Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

### A. GENERAL INFORMATION

<table>
<thead>
<tr>
<th>1. Date</th>
<th>2. Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 1, 2021</td>
<td>Justice</td>
</tr>
</tbody>
</table>

#### 3. Organizational Placement (Division/Branch/Office Name)

Third Level/Division of Law Enforcement/ Bureau of Forensic Services

#### 4. CEA Position Title

Sexual Assault Evidence Outreach Deputy Director

#### 5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

Under the general direction of the Department's Bureau of Forensic Services (BFS) Director, the Deputy Director will serve as the liaison and single focal point within the Department of Justice to address untested sexual assault evidence in law enforcement custody to help provide resolution for victims. The position will be based out of Sacramento, but will travel extensively throughout the state. This position is highly visible and the responsibilities have a significant role in the Attorney General's mission to serve the people of California in providing leadership, information, education and assistance to local law enforcement agencies, victims and interest groups in clearing sexual assault evidence backlogs throughout the state.

#### 6. Reports to: (Class Title/Level)

Director, Bureau of Forensic Services and the Chief for the Division of Law Enforcement

#### 7. Relationship with Department Director (Select one)

- ☑ Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- ☐ Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain): 

#### 8. Organizational Level (Select one)

- ☐ 1st
- ☐ 2nd
- ☑ 3rd
- ☐ 4th
- ☐ 5th (mega departments only - 17,001+ allocated positions)
B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The Deputy Director will work with California's law enforcement agencies, public crime laboratories and medical facilities to collect data on older sexual assault cases with untested evidence; identify and work to remove barriers to DNA testing; connect law enforcement agencies that have backlogs with public crime laboratories and private vendor laboratories that have the capacity to provide DNA testing services, and promote awareness of available funding opportunities.

The Deputy Director will also work in cooperation with the Department’s Victims’ Services Unit to connect victims with resources, attempt to resolve complaints, and identify ways in which the resources available to victims could be expanded, improved upon or made more accessible.

The Deputy Director will serve as the principal liaison and represent the Attorney General at meetings of state and local agencies including the Legislature, local law enforcement agencies, crime prevention organizations, attorney and management staff in various California state departments and agencies, and other groups. The Deputy Director will provide guidance and policy direction to others throughout the department as staff are assigned to projects, outreach and policy initiatives.
B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

☑ Program is directly related to department's primary mission and is critical to achieving the department's goals.

☐ Program is indirectly related to department's primary mission.

☐ Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The DOJ is committed to combating sexual violence in all forms and providing support and assistance to crime victims. The development and implementation of a comprehensive and responsive outreach program will focus on (1) determining the backlog of untested sexual assault evidence in the possession of law enforcement agencies, public crime laboratories and medical facilities (2) improving the tracking of older untested sexual assault evidence in order to evaluate the scope of the backlog and the impact of initiatives to reduce it (3) liaising between public and private laboratories and law enforcement agencies to promote the submission and testing of backlogged sexual assault evidence (4) providing education and resources on how to test newly collected sexual assault evidence swiftly (5) connecting sexual assault victims with available services and assistance and (6) sharing information on funding opportunities to help clear existing backlogs.
B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

Penal Code section 680 sets mandatory time frames for the processing of sexual assault forensic evidence by law enforcement agencies and crime laboratories. Law enforcement agencies must submit sexual assault evidence to a crime laboratory within 20 days of booking it into evidence, unless a rapid turnaround DNA program is in place where the medical facility submits evidence directly to a crime laboratory within five days of collection. Public crime laboratories, in turn, must process sexual assault evidence and upload any qualifying DNA profile(s) to the Combined DNA Index System, known as CODIS, within 120 days of receipt of the evidence at the laboratory. These mandates went into effect on January 1, 2020, and apply to sexual assault evidence received by a law enforcement agency or crime laboratory on or after January 1, 2016.

Penal Code section 680.3 requires law enforcement agencies and public crime laboratories to create and update information records in the Department’s Sexual Assault Forensic Evidence Tracking (SAFE-T) database for any sexual assault evidence (SAE) kit collected from a victim on or after January 1, 2018.

Assembly Bill (AB) 3118 (Stats. 2018, Ch. 950), which added section 680.4 to the Penal Code, required each law enforcement agency, public crime laboratory, medical facility, and any other facility that receives, maintains, stores, or preserves SAE kits to conduct a one-time audit of all untested victim SAE kits in their possession, and to report specified information to the Department by July 1, 2019. The Department was required to submit a summary report to the Legislature by July 1, 2020.

The one-time AB 3118 audit was an attempt to determine the size and distribution of California’s backlog of untested SAE kits, but participation fell far short of what was expected and needed. The mandate to test all sexual assault evidence only reaches back to 2016, and the SAFE-T tracking mandate only applies to victim SAE kits collected from 2018 onward. The number of older untested SAE kits remains unknown.

The Deputy Director’s role will be to work with law enforcement agencies, public crime laboratories and medical facilities to collect data on older sexual assault cases with untested evidence, identify and work to remove barriers to testing, connect law enforcement agencies that have backlogs with public crime laboratories and private vendor laboratories that have the capacity to provide DNA testing services, and promote awareness of available funding opportunities.
C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The Deputy Director will serve as a member of DOJ’s Senior Leadership team which is responsible for providing program and policy direction, carrying out AG initiatives and formulating and implementing statewide policies. The Deputy Director’s policy role includes, but is not limited to the following:

- Provide leadership in the development, implementation and maintenance of a comprehensive and proactive program that will develop and foster collaborative stakeholder relationships at the local, state, and national levels to help eliminate California’s backlog of untested sexual assault evidence.

- Develop policies and programs that define the Bureau of Forensic’s stakeholder engagement practices that provide comprehensive and balanced involvement and result in strategies, plans, actions and outcomes that address and respond to issues and impacts affecting stakeholders in an accountable and transparent way.

- Develop programs that facilitate liaison activities with stakeholder groups to gain understanding of their insights and perspectives and assure that stakeholder perspectives are taken into consideration in the development of policy and program design. Elicit feedback from stakeholders through meetings, trainings, surveys and Web-based communications to set the tone that stakeholder concerns and interests are heard, considered and valued.

- Develop and implement pro-active strategies, approaches and messaging on removing barriers to DNA testing, connecting law enforcement agencies that have backlogs with public crime laboratories and private vendor laboratories that have the capacity to provide DNA testing services, and promoting awareness of available funding opportunities.

- Make policy recommendations on the impacts of new and proposed legislation and regulations on programs and resources to eliminate California’s backlog of untested sexual assault evidence.

- Help make an impact at the community level both in terms of getting dangerous offenders off the street and empowering victims to come forward.

- Reduce the number of existing untested sexual assault cases and implement strategies to prevent future accumulations of unsubmitted cases.
C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The Deputy Director will have decision-making authority within their areas of assignment. This position will provide the strategic counsel on statewide policies and recommendations on how to reduce untested sexual assault evidence. This position will evaluate and determine the impact of the Department’s policies related to the processing of sexual assault evidence by providing information and recommendations to higher levels within the Division and Department. Decisions involving high visibility matters of interest to the Attorney General will be raised to a higher level within the Division.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The Deputy Director will formulate and implement new strategies that enhance the BFS outreach programs and strengthen stakeholder relations.

The Deputy Director will direct the development of new or revised stakeholder relations programs, communication strategies, and outreach activities based on these ongoing changes to build and support BFS' positive reputation and level of trust among law enforcement agencies, advocacy groups and victims.

The Deputy Director will propose legislation to require law enforcement agencies, crime laboratories and medical facilities to provide information related to untested sexual assault evidence in their possession to the Department. Once that mandate is in place, the Department will no longer need additional authority to create SAFE-T records for the older untested victim sexual assault evidence kits. By collecting data on these untested sexual assault evidence (SAE) kits and facilitating entry into the SAFE-T database, the Department has the potential to assemble a clearer picture of the California sexual assault evidence backlog than we have ever had.