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Complaint 06-07-08: Dos Palos K-9 Program

Introduction

The complaint alleges that a K-9 dog purchased with funds from the Dos Palos Police Officers Association (DP-POA) for narcotics related crimes was never trained or certified and that the dog is in the possession of the Dos Palos Chief of Police who refuses to return the dog to the rightful owners, the Dos Palos Police Officers Association.

Method of Investigation

The Law and Justice Committee of the Grand Jury interviewed the complainant, current and former members of the Police Department, the Chief of Police and the City Manager. In addition, the Grand Jury subpoenaed the financial records of the DP-POA and the Dos Palos Police Association Explorer Scouts. The essential elements of the complaint are accurate, however the circumstances under which the issue came about requires some explanation.

The decision to implement a K-9 program within the Dos Palos Police Department was actually made while Mr. Lopez was the Chief of Police and the current Chief was a detective in the department. The DP-POA agreed that there was significant drug activity in Dos Palos and obtaining narcotics trained dog would help in the suppression of drug activity. The members of the DP-POA agreed to use Association funds to purchase the dog with the understanding that the City of Dos Palos would reimburse the DP-POA after the dog and its handler (Officer Barry Mann) were certified. The City Manager was aware of the purchase of the dog and vaguely recalls consulting the city risk management agency on the financial liability for the dog. However, there is no evidence that the City Council ever formally accepted the dog as part of a city K-9 program. The City Council was aware of the program because the Police Department did a presentation to the City Council and showed the dog, but no formal vote was taken.

During the same time frame, the Chief of Police left the department and Officer Mann became the Interim Chief and was subsequently hired as the new Chief of Police. At approximately the same time there was an incident that caused two of the city's police officers to be placed on paid administrative leave and they were subsequently terminated. That left the police department severely under staffed and, due to internal issues within city government, unable to recruit additional officers. To compound the problem, the DP-POA decided to fund the purchase of yet another K-9 dog for a different officer. No formal review within the city government was done on who would assume responsibility for the dogs in case of personnel turnover or who would be responsible for the cost of maintaining the dogs. Yet again, the second dog or its handler were never trained or certified. As it stands the dogs are the pets of Chief Mann and Officer Battles. The Grand Jury requested documentation on the meetings of the DP-POA and the agreement by the members to purchase the dogs. Both Chief Mann and Officer Areias, the current President of the DP-POA, agreed that no documentation exists and every action by the DP-POA was done on an informal basis.

The Grand Jury reviewed the DP-POA financial records and found them to be in extremely poor condition. As a result a subpoena was issued to obtain the records from Stockman's Bank.

The records for the DP-POA PAL Explorers account obtained by the Grand Jury cover a period from January 2003 to December 2006. The balance in the account as of 01-31-2003 was \$7,594.84 and the balance as of 12-29-2006 was \$358.26. During 2003 and 2004 it appears from the records that the PAL was active with normal expenditures and deposits. However, starting in 2005 activity declined and a few large expenditures caused a significant decline in the available balances and little or no additional deposits to maintain the previously high balances in the account. Without additional records from the DP-POA, which the Committee was told do not exist, the Grand Jury is unable to verify the legitimacy of the expenditures. One of the unusual aspects of the account is that a single individual can sign checks against the account, even though there are a few checks signed by both Chief Mann and Officer Areias, most are either signed by Chief Mann or Officer Areias.

The funding for the DP-POA comes from voluntary contributions by members of the Association and these contributions are deducted from the member paychecks by the City of Dos Palos and deposited in the DP-POA account at the bank. In addition, the association has conducted fundraisers and solicited contributions from local service clubs. Records indicate that the two accounts, DP-POA and Explorers, were opened April 16, 2002

The records for the DP-POA account cover the same time period as the DP-POA PAL and had a starting balance of \$3,570.53 and a December 31, 2006 balance of \$477.31. The expenditures during that period are mostly routine transactions with the exception of the purchase of the dogs. The first dog was purchased for \$1,500.00 and the second dog for \$2,000.00. The funding of the second dog came from \$1,500.00 from the DP-POA and \$500.00 from the Dos Palos "Lions" Club. However, the understanding of the members of the DP-POA was that the City of Dos Palos would eventually reimburse the DP-POA.

Findings

2. The DP-POA purchased two dogs with Association funds without City Council's permission and without considering the long-term implication of ownership of the animals.
3. The Dos Palos Police Department does not have policies or procedures for the use of the dogs and has been unable to provide the training and certification needed to implement the program.
4. The Chief of Police and Officer Battles currently care for the dogs, but the dogs are little more than expensive pets.
5. The Chief of Police has done nothing to resolve the ownership issues related to the dogs and in particular the dog that is in his possession.
6. The record keeping by DP-POA, both financial and administrative, is extremely poor.
7. The Chief of Police is NOT a Member of the DP-POA and yet he is authorized to sign checks against the accounts.

8. The DP-POA allows a single individual to sign checks against Association accounts.

Recommendations

3. The Dos Palos Police Officers Association should enter into negotiations with the City of Dos Palos on the status of the K-9 unit and possible reimbursement from the City, or allow the individuals that currently have possession of the animals to obtain ownership of the dogs.
4. If the City Council authorizes a K-9 unit, the Chief of Police should develop policies and procedure on the use of the animals and ensure that the dogs and handlers are properly certified.
5. The Chief and Police and Officer Battles need to return the dogs to the control of either the City of Dos Palos or the DP-POA.
6. The Dos Palos Chief of Police needs to become actively involved in resolving the issues related to the dogs.
7. The DP-POA should implement proper administrative and financial record keeping.
8. The Chief of Police must be removed from the DP-POA bank accounts.
9. The DP-POA should implement a policy that requires that two individuals to sign checks against the accounts.

The official response from the City of Dos Palos to the Grand Jury's (report 06-07-08)

Recommendation:

1. The Dos Palos Police Officers Association should enter into negotiations with the City of Dos Palos on the status of the K-9 unit and possible reimbursement from the City, or allow the individuals that currently have possession of the animals to obtain ownership of the dogs.

Response:

1. A K-9 presentation was made to the city council on May 2, 2006. On March 6, 2007, members of the Grand Jury requested in person that the new city council address K-9 usage. This was scheduled for May 15, 2007. Grand Jury report 06-07-08 was received on May 3, 2007.

A quick review of the subject dogs may answer various concerns: "Cubbie" was originally purchased by the DP-POA, not the City. This dog has been sold to Chief of Police Mann. "Brit" was originally purchased by the City with funds provided by a school resource grant. "Brit" became ill, was returned and replaced with "Lux." "Lux" is still owned by the City, under the care of its handler Corporal Areias. The city council intends to send both "Lux" and its handler to training for K-9 usage. Once both dog and handler receive certification, the city council will consider approving usage on duty. "Alex" was originally purchased by the DP-POA, not the City. This dog has been sold to Officer Battles.

Negotiations and or reimbursement are not necessary as two of the dogs have been sold, one returned, and one retained by the city. Two of the handlers were allowed to purchase the animals.

Recommendation:

2. If the City authorizes a K-9 unit, the Chief of Police should develop policies and procedure on the use of the animals and ensure that the dogs and handlers are properly certified.

Response:

2. We agree. The city council authorized support for a K-9 program at its May 15, 2007 meeting. The Chief of Police has developed a K-9 policy which was also approved by the city council at its May 15, 2007 meeting. The 2007-2008 Police Department Budget provides for dog and handler training.

Recommendation:

3. The Chief of Police and Officer Battles need to return the dogs to the control of either the City of Dos Palos or the DP-POA.

Response:

3. This seems to conflict with Recommendation 1 above which recommends allowing individuals that currently have possession of the animals to obtain ownership of the dogs. Both of the dogs addressed in Recommendation 3 have been sold, to Chief Mann and Officer Battles respectively.

Recommendation:

4. The Dos Palos Chief of Police needs to become actively involved in resolving the issues related to the dogs.

Response:

4. We agree. This has indeed been done.

Recommendation:

5. The DP-POA should implement proper administrative and financial record keeping.

Response:

5. That DP-POA is not a part of the City of Dos Palos, nor is it under City jurisdiction. Any recommendation made to the DP-POA should be made directly to the DP-POA. The City of Dos Palos will forward this recommendation to the DP-POA by mail if requested by the Grand Jury.

Recommendation:

6. The Chief of Police must be removed from the DP-POA bank accounts.

Response:

6. We agree. The Chief of Police has notified the DP-POA that his name should be removed from their accounts. As the City has no jurisdiction over the DP-POA or its accounts, this will require action by the DP-POA not the city.

Recommendation:

7. The DP-POA should implement a policy that requires that two individuals sign checks against the accounts.

Response:

7. This recommendation does not apply to the City.

The City Council of the City of Dos Palos has reviewed and approved all responses made to the above recommendations.

Sincerely,
-- original signed by--

Darrell Fonseca
City Manager

Copy: Supervisor Jerry O'Banion
Dos Palos City Council