

August 10, 2016

The Honorable Mark E. Hood
Presiding Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

Re: *Monterey Peninsula Airport District's Response to 2015-2016 Monterey County Civil Grand Jury Report*

Dear Judge Hood:

Pursuant to Penal Code section 933, subsection (c), et seq., the Monterey Peninsula Airport District has reviewed the 2015-2016 Monterey County Civil Grand Jury Final Report ("Final Report") regarding the operations of the Monterey Regional Airport. The Monterey Peninsula Airport District, which operates the Monterey Regional Airport (collectively referred to as "MPAD"), would like to thank the Grand Jury members for their effort and dedication in researching the issues and in preparing the annual report related to body-worn cameras ("BWCs").

In preparing this response, information and input was obtained from various sources regarding each finding and recommendation, including the Police Chief, whose information and input is incorporated in the responses. In response to the Final Report released June 30, 2016, the MPAD Board of Directors unanimously approved the following response in a public session of its duly noticed meeting held on August 10, 2016.

FINDINGS

F1. The use of BWCs responds to public demands for greater law enforcement transparency.

Response: Agree.

F2. BWCs, when recording lawful police conduct, provide positive risk management benefits.

Response: Agree.

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F3. BWC recordings can serve as a valuable officer training resource.

Response: Agree.

F4. Law enforcement best practices now include law enforcement's use of BWCs when funds have been made available for their purchase and that of required data storage capacity.

Response: Agree.

F5. At a minimum in California, written department policies must comply with the requirements of Penal Code Section 832.18.

Response: Agree.

F24. The Monterey Regional Airport Police Department provides BWCs for its officers' use in accordance with an official, but only oral, department policy regarding their use.

Response: Disagree. MPAD provides BWC's for its officers' use in accordance with an official, written department policy. MPAD's written policy was in place since 2012, the year when BWCs were initially deployed by the MPAD Police Department.

F25. The Monterey Regional Airport Police Department's BWC policy does not meet all of the requirements of the Penal Code Section 832.18.

Response: Disagree. MPAD's written BWC policy fully complies with the requirements of Penal Code section 832.18. Penal Code section 832.18 requires that agencies **consider** a list of enumerated best practices in preparing and adopting policies related to the use of BWCs. However, it does not require the inclusion of those provisions in the final policy. In preparing its policy, the MPAD Police Chief **considered** the provisions of Penal Code 832.18 and adopted a policy that best meets the operational needs of the MPAD police department given the current resources of the department.

RECOMMENDATIONS

R33. The chief of the Airport Police Department shall meet with the department's legal counsel as soon as the meeting can be arranged to review the legal sufficiency of the department's existing body-worn camera policy, to revise the policy to include, at a minimum, the "best practices" as set forth in California Penal Code 832.18, and to convert the policy to written form.

Response: Has been implemented. Without violating the attorney-client privilege, MPAD's BWC policy fully complies with Penal Code section 832.18, and is consistent with the Penal Code's mandate to consider the enumerated best practices in creating and implementing the BWC policy. In addition, MPAD's BWC policy is and was in written form prior to the investigation conducted by the Grand Jury, and a copy of the written policy was provided to the Grand Jury prior to the issuance of the Final Report.

R34. The chief of the Airport Police Department shall meet with the department's legal counsel at least annually to review the state law relating to the use of body-worn cameras and the storage of their recordings, and to revise department policy if necessary to comply with such laws.

Response: Has been implemented. Without violating the attorney-client privilege, the Police Chief, Executive Director and legal counsel will regularly review the BWC policy to ensure compliance with the law, as may be amended from time to time, and to ensure that the policy meets the needs of the Airport, its customers, and members of the public.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mary Ann Leffel".

Mary Ann Leffel, Chair
Monterey Peninsula Airport District