TO: James L. App, City Manager

FROM: Robert Burton, Acting Chief of Police

SUBJECT: San Luis Obispo County Grand Jury Report - Citizen Complaints and Internal Affairs Investigations

DATE: June 5, 2012

NEEDS: For the City Council to consider a response to the Grand Jury's findings and recommendations regarding citizen complaints and internal affairs investigations.

FACTS:

1. The San Luis Obispo County Grand Jury provided the City a report concerning citizen complaints and internal investigations on March 20, 2012.
2. The Grand Jury report requires a response by June 18, 2012.
3. The Grand Jury's "findings" and "recommendations" are detailed with the City's responses (attached).

ANALYSIS & CONCLUSION: The Grand Jury recommends the Police Department add a Citizen Complaint form to the Police Department website. The addition of the complaint form to the website will provide better access to all members of the community. The City agrees; plans are in place to have this done by July 1, 2012.

The Grand Jury also recommends the Police Department remove an admonition on the Citizen Complaint form that advises the complainant that they are committing a crime if they file a false report. All other law enforcement agencies in San Luis Obispo County have removed the admonition or plan to remove it. In addition, the City has consulted with our attorneys who recommend removal of the admonition based on the following summary:

> CA Penal Code section 148.6 states that it is a misdemeanor crime to file a false citizen complaint against a police officer. The Paso Robles Police Department citizen complaint forms contain an admonition citing this section. In May of 2006, the U.S. Ninth Circuit Court of Appeals declared CA Penal Code 148.6 to be unconstitutional. The case was appealed to the US Supreme Court which refused to hear the matter. According to federal law, the California law is unconstitutional. Therefore, although the law still exists in California, it is essentially unenforceable.

The City agrees it is prudent to remove the admonition from the Citizen Complaint form and plans are in place to have this done by July 1, 2012.

POLICY REFERENCE: None.

FISCAL IMPACT: None

OPTIONS:

a. Approve the City's response to the San Luis Obispo County Grand Jury regarding citizen complaints and internal affairs investigations.

b. Amend, modify, or reject the above option.

Attachments: San Luis Obispo County Grand Jury Citizen Complaints and Internal Affairs Investigations report.

City Response to the San Luis Obispo County Grand Jury Citizen Complaints and Internal Affairs Investigations report.

GRAND JURY

March 20, 2012

Confidential

Mayor Duane Picanco
City of Paso Robles
1000 Spring St
Paso Robles CA 93446

Dear Mayor Picanco and City Council:

The San Luis Obispo County Grand Jury has completed the attached report titled **"Citizen Complaints and Internal Affairs Investigations."** This copy of the report is being provided to you two days in advance of its public release, as required by California Penal Code §933.05 (f), which states:

> *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.*

Please check the last page of text of the report for the timing of your response, if any, as required by the Penal Code. Sections 933 through 933.05 of the Penal Code are attached for your reference.

Please keep in mind that this report must be kept confidential until its public release by the Grand Jury.

Respectfully,

Norman A. Baxter, Foreperson
2011-2012 San Luis Obispo County Grand Jury

Enclosures

NB:sm

PHONE: (805) 781-5188 • FAX: (805) 781-1156
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www.slocourts.net

CITIZEN COMPLAINTS AND INTERNAL AFFAIRS INVESTIGATIONS

SUMMARY

This Grand Jury report informs the public about their rights to file a complaint with a police agency and it describes the police agency process used to investigate that complaint.

This 2011-2012 Grand Jury investigation found that the San Luis Obispo County Sheriff's Department, under the leadership of the newly elected Sheriff Ian Parkinson, has made great strides in improving the handling of citizen complaints and internal affairs investigations by reestablishing its Internal Affairs Unit, now known as the Professional Standards Unit.

The 2011-2012 Grand Jury also found that police departments in San Luis Obispo County implemented recommendations made in the 2004-2005 Grand Jury report and adhere to established state standards in handling citizen complaints and conducting internal affairs investigations. Police departments in San Luis Obispo County also make use of modern video technology to record police interaction with the citizens of the county.

INTRODUCTION

Citizens are often concerned as to what recourse is available to them if they have a complaint about police personnel, and how they can file an official complaint against those officers. Citizens are also concerned about the process utilized by police departments in investigating their own officers, and how their specific complaint will be handled.

California Penal Code Section§ 832.5(a) states: "Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of those departments or agents, and shall make a written description of the procedure available to the public."

The 2011-2012 Grand Jury (hereafter referred to as the current Grand Jury) reviewed the current policies of San Luis Obispo County police agencies governing complaints received from citizens about police actions, and how those agencies investigate citizen complaints.

ORIGIN

The current Grand Jury decided to update the 2004-2005 Grand Jury (hereafter referred to as the previous Grand Jury) report on the same topic.

The current Grand Jury noted that almost all Chiefs of Police and the Sheriff are new to their office since the previous Grand Jury report. The current Grand Jury determined that a review of policies, practices and procedures relating to citizen complaints would be valuable to the citizens of the county.

METHOD

The Grand Jury requested and received written policies and procedures for handling citizen complaints and internal affairs investigations from all seven municipal police departments in the county and the Sheriff's Department.

The Grand Jury reviewed the previous Grand Jury report on citizen complaints, its findings and recommendations, and the responses provided by the Chiefs of Police and the Sheriff.

After reviewing the current policies of all police agencies, the Grand Jury arranged to interview all Chiefs of Police and the Sheriff. Those interviewed were as follows:

- Steve Annibali, Chief of Police, Arroyo Grande Police
- Jerel Haley, Chief of Police, Atascadero Police
- Steve Gesell, Commander, Atascadero Police
- Jim Copsey, Chief of Police, Grover Beach Police
- Tim Olivas, Chief of Police, Morro Bay Police

- Lisa Solomon, Chief of Police, Paso Robles Police
- Jeff Norton, Chief of Police, Pismo Beach Police
- Deborah Linden, Chief of Police, San Luis Obispo Police
- Ian Parkinson, Sheriff, San Luis Obispo County
- Jim Voge, Commander, San Luis Obispo County Sheriff's Department

NARRATIVE

The previous Grand Jury report noted that not all police agencies were consistent in how they handled citizen complaints or the investigative process. During the interview process with the Chiefs of Police and the Sheriff, the current Grand Jury was advised that all agencies now have a similar policy, provided by Lexipol.[1]

Lexipol also provides policy suggestions in almost every area of law enforcement, and it has become the most common tool utilized by law enforcement agencies, along with policy direction provided through the offices of the Peace Officers Standards and Training Commission (POST).

The Commission on POST was established by the California Legislature in 1959 to set minimum selection and training standards for California law enforcement. The POST organization, with more than 130 staff members, functions under the direction of an Executive Director appointed by the Commission.

POST funding comes from the Peace Officers Training Fund (POTF). The POTF receives money from the State Penalty Assessment Fund, which in turn receives money from penalty assessments

[1] Lexipol is the leading provider of risk management resources for public safety organizations, delivering its services through a unique, web-based development system with an integrated training component. The Lexipol system has helped law enforcement agencies reduce risk and stay ahead of litigation while communicating clear and concise policy guidance to their employees.

on criminal and traffic fines. Therefore, the people who violate the laws that peace officers are trained to enforce fund the POST Program.

The POST Program is voluntary and incentive-based. Participating agencies agree to abide by the standards established by POST. More than 600 police agencies participate in the POST Program and are eligible to receive the Commission's services and benefits, which include:

- Job-related assessment tools
- Research into improved officer selection standards
- Management counseling services
- The development of new training courses
- Reimbursement for training, and
- Leadership training programs

All police agencies in San Luis Obispo County, with the exception of Pismo Beach, adhere to the policies and procedures of POST. Pismo Beach is the only San Luis Obispo County agency that is accredited by the Commission on Accreditation for Law Enforcement (CALEA), which is a national accreditation program. However, Pismo Beach does follow POST guidelines through CALEA, as POST and CALEA are similar in nature.

Over 600 California agencies follow POST guidelines, and only a few California agencies participate in CALEA.

During the interview process with the Chiefs and the Sheriff, the Grand Jury asked a number of questions with regard to citizen complaint procedures.

Does your agency provide citizen complaint forms to individuals who request them?

All agencies provide citizen complaint forms and make brochures that explain the complaint process available to the public.

Are the forms available in Spanish?

All agencies have their forms available in Spanish, and they all subscribe to a service through AT&T that provides telephone interpreters as needed.

Do you have any Spanish language personnel who can assist a complainant?

All agencies have access to some Spanish-speaking personnel and, as previously noted, they can use the service provided by AT&T for other interpreting needs.

Do you have your citizen complaint forms on your Internet site?

Pismo Beach, Grover Beach and the Sheriff's Department have citizen complaint information on the web. Paso Robles and San Luis Obispo stated that they will be placing the information on their websites soon. Arroyo Grande, Atascadero and Morro Bay do not have the information on their websites at this time.

If a citizen makes a complaint, how is the initial complaint handled and by whom?

In all instances, the complainant has the opportunity to discuss the complaint with a supervisor when the initial complaint is made. The complainant may stop an interview with a supervisor at any time. The complaint is then forwarded to a supervisor or commanding officer, if it cannot be resolved at the first level. Ultimately, the final decision regarding the handling of the complaint rests with the Chief of Police or Sheriff. The Sheriff Department's new system will be discussed separately as it merits special attention.

Can a complainant take the forms and return them at a later date? If so, what is the process when the form is returned?

Every department responded that complainants are free to take forms with them and return them at a later date.

Does the form used by your department advise individuals that they are committing a crime by filing a false report?

Atascadero, Grover Beach, Morro Bay, Paso Robles, and San Luis Obispo Police Departments have an admonition on their complaint forms. The admonition states that if a citizen files a false report against an officer they can be charged with a misdemeanor.

Arroyo Grande, Pismo Beach and the Sheriff's Department do not have the admonition on their complaint forms. However, the Pismo Beach Police Department also had the admonition on its website. Subsequent to the current Grand Jury interview with Chief of Police Jeff Norton, the admonition was removed from the website. The admonition could have been interpreted to be threatening, thereby dissuading citizens from filing a complaint.

California Penal Code requires that a citizen sign a form stating that they are aware that a false report filed against a police officer can be found a misdemeanor.[2]

A California Appellate Court has ruled that Section 148.6 of the penal code is constitutional, and citizens may be prosecuted for filing a false report.[3] However, Federal Courts have ruled the section is unconstitutional under Federal law because it deprives a citizen of their right to complain about a public official.[4]

Leading California police personnel attorneys have advised their clients that section 148.6, although held to be constitutional by the California Supreme Court, is basically unenforceable because federal constitutional law generally trumps state constitutional law in the area of citizens' rights. Consequently, they have advised their clients to remove the admonition from all complaint forms.

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[2] California Penal Code 148.6
[3] *People vs. Stanistreet* (2002) 29 Cal. 4th 497- California Supreme Court,
[4] *Chaker vs. Crogan* (2005) 428 F. 3rd 1215- Court of Appeals, 9th Circuit

How are complaints handled after the initial filing?

After a decision is made to investigate the complaint, it is assigned to an investigator. All police departments appear to conduct a complete and thorough investigation into each complaint. In all cases, the investigation ultimately is reviewed by the Chief or Sheriff and, in consultation with staff, a decision is made as to what, if any, disciplinary action is required.

Who determines who will investigate a complaint?

If the investigation requires an internal affairs investigation, the Chief of Police or the Sheriff, in concert with staff, will make a determination as to who will handle the investigation. In all cases, an officer senior to the officer being investigated will conduct the investigation. In rare instances involving a senior officer or the Chief of Police, cities have used outside investigators to conduct an impartial investigation.

There are **four possible findings** to all investigations pursuant to Penal Code Section 832.5.

Unfounded: The investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code 832.5 (c).

Exonerated: The investigation discloses that the alleged act occurred, but the act was justified, lawful and/or proper.

Not Sustained: The investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained: The investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

What is the process after the investigation is completed?

Upon completion of the investigation, a recommendation will be made to the Chief of Police or the Sheriff as to what, if any, disciplinary action is required. Based upon the above criteria, a determination will be made if the complaint is sustained or not sustained.

What is the complainant advised after the investigation is complete?

All departments notify the complainant that the investigation has been completed, and the findings pursuant to the four categories: unfounded, exonerated, not sustained or sustained. It is often difficult to explain to a complainant why they cannot be privy to additional information; however, Government Code 3300, The Peace Officer's Bill of Rights, protects the personnel files of all police officers. Based upon existing state law, complainants are not entitled to be notified of any disciplinary action taken against an officer.

Do you have a specific person or persons assigned to internal affairs investigations?

Because police departments in San Luis Obispo County are relatively small, they do not have a special internal affairs unit or personnel assigned specifically to internal affairs. The San Luis Obispo County Sheriff's Department is an exception and will be discussed separately.

Do you ever use outside investigators if you believe there may be a conflict of interest in using department personnel?

As previously noted, outside investigators are not usually used; however, if the complaint involves the Chief of Police or the Sheriff, or even a high-ranking member of the department, it is possible to utilize the services of an outside investigator.

What kind of a log do you keep with regard to citizen complaints filed?

All departments maintain a master log of citizen complaints. The log includes administrative complaints that have been handled informally, as well as complaints that resulted in internal affairs investigations. These complaint logs are usually separate. Minor complaints are purged from an officer's personnel files after a prescribed period of time, usually based upon the department's own policies. Informal counseling does not require retention of file documents.

All Chiefs of Police and the Sheriff indicated that they utilize a master log to track officers' activities and the number of complaints against any individual officer. The Sheriff's Department has a unique system of tracking.[5]

All departments maintain the log for a period of time required by law, usually five years if an internal affairs investigation was a part of the complaint process.[6]

How are your personnel trained to conduct internal affairs investigations?

All departments train their personnel in Internal Affairs Investigation through POST-certified training schools. Departments are reluctant to utilize personnel who have not received POST training in internal affairs investigations. In such cases, a POST-certified supervisor will monitor the investigation.

Is in-house training conducted on the handling of internal affairs investigations?

Departments continuously train their personnel either through external courses or Lexipol training in-house.

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[5] Discussed under a separate heading for the Sheriff's Department

[6] The State of California requires at least five year retention for citizen complaints. The statute of limitations is four years for misconduct. Internal Affairs and statewide guidelines recommend twenty-five year retention for officer-involved shootings.

Do you have any community outreach programs to encourage citizens to come forth with complaints if they feel justified in doing so? In that same regard, do you have any programs encouraging citizens to come forth with positive comments and commendations about police personnel?

All Chiefs and the Sheriff indicated that they participate in community activities, such as service clubs, homeowner groups, and local organizations, where they encourage citizens to come forward with any comments about the department. There is no concerted effort to solicit complaints; however, all indicated that they are always open and responsive to citizen input.

Do you have any specific technology that is utilized to assist your agency when conducting internal affairs investigations, such as mini-video cameras, personal recording devices, in-vehicle video or other similar technology?

All departments have cameras, recording devices and other technology to assist them in documenting events, and they use such technology when conducting an internal affairs investigation. It is often easier to show a complainant a video of their actions in a given situation than to try to convince them that there was no wrongdoing on the part of an officer. Conversely, if an officer has committed an act of misconduct, it is easier for the department to take corrective action with the aid of such technology.

Many departments have the ability to download videos when an officer arrives at the station, and each department maintains digital recordings of all activities. The Sheriff's Department is currently unable to download video from patrol vehicles and must maintain DVDs in their evidence storage area, which is cumbersome, requires excessive storage space and is not time efficient.

Many officers have individual recording devices that they activate when at the scene of an incident, and the video cameras in the vehicles can often observe activity at a great distance when an officer leaves the vehicle.

All Chiefs and the Sheriff agreed that new technology has aided them enormously in being able to supervise personnel and provide additional safety for officers; it has also assisted in effectively resolving many citizen complaints.

SAN LUIS OBISPO COUNTY SHERIFF'S INTERNAL AFFAIRS UNIT

Under the previous administration, the Sheriff's Department did not have an Internal Affairs Unit. At that time, the Sheriff would receive a complaint and decide if it should be handled as an Administrative Inquiry (AI) or an Internal Affairs (IA) investigation. AIs did not receive a tracking number.

Under the new administration, the Sheriff's Department does not conduct AIs, only IA investigations. As a result, all citizen complaints are tracked and recorded. Statistically, this may give the impression that citizen complaints have increased under the new Sheriff. However, the percentage of sustained complaints has been reduced and the overall tracking of citizen complaints has been improved.

During his 2010 election campaign, Sheriff Ian Parkinson made a commitment to restore an Internal Affairs Unit to the Sheriff's Department. On February 14th 2011, this unit was reestablished and renamed.[7]

The Sheriff employed Jim Voge, retired Commander from the Los Angeles Police Department, to head the new unit. Commander Voge has over 33 years of experience and ran the Los Angeles Police Department's Internal Affairs Unit comprised of 278 employees. Commander Voge is currently creating a new Internal Affairs School for Central Coast police agencies, and he is seeking POST approval for such training.

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[7] Information was based upon documents submitted to the current Grand Jury by the Sheriff's Department.

The Sheriff's Department advised that it had implemented a system called IA PRO, in response to the question "**Do you maintain a log of citizen complaints?**" IA PRO is a software program that aids in the investigation and retention of citizen complaints. The Professional Standards Unit provides a number through IA PRO to every citizen complaint and maintains both an electronic and hard copy of every investigation.

This IA PRO system allows the department to monitor the behavior of its officers because all complaints are tracked. Under the previous administration, when complaints were taken and resolved at the station level by supervisors, a record of the complaint was not always maintained. As a result, an officer may have had several complaints in the past, but without proper recording of the complaints there was no way to identify officers who may have needed correction.

Commander Voge has now trained all supervisors in the Sheriff's Department regarding proper investigative procedures for citizen complaints.

CONCLUSION

Based upon interviews and documents that were submitted to the current Grand Jury, it appears that all police agencies in San Luis Obispo County are now conducting investigations into citizen complaints in a positive and effective manner. The recommendations made by the previous Grand Jury have been implemented.

As a result of the previous Grand Jury recommendations, all police departments in the county have implemented the changes suggested and improved their citizen complaint process. All departments now adhere to the guidelines suggested by POST and Lexipol, particularly with regard to maintaining proper complaint logs and following up on citizen complaints in a timely manner.

FINDINGS

1. The Police Departments of Pismo Beach and Grover Beach and the Sheriff's Department have citizen complaint forms on their websites.

2. The Police Departments of Arroyo Grande, Atascadero, Paso Robles, San Luis Obispo, and Morro Bay do not have citizen complaint forms available on their websites.

3. The Police Departments of Atascadero, Grover Beach, Morro Bay, Paso Robles, and San Luis Obispo have an admonition on their citizen complaint forms.

4. The Police Department of Grover Beach and the Sheriff's Department do not have an admonition on their websites.

5. The Police Departments of Paso Robles and San Luis Obispo indicated that they would soon place citizen complaint forms on their websites.

6. All Police Departments use the policy guidelines proposed by Lexipol.

7. All Police Departments and the Sheriff's Department adhere to the policy guidelines for citizen complaints proposed by POST. However, the Pismo Beach Police Department also adheres to the guidelines of CALEA, a national organization.

8. The Sheriff's Department has an outdated system of video recording in their vehicles and lacks the ability to store video data efficiently. The storage of DVDs is inefficient, requires too much space and slows retrieval time when it is necessary to utilize the information.

RECOMMENDATIONS

1. The Police Departments of Arroyo Grande, Atascadero, Paso Robles, San Luis Obispo, and Morro Bay should add citizen complaint forms to their websites.

2. The Police Departments of Atascadero, Grover Beach, Morro Bay, Paso Robles, and San Luis Obispo should remove the admonition from their complaint forms.

3. The Sheriff's Department should upgrade its vehicles with digital recording devices in order to enhance safety for all personnel, reduce download time and storage space required, and improve the ability to retrieve information, thereby providing better service overall.

COMMENDATIONS

The San Luis Obispo Sheriff's Department is to be commended for implementing a new Internal Affairs Unit. Sheriff Ian Parkinson is to be commended for following through on a campaign promise in such a timely manner.

Additionally, the employment of Commander Jim Voge and the implementation of the IA PRO system represent a vast improvement in the Sheriff's ability to monitor the conduct of his personnel.

REQUIRED RESPONSES

The City of Arroyo Grande is required to respond to Findings 2, 6 and 7, and Recommendation 1. The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by **June 18, 2012**. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

The City of Atascadero is required to respond to Findings 2, 3, 6, and 7, and Recommendations 1 and 2. The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by **June 18, 2012**. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

The City of Grover Beach is required to respond to Findings 1, 3, 6, and 7, and Recommendation 2. The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by **June 18, 2012**. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

The City of Morro Bay is required to respond to Findings 2, 6, and 7, and Recommendations 1 and 2. The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by **June 18, 2012**. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

The City of Paso Robles is required to respond to Findings 1, 5, 6, and 7, and Recommendations 1 and 2. The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by **June 18, 2012**. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

The City of San Luis Obispo is required to respond to Findings 2, 3, 5, 6, and 7, and Recommendations 1 and 2. The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by **June 18, 2012**. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

The Sheriff's Department is required to respond to Findings 1, 4, 6, 7, and 8, and Recommendation 3. The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by **May 19, 2012**. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

The mailing addresses for delivery are:

Presiding Judge	**Grand Jury**
Presiding Judge Barry T. LaBarbera Superior Court of California 1050 Monterey Street San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93402

The e-mail address for the Grand Jury is: GrandJury@co.slo.ca.us

California Penal Code

933. (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

933.05. (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) 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.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) 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 head 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 publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) 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.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the 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.

(f) 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.

Response to Grand Jury Report Form

Report Title:_____

Report Date:_____

Authorized Responder:_____

FINDINGS

- I (we) agree with the findings numbered:_____
- I (we) disagree wholly or partially with the findings numbered:_____
  (Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons.)

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
  (Attach a summary describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
  (Attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.

  (Attach 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 publication of the grand jury report.)

- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.

  (Attach an explanation.)

Date: _____ Signed: _____

Number of pages attached_____

Revised February 2012

June 5, 2012

The Honorable Barry T. LaBarbera
Presiding Judge, Superior Court
San Luis Obispo Superior Court
1050 Monterey Street
San Luis Obispo, CA 93408

Dear Judge LaBarbera,

I would like to thank you and the Grand Jury for inquiring and making suggestions for improvement to policies and procedures to San Luis Obispo Law Enforcement agencies. The information provided has allowed us to review our process and policies concerning these issues, and make appropriate changes and refinements. The Grand Jury has been extremely helpful in this endeavor.

The following is my official response to the 2011-2012 Grand Jury Final Report findings and recommendations concerning "Citizen Complaints and Internal Affairs Investigations" and have prepared the following required responses to the findings and recommendations:

FINDINGS:

1. The Police Departments of Pismo Beach and Grover Beach and the Sheriff's Department have citizen complaint forms on their web site.

I agree with the Grand Jury Finding.

5. The Police Departments of Paso Robles and San Luis Obispo indicated that they would soon place citizen complaint forms on their websites.

I agree with the Grand Jury Finding.

6. All Police Departments use the policy guidelines proposed by Lexipol.

I agree with the Grand Jury finding. The Paso Robles Police Department has been using policy guidelines proposed by Lexipol since 2010.

7. **All Police Departments and the Sheriff's Department adhere to the policy guidelines for citizen complaints proposed by POST. However, the Pismo Beach Police Department also adheres to the guidelines of CALEA, a national organization**

   I agree with the Grand Jury finding. PRPD does not participate in the CALEA Program. We believe that the POST standards and training and California Codes are sufficient.

RECOMMENDATIONS:

1. **The Police Departments of Arroyo Grande, Atascadero, Paso Robles, San Luis Obispo, and Morro Bay should add Citizen Complaint forms to their website.**

   We will address this recommendation by making Citizen Complaint forms available on our website by July 1, 2012.

2. **The Grand Jury recommends the Police Departments of Atascadero, Grover Beach, Morro Bay, Paso Robles, and San Luis Obispo should remove the admonition from their complaint forms.**

   We will address this recommendation by removing the admonition from our complaint forms by July 1, 2012.

Respectfully submitted,

Robert Burton
Acting Chief of Police
City of Paso Robles

Cc: City Manager