

AUG 24 2006



CITY OF EL CAJON

MAYOR AND CITY COUNCIL

RECEIVED

August 22, 2006

AUG 29 2006

SAN DIEGO
COUNTY GRAND JURY

The Honorable Janis Sammartino, Presiding Judge
P.O. Box 122724
San Diego, CA 92112

RE: **Response to Grand Jury Report "Felony Warrants-The Unsolved Problem"**
by the Cajon Police Department In Accordance With §§933(c) PC

Dear Judge Sammartino:

As required by subdivision (c) of Penal Code section 933 this letter is the response of the El Cajon City Council to the San Diego County Grand Jury Report 2005-2006 filed on June 1, 2006, entitled, "Felony Warrants-The Unsolved Problem" (the "Report"). In the Report the Grand Jury determined that there is no uniform felony warrant apprehension procedure currently being used by San Diego cities and county law enforcement agencies.

The Grand Jury report addressed specific areas of interest regarding the growing number of outstanding felony warrants in San Diego County. Each section of the report dealt with a specific topic. This response will address each of the topics pertinent to the San Diego Regional Fugitive Task Force (the "SDRFTF").

While the Report requested responses from the El Cajon Police Chief, the Mayor of the City of El Cajon, and the El Cajon City Council, Penal Code section 933 only requires a response from the City Council. This is due to the fact that (1) the El Cajon Police Chief is not an elected county officer or agency head, and (2) the City of El Cajon is not a "city and county," requiring a response from its Mayor. However, because we recognize the valuable service of each Grand Juror in preparing the Report and in the spirit of cooperation, a separate response was filed by El Cajon Police Chief Clifford Diamond, and this response should be considered as coming from both Mayor Mark Lewis and the entire El Cajon City Council.

FINDINGS:

Finding 1: Currently, little or no progress is being made in the rate of apprehension of defendants with outstanding felony warrants in San Diego County.

Response: The El Cajon City Council disagrees with the finding. The San Diego County Sheriff's Department has assigned nine officers and one sergeant full time to the SDRFTF who have cleared over 600 outstanding felony warrants during this calendar year.

The City of El Cajon, through the El Cajon Police Department, continues to make concerted efforts to apprehend suspects with outstanding felony warrants. Proactive traffic and field stops along with periodic “warrant sweeps” have led to the clearance of 261 felony warrants during 2005.

Finding 2: The Grand Jury finds that [E-Warrant (SDLaw)], (offered free to San Diego law enforcement agencies), if used by City and County law enforcement agencies, would definitely increase apprehension of persons with multiple felony warrants. However, some municipalities still do not choose to take advantage of this program.

Response: The City of El Cajon partially agrees with this finding. Some law enforcement agencies in San Diego County do not have the mechanism in place (connectivity/Internet/Intranet) to install a Mobile Data Computer (“MDC”) in every police vehicle. This is not a matter of choice but an issue of funding and available technology.

The El Cajon Police Department is part of the Regional Communication System (“RCS”). With the completion of a project being facilitated by the San Diego County Sheriff’s Department through the RCS, it is anticipated that within 2-3 years data speed will be increased to the El Cajon Police Department MDCs allowing access to E-Warrants and other various web based law enforcement systems.

Finding 3: More informative outreach must be considered by the San Diego Law Enforcement community, such as publication of photos of wanted criminals in neighborhood newspapers, or following the State of Missouri’s successful program of roadside billboards showing large photos of wanted felons with multiple outstanding Felony Warrants. The community response to this effort was outstanding.

Response: The City of El Cajon disagrees with this finding. There are over 18,000 felony warrants currently in the system and wanted felons are taken into custody every day. A huge fluctuation in the number of warrants and outstanding suspects would create the need for these billboards to be updated on a daily basis. This would be very labor intensive for any law enforcement agency and cost prohibitive.

Finding 4: The Grand Jury found that every law enforcement agency in San Diego County has been contacted by the United States Marshal’s office and invited to join their San Diego Regional Task Force. Currently, only the San Diego Sheriff’s office has responded positively with the assignment of several deputies to assist with the Felony Warrant apprehension and other activities.

Response: The City of El Cajon agrees with this finding. Due to staffing and budgetary constraints, however, the City of El Cajon has not been able to participate in the SDRFTF.

RESPONSES TO RECOMMENDATIONS

The following responses are made on behalf of the Mayor and City Council for the City of El Cajon.

06-70: *Consider the significant benefits of joining the San Diego Regional Task Force. This includes outstanding Felony Warrant apprehension already established under the auspices of the San Diego Office of the United States Marshal.*

Response: Recommendation will not be implemented because it is not reasonable.

EXPLANATION

Through the El Cajon Police Department, the City of El Cajon has considered the benefits of joining the San Diego Regional Task Force. While there may be a benefit in utilizing a task force type approach to address the issue of unserved felony warrants, the City must weigh the benefits against the costs to participate. Our analysis is that the cost factor would be significant for the City.

With finite resources, the City of El Cajon has had to examine the best method of apprehending individuals wanted on pending felony criminal cases, who have outstanding warrants. A reduced staffing level followed by increasing public safety demands prohibits participation in another regional task force, particularly one requiring a full time peace officer on a full time basis.

06-71: *That one officer, from each law enforcement agency, be assigned full time to this task force.*

Response: Recommendation will not be implemented because it is not reasonable.

EXPLANATION

The City's Police Department is already proactively addressing the issue of outstanding warrant service in the City of El Cajon. In 2005, the El Cajon Police Department cleared 415 local warrants, including 254 misdemeanor charges, 128 felony charges, 19 infractions and 14 others. There were also 186 "out warrants" cleared by the El Cajon Police Department in 2005, consisting of 133 felony charges, 47 misdemeanor charges, and 6 others. This proactive approach has netted a total of 601 warrants cleared (261 felonies) including felons who cross jurisdictional lines.

The following considerations were given in determining that participation in a "full time" task force" to address the issue of outstanding felony warrants was unreasonable.

1. The cost to the City of El Cajon for one (1) full time police officer is significant. Considering the salary, benefits, equipment and a police vehicle to participate in another regional task force would be cost prohibitive. The City of El Cajon already has two police officers assigned to the Regional Auto Theft Task Force, RATT and the Narcotics

- Task Force, NTF. Although these positions are partially funded by Federal law enforcement agencies, the cost of a third officer assigned to a task force is still more than the City budget can sustain.
2. The San Diego County Sheriff's Department ("SDSO") already has a warrant team, assigned to serve and clear warrants in San Diego County. It is not uncommon for El Cajon officers to go to addresses located on arrest warrants and find that the Sheriff's Department has already been there.
 3. The El Cajon Police Department is very proactive in its effort to apprehend suspects with outstanding felony warrants. Two Patrol officers are assigned to attend Investigations Division briefings to gather information on wanted persons. This information is then published and distributed to all field officers in the form of bulletins and "hot sheets". Information is also shared at patrol briefings, and with proactive traffic and field stops, these efforts have netted much better results than merely focusing on individuals.
 4. The Department has attempted to conduct "warrant sweeps" utilizing an internal task force approach. This method has netted very little return for the number of officers involved and the cost of overtime. After doing a cost benefit analysis it was determined that an aggressive "field contact" method has proven to be much more effective than the task force approach at locating wanted felons.
 5. The City of El Cajon maintains an active extradition program for bringing felons back to East County who have been apprehended out of San Diego County as a result of felony warrants being entered into the system. The cost for sending two police officers to other jurisdictions across the country, to bring these felons back, has increased dramatically as travel and per diem costs continue to rise. Continuing to fund the costs associated with extraditions and contribute a full time police officer to a regional task force would be unbearable for the City.
- 06-72: *Create a database to search all applications presented for any governmental assistance, benefit or privilege. This would include, but not be limited to, all applicants for driver's licenses, veteran's benefits, worker's compensation, unemployment benefits, professional licenses, all vehicle registrations, and other applicable sources.*

Response: Recommendation requires further analysis.

EXPLANATION

The City of El Cajon's Police Department supports the concept of accessing additional governmental databases in an endeavor to locate individuals with outstanding felony warrants. Databases such as the Department of Social Services (welfare) and Child Protective Services ("CPS") are an untapped resource for locating wanted individuals for criminal violations. However, most such agencies are operated by the State or the County, and not the City of El Cajon.

The City Council recognizes that there may also be some legally permissible way for adopting City procedures and protocols to obtain additional information on individuals applying for Business Licenses, Tow Company Licenses, Taxi Licenses, and other special operating permits. Many of these applications are a matter of public record, and transmitting applicant information for warrant checks by the Police Department would not constitute a violation of privacy. The recommendation will require further analysis from the City's legal counsel.

However, implementing this procedure would require further analysis of the costs and benefits of changing City policies and procedures in other departments for issuing these types of licenses. It should be anticipated that there would be costs associated with adding steps to the application process, including the addition of personnel to collect and transmit data to the Police Department, then additional staffing within the Department for confirming information and running records checks.

06-73: *Fund San Diego law enforcement agencies programs of "Wanted" billboards.*

Response: Recommendation will not be implemented because it is not warranted or reasonable.

EXPLANATION

The City of El Cajon has adopted a sign ordinance restricting the use of billboards due to environmental and aesthetic issues. With a finite number of billboard permits available in El Cajon it is unreasonable to believe that the City would somehow expand this form of commercial speech, having declined to do so for applicants in the past. Our analysis reveals that there are currently more effective methods in place for appealing to the public for assistance in locating wanted felons.

These methods include the use of the Internet and City/Police Department web pages to post photographs and warrant information on wanted felons. The City has found that computer technology is much more effective at reaching out to a larger number of citizens, with unlimited geographical areas. Computer technology is less expensive, faster, and data can be updated with less staff time.

06-74: *Install the E-Warrant computer program in Patrol Vehicles of all community Law Enforcement Agencies in San Diego County and San Diego City.*

Response: Recommendation has not yet been implemented, but will be implemented in the future.

EXPLANATION

All police officers at the El Cajon Police Department do have access to the E-Warrant computer system provided they have Internet access. The current communication protocol for the El Cajon Police Department, a mobile data terminal ("MDT") in virtually every patrol unit, does not allow access to web technology due to the limitations of that protocol. This system is a proprietary set

up that allows the MDT in the police vehicle to interface with the Computer Aided Dispatch (“CAD”) system. Police officers can get basic warrant information; however, photographs, warrant confirmation, and updated suspect information are not available at this time.

The City of El Cajon is awaiting approval for funding to participate in the C2PC Program. Should this funding be approved, the transition to web based technology will be purchased and implemented within five months of that funding.

The City of El Cajon is at the tail end of the current five-year proprietary setup. Should the C2PC funding not be approved, there is another avenue planned to implement web technology for mobile data terminals. As part of adopting a Regional Records Management System (“RMS”), the El Cajon Police Department may be purchasing enhanced technology, which might allow computer warrant checks. Assuming the initial system hardware is purchased, it is anticipated there will be seven to ten additional units purchased each fiscal year, funding permitting. If successful, installing the RMS with upgrades into the MDT’s will allow police officers to get warrant information, suspect photographs, and access to additional databases. It is anticipated that under this project plan it will take three to five years to complete.

06-75: *Sponsor legislation that will provide law enforcement agencies with additional tools to apprehend felons through integration of information from DMV, Social Security, Veterans pensions and other state and federal agencies.*

Response: The recommendation requires further analysis.

EXPLANATION

The City Council supports the concept of sponsoring legislation that will allow law enforcement officers the ability to apprehend felons by accessing information from other county, state and federal agencies. One of the primary reasons that there are so many outstanding felony warrants is that many of them have been in the system for an extended period of time. These “old warrants” have outdated information about suspect resident addresses, working addresses, and (often) physical descriptions.

Implementation of this recommendation would take additional analysis, coordination and cooperation between governmental agencies. Agencies such as Child Protective Services (“CPS”), County Social Services, and the Veterans Affairs have jealously guarded such databases on the basis of confidentiality and a person’s right to privacy. The El Cajon City Council, and the Mayor of El Cajon, recognizes that legal and effective access to these systems by law enforcement officers could result in more current and accurate information about the location and status of wanted felons.

06-76: *Give apprehension of outstanding Felony Warrant offenders a greater priority than currently appears to be the norm.*

Response: The recommendation requires further analysis.

Hon. Janis Sammartino

August 22, 2006

Page 7 of 7

EXPLANATION

The El Cajon City Council and the Mayor of El Cajon continue to support the concept of making the apprehension of outstanding felony offenders a greater priority. However, further efforts to focus on the apprehension of felony offenders has not been caused by a lack of commitment on the part of the City, but by a lack of available resources.

The City of El Cajon will require further analysis in order to determine that in lieu of implementing a full time San Diego Regional Task Force, it may be more practical to periodically (monthly/quarterly) run county warrant sweeps and include officers from all local, state and federal agencies to staff those details. If the San Diego County Sheriff's Department would be willing to facilitate operations, remaining law enforcement agencies could evaluate the potential for providing resources to address the issue of unserved felony warrants throughout the County on an ancillary basis.

On behalf of the El Cajon City Council I would like to thank the Grand Jury for its service to the residents of San Diego County, and express our appreciation for the dedication and hard work of each of its members.

Sincerely,



Mark Lewis
Mayor, City of El Cajon

cc: City Manager
City Council
City Attorney
Police Chief