



Office of the City Clerk

Eliza R. Garza, CMC

425 North El Dorado Street
Stockton, CA 95202
(209)937-8458

August 26, 2019

TO: Whom It May Concern

FROM: Eliza R. Garza, CMC
City Clerk, City of Stockton

SUBJECT: CIVIL GRAND JURY REPORT REPONSE, CASE NUMBERS 0318 AND 0616

Approval of the response to the 2018-19 Civil Grand Jury Report related to cold cases, case no. 0318 and 2016-17 Civil Grand Jury Follow Up Report concerning County wide dispatch for fire, case no. 0616 was heard under the New Business Item 14.3 at the Stockton City Council Meeting of August 20, 2019.

The following Minutes Excerpt is a true and exact motion of the Stockton City Council at its regular meeting of August 20, 2019:

14.3 19-5707 APPROVE RESPONSE TO THE 2018-19 CIVIL GRAND JURY REPORT RELATED TO COLD CASES, CASE NO. 0318, AND APPROVE RESPONSE TO THE 2016-17 CIVIL GRAND JURY FOLLOW UP REPORT CONCERNING COUNTY WIDE DISPATCH FOR FIRE, CASE NO. 0616


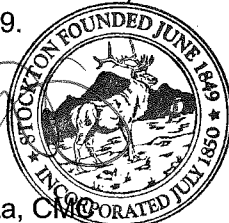
Approve **Motion 2019-08-20-1403** adopting the City's responses to the 2018-2019 Civil Grand Jury Report for Cold Cases in San Joaquin County - "On the Back Burner," Case No. 0318 and a follow up investigation report related to the 2016-2017 Civil Grand Jury Report "County Wide Dispatch for Fire," Case No. 0616, and directing the City Manager to sign the response on behalf of the City Council and to transmit the response to the Presiding Judge of the San Joaquin County Superior Court.

Moved by: Paul Canepa, seconded by Daniel Wright.

Vote: Motion carried 7-0

Yes: Jesus Andrade, Paul Canepa, Christina Fugazi, Sol Jobrack, Susan Lenz, Michael Tubbs, and Daniel Wright.

IN WITNESS WHEREOF, I have hereto affixed my hand and the seal of the City of Stockton on August 26, 2019.

Eliza R. Garza, CMC
City Clerk
City of Stockton



CITY OF STOCKTON

OFFICE OF THE CITY MANAGER

City Hall • 425 N. El Dorado Street • Stockton, CA 95202-1997 • 209 / 937-8212 • Fax 209 / 937-7149
www.stocktonca.gov

August 20, 2019

Honorable Linda L. Lofthus, Presiding Judge
San Joaquin County Superior Court
180 E. Weber Avenue, Suite 1306J
Stockton, CA 95202

CITY OF STOCKTON RESPONSE 2018-19 CASE NO. 0318 – COLD CASES IN SAN JOAQUIN COUNTY: ON THE BACK BURNER

The City of Stockton received the Grand Jury Report on May 31, 2019, regarding findings and recommendations related to Cold Cases in San Joaquin County. In general, the City agrees with the findings and is providing additional information in the below responses to the findings and recommendations. It is worth noting that some recommendations in the report were directed to other specific agencies, and the City did not respond to those specific recommendations.

In accordance with Sections 933 and 933.05 of the California Penal Code, the City Council of the City of Stockton offers the following responses to the Grand Jury Report on the above-referenced case. As referenced under *Response Requirements*, the Stockton City Council is responding to all Findings and Recommendations R1, R2, R5, R8, and R10, in the Grand Jury Report.

Findings:

1.0 Defining “Cold Cases” in San Joaquin County

F1.0 There is inconsistency and confusion regarding what defines a “cold case” amongst the law enforcement agencies in San Joaquin County.

Response: *The respondent partially agrees with this finding. The City is clear on our definition of “cold case,” but recognizes there is no universally accepted definition of this term.*

2.0 Counting Cold Cases in San Joaquin County

F2.0 There are more than 500 cold case homicides in San Joaquin County, including 12 homicide victims whose remains have never been positively identified. The

exact number of cold case homicides is unknown due to the lack of a consistent written definition for "cold case" and the lack of a digitized tracking system.

Response: *The respondent partially agrees with this finding. The City of Stockton does not have the ability to independently verify how many cold case homicides exist in other jurisdictions.*

- F2.1** The lack of accurate numbers in counting and tracking cold cases in San Joaquin County is a contributing factor to the overall lack of priority for staffing, funding, and investigating cold cases.

Response: *The respondent partially agrees with this finding. Cold cases remain a priority for the City. However, lack of funding and staffing have prevented the City from dedicating full-time resources to these types of cases.*

3.0 Increasing Numbers of Cold Cases in San Joaquin County

- F3.0** The total number of cold case homicides in San Joaquin County is increasing each year due primarily to the decreased clearance rate for solving homicides.

Response: *The respondent partially agrees with this finding. The City has insufficient information to comment on the reason(s) for clearance rates of other agencies. However, the City has experienced several challenges associated with clearance rates, such as limited staffing levels and resources.*

- F3.1** Cold case homicide investigations in San Joaquin County rarely result in case closure, arrest or prosecution. This is a contributing factor to the increasing number of cold case homicides in San Joaquin County.

Response: *The respondent agrees with this finding.*

- F3.2** Due to the current inconsistencies in both defining and counting cold cases involving missing persons with suspicious circumstances, and sexual assaults, there is insufficient information to clearly determine the extent to which the number of those unsolved cases may be increasing.

Response: *The respondent agrees with this finding.*

4.0 Staffing Cold Case Investigations in San Joaquin County

F4.0 There is insufficient staffing for cold case investigations in San Joaquin County, primarily within the San Joaquin County Sheriff's Department, the Stockton Police Department, and the San Joaquin County District Attorney's Office.

***Response:** The respondent partially agrees with this finding. The City does not have enough information to comment on how resources are allocated in other agencies, and can only agree as to the insufficient staffing within the Stockton Police Department.*

F4.1 There are a significant number of cold case homicides with the Stockton Police Department and the San Joaquin County Sheriff's Department that have not been reviewed in many years due to insufficient staffing and lack of prioritization.

***Response:** The respondent partially agrees with this finding. Cold cases remain a priority for the Police Department. However, limited staffing and resources have created challenges in accomplishing regular reviews of these cases.*

F4.2 Law enforcement agencies in San Joaquin County continue to be challenged in hiring and retaining enough qualified officers to fill budgeted positions. This has been a contributing factor to insufficient staffing of cold case investigations.

***Response:** The respondent agrees with this finding.*

F4.3 Providing experienced staffing for cold case investigations may require transferring staff from other assignments, hiring additional qualified retirees, or seeking qualified volunteers.

***Response:** The respondent agrees with this finding.*

5.0 Funding Cold Case Investigations in San Joaquin County

F5.0 There is insufficient funding for cold case investigations in San Joaquin County, primarily for the San Joaquin County Sheriff's Department, the Stockton Police Department, and the San Joaquin County District Attorney's Office. The lack of sufficient funding is due primarily to financial limitations and lack of priority.

***Response:** The respondent partially agrees with this finding. The City has insufficient information to comment on funding allocations for other agencies. While cold case investigations are a priority, the Police Department has historically experienced insufficient funding to fully address all needs.*

6.0 Investigating Cold Cases in San Joaquin County

F6.0 There is a need for additional training specific to cold case investigations for the law enforcement agencies in San Joaquin County.

Response: *The respondent agrees with this finding.*

F6.1 The lack of organized computer databases for cold cases is impeding the effective evaluation and investigation of cold cases in San Joaquin County.

Response: *The respondent agrees with this finding.*

F6.2 The methods for prioritization of cold case investigations in San Joaquin County are often ineffective, with insufficient emphasis placed on available physical evidence.

Response: *The respondent partially agrees with this finding. The Police Department is committed to remaining on the cutting edge of technological advances and recognizes advancements in physical evidence examination is a critical component of cold case investigations.*

F6.3 The exact number of cold case homicides in San Joaquin County that have testable DNA evidence is unknown due to the lack of effective tracking and evaluation methods.

Response: *The respondent agrees with this finding.*

F6.4 There are limitations on the amount of physical evidence that the State of California Department of Justice crime laboratories will process for cold case investigations due to staffing and prioritization.

Response: *The respondent partially agrees with this finding. The Police Department recognizes that the State of California Department of Justice has capacity limitations; however, there is insufficient information to comment on the cause(s) or whether those capacities can be increased.*

F6.5 Cold case homicides involving street gangs often present greater challenges due to the lack of testable DNA evidence and the lack of available or willing witnesses.

Response: *The respondent agrees with this finding.*

7.0 Solving Cold Cases in San Joaquin County

F7.0 The elevation of cold case investigations as a priority is vital to the future success in investigating and solving cold cases in San Joaquin County.

***Response:** The respondent partially agrees with this finding. Cold case investigations remain a priority for the Police Department; however, staffing and funding challenges have created obstacles to thoroughly addressing all cold cases.*

F7.1 The utilization of innovative technology and emerging techniques is an essential element to the future success of investigating and solving cold cases in San Joaquin County.

***Response:** The respondent agrees with this finding.*

F7.2 The level of collaboration between law enforcement agencies and the District Attorney's Office is a critical component to success in solving and prosecuting cold cases.

***Response:** The respondent agrees with this finding.*

F7.3 There is minimal contact between the District Attorney's Office and cold case investigative staff in San Joaquin County due to lack of staffing and priority.

***Response:** The respondent partially agrees with this finding. Cold cases remain a priority for the Police Department. However, insufficient staffing levels have created multiple challenges, including maintaining regular contact with the District Attorney's Office on these types of cases.*

F7.4 There is universal support amongst law enforcement agencies in San Joaquin County for the District Attorney's Office to form a Cold Case Task Force to support cold case investigation and prosecution.

***Response:** The respondent partially agrees with this finding. The City is in support of the District Attorney's Office forming such a Task Force; however, the Police Department has not yet engaged in discussions with leaders from other agencies on this topic and therefore cannot comment on their levels of support.*

8.0 Maintaining Contact with Families of Cold Case Victims

F8.0 There is no consistent procedure or practice for law enforcement agencies in San Joaquin County to maintain periodic contact with the family members of cold case victims.

Response: *The respondent agrees with this finding.*

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.

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.*

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.

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

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.

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.

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.

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.*

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.

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.*



LAURIE MONTES
ACTING CITY MANAGER

LM:EJ:pkh