

**SONOMA COUNTY DISTRICT ATTORNEY'S OFFICE
RESPONSE TO THE 2011-2012 GRAND JURY REPORT**

WAS JUSTICE SERVED

Finding F2, Page 5:

The case was adjudicated before the investigation was completed.

Response: The respondent disagrees partially with this finding.

The juvenile case was filed based upon the information available in order to accommodate the unique calendaring in juvenile court. The juvenile's case was adjudicated within three days of the incident, prior to the death of the victim. The subsequent event triggered the filing of an additional charge. As the Grand Jury notes in its report, the nature of the case changed after the death of the victim. The District Attorney does agree that communication with the Cloverdale Police Department could be improved with regard to completing an investigation throughout the pendency of the case.

Finding F5, Page 5:

The District Attorney's Office failed to comply with Marsy's Law as it relates to the complainant.

Response : The respondent disagrees with this finding.

The Victims' Bill of Rights Act of 2008 (Marsy's Law) amended the California Constitution to add Article I, Section 28(b), enumerating protections for victims of crime. The crux of the law is that victims are entitled to reasonable notice of criminal proceedings, an opportunity to participate in and/or comment upon the proceedings, restitution, protection from the defendant or anyone acting on his/her behalf. It is codified in California Penal Code section 679 et seq.

At the time the case in question was received and filed by the District Attorney's Office, there were policies in effect regarding victim notification, recommending contact at the earliest reasonable time, and prior to a disposition, as required by law. However, at the time the case was filed, the District Attorney's Office did not have a specific policy regarding personal contact with victims or survivors prior to the filing of a petition in juvenile court. The procedure in place was that upon filing a petition, a letter would be sent to the victim at the address given in the police report entitled Restitution Request Form. It noted that a victim of crime who would like assistance could contact the Victim Assistance Center. A second Victim Impact statement was sent as well. If the victim contacted the office, a victim witness advocate would follow up with a phone call. Thus, the tenets of Marsy's Law were adhered to by virtue of letter notification. Because of

the subsequent death of the victim and the rapid resolution of the case, the notification was faulty. When the new administration took office on January 3, 2011, a written policy was enacted. In a Memorandum dated July, 17, 2011, the district attorney outlined required contact with victims at the earliest stage in the proceedings. Personal contact is now made with survivors in a homicide case once notification is made by the Coroner's Office. A letter continues to issue in all cases, and a phone call is placed by the victim witness staff to the victim or survivor in most cases involving victims, and all cases involving violence or death. Some property crime victims do not receive a personal call in addition to the letter. With each letter, a brochure is enclosed, that includes an insert enumerating Marsy's Law.

Recommendation 1, Page 5:

The Sonoma County District Attorney's Office ensure strict adherence to Marsy's Law.

Response: The Recommendation was already implemented.

The District Attorney issued a Memorandum on January 17, 2011 entitled Ensuring Victims' Rights. A copy was provided to the Grand Jury. Subsequently, a policy was developed and published to the office enumerating responsibilities with regard to notification to victims and the provision of services. The Victim Services division of the District Attorney's office has received training on Marsy's Law, and has provided training to the attorneys with regard to services that are offered to victims and witnesses. In addition, the attorneys have been trained on Marsy's Law. We have printed up copies of Marsy's Law which are included in a revised Victim Services brochure that is mailed out to all victims when a complaint issues.

Recommendation 2, Page 5:

The District Attorney implement procedures to improve communication with all Sonoma County law enforcement agencies.

Response: The Recommendation was already implemented.

Upon taking office on January 3, 2011, the district attorney assigned a chief deputy district attorney to act as liaison between this office and the law enforcement agencies in the county. The chief DDA has met informally with management members of each agency, and the district attorney has informed the Chiefs of all the agencies that this individual is available should any questions or problems arise. Additionally, the district attorney, and Chief Investigator, attend monthly Sonoma County Law Enforcement Chiefs' Association (SCLECA) meetings, and meet regularly with law enforcement officials to discuss matters of mutual concern. The lines of communication are addressed on a regular basis to ensure they are working well.