrees with the Grand Jurys Finding and Recommendation R1. The Police Chief has adopted, and the City Council hereby supports, the policy for the handling of Cold Case Investigations. Pursuant to this policy, the Department will utilize its computerized Records Management System database to define, prioritize and digitally track cold case investigations using emerging DNA testing techniques.*

Escalon City Council approved the updated cold case plan to define, prioritize, and digitally track cold case investigations at their meeting on February 19, 2020. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape) in addition to homicide no later than December 31, 2019.

Agency Response: *The Escalon City Council agrees with the Grand Jury's Finding and Recommendation R2. The Police Chief has adopted, and the City Council hereby supports, the policy for the handling of Cold Case Investigations. Article II of said policy includes a new definition of "Cold Case Investigations" which is consistent with Recommendation R2.*

Escalon City Council approved the updated cold case definition at their meeting on February 19, 2020. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

Agency Response: *The Escalon City Council agrees with the Grand Jurys Finding and Recommendation R8. The Police Chief has adopted, and the City Council hereby supports, the policy for the handling of Cold Case Investigations. Relative to Recommendation R8,*

the policy states: In the pursuit of successful collaboration, the Escalon Police Department will sign a Partnership and Cooperation Agreement with the newly formed San Joaquin County District Attorneys Office Cold Case Task Force.

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Agency Response: *The Escalon City Council agrees with the Grand Jury's Finding and Recommendation R10. The Police Chief has adopted, and the City Council hereby supports, the policy for the handling of Cold Case Investigations. Relative to Recommendation R10, the policy establishes a procedure and practice for maintain periodic contract with family members of cold case victims.*

Escalon City Council approved the procedures for maintaining contact with cold case family members at their meeting on February 19, 2020. The 2019-2020 Grand Jury determined to take no further action.

4.0 Lodi City Council Responses

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold Case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

Agency Response: *Agree.*

Lodi City Council approved the updated cold case plan to define, prioritize, and digitally track cold case investigations at their meeting on August 21, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape) in addition to homicide no later than December 31, 2019.

Agency Response: *Agree.*

Lodi City Council approved the updated cold case definition at their meeting on August 21, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

Agency Response: *The City of Lodi and the Lodi Police Department will wait to read the Partnership and Cooperation Agreement before determining whether we can consent to the Agreement; but agrees that a Cold Case Task Force and cooperation between County agencies would be beneficial.*

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Agency Response: *Agree.*

The Lodi City Council approved the procedures for maintaining contact with cold case family members at their meeting on August 21, 2019. The 2019-2020 Grand Jury determined to take no further action.

5.0 Manteca City Council Responses

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold Case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

Agency Response: *This recommendation has been partially implemented with Manteca Police Department Lexipol Policy 600. The Manteca Police Department does not have any cold cases with testable DNA evidence that has not been tested.*

Manteca City Council approved the updated cold case plan to define, prioritize, and digitally track cold case investigations at their meeting on July 30, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape) in addition to homicide no later than December 31, 2019.

Agency Response: *This recommendation has been implemented. The definition of cold case and serious cold case has been added to the Manteca Police Department Lexipol Policy 600..*

Manteca City Council approved the updated cold case definition at their meeting on July 30, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

Agency Response: *This recommendation has not been implemented. The Manteca Police Department participates in several county task forces with the other county agencies and is always open to new collaborative efforts and would welcome a partnership agreement with San Joaquin County by March 31, 2020.*

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Agency Response: *This recommendation has been implemented in Manteca Police Department Lexipol Policy 600*

Manteca City Council approved the procedures for maintaining contact with cold case family members at their meeting on July 30, 2019. The 2019-2020 Grand Jury determined to take no further action.

6.0 Ripon City Council Responses

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold Case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

Agency Response: *In response, the City Council agrees with the Grand Jury's Finding and Recommendation R1. The Police Chief has adopted, and the City Council hereby supports, Department Order #600-01 entitled "Cold Case Investigations". Pursuant to this Order, the Department will utilize its computerized Records Management System database to define, prioritize and digitally track cold case investigations using emerging DNA testing techniques.*

Ripon City Council approved the updated cold case plan to define, prioritize, and digitally track cold case investigations at their meeting on August 13, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape) in addition to homicide no later than December 31, 2019.

Agency Response: *In response, the City Council agrees with the Grand Jury's Finding and Recommendation R2. The Police Chief has adopted, and the City Council hereby supports, Department Order #600-01 entitled "Cold Case Investigations". Article II of said Department Order includes a new definition of "Cold Case Investigations" which is consistent with Recommendation R2.*

Ripon City Council approved the updated cold case definition at their meeting on August 13, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

Agency Response: *In response, the City Council agrees with the Grand Jury's Finding and Recommendation R8. The Police Chief has adopted, and the City Council hereby supports, Department Order #600-01 entitled "Cold Case Investigations". Relative to Recommendation R8, Department Order 600-01 states: "In the pursuit of successful collaboration, the Ripon Police Department will sign a Partnership and Cooperation Agreement with the newly formed San Joaquin County District Attorney's Office Cold Case Task Force."*

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Agency Response: *In response, the City Council agrees with the Grand Jury's Finding and Recommendation R10, The Police Chief has adopted, and the City Council hereby supports, Department Order #600-01 entitled "Cold Case Investigations". Relative to Recommendation R10, Department Order 600-01 establishes a procedure and practice for maintaining periodic contact with family members of cold case victims.*

The Ripon City Council approved the procedures for maintaining contact with cold case family members at their meeting on August 13, 2019. The 2019-2020 Grand Jury determined to take no further action.

7.0 Tracy City Council Responses

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold Case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

Agency Response: *This recommendation has been implemented. The Tracy Police Department acknowledges and accepts the definition of "cold case" which was adopted by all law enforcement agencies in San Joaquin County. The Tracy Police Department will prioritize and investigate "cold cases" based on new investigative leads or evidence. The Tracy Police Department maintains a list of all cold cases. This list is kept by the General Investigation's Sergeant and Records Supervisor in an excel spreadsheet which is kept in the Tracy Police Department's internal drive*

Tracy City Council approved the updated cold case plan to define, prioritize, and digitally track cold case investigations at their meeting on February 18, 2020. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape) in addition to homicide no later than December 31, 2019.

Agency Response: *This recommendation has been implemented. The definition of a "cold case" was determined by all law enforcement agencies in San Joaquin County and the San Joaquin County District Attorney's office. It is as follows:*

A cold case is an unsolved crime previously reported to a law enforcement agency and the agency determines investigative leads were exhausted. The initial investigation of the cold case failed to result in the identification of a suspect, arrest of a suspect, the referral of the case to the District Attorney's Office and/or the filing of criminal charges by the District Attorney's Office.

Due to the passage of time, the development of evidence of other crimes, and/or the lack of further investigative leads, the law enforcement agency is no longer actively investigating the crime. These cases are deemed "open" investigations.

For the purposes of the Cold Case Task Force, "cold cases" include unsolved homicides, missing person cases with suspicious circumstances, and sexual assaults, specifically Penal Code section 261, where no suspect was identified..

Tracy City Council approved the updated cold case definition at their meeting on February 18, 2020. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

Agency Response: *This recommendation has not yet been implemented, but will be implemented no later than March 31, 2020. The Tracy Police Department will participate in the Cold Case Task Force which will be formed no later than March 31, 2020. Due to staffing constraints, the Tracy Police Department is unable to commit a detective to this task force. The Tracy Police Department's participation in the task force will consist of submitting its "cold case" list to the San Joaquin County District Attorney's Office no later than February 20, 2020 and investigating its "cold cases" as new leads and/or evidence exists.*

Currently, there is a request from the San Joaquin County District Attorney's Office to have all law enforcement agencies in San Joaquin County sign a partnership and cooperation agreement to join the task force no later than March 31, 2020. The partnership and cooperation agreement will be drafted by the San Joaquin County District Attorney's Office.

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Agency Response: *This recommendation has been implemented. As a standard practice, all "cold cases" as now defined, will be on an active caseload and therefore assigned to a detective. The assigned detective will be expected to make periodic contact with the family of the victim(s) on an at least annual basis.*

Currently, the Tracy Police Department has the following cold cases:

Homicides - 4

Sexual Assaults - 9 (These offenses have a ten year statute of limitations)

Missing Persons Cases with Suspicious Circumstances - 5

The Tracy City Council approved the procedures for maintaining contact with cold case family members at their meeting on February 18, 2020. The 2019-2020 Grand Jury determined to take no further action.

8.0 San Joaquin County Sheriff's Responses

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold Case investigations no

later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

Agency Response: *The San Joaquin County Sheriff's Office currently tracks homicide cases through case lists. These lists are in sequential order based on the date of occurrence. Each case is identified as either solved or unsolved. Furthermore, the Persons Unit of the Investigations Division has binders that list the cases and give a short background synopsis and whether the case is solved or unsolved.*

The San Joaquin County Sheriff's Office tracks cases of missing persons through the assistance of DOJ, using our OR/ number. The Sheriff's Office does not currently track sexual assault (forcible rape and attempted rape) cold cases.

The Sheriff's Office will use a database to upload unsolved homicides, sexual assault (forcible rape and attempted rape) and missing persons cases. The San Joaquin County Sheriff's Office has already made arrangements to begin scanning old cold cases into a program called Laserfiche, so that these cases will be available for review without having to go to warehoused archives and retrieve cases.

Cases will also be given a solvability rating after reviewing them, which will help determine prioritization. This solvability rating scale will have to be evaluated and adjusted as cases are reviewed, based on the evidence that exists.

The Sheriff's Office continues to research and utilize emerging DNA techniques.

San Joaquin County Sheriff Office approved the updated cold case plan to define, prioritize, and digitally track cold case investigations on July 24, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape) in addition to homicide no later than December 31, 2019.

Agency Response: *Any cases that are 5 years or older, to include homicides, missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape), where investigative leads have been exhausted will be deemed a cold case.*

San Joaquin County Sheriff Office approved the updated cold case definition on July 24, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R3: The San Joaquin County Sheriff utilize budget options and staffing reassignments as necessary to provide the equivalent of at least three

full-time Sheriff's Detectives dedicated solely to cold case investigations no later than December 31, 2019.

Agency Response: *The San Joaquin County Sheriff's Office secured two full-time "Cold Case" detective allocations in the 2019-2020 Fiscal Year Budget, in addition to the sergeant position that already exists. These two full-time detectives serve a dual purpose by working cold cases and special-circumstance cases. The Sheriff's Office will utilize per-diem deputies to provide the equivalent of three full-time detectives. The Sheriff's Office will also utilize civilian personnel to assist in data entry and case research.*

San Joaquin County Sheriff Office approved the staffing request on July 24, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

Agency Response: *The Sheriff's Office is dedicated to forming community partnerships and working with our fellow law enforcement agencies within San Joaquin County. The Sheriff's Office is willing to participate as a member agency of the Cold Case Task Force and is willing to sign a mutually agreed-upon Memorandum of Understanding by March 21, 2020. The 2019-2020 Grand Jury determined to take no further action.*

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Agency Response: *The San Joaquin County Sheriff's Office will research and create a next-of-kin database that will be used to contact family members and provide them with case updates on an annual basis. This will be done by anniversary month of when the case occurred. Contact will be documented in the case notes file within the database.*

The San Joaquin County Sheriff's Office will research and create a next-of-kin database that will be used to contact family members and provide them with case updates on an annual basis. This will be done by anniversary month of when the case occurred. Contact will be documented in the case notes file within the database.

San Joaquin County Sheriff Office Council approved the procedures for maintaining contact with cold case family members on July 24, 2019. The 2019-2020 Grand Jury determined to take no further action.

9.0 San Joaquin County District Attorney's Office

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

Agency Response: *The San Joaquin County District Attorney's Office will implement this Recommendation in the future through the formation of the Cold Case Task Force. Through collaboration with countywide law enforcement agencies, the District Attorney's Office will develop a plan to define, prioritize and digitally track cold cases no later than the requested deadline of December 31, 2019.*

San Joaquin County District Attorney's Office approved the updated cold case plan to define, prioritize, and digitally track cold case investigations on July 17, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances, and sexual assault (forcible rape and attempted rape), in addition to homicide no later than December 31, 2019.

Agency Response: *This recommendation requires further analysis to determine the full scope and number of cases within each agency and the overall impact to investigative resources in expanding the "cold case" definition to include missing persons with suspicious circumstances and sexual assault cases in addition to the number of homicide cases. The members of the future Cold Case Task Force can assess their collective ability to prioritize cold case investigations given the overall number of cases within consideration of inclusion of the additional categories.*

As additional information, the California State Legislature passed Assembly Bill 701, effective January 1, 2017, codifying Penal Code section 263.1 declaring all forms of nonconsensual sexual assault as rape for purposes of the gravity of the offense and the support of the survivors. The legal definition of rape is set forth within Penal Code section 261. There are expansive sections of the Penal Code defining acts involving sexual assault. Therefore, the application of this expanded cold case definition to include the number of unsolved sexual assault cases may be too industrious and require a limitation of which cases should realistically be included for "cold case" investigation.

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R4: The San Joaquin District Attorney utilize budget options and staffing reassignments as necessary to provide the equivalent of at least two full-

time District Attorney Investigators dedicated solely to cold case investigations no later than December 31, 2019.

Agency Response: *The District Attorney will implement this Recommendation both in the future and by continuing to allocate and prioritize existing resources to investigate cold cases.*

As mentioned in section 4.0 of the Grand Jury report, the San Joaquin County District Attorney's Office requested funding in its Fiscal Year 2018-2019 budget request for funding of positions dedicated to cold investigation and prosecution. This budget request did not receive funding, although other positions did receive funding. The San Joaquin County District Attorney's Office did again renew its request for funding of positions dedicated to cold case investigation and prosecution for Fiscal Year 2019-2020. The San Joaquin County Board of Supervisors did approve funding for one Deputy District Attorney for Fiscal Year 2019-2020. The Office did not receive funding for additional investigator positions. The Department is prepared to continue to dedicate investigative resources to work cold cases in coordination with the members of the future Cold Case Task Force. The Department recently dedicated a full-time investigator to cold case investigations.

San Joaquin County Board of Supervisors approved the partial staffing for the District Attorney's Office requests at their meeting on August 27, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R6: The San Joaquin County District Attorney's Office develop a plan for a Cold Case Task Force to facilitate collaboration in investigating and prosecuting cold cases for all law enforcement agencies in San Joaquin County no later than December 31, 2019.

Agency Response: *The District Attorney's Office will implement the Recommendation in the future through the development of a plan for a Cold Case Task Force no later than December 31, 2019.*

San Joaquin County District Attorney's Office developed a plan for a Cold Case Task Force. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R7: The San Joaquin County District Attorney's Office establish a Cold Case Task Force for all law enforcement agencies in San Joaquin County no later than March 31, 2020.

Agency Response: *The District Attorney's Office will implement this Recommendation in the future through the establishment of a Cold Case Task Force for all countywide law enforcement agencies no later than March 31, 2020.*