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BY: Mayor and City Council



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COUNTY GRAND JURY

August 16, 2016

The Honorable Jeffrey B. Barton
Presiding Judge, San Diego Superior Court
Main Courthouse
220 W. Broadway, 3rd Floor
San Diego, CA 92101

SUBJECT: RESPONSE TO GRAND JURY REPORT

Honorable Judge Barton:

On May 19, 2016, a Grand Jury report was sent to the City of El Cajon titled "*Citizen Oversight Boards of Police Behavior.*"

In accordance with California Penal Code 933.05, the City of El Cajon is hereby submitting its response to the Grand Jury report within the required timeline.

The City of El Cajon's response to the report was discussed and adopted by the City Council at its regularly scheduled City Council Meeting on August 9, 2016.

Sincerely,

A handwritten signature in black ink that reads "Bill Wells". The signature is written in a cursive, slightly slanted style.

Bill Wells
Mayor
City of El Cajon

Grand Jury Report – Citizen Oversight Boards on Police Behavior

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.*

Response: Disagree in part. The City of El Cajon agrees that cities without a citizens' oversight board do not have public review of complaints of police behavior; the City disagrees, however, that the lack of such an oversight board creates a risk that the City will lose the trust of its citizens.

The State of California legislature has adopted guidelines and rules for review of citizen complaints regarding police. The City of El Cajon fully supports State law and our procedures regarding citizen complaints are fully consistent with this legislation, as well as the Public Safety Officers Procedural Bill of Rights. As a result, the citizen complaint process of the El Cajon Police Department is clear, fair and impartial. The final review and approval authority of all such investigations ultimately rests with the City Manager who, in addition, has the option of requesting additional review by the City Attorney's Office and the Human Resources Department if felt warranted. The City Manager, City Attorney and Department of Human Resources are entirely independent of the Police Department.

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

Response: Disagree wholly.

Explanation: Finding 06 assumes that a review board would be entirely objective and unbiased in its conduct and findings and that all individuals on the board would possess a high level of expertise and experience in public safety tactics, requirements, procedures, laws, training and history. This has often, if not universally, proven not to be possible. The assumption that members of such a board would be completely without bias simply disregards human nature. Further, the danger of such a board essentially acting as a political body, rather than an objective public safety body, is more likely than not. In those situations of bias or political agendas, such a board would have no positive affect on either improving police procedures or in furthering the confidence of the public.

What establishes and sustains confidence in a local police department is its on-going conduct and relationships within the community. The El Cajon Police Department has been diligent in establishing outstanding community relationships and lines of

communication. The Department has established a number of innovative community policing-based programs and encourages and promotes open channels of communication between the community and the police department. This strategy has proven highly successful in El Cajon.

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

Response: The recommendation will not be implemented due to its being not warranted and not reasonable.

Explanation: There are very few formal citizens' complaints received by the City of El Cajon regarding the Police Department. In 2013, of a total of 95,000 contacts with citizens, 8 resulted in citizen complaints. In 2014, out of nearly 89,000 citizen contacts, only 2 resulted in complaints. For the entire year of 2015, only one citizen complaint was received. It is apparent given the size of the community and the large number of regular contacts with citizens, that the extremely low number of complaints filed with the City is an indication that the El Cajon Police Department has an outstanding track record of appropriate professionalism and behavior in regard to the citizens and a citizen's oversight board would have literally nothing to do the vast majority of the time and would have no apparently positive effect on either the community or the Police Department.

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

Response: The recommendation will not be implemented due to its being not warranted and not reasonable.

Explanation: See explanation to Recommendation 16-30 above.