



August 25, 2016, Capitola City Council Meeting - Capitola's Response to the Grand Jury

2 messages

Sneddon, Su (ssneddon@ci.capitola.ca.us) <ssneddon@ci.capitola.ca.us>

Thu, Aug 25, 2016 at 1:19 PM

To: "grandjury@scgrandjury.org" <grandjury@scgrandjury.org>

Cc: "Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)" <jgoldstein@ci.capitola.ca.us>, "Escalante, Rudy (rescalante@ci.capitola.ca.us)" <rescalante@ci.capitola.ca.us>

Below is the Thursday, August 25, 2016, City of Capitola agenda packet link. Please see **Item 10.A.** regarding the a City Council Response to the 2015-2016 Santa Cruz County Grand Jury Report titled, "Capitola Police Department's Citizen Complaint Procedures: Nothing to Complain About." See Attachment 1 to the staff report for Capitola's response.

Capitola City Council

Regular Meeting

Thursday, August 25, 2016 7:00 PM

420 Capitola Ave, Capitola, CA 95010

[Download PDF Agenda](#) | [View Web Agenda](#)

Thank you,

Su Sneddon, City Clerk

City of Capitola

420 Capitola Avenue

Capitola, CA 95010

P | 831-475-7300 F | 831-479-8879

www.cityofcapitola.org/

Sneddon, Su (ssneddon@ci.capitola.ca.us) <ssneddon@ci.capitola.ca.us>

Fri, Aug 26, 2016 at 1:33 PM

To: "grandjury@scgrandjury.org" <grandjury@scgrandjury.org>

Cc: "Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)" <jgoldstein@ci.capitola.ca.us>, "Escalante, Rudy (rescalante@ci.capitola.ca.us)" <rescalante@ci.capitola.ca.us>

At their August 25, 2016, meeting the Capitola City Council approved the attached response to the 2015-2016 Santa Cruz County Grand Jury Report. A hard copy was mailed to Dear Honorable Judge Gallagher at the Santa Cruz Courthouse.

Sincerely,

Susan Sneddon, City Clerk

City of Capitola

420 Capitola Avenue

Capitola, CA 95010

P | 831-475-7300 F | 831-479-8879

www.cityofcapitola.org/



Grand Jury Response.docx.pdf

469K



**The 2015-2016 Santa Cruz County Civil Grand Jury
Requires that the
Capitola City Council
Respond to the Findings and Recommendations
Specified in the Report Titled
Capitola Police Department's
Citizen Complaint Procedures
Nothing to Complain About
by September 21, 2016**

When the response is complete, please

1. Email the completed Response Packet as a file attachment to grandjury@scgrandjury.org, and
2. Print and send a hard copy of the completed Response Packet to

The Honorable Judge John Gallagher
Santa Cruz Courthouse
701 Ocean St.
Santa Cruz, CA 95060

Instructions for Respondents

California law PC § 933.05 (included below) requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

Response Format

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
 - a. **AGREE** with the Finding, or
 - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefor.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
 - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
 - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
 - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.

Validation

Date of governing body response approval:

August 25, 2016

If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F1. The Capitola Police Department could reduce the time needed to complete many complaint investigations.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

Complaints are divided into two categories and are defined as the following:

Internal Affairs Investigation (IA) • Any allegation of misconduct or improper job performance that, if true, would constitute a violation of Department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public (Formal).

Inquiry • Inquiries about conduct or performance that, if true, would not violate Department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department (Informal).

In completing investigations, the Department must balance the needs of our community for protection and service, the importance of thoroughly investigating citizens' complaints, and the rights of Police Officers.

Over the last six years the City has conducted 35 total IAs and Inquiries. Every one of those investigations was completed within the statutory timelines. Nevertheless, the Department will always strive to improve and will seek opportunities to reduce its investigations.

F2. The Capitola Police Department and citizens would benefit by having statistics related to complaints and closure of complaints available online.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

See R2

Recommendations

R1. While the Capitola Police Department does complete its investigations within the 12-month period allotted, we believe that this could be improved upon. We recommend working to reduce the time required to process complaints. (F1)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

Department Management has reviewed the last six years of data regarding investigations, and while all were completed within the statutorily prescribed timelines, in some instances the timelines to complete the investigations may have been possible to reduce.

Understanding the need to balance the needs of our community for protection and service, to thoroughly investigate citizens' complaints, and the rights of Police Officers, Department Management has met to discuss the importance of completing investigations in a timely fashion and clearly communicated that priority to personnel involved in the investigation process.

R2. The Capitola Police Department should consider placing statistics on closure of complaints online. This would give better visibility to the residents of Capitola on the performance of their Police Department. (F2)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

The Department has placed six years of data summarizing the results of complaints online, including both IAs and Inquiries.

Penal Code § 933.05

1. For Purposes of subdivision (b) of § 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - a. the respondent agrees with the finding,
 - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of § 933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
 - a. the recommendation has been implemented, with a summary regarding the implemented action,
 - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
 - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
 - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
6. A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. **No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.**