DATE: July 9, 2013

TO: Honorable Brian C. Walsh, Presiding Judge Santa Clara County Superior Court

FROM: Marcia Somers, City Manager  
City of Los Altos

SUBJECT: CITY OF LOS ALTOS RESPONSES TO FINAL REPORT, "LAW ENFORCEMENT PUBLIC COMPLAINT PROCEDURES," BY THE 2012-2013 SANTA CLARA COUNTY CIVIL GRAND JURY

Finding 5

The Los Altos Police Department makes all of their multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Response

The City of Los Altos agrees with this finding.

Finding 6

The Los Altos Police Department complaint form includes reference to the unconstitutional California Penal Code Section 148.6 criminal advisory.

Response

The City of Los Altos agrees with this finding.

Recommendation 6

The Los Altos Police Department should remove reference to the unconstitutional California Penal Code Section 148.6 criminal advisory from their complaint form.

Response

The recommendation has been implemented. The reference to, and the language from, California Penal Code Section 148.6 have been removed from the Los Altos Police Department complaint form. The complaint forms with reference to California Penal Code Section 148.6 have been removed from the Police Department lobby, from the online form and from files. New Los Altos Police Complaint forms without this reference are now available in English to the public in the Police lobby and online. These actions were completed by July 1, 2013. The new Los Altos Police Department complaint forms that are multilingual are in the process of revision and will be available to the public by August 1, 2013.
TO: City Council

FROM: J. Logan, Assistant City Manager


RECOMMENDATION:


B. Authorize the City Manager to send said Memorandum in response to the Findings and Recommendations to the Presiding Judge of the Santa Clara County Superior Court

SUMMARY:

Estimated Fiscal Impact:

Amount: None

Budgeted: Not applicable

Public Hearing Notice: Not applicable

Previous Council Consideration: Not applicable

CEQA Status: Not applicable

Attachments:


BACKGROUND

On June 24, 2013, the 2012-2013 Santa Clara County Civil Grand Jury sent its Final Report, “Law Enforcement Public Complaint Procedures” to the City of Los Altos. The Report is included as Attachment 1.

California Penal Code Section 933(c) requires a governing body of a public agency or department subject to a Grand Jury final report to respond within 90 days to the Presiding Judge of the Superior Court on the Findings and Recommendations pertaining to matters under the control of the governing body.

California Penal Code Section 933.05 contains guidelines with specific choices that standardize the language and method of responses to the Civil Grand Jury’s Findings and Recommendations. For reference, California Penal Code Section 933.05 is included at the end of the Civil Grand Jury Report.

The City’s Memorandum of Responses (Attachment 2) is due to the Office of the Presiding Judge, Santa Clara County Superior Court, no later than Wednesday, September 25, 2013.

DISCUSSION

Upon review of the Report and Tables 1 and 2 on pages 4 and 5, the City of Los Altos demonstrates the highest standards of compliance with the public’s access to complaint procedures and to the complaint form. This includes availability of the form to the public which is freely accessible and in multilingual texts.

Police Chief Younis reviewed and concurred with the Civil Grand Jury Report, Findings and Recommendations and directed the steps necessary to ensure compliance with the recommendations in the Report. The resulting actions are stated in the City’s Response, Recommendation 6.

FISCAL IMPACT

None

PUBLIC CONTACT

Posting of the meeting agenda serves as notice to the general public.