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July 20, 2016

VIA U.S. REGULAR MAIL AND
REQUESTED EMAIL TO: epant@contracosta.courts.ca.gov

Michael Simmons, Foreperson
Civil Grand Jury 2015-16, Contra Costa County
725 Court Street
P O Box 431
Martinez, CA 94553-0091

Re: City Response to Civil Grand Jury Report No. 1605

Dear Mr. Simmons:

Pursuant to a letter dated May 11, 2016 addressed to members of the Clayton City Council pertaining to Civil Grand Jury Report No. 1605, "Caring for the Victims – Commercial Sexual Exploitation of Children in Contra Costa County, attached is the City of Clayton's official response as required by applicable law.

We thank the Civil Grand Jury for daylighting a matter of serious societal concern.

Sincerely,

Howard Geller
Mayor

Attachment: 1. City Reply to Civil Grand Jury Report No. 1605 [4 pp.]

cc: Honorable Clayton City Council Members
Honorable John T. Laettner, Judge of the Superior Court



**CITY OF CLAYTON RESPONSE TO
CIVIL GRAND JURY REPORT NO. 1605**
“Caring for the Victims”

2015-16 CONTRA COSTA COUNTY CIVIL GRAND JURY

The City of Clayton, California provides the following response to Civil Grand Jury Report No. 1605, “Caring for the Victims – Commercial Sexual Exploitation of Children in Contra Costa County”, issued on 11 May 2016 by the 2015-16 Civil Grand Jury of Contra Costa County. Pursuant to page 11 of the Report, this City is required to respond to Findings No. 6, 7, 9 and 11-14 plus Recommendations No. 2, 9 and 11, adhering to format guidelines prescribed by the California Penal Code (Section 933.05).

FINDING

- 6. *Many social workers in CFS law enforcement, officers in Juvenile Hall and victim advocates in the DA’s Office are not implementing the CSEC Protocol because they have not seen it.*

City Response

The City of Clayton partially disagrees with the Finding.

While our City has no inclination to disbelieve the Civil Grand Jury, our City cannot vouch for or address the operational practices of other entities, including whether or not other parties “...are not implementing the CSEC Protocol because they have not yet seen it.” Our City does agree to the extent the Clayton Police Department has never seen the Protocol associated with CSEC.

- 7. *CFS, the leader of the Oversight Committee, has not followed up with its interagency partners that have signed off on the Protocol, but have not submitted their own CSEC department plan/protocols to the Oversight Committee.*

City Response

The City of Clayton partially disagrees with the Finding.

While our City has no inclination to disbelieve the Civil Grand Jury, our City also has no independent knowledge of how other entities associated with this program are conducting themselves as it pertains to procedures or protocols, including the Contra Costa County Division of Children and Family Services (CFS).

9. Suspected CSEC victims are being arrested and booked into Juvenile Hall for their own safety pursuant to various statutes under the Welfare & Institutions Code, relating to infractions and crimes committed by youth, while the County assesses the appropriate health and social services to provide.

City Response

The City of Clayton partially disagrees with the Finding.

While our City has no inclination to disbelieve the Civil Grand Jury, our City cannot vouch for or address the operational practices of other entities. The Clayton Police Department has never booked a juvenile into Juvenile Hall for such an offense or protection. It would be the goal of this City's Police Department to utilize CFS or the parents of CSEC victims for proper placement rather than book the victim into Juvenile Hall.

11. No single database covering all CSEC-related arrests, referrals and pending cases exist in the County.

City Response

The City of Clayton agrees with the Finding.

Records of this nature would be kept internally within the Clayton Police Department; statistical data is archived and can be collected through this City's contractual agreement with the City of Concord Police Department.

12. Due to the lack of a single database in the County covering all CSEC-related arrests, referrals and pending cases, the County does not know the number of victims of CSEC and where they are located.

City Response

The City of Clayton partially disagrees with the Finding.

While our City acknowledges that no single database in the County exists that covers all CSEC-related arrests, referrals and pending cases, our City cannot address whether or not the County knows the number of victims of CSEC or where they are located.

13. County personnel and law enforcement dealing with victims of CSEC are well-meaning, compassionate and dedicated people trying to make the best of a very difficult situation.

City Response

The City of Clayton partially disagrees with the Finding.

While our City can attest to the well-meaning, compassion, and dedication of the many County and law enforcement personnel dealing with victims of CSEC which our Clayton Police Department personnel have encountered, our City cannot vouch for all personnel engaged in such operations as we do not know all of them. We do agree dealing with victims of CSEC is a very difficult and challenging situation and do generally support personnel employed for such purpose(s).

14. Most County personnel and law enforcement dealing with victims of CSEC lack in-depth CSEC training, necessary facilities for temporarily accommodating the victims and a clear-cut plan of action, which lays out how to rescue, protect and serve the victims of CSEC in a manner that is caring and trauma-informed.

City Response

The City of Clayton partially disagrees with the Finding.

While our City has no inclination to disbelieve the Civil Grand Jury, our City has not performed independent analysis or investigation to substantiate this Finding as to the practices and facilities of other agencies. The Clayton Police Department does work toward protecting and serving the victims of CSEC in a manner that is caring and trauma-informed. Further in-depth training, appropriate facilities for temporary accommodations and a clear-cut plan of action at a countywide level would help improve conditions for victims of CSEC.

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RECOMMENDATIONS

- 2. The Board of Supervisors, City Councils and Sheriff's Department should consider recommending that all CSEC interagency partners, as listed in the CSEC Protocol, in Contra Costa County adopt their own CSEC protocols and submit them to CFS for approval.*

City Response

The recommendation will not be implemented because it is not warranted.

The Clayton Police Department will not create and submit a protocol for approval by CFS. This City believes that countywide public safety agencies should not adopt one's own CSEC protocols which could be independent of or contrary to those protocols established by entities best informed to institute them. Rather, it is our recommendation CFS should interface with all countywide public safety agencies to promulgate and adopt a set of uniform CSEC protocols that would be consistent for implementation across the county.

9. *The Board of Supervisors, City Councils, and Sheriff's Department should consider recommending that all first responders (usually law enforcement) refer suspected victims of CSEC to specialized and dedicated CSEC personnel, to be established within CFS.*

City Response

This recommendation will not be implemented because it is not warranted [at this level].

While the recommendation has merit and may be an appropriate resolution, the CSEC protocol should be determined at the County, not the cities level. Once a process has been identified, either within or outside the CSEC protocol, the Clayton Police Department personnel will adhere to the established protocol for referring suspected victims of CSEC to the designated and specialized CFS personnel.

11. *City Councils and Sheriff's Department should direct law enforcement to avail themselves of CSEC training programs formulated by CFS.*

City Response

This recommendation has been implemented.

Clayton Police Department personnel will attend CSEC training programs when formulated by CFS and other related organizations.

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