

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Susan Jones, Interim Chief of Police
DATE: August 21, 2012
SUBJECT: Receipt of 2011/2012 Grand Jury Final Report on the Shooting in Alta Heights and Authorization of the City of Calistoga's Response

APPROVAL FOR FORWARDING:


 Richard D. Spitler, City Manager

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 2 **ISSUE:** Receipt of 2011/2012 Grand Jury Final Report on the Shooting in Alta Heights
 3 and Authorization of the City of Calistoga's Response.
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5 **RECOMMENDATION:** Receive report and authorize the response letter by motion.
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7 **BACKGROUND/DISCUSSION:** The Napa County Grand Jury issued its "Final Report
 8 on the Shooting in Alta Heights" for 2011/2012 on June 15, 2012. The Grand Jury's
 9 mandate is to investigate all branches of government assuring they are being
 10 administered efficiently, honestly, and in the best interest of Napa County's residents.
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12 The Grand Jury's Final Report of June 15, 2012 asks that:
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- 14 a. The City Council respond to Finding 4: – *"There is no civilian review board in*
 15 *Napa County for OIS incidents."*
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 17 b. The City Council respond to Recommendation 4: – *"Within 180 days the law*
 18 *enforcement departments in Napa County and Mental Health Department*
 19 *establish more effective coordination in situations of crisis intervention by (1)*
 20 *engaging in joint training exercises, and by (2) maintaining instantaneous*
 21 *communication and patching capability."*
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- 23 c. The City Council respond to Recommendation 5 – *“Within one year the Napa*
24 *County Board of Supervisors and all Napa County incorporated local*
25 *governments establish a civilian review board to examine all investigation*
26 *documents of this incident and all future Officer involved shooting (OIS) incidents*
27 *to provide feedback from a civilian point-of-view.”*
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29 The attached draft response letter has been prepared for Council review. A response
30 timeline of 180 days was set for R4 and within one year for R5 in the Grand Jury's Final
31 Report.
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33 As stated in this draft letter, staff has recommended that Council agree with the one
34 finding and with Recommendation 4 as presented in the Grand Jury's Final Report for
35 Calistoga. Staff is also recommending that more analysis be done concerning
36 Recommendation 5, including working with other Napa County agencies regarding the
37 potential for civilian review of law enforcement. Staff will report back with their findings
38 no later than February 1, 2013.
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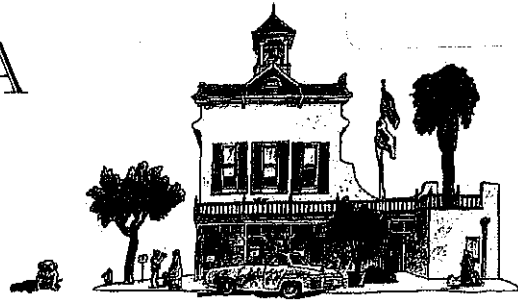
40 **FINANCIAL IMPACT:** None.
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42 **ATTACHMENTS:**

- 43 1. Draft response letter
44 2. June 15, 2012 Napa County Grand Jury 2011-12 Final Report on the Shooting in
45 Alta Heights.

CITY OF CALISTOGA

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August 16, 2012

The Honorable Mark S. Boessenecker
Presiding Judge
Superior Court of the State of California
County of Napa
825 Brown Street
Napa, CA 94559

Subject: Grand Jury Final Report on the Shooting in Alta Heights
City of Calistoga Response

Honorable Judge Boessenecker:

The City of Calistoga has received and reviewed the subject Grand Jury Final Report dated June 15, 2012. As requested by the Grand Jury and pursuant to the provisions of the Penal Code and applicable law, the City of Calistoga is providing this letter to respond to Finding 4 and Recommendations R4 and R5.

Finding 4 – *“There is no civilian review board in Napa County for OIS incidents.”*

Response:

Agree. There is no such board or entity in the vast majority of jurisdictions in California.

Recommendation 4 – *“Within 180 days the law enforcement departments in Napa County and Mental Health Department establish more effective coordination in situations of crisis intervention by (1) engaging in joint training exercises, and by (2) maintaining instantaneous communication and patching capability.”*

Response – This recommendation will be implemented within 180 days of this response. Joint training is already occurring. Although it is not known precisely what is meant by the Grand Jury’s use of the phrase “instantaneous communication and patching,” Calistoga Police Department will ensure that all patrol officers and supervisors have immediate, 24/7/365 contact information for mental health professionals who have been jointly trained to work with law enforcement during crisis intervention.

Recommendation 5 – *“Within one year the Napa County Board of Supervisors and all Napa County incorporated local governments establish a civilian review board to examine all investigation documents of this incident and all future Officer involved shooting (OIS) incidents to provide feedback from a civilian point-of-view.”*

Response – This recommendation is ambiguous and undefined, and will not be implemented as written because it is not warranted and not reasonable. The recommendation seems to call for Napa County and all incorporated municipalities to establish a single “civilian review board” to examine events surrounding Mr. Poccia’s death and all future officer involved shootings which may occur, county wide. The City of Calistoga thinks it unreasonable for the relevant agencies to commit to establishing such an undefined civilian review entity on the 90-day time frame required by Penal Code Section 933 for this response. A wide variety of complex multi-jurisdictional, administrative, legal and financial issues are involved, and the efficacy of any such body is unclear. The Calistoga City Council has directed the City Manager and Police Department to more fully analyze the Grand Jury’s recommendation, to work with other Napa County agencies, and to report back with its recommendations regarding the potential for civilian review of law enforcement, no later than February 1, 2013.

Thank you for your efforts in assuring that all branches of county and city government are being administered honestly, effectively, and in the best interest of Napa County Citizens. If you have any questions regarding these responses, please contact us at 707-942-2805. You may also contact Interim Police Chief Susan Jones at 707-942-2813.

Sincerely,

Jack Gingles
Mayor

Richard D. Spitler
City Manager