

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

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September 6, 2007

File No.: 150.9767

Ms. Wendy Roberts, Chair
Mendocino County Grand Jury Continuity Committee
P.O. Box 629
Ukiah, CA 95482

Dear Ms. Roberts:

Attached for your review are the requested responses to the 2006-07 Grand Jury Report titled; *Share and Share Alike: A report on asset forfeiture*. This will serve as a response from both the Garberville CHP Area and Ukiah CHP Area.

Finding #30 – Agree. As shown by Figure 1, the disbursement formulas contained in the MCAFU MOU and H&SC §11489(b), result in different disbursements, but I do not believe the resulting distributions either conflict with or violate the spirit of the applicable H&S statutes.

Recommendation #7 - Is not needed; state law already prohibits using AF funds to supplant funding.

Recommendation #13 - If the signatories to the MOU do not agree with the distribution formula, they can request changes. The current MOU does not either conflict with or violate the spirit of the applicable H&S statutes.

Recommendation #14 - Recommendation #14 will not be implemented because it is not warranted. The formula for asset forfeiture disbursements contained in the operational MOU is not in conflict with the applicable statutes. If a signatory to the MOU disagrees with the disbursement formula, they can request a modification to the agreement.

Sincerely,

R. C. MADRIGAL, Captain
Commander
Ukiah Area

Cc: Garberville Area

Attachment

Recommendation #14 will not be implemented because it is not warranted. The formula for asset forfeiture disbursements contained in the operational MOU is not in conflict with the applicable statutes. If a signatory to the MOU disagrees with the disbursement formula, they can request a modification to the agreement.

Tom is reading it right now. We weren't asked to respond to Recommendations 7 & 13, but I see you were. I'm not sure how I'd formally respond to these. Probably a good topic for Thursday's meeting. My general take is that Recommendation #7 is not needed; state law already prohibits using AF funds to supplant. As for Recommendation #13, if the signatories to the MOU don't like the distribution formula, then they can change it. I don't see anything that either conflicts with or violates the spirit of the applicable H&S statutes.