



San Diego County Sheriff's Department

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Kelly A. Martinez
Undersheriff

Anthony C. Ray, Sheriff

July 29, 2022

Honorable Michael T. Smyth
Presiding Judge of the Superior Court
San Diego Central Courthouse
1100 Union Street
San Diego, CA 92101

Dear Judge Smyth:

Response to San Diego County Grand Jury Report: "Low Income Parking Citation Payment Plan – Compliance with Vehicle Code §40220 Legislative Requirements." Dated May 31, 2022.

Pursuant to California Penal Code section 933 (c), the following response to the Grand Jury Finding and Recommendation 22-51.

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Grand Jury Finding 01:

Of the agencies interviewed, a majority are both issuing agency and processing agency. Although CVC 40220 language often refers to a "processing agency," compliance requirements are logically presumed to apply to both issuing and processing agencies.

Response:

The San Diego County Sheriff's Department agrees with the finding. The San Diego County Sheriff's Department understands the language and requirements of CVC 40200.3.

Grand Jury Finding 02:

During the investigation, the Grand Jury found the San Diego Sheriff's Department was not compliant with AB 3277 amended and CVC 40220 requirements. AB 3277 amendment includes the disclosure of the availability of low-income payment plan and the timeframe to apply in both the notice of parking violation and on its public internet website, including a web page and telephone number for more information.

Response:

The Sheriff's Department agrees with the finding. Our current parking citations are still in circulation. The San Diego County Sheriff's Department is taking the proper steps to ensure we comply with both CVC 40220 and the AB 3277 amendment. The website on the back of those citations has been redirected to the new information pertaining to the AB 3277 amendment.

Grand Jury Finding 03:

The Grand Jury considered agency parking citation notices with an AB 503 version of CVC 40220, which does notify violators of the availability of a payment plan, to be partially compliant.

Response:

The San Diego County Sheriff's Department agrees with the finding. The Sheriff's Department is currently revising all county parking citation notices. The department will be in complete compliance once we receive the new parking citation notices.

Grand Jury Finding 04:

The Grand Jury found some agencies already had AB 3277 fully compliant webpages or AB 503 partially compliant webpages.

Response:

The San Diego County Sheriff's Department agrees with the finding. The Sheriff's Department has already changed the website to comply with AB 3277 and AB 503.

Grand Jury Finding 05:

The Grand Jury found that some previously non-compliant agency websites are now CVC 40220 complaint.

Response:

The San Diego County Sheriff's Department agrees with the finding. No additional comments.

Grand Jury Finding 06:

The Grand Jury found some public agency websites had no informational payment plan webpages or verbiage. And/or their linked contracting vendor's main/landing webpage did not have CVC 40220 information, or the information was not "readily accessible in a prominent location."

Response:

The San Diego County Sheriff's Department agrees with the finding. The Sheriff's Department's new parking citation notices will provide a direct link to the website, which will have information pertaining to AB 3277.

RECOMMENDATION 22-51

The 2021/2022 San Diego County Grand Jury recommends that the San Diego Sheriff's Department, revise their parking citation notices to be CVC 40220 compliant with the most recent AB 3277 amendment.

Response:

The recommendation has not yet been implemented but will be implemented in the future. The San Diego County Sheriff's Department has ordered new parking citation notices to reflect the AB 3277 amendment. We estimate the printing/delivery of the new parking citations within 120 days.

The information on the public website has been updated to the requirements of AB 3277. The information provided on the website includes:

- Clear language on how to request indigency
- Linked internet webpages to all required documents
- A telephone number for more information
- The total amount in fines and fees that can be paid in installments is \$500
- Monthly installments can be no more than twenty-five dollars (\$25)
- The time limit for paying fines and fees under a payment plan is 24 months
- The filing deadline for a payment plan application is 120 days from notice of violation
- All late fees and penalty assessments are waived
- Processing fees to participate in a payment plan are limited to five dollars (\$5)

In closing, I would like to thank the Grand Jury for their efforts in working with the San Diego County Sheriff's Department through this investigation.

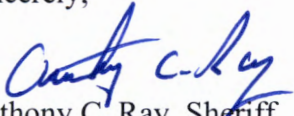
If further clarification or additional discussion is needed, don't hesitate to contact Lieutenant Darrell McNeal of the Law Enforcement Services Bureau at (858) 974-2089.

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Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony C. Ray".

Anthony C. Ray, Sheriff

ACR:dpm

cc: Jim Mendelson, Foreperson, San Diego County Grand Jury