

CITY OF AMERICAN CANYON



August 22, 2012

FILED

AUG 30 2012

The Honorable Diane Price
Presiding Judge
Superior Court of the State of California
County of Napa
825 Brown Street
Napa, CA 94559

Clerk of the Napa Superior Court
By: C. Brenna
Deputy

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AUG 30 2012

Napa Superior Court
Court Executive Office

Dear Judge Price:

In its 2011-2012 Final Report, the Grand Jury investigated an officer-involved shooting by the City of Napa Police Department in their Alta Heights neighborhood. Although the City of American Canyon was not involved in this incident in any way, the Grand Jury requested a response from the City of American Canyon to one recommendation. In conformance with Section 933.05 of the California Penal Code, the City offers the following response.

Recommendation R5, Shooting in Alta Heights

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 City of American Canyon does not believe that the establishment of such a review board is warranted for several reasons. First, there have been very few officer involved shootings in Napa County and only one in American Canyon's twenty year history. The City of American Canyon is fortunate to provide high-quality law enforcement services to our community through its contract with the Napa County Sheriff. As a result, we have neither experienced in the past nor anticipate experiencing in the future OIS incidents sufficient to justify the considerable effort and expense of convening such a panel.

Second, the many levels of review that already occur when after OIS incidents are sufficient to thoroughly investigate the situation. Officer involved shootings require extensive criminal investigation, an administrative investigation and sometimes a civil litigation investigation. Each investigation is mandated by not only local policies, but also state and federal law. These three types of investigations are independent and are conducted by separate investigative entities.

Depending on the circumstances, officer involved shootings may also be reviewed by the California State Attorney General, the Federal Bureau of Investigations, civil attorneys, judges and, as in the case of Alta Heights, the Napa County Grand Jury. By statute, the Grand Jury itself is the civilian body empowered to investigate any law enforcement action and would have more authority than a civilian review board to identify possible improvements or enhancements to law enforcement actions. Any civilian has the opportunity to submit a request to the Grand Jury to investigate an OIS incident if needed. Given the

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already extraordinary level of investigation that occurs after OIS incidents, the City Council does not think it is reasonable to convene a second group of civilians for the sole purpose of further evaluating these incidents.

Finally, there are significant costs involved to properly train and maintain a civilian review board. Because of the tremendous complexities of the law and investigative techniques, convening such a panel without significant training would cause more harm to the community than good. We feel that this is an unnecessary use of taxpayers funding in light of the infrequent occurrence of officer involved shootings in Napa County and the number of civilian review alternatives already in place.

As always, the City of American Canyon appreciates the service of the Grand Jury and thanks you for the recommendation. However, for the reasons stated, we do not believe it necessary to implement this suggestion.

Sincerely,

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

Leon Garcia
Mayor