

CALIFORNIA LEGISLATURE

2013–14 REGULAR SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 26

FINAL RECESS

Assembly Chamber, Sacramento
Friday, October 24, 2014

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2013–14 Regular Session was printed while the Assembly was in Final Recess.

COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

September 24, 2014

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

RE: Appointment of Megan Schwarzman to
California Environmental Contaminant Biomonitoring
Program Scientific Guidance Panel

Dear Mr. Wilson: Please be advised that I have appointed Dr. Megan Schwarzman to the California Environmental Contaminant Biomonitoring Program Scientific Guidance Panel. This is a term appointment starting September 24, 2014, and the expiration date is January 1, 2017.

Sincerely,

TONI G. ATKINS
Speaker of the Assembly

October 1, 2014

*E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Appointment of S. Gail Goldberg to Strategic Growth Council

Dear Mr. Wilson: Please be advised that I have appointed Ms. S. Gail Goldberg to the Strategic Growth Council. This is a pleasure appointment starting October 1, 2014.

Sincerely,

TONI G. ATKINS
Speaker of the Assembly

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

Per Diem

October 24, 2014

*E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Mr. Wilson: I respectfully decline the \$26.14 increase to my legislative per diem that began in October 2014. I would like to keep my per diem level the same as when I was sworn into office in December 2012, \$141.86. If you have any questions or need any additional information, please contact me at (916) 319-2060.

In service,

ERIC F. LINDER, Assembly Member
Sixtieth District

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Select Committee on Domestic Violence, on Tuesday, October 14, 2014, in Los Angeles;

Select Committee on Ports, on Friday, October 17, 2014, in Long Beach;

Budget Subcommittee No. 2 on Education Finance, on Wednesday, October 22, 2014, at 11 a.m., at Redondo Union High School in Redondo Beach;

Select Committee on Agriculture and the Environment, on Thursday, October 23, 2014, at 6 p.m., at the Mill Valley Community Center in Mill Valley.

REPORTS

The following letter of transmittal was presented by the Speaker and ordered printed in the Journal:

California State Auditor

2014-109
October 9, 2014

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the California State Auditor (state auditor) presents this audit report concerning the processing and analysis of sexual assault evidence kits by local law enforcement agencies and their associated crime labs. These kits are collected as evidence in sexual assault investigations and may contain DNA evidence that can assist in the investigation of sexual assault cases. Our review focused on the Oakland Police Department, San Diego Police Department, Sacramento County Sheriff's Department, and the crime labs these agencies use, which in Sacramento is the crime lab managed by the Sacramento County District Attorney's office.

This report concludes that no federal or state law or regulation requires California law enforcement agencies to analyze all sexual assault evidence kits they collect or to track the number of kits they collect. We determined that, at the agencies we reviewed, the combined number of kits collected from 2011 through 2013 was about 1,900 kits, about 850 of which were analyzed by crime labs. Each agency we visited provided reasons why investigators might not request that a crime lab analyze the sexual assault evidence kit for a specific investigation. We reviewed a total of 45 cases across the three agencies in which investigators did not request analysis of sexual assault evidence kits and found that, when focused on specific investigations, the reasons provided by the agencies for not requesting analysis appeared reasonable. This is because, in each investigated case we reviewed, a request for analysis would have been unlikely to further the investigation of that case, meaning that the case had reached a conclusion that kit analysis would be unlikely to change. For example, in some cases investigators determined that no crime had occurred or, in others, were able to arrest the suspects or forward the cases to prosecutors without analysis of the kits. However, we did find that investigators rarely documented the reasons for their decisions about kit analysis in the case files we reviewed.

Some groups have argued that all sexual assault evidence kits should be analyzed regardless of the case circumstances. Proponents of this approach highlight the fact that DNA evidence in a kit could assist the investigation or prosecution of other cases through a network of DNA databases known as the Combined DNA Index System. However, the extent to which analyzing more kits would improve arrest and conviction rates is uncertain. Some jurisdictions report that they have obtained additional convictions as a result of analyzing previously unanalyzed kits. Nevertheless, it is problematic to extrapolate those results to California because information about the unanalyzed kits in

those jurisdictions is limited. In response to this lack of information, we make several recommendations aimed at providing the Legislature with additional relevant information that will aid it as it considers whether legislation in this area would be beneficial.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Above report referred to the Committee on Public Safety.

TONI G. ATKINS, Speaker

AMY LEACH, Minute Clerk

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