



THE CITY OF SAN DIEGO

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**Commission on
State Mandates**

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LATE FILING

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Claimant Response to Department of Finance March 29, 2021 Comments on Test Claim 20-TC-01,
Sexual Assault Evidence Kit Testing

Declaration of Captain Jeffrey Jordon, San Diego Police Department (SDPD)

Dear Ms. Halsey,

I, Jeffrey Jordon, declare under penalty of perjury under the laws of the State of California that the following is true and correct based on my personal knowledge, information and belief.

- 1) I am a police captain for the City of San Diego (SDPD). I have been employed by the City in this capacity since August, 2019 and have been a law enforcement officer since 1995. As part of my duties in the Chief's Office, I am responsible for implementation of "special projects" as determined by the Chief of Police, David Nisleit, and my duties include assisting with the recovery of costs mandated by the State.
- 2) On March 29, 2021, the Department of Finance (DOF) responded to the test claim filed by the City of San Diego, 20-TC-01, Sexual Assault Evidence Kit Testing. The DOF accurately described the bill and highlighted the lab and outsourcing costs, as well as costs for personnel described by claimant as being needed to comply with this alleged mandate.
- 3) While the DOF remained silent on lab outsourcing costs, the increased amounts of consumables or materials needed to test sexual assault evidence kits, and some personnel directly involved in the outsourcing and testing process, they did oppose the reimbursement of specific personnel described by claimant.
- 4) DOF states the mandate alleged by claimant in this Test Claim does not "contain any requirements for investigative work related to the new sexual assault evidence. The officers were already performing investigative work, so they are not providing a new or higher level of service by focusing on sex crime investigations. Therefore, these costs are beyond the scope of this test claim and should not be considered for reimbursement."

This DOF argument fails to address a critical issue. Specifically, but for the passage of SB 22 and the mandate by local agencies to process all sexual assault evidence kits received after January 1, 2016 per Penal Code Sections 680 (c)(2)(A) and 680(c)(2)(B), SDPD's Sex Crimes Cold Case team would not





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exist. They were created because the evidence they are exclusively tasked to review would not have been tested without SB 22's passage and the penal codes it amended.

This means the claimant's Sex Crimes Cold Case team members could be assigned to other investigative tasks essential to claimants operations like investigations related to narcotics, robbery, or child abuse. Instead, they were assigned to perform new duties, associated with new evidence, that require a higher level of service that would not have been required without the passage of SB 22.

Additionally, it is clear the legislature intended that new evidence obtained from testing all sexual assault evidence kits would be investigated by law enforcement. As provided in Exhibit 1 from the Test Claim SB 22's author stated, "It is critically important that any DNA evidence left behind by the attacker is processed quickly so that law enforcement authorities can identify and prosecute rapists and we can put them behind bars-where they belong."


Regardless of the precise language found in SB 22, and the penal code sections it amended, it resulted in these outcomes: new evidence was produced and law enforcement had to be dedicated solely to investigate its impact on criminal investigations, and these new duties came with costs that are alleged to be legislatively mandated.

5) Similar to the Cold Case team and their newly assigned investigative duties, the Police Investigative Service Officer (PISO), and the costs associated with this position, were a direct result of SB 22 amending 680(c)(2)(A). Specifically, the hundreds of new sexual assault evidence kits that claimant was required to process under SB 22 did not happen in a vacuum. These kits have to be handled, tracked, and packaged for outsourcing, or prepared for testing within the lab if not outsourced. This position and associated duties was not needed prior to the passage of this alleged mandate, and much like sworn investigators, there is plenty of other work performed by PISOs that can be assigned if not for the new duties mandated by SB 22 and outlined in this Test Claim.

6) It is believed the City of San Diego, along with the San Diego Police Department, have satisfied the requirements for submitting a Test Claim and explained the relevancy of the costs detailed within the claim. I look forward to the Commission's consideration of this matter.

Except as otherwise indicated herein, I have personal knowledge of the foregoing facts and information presented in this Test Claim, and if so required, I could and would testify to the statements made herein.

Executed this 7th day of May in San Diego, CA



Jeffrey Jordon
Captain

San Diego Police Department – City of San Diego

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On May 10, 2021, I served the:

- **Claimant's Late Rebuttal Comments filed May 7, 2021**

Sexual Assault Evidence Kits: Testing, 20-TC-01

Penal Code Section 680 as added by Statutes 2019, Chapter 588 (SB 22)

City of San Diego, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on May 10, 2021 at Sacramento, California.



Jill L. Magee

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/13/21

Claim Number: 20-TC-01

Matter: Sexual Assault Evidence Kits: Testing

Claimant: City of San Diego

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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