

2023-2024 San Joaquin County Civil Grand Jury

Second Look



Introduction

The 2023-2024 San Joaquin Civil Grand Jury decided to take a “Second Look” at issues addressed in previous Civil Grand Jury Reports. This decision was based on concerns of the current Civil Grand Jury and citizen complaints.

The 2023-2024 San Joaquin Civil Grand Jury reviewed selected previous reports along with the appropriate agencies responses to ascertain whether or not the reports and/or any implemented recommendation made any significant impact, positive changes, created more efficiency in County operations, or simply made no difference at all.

2023 - 2024 San Joaquin County Civil Grand Jury



Second Look:

2018-2019 San Joaquin County Civil Grand Jury Report

Cold Cases in San Joaquin County: On the Back Burner Case # 0318

Summary

Every year, the San Joaquin County Civil Grand Jury, Law and Justice Committee is charged with reporting the status of and/or investigating matters pertaining to law enforcement, including police, juvenile justice, public protection, probation issues, and inspecting detention facilities within the county. This year's Civil Grand Jury determined the status of cold cases was also warranted. The 2018-2019 San Joaquin County had produced a report San Joaquin County Civil Grand Jury Report: Cold Cases in San Joaquin County: On the Back Burner Case # 0318. The Law and Justice Committee determined this report gave a thorough and accurate assessment of the status of cold case investigations in San Joaquin County. However, the Civil Grand Jury decided to take a "Second Look" at the current status of cold cases. The report made ten recommendations that all the law enforcement agencies agreed to implement or least partially implement. Complete copies of the original report, all follow up reports, and the agencies responses can be found on the San Joaquin County Civil Grand Jury website at <https://www.sjcourts.org/divisions/civil-grand-jury> .

Background

The 2018-2019 San Joaquin County Civil Grand Jury investigated the status of cold case investigations. They concluded that the County lacked leadership, staff, desire, and funding: what were called cold case units were basically nonexistent units.

The Civil Grand Jury found 8 items/areas of concern for cold case investigation:

- Definition of cold cases
- Counting cold cases
- Clearance rates
- Staffing
- Funding
- Investigating
- Solving cold cases in San Joaquin County
- Maintaining contact with family of cold case victims

Their investigation led to the following ten recommendations:

- 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.
- R2 Each law enforcement agency in San Joaquin County expands 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.
- 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.

- R4 The San Joaquin County 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.
- R5 The City of Stockton utilizes 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.
- 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.
- 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.
- R8 Each law enforcement agency in San Joaquin County signs a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.
- R9 The newly formed Cold Case Task Force partner with the regional CA-DOJ crime laboratories to facilitate the timely and necessary testing of all DNA evidence for cold case investigations no later than March 31, 2020.
- R10 Each law enforcement agency in San Joaquin County develops a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Reason for Investigation

The 2023-2024 San Joaquin County Civil Grand Jury Law and Justice Committee wanted to determine the status of cold case investigations in San Joaquin County today and assess/determine the impact of the 2018-2019 Civil Grand Jury report. Departmental presentations included an update of cold case investigations revealed very little progress.

Method of Investigation

The current Law and Justice Committee sent cold case surveys to all law enforcement agencies in the County to gauge the status of cold case investigations. The response to the surveys was disappointing and the various agency presentations made it clear not much had changed with one notable exception, the San Joaquin County Sheriff's Office.

Materials Reviewed

- 2018-2019 San Joaquin County Civil Grand Jury Report. "Cold Cases in San Joaquin County: On the Back Burner #0318"
- 2019-2020 San Joaquin County Civil Grand Jury Follow-up Report. "Cold Cases in San Joaquin County: On the Back Burner #0318"
- 2023-2024 San Joaquin County Civil Grand Jury Cold Case Surveys

Presentations

- Tracy Police Department
- Manteca Police Department
- Lodi Police Department
- Ripon Police Department

- Lathrop Police Department
- Stockton Police Department
- San Joaquin County Sheriff's Office
- San Joaquin County District Attorney's Office
- Escalon Police Department

Interviews Conducted

A total of seven people from three agencies involved with cold case investigations were interviewed.

Sites Visited

- San Joaquin County Sheriff's Office
- Escalon Police Department

Discussions, Findings, and Recommendations

When the 2018-2019 San Joaquin County Civil Grand Jury began their investigation of cold cases in San Joaquin County, they found that only three agencies claimed to have a dedicated or semi-dedicated cold case unit. They were the San Joaquin County Sheriff's Office, the Stockton Police Department, and the District Attorney's Office.

The Sheriff's Office had a cold case unit that consisted of two deputies and a sergeant. Upon further investigation it was discovered that due to staff vacancies, the two deputies and the sergeant were assigned to other units, leaving virtually no one to work on cold cases.

The Stockton Police Department's cold case unit consisted of one retired annuitant. He had limitations due to the number of hours he could work in a year. He also had not been recertified as a police officer and was restricted from performing certain duties.

The District Attorney's Office had two assigned cold case investigators. At the time, one investigator was on loan to the Tracy Police Department and the other was assigned duties unrelated to cold cases.

No other law enforcement agencies had any dedicated cold case unit or staff. Most cold cases were assigned to the Sheriff's Office.

After the 2018-2019 Civil Grand Jury released their report, there was consensus that cold cases had not received the attention and consideration they deserved and should be given a higher priority. Those who responded to the report agreed to either implement or partially implement the report recommendations pending budget approval, departmental reorganization, and availability of staffing and other resources.

San Joaquin County Sheriff's Office

The Sheriff's Office has formed a Cold Case Unit, consisting of (1) Lieutenant, (1) Sargeant, and (4) Detectives who also investigate "in-house" crimes, jail incidents, and officer involved shootings. Their definition of cold cases includes unsolved homicides, long-term missing persons, and violent sexual assaults. The SJCSO cold case database, that includes only SJCSO cases, which could be expanded to include all other law enforcement agencies in the County. All assigned staff regularly attend outside cold case schools and training. They keep up with the latest innovations in investigative technology and techniques, especially those specific to cold case investigations.

The SJCSO are aware of the Stockton Police Department's and the San Joaquin County District Attorney's cold case investigators, but do not have any formal or regular working relationship with

them. The Stockton Police Department (SPD) was not aware of the County Cold Case Task Force and was not sure how a task force would work or if it would be beneficial.

The Sheriff's Office should be commended for their follow through on the 2018-2019 Civil Grand Jury recommendations.

Stockton Police Department

The only improvement related to Cold Cases since the 2018-2019 Civil Grand Jury report is that the retired annuitant has been recertified as a peace officer and can now perform all investigating functions without relying on another officer. None of the Civil Grand Jury recommendations were implemented.

San Joaquin County District Attorney's Office (DA)

There has been little to no change in the DA's "Cold Case Unit" including the number of cold case investigators, and their time is divided among other responsibilities. The Chief Deputy District Attorney heading up the cold case unit is also assigned to prosecute current homicide cases.

The DA's office has no internal cold case database. Because cold cases are a low priority, funding for DNA and lab testing is limited.

Cold Case Task Force (TF)

The 2018-2019 Civil Grand Jury had proposed a county-wide TF with the District Attorney's Office as the lead agency. There is no county-wide TF. The core membership would have been the three largest agencies, the SJCSO, SPD, and the District Attorney's Office. All other agencies were encouraged to join. Members would share resources, information, and training which would result in everyone investigating cold cases using the same investigative techniques. All agencies would be on the same page and could step in for one another should the need arise. It would improve

communication and cooperation among agencies. A TF could also leverage their status to obtain agreements with outside laboratories much the same as Tracy Police Department does. Cold cases could also be distributed to other agencies lessening the load of the three main agencies.

Santa Clara County appears to have a well-functioning cold case task force that could be used as a model for San Joaquin County law enforcement agencies.

1.0 FINDINGS

F. 1.0: Overall, county law enforcement agencies failed to implement the 2018-2019 Civil Grand Jury recommendations. All agencies seemed set on continuing as they were, and are protective of their processes, their cases, and their procedures. The failure to implement the 2018-2019 recommendations came down to three factors:

- Lack of leadership
- Lack of desire
- Pandemic disruptions

During the period just after the 2018-2019 Civil Grand Jury there was a disruption of leadership in the Stockton Police Department and a new District Attorney was elected.

The police chief retired and a new chief was hired and faced many challenges to make the department his. It is obvious cold cases were not a priority as there were many improvements that could have been made. For example, hiring more retired annuitants, setting up a new database, using volunteers for data entry of non-sensitive information even having a volunteer to answer phones. He has now been on the job since 2022 and it is time to prioritize cold cases.

A new District Attorney was elected, and has been reorganizing his Office but has not prioritized the cold case unit.

The Pandemic delayed the implementation of recommendations; however, improvements could have been made such as purchasing equipment, setting up databases, and Zoom trainings related to cold

cases. The Sheriff's Office did manage to implement many of the recommendations in spite of the Pandemic.

With over 500 cold cases, it's time to get back on track and recommit to implementing those recommendations.

RECOMMENDATIONS

R. 1.0: By October 1, 2024, all Law Enforcement Agencies review and implement the recommendations from the 2018-2019 Civil Grand Jury Report "Cold Cases in San Joaquin County: On the Back Burner" Case #0318. (These recommendations can be found in the original Civil Grand Jury report and on pages 2 and 3 of this report).

R. 1.1: By October 1, 2024, the task force should be formed and implemented with the San Joaquin County Sheriff's office as the lead agency.

Conclusion

All of the law enforcement agencies agreed with the 2018-2019 Civil Grand Jury's Findings and Recommendations but did not implement them. The one exception, the San Joaquin County Sheriff's Office followed through on most of the recommendations.

Disclaimers

Civil Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Civil Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911. 924.1 (a) and 929). Similarly, the Civil Grand Jury is precluded by law from disclosing the identity of

witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The San Joaquin County Board of Supervisors shall respond to all findings and recommendations of this report and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318.

The Stockton City Council shall respond to all Findings and Recommendations of this report R1 and R2 and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318, R1, R2, R5, R8, and R10.

The Escalon City Council shall respond to all Findings and Recommendations of this report R1 and R2 and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318, R1, R2, R8, and R10.

The Lodi City Council shall respond to all Findings and Recommendations of this report R1 and R2 and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318, R1, R2, R8, and R10.

The Manteca City Council shall respond to all Findings and Recommendations of this report R1 and R2 and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318, R1, R2, R8, and R10.

The Ripon City Council shall respond to all Findings and Recommendations of this report R1 and R2 and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318, R1, R2, R8, and R10.

The Tracy City Council shall respond to all Findings and Recommendations of this report R1 and R2 and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318, R1, R2, R8, and R10.

The San Joaquin County District Attorney shall respond to all Findings, where applicable and Recommendations of this report R1 and R2 and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318, R1, R2, R4, R6, R7, R8, R9 and R10, within 60 days of receipt of the report.

Mail or hand deliver a hard copy of the response to:

Honorable Gus C. Barrera II, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Mr. Irving Jimenez, Staff Secretary to the Civil Grand Jury, at civilgrandjury@sjcourts.org