

I. Statement of the Problem

The Ventura County Sheriff's Office, Forensic Services Bureau (FSB) respectfully seeks additional funding to support Ventura County's in-progress Sexual Assault Kit Initiative.

Additional funding is needed because: (1) the number of unsubmitted sexual assault kits (SAKs) is significantly greater than predicted; and (2) a large number of cold case sexual assaults have been identified that would benefit from investigative resources above and beyond SAK testing.

By way of background in fiscal year 2021 (FY2021) the FSB received a nearly \$2.5 million Sexual Assault Kit Initiative (SAKI) grant. Since receiving this grant, a coalition consisting of the FSB, the Ventura County District Attorney's Office (VCDA), and all seven local police agencies (LEAs) launched the Ventura County Sexual Assault Kit Initiative (VCSAKI). VCSAKI's aim is to inventory and test unsubmitted SAKs in the county, investigate cold case sexual assaults, and serve victims of these crimes. Since beginning the work of VCSAKI, the FSB and its partners have determined that additional funding is needed to ensure every unsubmitted SAK is tested, and cold case sexual assaults are investigated in a comprehensive manner. This application will now discuss these two problems.

a. Identification of More Unsubmitted SAKs than Anticipated

The FSB's FY2021 application was premised on an estimate of 1,000 unsubmitted SAKs. In actuality, the comprehensive inventory undertaken by the FSB and its partners has identified the existence of 2,907 unsubmitted SAKs. This discrepancy is based on two factors.

First, SAK derivatives possessed by the FSB were not factored into the initial estimate. These SAK derivatives consist of biological samples retained from SAKs by the FSB. FSB personnel discovered a procedure in existence from 1978 through 2002 where LEAs would submit SAKs for serological or non-CODIS eligible DNA methodologies. After conducting testing, the FSB would retain derived biological samples and return the SAK to the appropriate

LEA. While the bulk of the SAKs from this period were destroyed by LEAs, the FSB retained the derivative materials. Altogether the FSB possesses 1,801 SAK derivatives dating back as far as 1978 that have not been tested using CODIS-eligible DNA methodologies.

Second, in addition to these SAK derivatives, LEAs possessed a greater number of unsubmitted SAKs than was predicted. While it was estimated that LEAs possessed 1,000 unsubmitted SAKs, the actual number proved to be 1,106.¹

Since the number of unsubmitted SAKs has increased, funds are needed to test additional SAKs and ensure that leads generated by that testing are appropriately investigated.

b. Identification of Unsolved Sexual Assault Cases Requiring Additional Investigative Resources

VCSAKI team members have identified cold case sexual assaults that would benefit from additional investigation separate and apart from SAK testing. The FY2021 award allowed for the formation of the Cold Case Sexual Assault Unit (CCSAU) within the VCDA consisting of District Attorney Investigator III Paul Walsh (DAI Walsh) and Senior Deputy District Attorney Brent Nibecker (SDDA Nibecker). They have identified three categories of cold case sexual assaults that would benefit from additional investigative resources outside of SAK testing.

First, they have identified cases with unsubmitted SAKs that would benefit from investigative steps in addition to SAK testing. The CCSAU has been responsible for conducting the inventory process related to SAK derivatives. As they have reviewed police reports for that purpose, they have also catalogued additional investigative steps appropriate in these cases. These steps include action items such as attempting to locate additional evidence for testing, running lifted fingerprints through contemporary fingerprint databases, interviewing witnesses

¹ For the remainder of this narrative SAK refers to both SAKs and SAK derivatives, unless specifically noted.

who were not previously interviewed, and attempting to interview suspects who were never contacted. Of the cases involving SAK derivatives they have reviewed, they have identified 175 cases that would benefit from additional investigation outside of SAK testing. Reports related to unsubmitted SAKs in the possession of LEAs would benefit from a similar review for additional investigative steps. Such a review would generate more cases requiring further investigation.

Second, the VCSAKI team has identified cases previously submitted to the FSB for forensic testing that would benefit from additional investigation. The CCSAU in conjunction with the FSB has begun an audit of sexual assault cases predating VCSAKI where the FSB obtained a hit via the Combined DNA Index System (CODIS).

This audit was motivated by a 2020 Ventura County sexual assault case where a CODIS upload matched to both a known offender and to a 2003 sexual assault. It was discovered that testing by the FSB in the 2003 sexual assault resulted in a CODIS hit to the same known offender in 2005, but for unknown reasons that CODIS hit was never investigated further.

In the audit, the VCSAKI team hopes to identify two types of cases worthy of additional investigation. The first are CODIS hits to a known suspect that were never resolved. The second are CODIS case-to-case hits where the suspect is unknown. Additional resources are needed to complete this audit and investigate identified cases.

The final category of cases that would benefit from further investigation are cases referred to the CCSAU for further investigation by LEAs. Since forming in October 2022, the CCSAU has received referrals for assistance on two cold case sexual assaults from LEAs. One of these cases involved an alleged serial rapist who attacked four women in both Ventura and Los Angeles counties. Charges have been filed in both cases.

Additional investigative resources are needed to investigate cold case sexual assaults separate and apart from testing unsubmitted SAKs.

II. Project Design and Implementation

The FSB seeks funding to: (1) fund the outsourced testing of additional unsubmitted SAKs; (2) dedicate an additional forensic scientist to process the increased number of unsubmitted SAKs and fund overtime for FSB scientists; and (3) dedicate an additional district attorney investigator to VCSAKI cases and fund overtime for investigators.

These additional resources will be incorporated into the leadership structures implemented pursuant to the FY2021 award to make VCSAKI a continuing success. Supervising Forensic Scientist Shanin Barrios (SFS Barrios) is the site coordinator for VCSAKI. In that role SFS Barrios has successfully overseen the efforts of LEAs to inventory all SAKs in their possession and will continue to work with LEAs to have these SAKs submitted for testing. SFS Barrios also provides leadership for the VCSAKI Multi-Disciplinary Working Group (MDWG) and for the Project Implementation Team (PIT).

The MDWG meets regularly to design and approve policies for VCSAKI. The MDWG currently consists of the following individuals:

Ventura County Sheriff's Office, Forensic Services Bureau – Supervising Forensic Scientist Shanin Barrios, Forensic Scientist Christina Tokatlian

Ventura County District Attorney's Office – Senior Deputy District Attorney Brent Nibecker, District Attorney Investigator III Paul Walsh, Victim Advocate Supervisor Sandra Avila, Senior Victim Advocate Monica Villa

Oxnard Police Department – Detective Sergeant Scott Aaron, Detective Corporal Juan Morales

Santa Paula Police Department – Property & Evidence Technician Jasmine Freeman

The Coalition for Family Harmony – Executive Director Caroline Prijatel-Sutton, PsyD

Ventura County Health Care Agency – Medical Director of the Forensic Nurse Program Dr. Aimee Brecht-Doscher, M.D., Forensic Nurse Program Coordinator Jessica Flanagan

Members of the MDWG who are not part of the PIT are routinely consulted for issues arising in VCSAKI that fall within their discipline. To date, the MDWG has accomplished several oversight functions necessary for the success of VCSAKI including approving prioritization criteria for SAK testing, approving the process for inventorying SAKs, and approving a memorandum of agreement to be signed by all LEAs ensuring the future timely submission of SAKs to the FSB.

The PIT consists of MDWG members who are charged with carrying out VCSAKI's objectives. The PIT is comprised of SFS Barrios, SDDA Nibecker, DAI Walsh, and Senior Victim Advocate Monica Villa. Aside from site coordinator duties, SFS Barrios oversees the efforts of Forensic Scientist Kim Jung (FS Jung). FS Jung was hired using FY2021 funds and is currently preparing unsubmitted SAKs for outsourced testing. SFS Barrios also oversees work done by FSB's contracted outsourcing laboratory, BODE Technologies (BODE).

As discussed above, DAI Walsh and SDDA Nibecker have been working to identify cases that merit additional investigation and assisting with inventorying SAK derivatives. Additionally, DAI Walsh investigates VCSAKI cold case sexual assaults occurring in any Ventura County jurisdiction. SDDA Nibecker assists SFS Barrios in administering the VCSAKI effort, provides legal guidance for the initiative, and prosecutes cases arising out of VCSAKI.

Senior Victim Advocate Monica Villa (SVA Villa) provides VCSAKI victims with support and advocacy. She also serves as a point of contact who can help victims determine the status of their SAK or facilitate services for any victim of a cold case sexual assault.

In the FSB's FY2021 SAKI application, FSB and its partners identified a three-phase approach to addressing the issues of unsubmitted SAKs and cold case sexual assaults. These three phases are:

- Phase One: Inventorying and Prioritization of All Unsubmitted SAKs

- Phase Two: Testing SAKs
- Phase Three: CODIS Notification, Investigation and Case Prosecution

Regarding phase one, the FSB and LEAs have located all unsubmitted SAKs in existence in Ventura County. As of the submission of this application, the FSB and its partners are in the final stages of collecting the data on each SAK necessary to complete the inventory. Four of seven LEAs have completed this process. The remaining three LEAs have completed the bulk of their inventory process but are either still collecting data related to SAKs or conducting a final search of their evidence rooms for outstanding SAKs. The inventory of SAK derivatives has been completed for derivatives originating from six LEAs. All inventoried SAKs and SAK derivatives have been placed in a tier so that testing can be prioritized based on factors such as danger to public safety and applicable statutes of limitation. The FSB anticipates completing the inventory process and submitting the final inventory for certification by the Bureau of Justice Assistance (BJA) by the end of April 2023. As of the submission of this proposal, the FSB has submitted its first SAKs to BODE for testing.

VCSAKI team members are utilizing spreadsheets to collect information necessary to test each SAK. The FSB will utilize California's Sexual Assault Forensic Evidence Tracking Database (SAFE-T), a secure online database, to track SAKs through the testing process. FSB will utilize another California database, the CODIS Hit Outcome Project (CHOP), to track CODIS hits and case outcomes.

Grant funds are being sought to further VCSAKI's work related to phases two and three.

a. Phase Two: Testing SAKs

Of primary importance, the FSB seeks funding to test a greater number of unsubmitted SAKs. The FSB would use awarded funds to pay for additional SAK testing by BODE, to hire an additional forensic scientist, and to fund overtime for experienced forensic scientists.

Adding another forensic scientist to VCSAKI will allow the FSB to make two vital improvements. First, an additional forensic scientist will increase the rate at which SAKs can be prepared and shipped for outsourced DNA testing. Even though most unsubmitted SAKs will be outsourced, an FSB forensic scientist must complete several steps for each SAK before it can be shipped. Specifically, the forensic scientist must:

- Generate a request in the FSB's laboratory management system, and retrieve the SAK;
- Check the marking on the evidence against the request for testing, and transfer the items to be tested into a bulk package;
- Prepare a manifest for each shipment containing the information for each case, and create a secure file containing forensic medical and other relevant reports;
- Document the chain of custody for every item of evidence sent in the laboratory management system; and
- Enter the information for each SAK into SAFE-T.

The FSB anticipates that a single forensic scientist will be able to prepare and ship between 30 to 40 SAKs per month. Adding a second forensic scientist to VCSAKI would allow the FSB to double its output and submit between 60 to 80 SAKs per month to BODE.

Second, an additional forensic scientist will allow the FSB to handle the increased technical review and CODIS entry generated by outsourced testing. Once the outsourced laboratory conducts DNA testing on a SAK, their results must be technically reviewed by an FSB forensic scientist. This review includes verification that the DNA types are supported by the raw data; a review of the controls, internal lane standards and allelic ladders to verify expected results; a review of the final report to verify that the results and conclusions are supported by the data; and, for cases where a suspected offender profile is obtained, verification of the DNA

types, eligibility, and correct specimen category entry into CODIS. Aside from serving as a quality control method, independent review of the outsourced laboratory's results is required by the Federal Bureau of Investigation.

Additionally, funding for overtime for experienced forensic scientists will allow the FSB to conduct increased in-house testing. The FSB intends to utilize senior forensic scientists to test SAKs in-house where the number of samples requiring testing is large, such as those where an offender violated multiple areas of a victim's body. The FSB will also utilize in-house testing where the crime committed is particularly egregious, such as cases believed to have been committed by a serial offender or cases where extraordinary violence was used. By having an experienced forensic scientist test these SAKs in-house, the FSB can increase the likelihood that suspect profiles will be generated. With the increase in the number of unsubmitted SAKs, funding for forensic scientist overtime will allow the FSB to test appropriate SAKs in-house.

Given the significant increase in unsubmitted SAKs, additional funding will allow the FSB to complete Phase Two by boosting the use of outsourced testing, hiring an additional forensic scientist, and funding overtime for experienced forensic scientists.

b. Phase Three: CODIS Notification, Investigation and Case Prosecution

Additional funding is needed to ensure appropriate investigations are conducted on leads generated through SAK testing and via other methods. Toward these ends, funding would be utilized to add an additional district attorney investigator to VCDA's CCSAU and to fund investigative overtime.

The additional investigator would work with the CCSAU to investigate the increased number of CODIS hits expected given the rise in the number of unsubmitted SAKs. A CODIS hit, especially on an older case, does not end the investigative inquiry. The CCSAU has been tasked with taking the lead on investigations arising from VCSAKI. The additional investigator

will work to obtain and review original police reports on cases with a CODIS hit. The additional investigator will locate victims, witnesses, and suspects. Additionally, he or she will work with the FSB to identify non-SAK evidence appropriate for further forensic testing or seek advanced DNA testing methodologies in cases where a suspect has a profile that is not in CODIS.

Further, adding an investigator will boost the CCSAU's ability to investigate cold case sexual assaults separate and apart from SAK testing. Armed with an additional investigator, the CCSAU will investigate cold case sexual assaults from three additional sources.

First, the CCSAU would conduct additional investigative steps identified during the inventory process distinct from simply testing the SAK. This would entail tasks such as interviewing witnesses who were never interviewed during the initial investigation or locating suspects who were never apprehended.

Second, the CCSAU would complete the audit of CODIS uploads. The audit will identify cases where CODIS hits to known suspects or a case-to-case match were generated but never investigated further. With an additional investigator, the CCSAU will investigate these CODIS hits and prosecute deserving offenders.

Finally, the CCSAU will work with LEAs to identify the most serious cold case sexual assaults in each jurisdiction. CCSAU will then seek to investigate these cases deploying techniques not utilized in the initial investigation including relevant forensic testing.

In addition to adding an investigator to CCSAU, VCSAKI's efforts would benefit from investigative overtime funds. Overtime funds would be used to augment CCSAU's investigative resources utilizing other VCDA investigators or LEA detectives. While CCSAU oversees VCSAKI investigative efforts, having overtime funds available will allow LEAs who are able to take the lead in or assist in VCSAKI investigations. Overtime funds would also be utilized to

fund VCDA investigator overtime where an operation requiring additional resources, such as an arrest or warrant service, is needed.

Throughout, VCSAKI victims will benefit from existing exceptional services that were amplified by the FY2021 award. SVA Villa, whose position is 25 percent funded by the FY2021 award, will serve as the designated victim advocate for VCSAKI victims. SVA Villa will connect these victims to services offered by the Ventura County Family Justice Center (FJC).

The FJC is a collaborative community response to domestic violence, sexual assault, child abuse, elder and dependent adult abuse, human trafficking, and hate crimes. Along with VCDA staff, the FJC joins more than 35 agencies working together to meet the unique and individual needs of victims. The model allows for a variety of services to be offered in one location. Victims can easily access emergency and short-term services including food, clothing, and assistance with restraining orders, as well as long-term services, including housing, mental health, civil legal advice, and much more. All services are free of charge and confidential. Victims can receive assistance regardless of whether they reported to law enforcement.

In addition, VCSAKI victims benefit from cost-free counseling funded by the FY2021 award. The Coalition for Family Harmony, a local provider of services to victims of domestic violence, sexual assault, and child abuse, provides counseling services to VCSAKI victims from an experienced sexual assault counselor.

When interviews of victims are necessary, they will be conducted at one of two Safe Harbor Multi-Disciplinary Interview Centers (Safe Harbor). Each center is designed to provide victims with a welcoming environment complete with food, child-friendly waiting rooms, and other amenities. A team comprised of a forensically trained law enforcement interviewer, a prosecutor, a victim advocate, and a sexual assault counselor respond to Safe Harbor to both conduct the interview and provide wrap-around services for victims. The Safe Harbor approach

serves to minimize the number of potentially traumatic interviews that victims are asked to participate in.

III. Capabilities and Competencies

The success of this proposal will depend heavily upon the efforts of the members named below. Each person was specifically chosen for VCSAKI because of their diverse and extensive experience in the field of sexual assault crimes.

Supervising Forensic Scientist Shanin Barrios has been performing forensic analysis for 27 years. After obtaining her undergraduate degree in forensic science, she went on to receive a Master of Public Health in Forensic Science from the University of California at Berkeley. She has examined hundreds of evidence items for the presence of biological material and performed the subsequent DNA analysis. She also has experience in conventional serology. She has worked as a DNA casework analyst, DNA technical leader, and supervising forensic scientist. She has experience in virtually every aspect of forensic STR DNA analysis and DNA lab management. This includes evidence analysis, report writing, testifying, case management, method development and validation, preparation for laboratory accreditation, overseeing outsourcing, use of CODIS and SAFE-T, and case assignment and prioritization. During this time, she has also developed relationships with LEAs and the VCDA. SFS Barrios has been part of VCSAKI since its inception beginning with the proposal for the FY2021 award.

Senior Deputy District Attorney Brent Nibecker has been a prosecutor with VCDA for 15 years working almost exclusively with vulnerable victims. He has prosecuted numerous jury trials to verdict, including a high-profile case where a local police officer molested multiple members of his family. For eight years, SDDA Nibecker served as a supervising attorney overseeing the work of a team of prosecutors. From 2018 through 2022, SDDA Nibecker supervised VCDA's Sexual Assault and Family Protection Unit. In that role, he served on a

variety of collaborative multi-disciplinary committees aimed at improving sexual assault investigations and outcomes for victims. He chaired a countywide taskforce to adopt procedures to comply with a new state law related to the sex offender registry. SDDA Nibecker has been part of VCSAKI since its inception beginning with the proposal for the FY2021 award.

District Attorney Investigator III Paul Walsh has been a peace officer in Ventura County for almost 25 years. DAI III Walsh began his career at the Ventura Police Department where he worked as a patrol officer, detective in property and major crimes, and a patrol corporal. In 2010, he joined the VCDA and was assigned to the Sexual Assault Family Protection Unit, investigating sexual assaults, elder abuse, and domestic violence. He also worked in the Major Crimes Gang Unit where he investigated gang related homicides and assaults. In 2018, he promoted to Investigator III and was assigned to the Government Fraud Unit where he investigated major fraud cases and assisted with supervising the unit. In October 2022, DAI III Walsh was assigned to form the VCDA's CCSAU as part of VCSAKI.

Senior Victim Advocate Monica Villa joined the VCDA in January 2020. SVA Villa is assigned to assist victims of domestic violence, sexual assault, and human trafficking by informing them of their rights, connecting them with appropriate service providers, assisting with protection orders, and providing crisis intervention. She is a lead advocate who mentors and trains others. She provides outreach in the community on trauma informed services that are available. For the past two years, she has served victims at the FJC and assisted in the development of numerous programs to aid victim-survivors in Ventura County. She recently joined VCSAKI.

IV. Plan For Collecting the Data Required for this Solicitation's Performance Measures

The FSB and its partners are utilizing a combination of databases and spreadsheets to collect the required data related to performance measures. All partners with SAKs have

employed FSB generated spreadsheets to track data pertaining to each individual SAK for inventory purposes. SFS Barrios aggregates this data to meet reporting requirements related to the inventory process. The FSB will utilize SAFE-T to track the progress of individual SAKs through the testing process, and will utilize CHOP to track CODIS hits obtained. SFS Barrios will aggregate data related to testing results and CODIS hits on a spreadsheet created for this purpose.

The CCSAU utilizes spreadsheets and a local criminal justice database to track investigations opened as a result of VCSAKI, any prosecutorial decisions made, and the outcome of charged cases. Utilizing these spreadsheets, the CCSAU will provide investigation and prosecution performance measures to SFS Barrios as necessary to meet reporting requirements.

SFS Barrios will coordinate with other members of the VCSAKI team as needed to provide the other miscellaneous performance measures required.

Aside from meeting BJA's reporting requirements, the VCSAKI team will launch a project website in the next few months (VCSAKI.com). The site will contain a data dashboard showing the numbers of inventoried and tested SAKs, as well as case dispositions. In addition to increasing the transparency of this initiative, the site will connect victims to resources.

V. Budget

The FSB seeks an award of \$2.5 million to fund outsourced testing of SAKs, a forensic scientist, a district attorney investigator, and overtime for forensic scientists and investigators. The maximum allowable amount of \$1.25 million will be budgeted to fund outsourced testing of additional SAKs. Utilizing outsourced testing will allow the FSB to test a greater number of SAKs in a shorter period of time. Additionally, outsourcing the bulk of testing presents a cost savings compared to the expense of employing sufficient FSB staff to test these SAKs.

As a reference, the FSB's contract with BODE provides for testing costs between \$895 and \$1,545 per SAK. The former amount will be charged in cases with a male offender and female victim where the SAK tests negative for the presence of male DNA, while the latter will be charged in cases where male DNA is present and multiple assailants were involved. New competitive bids would be sought for testing pursuant to this award. However, using BODE's figures and estimating conservatively, the funding sought will allow the FSB to outsource at least 800 additional SAKs.

Salary and benefits for a forensic scientist capable of conducting the work required by VCSAKI amount to \$112,156 in year one, \$125,319 in year two, and \$131,594 in year three. Salary and benefits for a district attorney investigator capable of conducting the work required by VCSAKI amount to \$234,614 in year one, \$246,344 in year two, and \$258,661 in year three. For each of these positions the cost of the professional's work equipment will be funded by the County of Ventura through FSB and VCDA's respective budgets.

The remainder would be split to fund overtime for forensic scientists and investigators. \$63,021 would be allotted to fund overtime for experienced forensic scientists, utilizing an hourly rate of \$96.50. \$76,272 would be allotted to fund overtime for both LEA detectives and district attorney investigators, utilizing an hourly rate for a district attorney investigator of \$114.23. While the hourly rate for detective overtime varies, the overtime rate for a district attorney investigator was utilized to provide a conservative estimate.

VCSAKI will maximize the cost-effectiveness of these expenditures by utilizing resources funded by the County of Ventura or through the FY2021 award. Site coordinator SFS Barrios will continue to be funded by the County of Ventura through FSB's budget, without utilizing grant funding. Victims will receive services from the FJC without utilizing SAKI funding. FS Jung, DAI Walsh, SDDA Nibecker, and SVA Villa will continue to be funded by the

FY 2021 award but will work alongside the added team members afforded by this grant.

Counseling will also be available to all VCSAKI victims utilizing funds from the FY2021 award.

Finally, funding is not needed under this award to cover travel costs to BJA-required events because those costs were budgeted in the FY2021 award.

While the FSB currently has some unobligated SAKI funding from its FY2021 award, that amount is relatively small since the bulk of that award is allotted to fund outsourced SAK testing and allocated personnel positions. Furthermore, the FSB anticipates a future request to BJA to shift remaining unobligated FY2021 funds to pay for additional outsourced SAK testing, and travel costs associated with investigating VCSAKI cases.