



The City of St. Helena

"We will conduct city affairs on behalf of our citizens using an open and creative process."

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August 22, 2012

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

The Honorable Mark S. Boesseneker
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 St. Helena Response

Honorable Judge Boesseneker:

The City of St. Helena has received and reviewed the above referenced 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 St. Helena 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 will occur with mental health and the police department. Coordination between crisis intervention personnel and the police department already occurs and has never been an issue. St. Helena Police Department will continue to 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. Callout numbers and personnel already exist for instant communication and callouts.

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 – The St. Helena City Council believes that the creation of a civilian review board is not relevant or warranted for the City of St. Helena. The City of St. Helena has never had an officer involved shooting or critical incident.

The current levels of review after an Officer Involved Shooting are sufficient to thoroughly investigate the situation. Officer involved shootings require extensive criminal investigation, an administrative review process and sometimes civil litigation investigation. Each investigation is mandated by local, state and federal law. These three investigations are independent of each other and are conducted separately by different 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 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 non-existent occurrence of officer involved shootings in the City of St. Helena and the number of civilian review alternatives already in place.

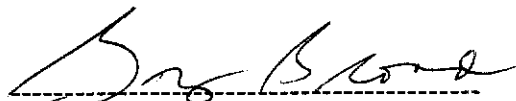
On August 14, 2012, the St. Helena City Council voted unanimously that a civilian review board was not warranted at this time. The City Council stated they would reconsider the idea in the future if there were any officer involved shootings that could not be fully investigated to their satisfaction under the current processes.

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 City Hall at 707-967-2792. You may also contact Police Chief Jacqueline Rubin at 707-967-2850.

Sincerely,



Del Britton
Mayor



Gary Broad
City Manager