

**REPORT TO THE
CITY COUNCIL**
City of Salinas, California

DATE: August 19, 2014

FROM: Kelly McMillin, Chief of Police

BY: David Shaw, Police Commander

SUBJECT: **RESPONSE TO 2013-2014 MONTEREY COUNTY CIVIL GRAND JURY
FINAL REPORT NO. 10 AND FINAL REPORT NO. 11**

RECOMMENDATION:

It is recommended that the City Council authorize the Mayor to sign the attached letter responding to the findings and the recommendations in the 2013-2014 Monterey County Civil Grand Jury Final Report No. 10 "*An Overview of the Salinas Police Department*" and Final Report No. 11 "*Law Enforcement Special Weapons and Tactics Training in Monterey County.*"

DISCUSSION:

Final Report No. 10. "An Overview of the Salinas Police Department"

On October 2, 2013, members of the Monterey County Civil Grand Jury (hereafter the "Grand Jury") met with members of the Salinas Police Department to gather information about issues affecting the Salinas Police Department, including two primary concerns: (1) the actual number of sworn officers assigned, and (2) the adequacy of the Salinas Police Department headquarters facility located at 222 Lincoln Avenue. During their visit to the Salinas Police Department, the Grand Jury members met with the Chief of Police, the two Deputy Police Chiefs, the Gang Task Force Commander, and several on-duty Police Officers and members of the Salinas Police Department's civilian staff. The Grand Jury members conducted research regarding overtime statistics as they relate to officer fatigue and during a subsequent visit took photographs of the interior of the Salinas Police Department's headquarters. No part of the Salinas Police Department's headquarters was "off-limits" during the Grand Jury members' inspection.

As a result of their inspection and inquiry into the Salinas Police Department, the Grand Jury made eleven findings and five recommendations, including a finding that "there is not a sufficient number of sworn officers and full-time civilian employees to fully staff the department and adequately meet the needs of the community," and a recommendation that "A new facility should be built to replace the current SPD facility" and another recommendation that "It should be a priority to increase the number of officers on the force."

The Grand Jury has requested a response from the City Council on all of the findings, except Finding No. 8, and on all of the recommendations. Specifically, with respect to each finding, the Grand Jury has requested that the City Council indicate either (1) That the Council agrees with the finding, or (2) That the Council disagrees wholly or partially with the finding, in which case the Council must specify the portion of the finding that is disputed and shall include in the response an explanation of the

reasons for the disagreement. And, with respect to each recommendation, the Grand Jury has requested that the City Council report one of the following actions: (1) That the recommendation has been implemented, with a summary regarding the implemented action; (2) That the recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation; or (3) That 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 Council (this timeframe not to exceed six months from the date of publication).

A complete copy of Final Report No. 10 is attached to this Staff Report for reference.

Final Report No. 11 “Law Enforcement Special Weapons and Tactics Training in Monterey County”

In Final Report No. 11, the Grand Jury investigated the lack of appropriate training facilities for Strategic Weapons and Tactics (SWAT) and related law enforcement activities in Monterey County and the use of Military Operations on Urban Terrain (MOUT) facilities at the former Fort Ord to provide law enforcement agencies with additional possibilities.

The Grand Jury interviewed the Chief of Police and the Salinas Police Department’s SWAT Team Commander, among members of the Monterey County Sheriff’s Department, the Fort Ord Reuse Authority (FORA) and the President of Monterey Peninsula College. The Grand Jury also researched the history and the development of US Army and Marine Corps urban warfare techniques and the development of the MOUT facility (also known as “Impossible City”) located on the former Fort Ord.

As a result of their inquiries and investigations into this issue, the Grand Jury made two findings and two recommendations, including a recommendation that the City of Salinas and Monterey County should “enter into negotiations with Monterey Peninsula College for joint use of the Impossible City.”

The Grand Jury has requested a response from the City Council on Finding No. 1 and on Recommendation No. 1. Specifically, with respect to the finding, the Grand Jury has requested that the City Council indicate either (1) That the Council agrees with the finding, or (2) That the Council disagrees wholly or partially with the finding, in which case the Council must specify the portion of the finding that is disputed and shall include in the response an explanation of the reasons for the disagreement. And, with respect to the recommendation, the Grand Jury has requested that the City Council report one of the following actions: (1) That the recommendation has been implemented, with a summary regarding the implemented action; (2) That the recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation; or (3) That 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 Council (this timeframe not to exceed six months from the date of publication).

A complete copy of Final Report No. 11 is attached to this Staff Report for reference.

California Penal Code section 933(c) requires the City Council to respond to the Grand Jury’s Final Reports within ninety days from submittal of the Final Reports. A draft letter responding to each of the findings and the recommendations identified by the Grand Jury as requiring a response is attached to this Staff Report.

ISSUE:

Shall the City Council authorize the Mayor to sign and to send the attached letter to the Presiding Judge of the Superior Court of Monterey County responding to the Monterey County Civil Grand Jury’s Final Report No. 10 and Final Report No. 11?

FISCAL IMPACT:

The proposed response to the Monterey County Civil Grand Jury does not have any direct fiscal impacts on the City's General Fund or Measure V Fund.

TIME CONSIDERATIONS:

Penal Code 933(c) requires the City to respond to the Presiding Judge of the Superior Court of Monterey County within 90 days of the submittal of the report or by August 8, 2014.

ALTERNATIVES/IMPLICATIONS:

1. The City Council may approve the proposed response as recommended. A response to the letter is required by California Penal Code section 933(c).
2. The City Council may modify the attached letter responding to the findings of the Monterey County Grand Jury Civil Grand Jury.
3. The City Council may elect not to respond to the Monterey County Civil Grand Jury; however, this is not recommended as it would conflict with the Penal Code provisions.

CITY COUNCIL GOALS:

This response to the Grand Jury supports the Council's goal of Effective, Sustainable Government and is required by law.

CONCLUSIONS:

The 2013-2014 Monterey County Civil grand Jury Final Report made several findings and seven recommendations pertaining to the state of the Salinas Police Department and tactical training needs of Monterey County Law Enforcement. Salinas Police Department staff has prepared a response for the City Council's consideration indicating the steps the City plans to take toward implementation of those recommendations.

Distribution:
City Council
City Manager
City Attorney
Department Directors

Back Up Pages:
Response Letter to the Presiding Judge
2013-2014 Civil Grand Jury Final Report No. 10 and No. 11