

City of Salinas

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August 16, 2016

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

Re: 2015-2016 Monterey County Civil Grand Jury Final Report – “The Slowly Expanding Use of Body-Worn Video Cameras by Law Enforcement Agencies in Monterey County”

Dear Judge Hood:

This letter is the City of Salinas’s response to the Findings and Recommendations of the 2015-2016 Monterey County Civil Grand Jury Final Report “The Slowly Expanding Use of Body-Worn Video Cameras by Law Enforcement Agencies in Monterey County.” I would first like to thank the members of the Civil Grand Jury for their time and effort taken to assist us in improving our ability to provide services to our community. In Final Report, the Civil Grand Jury made a total of three Findings and two Recommendations specific to the Salinas Police Department.

As requested by the Civil Grand Jury, the City of Salinas respectfully submits the following responses to the Findings and Recommendations identified for a response in Final Report.

Final Report

Finding F5: *At a minimum in California, written department policies must comply with the requirements of Penal Code Section 832.18. (Appendix 3)*

Response: The City Council agrees with this finding.

Finding F27: *The Salinas Police Department provides BWC’s for its officers’ use in accordance with a written department policy regarding their use.*

Response: The City Council agrees with this finding.

Finding F28: *The Salinas Police Department’s written BWC policy does not meet all of the requirements of Penal Code Section 832.18.*

Response: The City Council disagrees wholly with this finding. California Penal Code 832.18(b) only requires agencies, departments, or entities to “consider” the best practices regarding the downloading and storage of body-worn camera data. It does not require it. As there are many unexplored and yet to be determined areas pertaining to the use, storage and release of BWCs and the

data obtained, the Legislature incorporated language that provides latitude for the subject matter experts to determine which practice(s) will or will not be incorporated. The respondent will implement the best-practices it determines to be appropriate for its agency and community, in accordance with a recommendation from its subject matter expert and legal requirements, at the time of implementation.

Recommendation R40: *The chief of the Salinas 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 and to revise the policy to include, at a minimum, the "best practices" set forth in California Penal Code 832.18.*

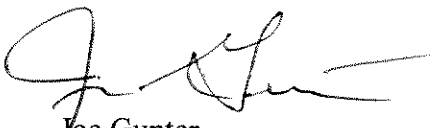
Response: This recommendation has been implemented. The chief and his designee, met with the City Attorney for the City of Salinas at the initial implementation of the current policy regarding BWC's. The policy that was implemented was determined to be appropriate and within the "best practices" for the agency and community and met all legal requirements, at the time of implementation.

Recommendation R41: *The chief of the Salinas Police Department shall meet with the department's legal counsel at least annually to review the then current 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: This recommendation has been implemented. The chief of the Salinas Police Department has met with the City Attorney and will continue to meet on an annual basis, to discuss the BWC policy to ensure the current policy complies with all current laws and practices.

Thank you for the opportunity to respond to the Civil Grand Jury's Report.

Respectfully submitted,



Joe Gunter
Mayor

cc:
City Manager
City Attorney
Police Chief