

Law Enforcement Administrators Association
of Mendocino County

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 : LEAA Chair

Findings

- I (we) agree with the findings numbered:
13, 16
- I (we) disagree wholly or partially with the Findings numbered:
12, 14, 15, 17
(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
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 & 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: _____

Narrative responses regarding findings with which the LEAA disagrees in whole or in part:

#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 LEAA that money or property declared forfeit and legally available for distribution is distributed 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.

Narrative summary of required responses to to Grand Jury recommendations:

Recommendations Implemented:

#2 – An operational MOU has been implemented for years 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.

#4- Asset Forfeiture funds are already being disbursed as individual cases become available for distribution based on successful adjudication which complies with 11489 H&S.

#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)(ii) H&S. Additionally, the Chief of Probation is also an active member of LEAA.

Recommendations that will not be implemented because they are not warranted and/or are not reasonable:

#3- Opening LEAA meeting to the public would have little benefit and would potentially compromise sensitive undercover multi-agency investigations. The MCAFU requires very limited management by the LEAA. The majority of the LEAA's activity is the discussion of the MMCTF business and activities.

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