



Communications Office
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Twin Rivers District Police Department Addresses Grand Jury Recommendations

The Twin Rivers District Police Department (TRDPD) understands that the District will be responding to the Grand Jury's findings and recommendations within 90 days. This document is not intended to substitute in any way for that response. In the interest of providing as much transparency and responsiveness as circumstances allow, TRDPD has attempted to briefly address the findings and recommendations in the pages that follow. These responses are preliminary in nature, but will hopefully assist the press and public in understanding where the Department currently stands in regards to the concerns the Grand Jury, media and public have raised.

Staffing/Administrative Leaves

TRDPD is authorized 18 Officers, 2 Sergeants, 1 Lieutenant, 1 Captain and 1 Chief of Police for a total of 23 sworn positions. The Department is also authorized 6 civilian positions for a grand total of 29 employees. No specific number of reserve officers are authorized as they are part time employees and work varying numbers of hours depending on need and availability. In late January of 2012 the Department experienced its greatest shortage of staff due to various types of leave. At that time 4 employees were on paid administrative leave, 2 were on medical leave and one was on military leave serving overseas. Some sources are mistaken in reporting that a third of the Department or "7 of 20 officers" are or were on paid administrative leave.

Absence of Policies

TRDPD has, since September 2008, used a private firm as a source for Department policies. This firm, Lexipol, is also used locally by the Sacramento County Sheriff's Department and the Roseville Police Department for their policies. Current TRDPD management has previously publicly acknowledged that staff was frequently unaware of the content and requirements of many of the policies in question. In some cases it appears staff was given direction by prior management that conflicted with these policies. Policy reviews have been instituted as part of roll call training and staff is now required to review a daily training bulletin on policies and to answer written questions following their review. These reviews are presented and tracked online.

Evidence Room

The Department installed an automated access system for the property and evidence room that became operational on February 9th, 2012. At that time the Acting Chief assigned 2 individuals as the only persons with access to the evidence room. This is consistent with the procedure the Grand Jury is now recommending. In addition, TRDPD is making arrangements with the Sacramento Police Department (SPD) to accept transfer of all high risk items to include narcotics, drugs and cash to SPD's evidence room. The Grand Jury inspected the Evidence Room during their follow-up visit on May 10th and it is TRDPD's understanding that they were satisfied with what they found. TRDPD began work with SPD to train staff and conduct an inventory and purge on or about 5/1/12. We estimate completion by 12/31/12.

Vehicles/Fuel

The use of home retention vehicles has been significantly reduced since the Grand Jury's inquiry. At present there are four personnel who have home retention vehicles, three supervisors who are on-call and an on-call detective. The Acting Chief does not have a home retention vehicle. Department Policy 706 governing the appropriate use of vehicles has been in place and is being followed, to the best of TRDPD management's knowledge. Policy 410 requires waivers be signed by persons who desire to ride along with our officers.

Fueling procedures for vehicles have also been significantly revised. Whereas 9 employees previously had access to fueling cards for off-site purchase of fuel, one employee currently has a card. All other fueling now takes place at the District's fleet facility across the street from the police facility. The District's fueling equipment requires that the employee input the vehicle number, employee number and vehicle mileage before fuel may be dispensed.

Citizen Complaint(s)

An internal review of this particular complaint was completed in January of 2012 as a result of the Acting Chief having read about it in the media. The original complainant was contacted at that time. His response made it clear he had no interest in discussing the matter further. In addition, the involved employee was on administrative leave at that time and has subsequently resigned. Policy 1020 regarding the handling of Citizen Complaints was in place at the time of this incident. Our Complaint and Commendation form is easily accessible online and at the TRDPD.

Enforcement Authority/Jurisdiction/Mutual Aid

There is conflicting language between Penal Code Section 830.32 and Education Code 38000. Since January of 2012 current TRDPD management has been in contact with SPD and Sacramento Sheriff's Department (SSD) management on a regular basis. Both SPD and SSD have been assisting with the operational review of TRDPD as well as other matters. It is the understanding of TRDPD's current management that the SPD and SSD are satisfied with the direction given to TRDPD staff on December 5th 2011 which stated, in summary, that TRDPD Officers will not respond to an outside agency's calls absent a specific request from that outside agency.

A Mutual Aid Request (where specialized equipment, a reporting point or a PIO are needed) is made by the requesting agency to a regional mutual aid coordinator who then requests other agencies in the region respond to assist the requesting agency. These types of requests typically stem from natural disasters, large multi-day riots and similar events. These requests are not made directly via dispatchers as some sources suggest. However, the CAL E.M.A. Law Enforcement Mutual Aid Plan defines as “day-to day mutual aid” as:

Day-to-Day Mutual Aid

During the course of normal law enforcement smaller incidents occur that may require immediate assistance, such as: back-up on a traffic stop, perimeter control for a fleeing suspect or crowd control at a barricaded suspect location pending the arrival of additional local resources. Officers from nearby jurisdictions may respond to these emergency broadcasts on their own initiative (department policy permitting) without a formal mutual aid request.

These types of day-to-day requests are subject to the restrictions in the above referenced December 5th memo. Additional constraints would not be appropriate for a day-to-day request. TRDPD is not large enough to participate in a mutual aid request other than a day-to-day request, has not been asked to do so in the past to the recollection of current staff, and would likely decline such a request if it was made.

“Jumping Calls”

TRDPD staff, at the direction of their management staff at the time, responded to calls for service in the jurisdiction of this area’s general law enforcement agencies without having been requested to do so. This practice has been discontinued. Current management has repeatedly told staff that their focus is on the safety of students, staff, and the security of District property. Policy 706.5 and specific written and verbal direction to staff have reiterated that enforcement activity must have a nexus to school issues or present a threat to public safety. There is a need to revise the Department’s mission statement to be more reflective of this orientation and less a reiteration of the broader District mission statement. TRDPD would anticipate the participation of the incoming Board, new Superintendent and interested community members in developing a revised mission statement.

Vehicle Towing

Towing vehicles was used as a source of supplemental revenue for the Department. A quota for tows was established. The California Penal Code does not appear to address enforcement quotas. California Vehicle Code section 41602 prohibits quotas for arrests and citations but is silent as to towing. TRDPD raises this point only to clarify the assertion of a violation of the law, not to minimize the inappropriate nature of the decision to tow cars as a means of raising revenue or the impact this decision had on area residents. TRDPD has no information as to the number of vehicles that went unclaimed by area residents.

The TRDPD has revised its towing practices and will consider additional restrictions. That being said, on rare occasions vehicles need to be towed for evidentiary or other reasons that we cannot preclude. Policy changes that TRDPD believes are consistent with the spirit of the community's requests have been implemented. Tows for the period January through April 2012 are down 95% over the same period for 2011. The policy will continue to be refined in a manner consistent with other recommendations. Existing Department Policy 270 references Vehicle Code Section 41603 and prohibits quotas for arrests and citations. It will be amended to include searches and tows as recommended.

Peace Officer Bill of Rights (POBR)/Labor Relations Issues

Concerns were raised regarding adherence to the requirements of POBR and "union regulations" (apparently a reference to the Memorandum of Understanding between the District and its Police Officers' Labor Organization). These concerns center around procedures to be used in placing employees on administrative leave. There appears to be a mistaken assertion that the sources referenced address procedures for implementing administrative leaves for police officers. POBR is codified in Section 3300 of the California Government Code and is readily available via the Internet. Copies of the MOU are available within the Department and District Office. Department Policy 1020 does describe the administrative leave process, is available to all members of TRDPD and has been provided to District Administration. TRDPD Management will work with the TRPOA to better educate staff on these issues.

Public Information Officer(PIO)/Public Communications

Concerns were raised about coordination of the release of public information between the Department and District PIOs. TRDPD does have a Media Relations Policy (Policy 346), but there is no policy specific to the role of a PIO. The PIO position within the TRDPD was eliminated early this year and primary responsibility for media inquiries was shifted to the District PIO. We implemented the current operational relationship between the Department and the District PIO as suggested. TRDPD's former PIO did attend community meetings hosted by other groups and made himself available for questions and concerns at those meetings. TRDPD also attended events at schools and multi-agency events that were focused on youth (Kops n Kids, Safe Night Sacramento). The District has established a Police Services and Safety Advisory Committee which has held monthly meetings that are open to the public. The current Chief and/or Lieutenant have been in attendance at each of these meetings. Meeting agendas and minutes are available online at

http://www.twinriversusd.org/depts/com/feedback_on_police_services_and_safety .

Assignment of officers to regularly scheduled neighborhood meetings is now coordinated by a patrol sergeant who has field staff attend in order to establish a working relationship with the community rather than having a single officer who does not work the street handle these meetings.

Tasers

TRDPD currently has and has had a policy on Taser use and follow-up care (Policy 309). This policy is continually updated by Lexipol based on changes to statutory and case law as well as best practices. As previously referenced, existing policies were not always well understood or followed. Training records for the Department were moved off-site as part of the administrative investigation of the Department. Current supervisory staff advised current management that officers who were carrying Tasers had received initial training. Annual retraining had not happened within twelve months. The entire Department was given retraining by a certified instructor from the Sacramento Police Department on April 5th, 2012.

“Background Checks”

Issues surrounding the appropriate use of information collected as a result of criminal proceedings to make informed decisions as to the placement and protection of students require more discussion than a document of this nature can provide. Information about arrests and convictions is a matter of public record, as a casual review of a daily newspaper will demonstrate. Automated historical information is available to the public and media via individual counties. Last week this source of information (Sacramento County Courts Web Site) was used by local media to perform a “background check” on an arrested officer. This was not illegal. State Law prohibits disclosure of the identical information disclosed by local media if the source of the information was a California Department of Justice “Rap Sheet”. TRDPD would welcome a public discussion on these matters and believes the public we serve would benefit from a more complete understanding of these issues. TRDPD believes the public and media have a less than complete understanding of these laws and that referencing “illegal background checks” may have been a misstatement of fact.

Additional information about the changes and operational review to date can be found at http://www.twinriversusd.org/depts/com/feedback_on_police_services_and_safety.

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The Twin Rivers Unified School District was created in July 2008, merging four North Sacramento area school districts to serve 28,000 Preschool through 12th grade students. In the first three years, graduation rates, attendance rates, and enrollment have increased dramatically.