



**CITY OF CORONADO**

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SEP 8 2006

SAN DIEGO  
COUNTY GRAND JURY

September 5, 2006

The Honorable Janis Sammartino, Presiding Judge  
Superior Court of California, County of San Diego  
P.O. Box 122724  
San Diego, CA 92102-2724

RE: Response to Grand Jury Report on "Felony Warrants-The Unsolved Problem"

Dear Judge Sammartino:

The San Diego Grand Jury released a report (the "Report") on June 1, 2006 titled, "Felony Warrants-The Unsolved Problem". The Grand Jury stated they revisited this subject due to the growing number of outstanding Felony Warrants in San Diego County and because there is no uniform felony warrant apprehension procedure currently in use by San Diego cities and county law enforcement agencies.

The Report addressed a variety of issues regarding the growing number of outstanding felony warrants in San Diego County as noted in the Report's Facts, Findings, and Recommendations.

While the Report requested responses from the Coronado Police Chief, the Mayor of the City of Coronado, and the Coronado City Council, Penal Code section 933 only requires a response from the City Council. This is due to the fact that (1) the Coronado Police Chief is not an elected county officer or agency head, and (2) the City of Coronado is not a "city and county", requiring a response from its Mayor. However, the City of Coronado's response should be considered as coming from the City of Coronado Mayor Tom Smisek, the entire Coronado City Council and Coronado Police Chief Paul Crook.

**RESPONSES TO FINDINGS:**

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

***Response:*** The Coronado City Council disagrees with the finding. The San Diego County Sheriff's Department has assigned nine officers and one sergeant full time to the San Diego Regional Fugitive Task Force (SDRFTF). And, according to the results of the Grand Jury's investigation, the City of Coronado had 41 outstanding felony warrants as of December 29,

2005. However, that number seemed exceptionally high and upon contacting the Grand Jury clerk it was learned that the Grand Jury that prepared the report was no longer seated and the clerk was unaware of how or where the Grand Jury had received their data for the Report.

Each month the Coronado Police Department receives a printout from the San Diego County Sheriff's Department reporting outstanding felony and misdemeanor warrants for individuals that furnished a City of Coronado address. A copy this report is forwarded to the Field Services and Investigations Divisions with officers checking the reported residences for the suspects.

In reviewing the data from the June 26, 2006, report, it was determined that there were only five outstanding felony warrants. Of these warrants, one subject had moved to Lake Tahoe; another had committed suicide and the remaining three subjects gave false addresses and have been on the list for some time.

**Finding 2:** The Grand Jury finds that [E-Warrant (SDLaw)], (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 felony warrants. However, some municipalities still do not choose to take advantage of this program.

**Response:** The City of Coronado partially agrees with this finding. The Coronado Police Department is part of the Regional Communication System ("RCS"), which is operated by the San Diego County Sheriff's Department. The E-Warrant software is not compatible with the City's technology. Using this software would require abandonment of significant portions of its existing technology, which has only recently been acquired.

The potential exists that, in time, the E-Warrants system may be modified to be compatible with our current system.

**Finding 3:** 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.

**Response:** The City of Coronado disagrees with this finding. The 18,000 or more outstanding felony warrants now in the system and the fact that wanted felons are incarcerated every day creating a fluctuation in the number of suspects and the need to update the billboards daily makes this option very labor intensive and cost prohibitive.

**Finding 4:** 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 Sheriff's office has responded positively with the assignment of several deputies to assist with the Felony Warrant apprehension and other activities.

**Response:** The City of Coronado agrees with this finding. Participation in this program, however, would require significant reallocation of staffing resources.

### **RESPONSES TO GRAND JURY RECOMMENDATIONS:**

The following responses are made on behalf of the Mayor and City Council for the City of Coronado.

**06-70: Consider the significant benefits 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.**

**Response: The recommendation will not be implemented because it is not reasonable.**

#### **EXPLANATION**

A task force approach would seem reasonable except for the significant personnel and equipment costs associated with participation in this task force unless the task force has the ability to reimburse the City for all costs.

**06-71: That one officer, from each law enforcement agency, be assigned full time to this task force.**

**Response: Recommendation will not be implemented because it is not reasonable.**

#### **EXPLANATION**

In addition to the response to 06-70, the Coronado Police Department does not have the resources to assign a police officer to the San Diego Regional Task Force on a full time basis. Given the number of outstanding felony warrants in the City of Coronado this assignment would not be the best use of our resources.

**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, workers' compensation, unemployment benefits, professional licenses, all vehicle registrations, and other applicable sources.**

**Response: Recommendation requires further analysis.**

EXPLANATION

The City of Coronado supports the concept of accessing additional governmental databases to identify individuals with outstanding felony warrants. Some of these databases are untapped resources; however, they are not operated by local agencies and the City Council recognizes that there may also be some legally permissible way for adopting City procedures and protocols to make inquiries of subjects applying for various operating licenses and permits. The recommendation will require further analysis from the City's legal counsel.

The Coronado Police Department does check all prospective police department employee applicants and a variety of other permit and non-driver license applicants for outstanding warrants.

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

**Response: This recommendation will not be implemented because it is not reasonable.**

EXPLANATION

This recommendation is considered not to be a viable means by which to get time sensitive information to the public. The cost to local communities could be significant and the placement of billboards is inconsistent and, in some cases such as Coronado, is non-existent. Increased use of other media choices, i.e. TV, radio, and Internet sites is recommended.

**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.**

**Response: This recommendation will not be implemented because it is not reasonable.**

EXPLANATION

At this time, there are no plans to integrate the E-Warrant system into our warrant checking procedures due to hardware costs and incompatibility with the department's current communications system. Currently, field personnel can access felony warrant checks via their vehicle's mobile data computer, which is linked to the National Crime Information Center (NCIC) or officers can query this information through the department's dispatch center, which has Internet access as is required for the E-Warrant system.

**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.**

**Response: The recommendation requires further analysis.**

EXPLANATION

The City Council would be supportive of legislation that would allow local agencies access to these state and federal data bases to apprehend outstanding felons. One of the primary reasons that there are so many outstanding felony warrants is that many of them have been in the system for an extended period of time. These “old warrants” have outdated information about suspect resident addresses, working addresses, and (often) physical descriptions.

Implementation of this recommendation would take additional analysis, coordination and cooperation between governmental agencies. The Coronado City Council and the Mayor of Coronado recognize that legal and effective access to these systems by law enforcement officers without violating confidentiality and a person’s right to privacy could result in more current and accurate information about the location and status of wanted felons.

**06-76: Give apprehension of outstanding Felony Warrant offenders a great priority than currently appears to be the norm.**

**Response:** This recommendation will not be implemented because it is not reasonable.

EXPLANATION

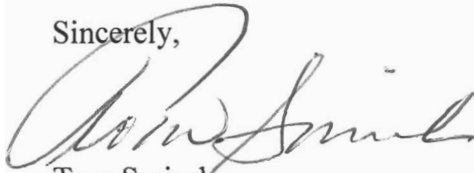
The Coronado Police Department does presently attempt to apprehend outstanding felony warrant suspects by reviewing the outstanding felony warrant report furnished by the San Diego Sheriff’s Office by making contact at the addresses given. Additionally, field officers and investigators run warrant checks on most subjects involved in enforcement actions and/or individuals of interest in investigations. Police officers of this City are also available for ongoing special warrant apprehension details that are hosted by U. S. Marshal or other law enforcement agencies.

As previously noted, the Coronado Police Department would be interested in participating in a felony warrant apprehension task force if one was available that had the ability to fund personnel and equipment costs.

Judge Sammartino  
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The Coronado City Council appreciates the Grand Jury's review and recommendations regarding this very important issue and for the opportunity for the City of Coronado to have input in the process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Smisek".

Tom Smisek  
Mayor, City of Coronado

TS/mlc

cc: City Council  
City Manager  
City Attorney  
Police Chief