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August 16, 2016

The Honorable Jeffrey B. Barton, Judge Presiding
c/o Clerk of the Court
San Diego Superior Court
220 W. Broadway, Dept. SD-P
San Diego, CA 92101-3888

Re: San Diego Grand Jury 2015/2016 Report: "Citizen Oversight Boards of Police Behavior"

Dear Judge Barton:

On May 25, 2016, the San Diego County Grand Jury released its report, "Citizen Oversight Boards of Police Behavior," to the public. Pursuant to California Penal Code Section 933(c), the City of Escondido provides this comment on behalf of the Mayor and City Council within ninety days of the report's release.

The report makes two findings and two recommendations requiring a response from the City of Escondido. The Grand Jury findings were as follows:

"Finding 05: Cities without a citizens' oversight board do not have public review of complaints of police behavior and risk losing the trust of their citizens.

Finding 06: A review board shaped with citizen input will promote confidence in action taken by the board."

The City disagrees with Finding 05, as public venues for voicing police-related complaints take many different forms. Just as the Grand Jury found "there are different models of law enforcement citizens' review boards," there are also different models of public review apart from a citizen review board. As more fully described below, the City already provides several public outlets for voicing police-related complaints to facilitate community input and maintain the public trust. With respect to Finding 06, the City generally agrees with the proposition that citizen input in establishing any board will promote confidence in that board's actions, but also maintains that establishment of a review board is not warranted.

The Honorable Jeffrey B. Barton
August 16, 2016
Page 2

Concerning the recommendations, it is important to note the Grand Jury recognized that local government has primary responsibility for citizen complaints according to California Department of Justice policy. Furthermore, the report acknowledged that all law enforcement agencies in San Diego County already employ citizen complaint procedures compliant with California Penal Code Section 832.5. Even so, the Grand Jury made the following specific recommendations:

“16-30: Establish independent citizen commissions for oversight of police behavior.

16-31: Determine the specific commission model with community input to ensure acceptance, independence, and accountability.”

Because the City of Escondido already employs a comprehensive, formal complaint procedure and provides several public outlets for voicing police-related complaints, the Grand Jury recommendations will not be implemented.

On the subject of formal complaints, all are rigorously and thoroughly investigated by a full-time sergeant specifically dedicated to this task. The Department has a robust history of imposing appropriate discipline when an investigation reveals it is warranted. Citizen complainants are advised of the general outcome of the investigation and may appeal that outcome to the City Manager.

Other forums for receiving public feedback include the numerous community groups and committees that assist in the Department's daily operation, from juvenile diversion (Escondido Education COMPACT) to gang reduction (Escondido Gang Reduction and Intervention, EGRIP). Moreover, the Chief of Police and his staff regularly hold town hall meetings in various locations throughout the community. Police officers also attend neighborhood meetings to connect with the public as well as receive valuable feedback. Finally, the City of Escondido has a comment form available on the City's webpage directed to the City Manager's Office and maintains multiple social media outlets accessible to the public. These alternate forums allow the public to express their views on policy changes and implementation, as well as any perceived misconduct on the part of Escondido officers.

Members of the Escondido Police Department have been, and will continue to be, answerable for their conduct and actions during the performance of their duties. At this time, the City feels confident that its complaint and investigation procedures are accepted by the public, are independent and unbiased, and hold officers accountable at the highest level.

The Honorable Jeffrey B. Barton
August 16, 2016
Page 3

The Escondido Police Department has a documented history of resolving complaints regarding police behavior through existing channels and procedures. Even though the City will not be implementing the Grand Jury's recommendations, the Escondido Police Department will continue to review and evaluate its current citizen complaint policy to ensure compliance with state law and the Peace Officers Bill of Rights, and attention to community feedback.

Sincerely,

A handwritten signature in black ink, appearing to be 'Graham Mitchell', with a horizontal line extending to the right.

On behalf of the Mayor and City Council
Graham Mitchell, City Manager

cc: Honorable Mayor and Members of the City Council
Jeffrey R. Epp, City Attorney
Craig Carter, Chief of Police