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City of Carlsbad

Office of the Mayor

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SAN DIEGO
COUNTY GRAND JURY

The Honorable Janis Sammartino
 Presiding Judge
 Superior Court of the State of California
 County of San Diego
 220 West Broadway
 P. O. Box 122724
 San Diego, California 92112-2724

Hon. Janis Sammartino:

The City Council of the City of Carlsbad has carefully reviewed and considered the San Diego County Grand Jury 2005-06 Felony Warrants – The Unsolved Problem report (“Report”) (June 1, 2006) and respectfully submits its response as required by Penal Code section 933(c) and as further specifically addressed in Penal Code section 933.05.

The Report makes four “findings” and seven “recommendations” with respect to the Mayor of the City of Carlsbad which requires a response. Two of the seven recommendations require a response by the City Council; and five of the seven recommendations require a response by the Chief of Police for the City of Carlsbad. The Mayor, Council and Police Chief (collectively, referred to as “Carlsbad”) respond to the findings and recommendations. This response has been prepared in three sections. First, specific responses to Grand jury Findings as described in California Penal Code § 933(a). Second, specific response to Grand Jury Recommendation as described in California Penal Code § 933(b). And third, a summary of Carlsbad’s position on these issues.

Findings:

1. Finding: “Currently, little or no progress is being made in the rate of apprehension of defendants with outstanding felony warrants in San Diego County.”

- Carlsbad agrees with this finding.
- Carlsbad disagrees that the San Diego County rate of apprehension applies to or is reflective of the City of Carlsbad.

2. Finding: “The Grand Jury finds that this computer program [SDLaw, E-Warrant], (offered free to San Diego law enforcement agencies), if used by City and County law enforcement agencies, would definitely increase apprehension of persons with multiple

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felony warrants. However, some municipalities still do not choose to take advantage of this program.”

- Carlsbad agrees with this finding.
- Carlsbad uses the “SD Law” computer program and have a number of reported incidents where residents have asked that officers stop bothering them because the suspect no longer resided there.

3. Finding: “More informative outreach must be considered by the San Diego Law Enforcement community, such as publication of photos of wanted criminals in neighborhood newspapers, or following the State of Missouri’s successful program of roadside billboards showing large photos of wanted felons with multiple outstanding Felony Warrants. The community response to this effort was outstanding.”

- Carlsbad agrees with this finding.
- Carlsbad has always tried to be a team player in regional efforts. Should collective effort be initiated throughout the County of San Diego, Carlsbad would consider contributing its equitable share to support the program.

4. Finding: “The Grand Jury found that every law enforcement agency in San Diego County has been contacted by the United States Marshal’s office and invited to join their San Diego Regional Task Force. Currently, only the San Diego County Sheriff’s office has responded positively with the assignment of several deputies to assist with Felony Warrant apprehension and other activities.”

- Carlsbad agrees with this finding.
- Carlsbad would hesitate expending over 2% of its patrol staffing to this effort.

Recommendations:

The Grand Jury recommends to all Mayors and Law Enforcement Agencies in San Diego City and County, and the San Diego County Board of Supervisors:

06-70: “consider the significant benefit of joining the San Diego Regional Task Force. This includes outstanding Felony Warrant apprehension already established under the auspices of the San Diego office of the United States Marshal.”

- Carlsbad does not see a significant benefit in joining a regional task force to serve warrants. Sharing information and having each jurisdiction address active warrants believed to be within their own area seems to be a more effective use of resources.

06-71: “that one officer, from each law enforcement agency, be [sic] assigned full time to this task force.”

- Carlsbad has always tried to be a team player and would consider participation in a Felony Warrant apprehension task force. However, expending over 2% of its patrol staffing does not seem equitable or justified when Carlsbad averages only about 8 un-served felony warrants in its jurisdiction each year.

06-72: "create a data base to search all applications presented for any governmental assistance, benefit or privilege. This would include, but not be limited to, all applicants for driver's licenses, veteran's benefits, worker's compensation, unemployment benefits, professional licenses, all vehicle registrations, and other applicable sources."

- Carlsbad sees this recommendation as a very useful tool and willing to implement its use.

06-73: "fund San Diego law enforcement agencies programs of "Wanted" billboards."

Carlsbad has always tried to be a team player and would consider participation in support of a billboard program.

- Carlsbad probably would not erect billboards within the City limits as it is in direct conflict with Carlsbad Municipal Code.

06-74: "install the E-Warrant computer program in Patrol Vehicles of all community Law Enforcement Agencies in San Diego County and San Diego City."

- Carlsbad has the "SD Law, E-Warrant" program installed in all of its marked police units and all investigators have access to the program on their individual desk top computers.

06-75: "sponsor legislation that will provide law enforcement agencies with additional tools to apprehend felons through integration of information from DMV, Social Security, Veterans pensions and other state and federal agencies."

Carlsbad would be willing to support this type of legislation.

06-76: "give apprehension of outstanding Felony Warrant offenders a greater priority than currently appears to be the norm."

- Carlsbad believes that patrol officers service outstanding felony warrants believed to be within Carlsbad at an adequate level. Officers have frequently reported back that particular residents have become frustrated with the police department because of repeated efforts to serve the same warrant. There needs to be a way to better manage service efforts. This subject will be addressed further in the summary.

Summary:

The City of Carlsbad and its Police Department supports the apprehension of all individuals with outstanding warrants. However, Carlsbad suggests that other measures should be implemented before agencies are asked to remove its officers from patrolling the streets to pursue individuals with outstanding warrants on a full time basis. These measures include: some flexibility in the ability to book warrants into county jail and a tracking mechanism available to patrol officers where warrant service efforts and intelligence are documented.

If field officers were permitted to arrest misdemeanor warrants, the total number of outstanding warrants could be significantly reduced. Officers frequently encounter

subjects with outstanding misdemeanor warrants but are unable to take action because the court is closed and the detention facility will not accept misdemeanor warrant arrests. Ideally everyone with a warrant would be arrested and taken forthwith. As an alternative, setting a time threshold for warrants could be a fall-back measure. For example, any person with a warrant in excess of one year old should be booked. The current status of not being able to arrest persons with warrants devalues the importance of a warrant in the mind of the officer and citizen.

There needs to be an easily used tracking program for warrant service efforts. By adding an additional field to the warrant or an attachment to the warrant where field notes can be recorded, a number of issues may be addressed. As envisioned, an officer with information concerning a warrant could click on a button to access "Service Information" where he/she would find listed in chronological order of entry, all field information collected regarding the warrant. The time, date and officer identification would be automatically entered along with the officer's comments in the "Service Information" field. The most obvious benefit would be a log of all efforts to serve the warrant which would address and satisfy due diligence concerns. An officer preparing for an attempt to service a warrant would check this data base to learn of any previously collected information which could include anything from safety warnings to intelligence concerns and even more recent residence information. If an officer were to develop new address information it would be a simple matter to document the information and contact an allied agency with that information. That agency could in-turn attempt to serve the warrant. Ideally the second officer would enter his/her efforts and results into the service information program.

Carlsbad believes the number of outstanding warrants issued to subjects living in Carlsbad is not as grim as reported. Our records show that since January 1, 2006 a total of 10 felony outstanding warrants lists an address in Carlsbad remain in the "SD Law" database. All of those addresses have been checked and officers are confident that the person wanted no longer resides at the stated location. Additionally our records show that there are a total of 77 outstanding felony warrants that show a Carlsbad address and which have been issued in the past 10 years, and a total of 129 outstanding warrants remain in the system that have been issued since 1979 (as far back as we are able to check). An extremely high number of these warrants listed an address in areas with a high percentage of rental units leading us to believe that the individuals wanted have simply moved on.

Carlsbad understands that our warrant service responsibility includes not only wanted individuals that live in Carlsbad but also to individuals wanted for crimes committed in Carlsbad. Our data indicates that for the past 10 years an average of 21.3 un-served Carlsbad initiated felony warrants have been added to the outstanding felony warrant backlog while the number of outstanding felony warrants issued against addresses within Carlsbad has averaged 7.7.

Carlsbad feels that the Grand Jury's Findings and Recommendations are not warranted under the circumstances. Carlsbad does not support a long term assignment of one

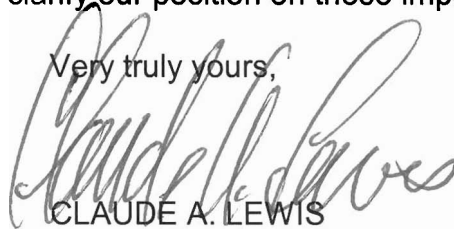
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officer to a regional Warrant Task Force. This assignment would reduce Carlsbad's field resources by 2%. Carlsbad would be supportive of short term temporary details, maybe 2 to 3 months at a time. Long term, we prefer a proactive response on an individual agency basis coupled with the use of the SD Law, E-Warrant program. Also Carlsbad recommends an enhanced tracking program that would document warrant service efforts. It is Carlsbad's belief that with a service effort tracking program and proactive efforts each jurisdiction is better served by managing its own resources.

Carlsbad's staff will gladly appear before the Grand Jury in person to answer any questions or provide further information on this issue. It is our understanding that staff has not been given that opportunity to date. If you or the Grand Jury would like additional information regarding the above, please contact Mr. Raymond Patchett, City Manager, at 760.434.2821.

We appreciate the opportunity to submit our comments in response to the Grand Jury's Findings and Recommendations and clarify our position on these important issues.

Very truly yours,



CLAUDE A. LEWIS
Mayor

c: Grand Jury
City Council
City Manager
City Attorney
Police Chief