



RESPONSE TO GRAND JURY REPORT

The governance of responses to Grand Jury Final Report is contained in Penal Code § 933 and § 933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within sixty (60) days. Governing bodies (for example: the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Presiding Judge, the Grand jury Foreperson and the CEO's office.

Report Title: SHARE AND SHARE ALIKE Report Date: May 24, 2007

Response by: Chief Gerardo Gonzalez Title : City of Willits Police Chief

Findings

- I (we) agree with the findings numbered:

13, 16, 31, 32

- I (we) disagree wholly or partially with the Findings numbered:

12, 14, 15, 17, 23, 28, 29, 30,

(attach a statement specifying any portions of the Findings that are disputed; include an explanation of the reasons therefore.)

Recommendations

- Recommendations numbered:

2, 4, 5, 6, 11, 13,

have been implemented. (attach a summary describing the implemented actions.)

- Recommendations numbered: _____

have not yet been implemented, but will be implemented in the future. (attach a time frame for implementation)

- Recommendations numbered: _____
require further analysis. (attach an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer and/or director of the agency or department being investigated or reviewed; including the governing body of the public agency when applicable. This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)

- Recommendations numbered: **3, 7, 8, 14,** _____
will not be implemented because they are not warranted and/or are not reasonable. (attach an explanation.)

Date: _____ Signed: _____

Total number of pages attached: 3

Mendocino County Grand Jury Report
'SHARE AND SHARE ALIKE'

Willits Police Department Response

Narrative Summary of Required Responses to Grand Jury Findings:

#12 - It is one of the many functions, not the sole function, of the LEAA to direct the expenditure of the "Law Enforcement Administrators Association Education Fund" which is the fund derived from the distribution of all Asset Forfeiture monies pursuant to 11489(b)(2)(A)(i) H&S, as indicated in the Mendocino County Asset Forfeiture Unit memorandum of understanding. It is not the LEAA's function to direct all asset forfeiture moneys toward anti-drug and anti-gang education and community-based programs, just those funds distributed for that purpose under the MOU pursuant to the law.

#14 - The LEAA holds a meeting every month as a stand-alone panel unless the meeting is cancelled due to scheduling conflicts.

#15 - It is the understanding of the Willits Police Department that money or property declared forfeit and legally available for distribution, is distributed promptly as it becomes available, NOT annually as is stated in these findings.

#17 - Pursuant to the MCAFU MOU section III B.4.A., the Chief of Probation is a member of the "panel" that determines the "actual distribution" of funds distributed in accordance to 11489(b)(2)(A)(i) H&S. Historically, the Chief of Probation, as a member of the LEAA has been present and participated in the decision as to how this money is to be utilized.

#23 - The Willits Police Department does not know what testimony the Grand Jury heard related to this. The Willits Police agrees that pursuant to state law, these funds can be spent on Law Enforcement related activities as long as supplanting does not occur as dictated by the forfeiture statutes.

#28 - The Willits Police Department has no knowledge of the Mendocino County Board of Supervisor's requirements as they relate to Asset Forfeiture.

#29 - The Willits Police Department has no knowledge about the Mendocino County Sheriff's Office use of Asset Forfeiture funds.

#30 - Both "Methods" outlined in Figure 1, meet the requirements of 11489(b) H&S, in that these methods are predicated on the "Proportionate Contribution of Each Agency." In the MCAFU MOU, the proportionate contribution of each agency for a forfeiture handled by the unit (and all state forfeitures in Mendocino County are handled by the unit under this MOU) is predicated on participation in and contribution to the mission of the Mendocino Major Crimes Task Force, therefore the "remainder of funds" are distributed "proportionately" based on a formal agreement, the MOU.

Narrative Summary of Required Responses to Grand Jury Recommendations:

#2 - An operational MOU has been implemented since 1993 and continues to be active as it relates to Asset Forfeiture by way of the MCAFU MOU. This MOU states its mission and intended goals consistently with 11489(b)(2)(A)(ii) H&S as outlined in the MCAFU MOU section III B.4.A. The MCAFU is part of the LEAA and meets monthly at the same time as the LEAA.

#3 - The Willits Police Department feels that the LEAA meeting should not be open to the public. The MCAFU requires very limited management by the LEAA. The majority of LEAA's activity is the discussion of MMCTF covert and undercover operations and general confidential matters as they relate to law enforcement countywide. Sharing of this information with the public would jeopardize the success of current and on-going criminal investigations for all agencies involved and limit the effectiveness of otherwise confidential investigative strategies.

#4- As stated previously in the response to the findings, Asset Forfeiture funds are already being disbursed as individual cases become available for disbursement.

#5 - Pursuant to the MCAFU MOU section III B.4.A., the Chief of Probation is a member of the panel that dictates use of funds pursuant to 11489(b)(2)(A)(i) H&S. Additionally, the Chief of Probation is also an active member of the LEAA.

#6 - As stated previously in the response to the findings, Asset Forfeiture funds are already being disbursed as individual cases become available for disbursement instead of stockpiling the funds.

#7 - Pursuant to the MCAFU MOU section VII and current state law, each agency participating in the MCAFU is required to adhere to the legal guidelines for use of Asset Forfeiture proceeds. The MCEO and MCACO will be consulted when and if the State conducts an audit under the provisions of the law.

#8 - 11469(h) H&S does not require that annual audits be conducted, only that forfeiture proceeds be "maintained subject to" appropriate accounting controls and annual financial audits of all deposits and expenditures. All forfeiture moneys obtained by the Willits Police Department are maintained in such a manner.

#11- All asset forfeiture expenditures by the Willits Police Department and their purpose have always been and will continue to be directly linked to unbudgeted Law Enforcement needs pursuant to the law.

#13- Pursuant to the MCAFU MOU, Asset Forfeiture disbursements currently fall within the "spirit" of 11489 H&S as they relate to all agencies as well as the MCDAO.

#14 - No revision is necessary as the MCAFU MOU currently addresses the expenditure, disbursement and distribution required by 11469 and 11489 H&S.