MARIN COUNTY SHERIFF'S OFFICE

1600 Los Gamos Drive, Suite 200, San Rafael, CA 94903

ROBERT T. DOYLE
Sheriff - Coroner
MICHAEL J. RIDGWAY
Undersheriff

AREA CODE 415

24-HOUR NUMBER
479-2311

FAX
473-4126

ADMINISTRATION
473-7250

CIVIL
473-7282

COMMUNICATION SERVICES
473-7243

CORONER
473-6043

COURTS
473-7393

EMERGENCY SERVICES
473-6584

INVESTIGATIONS
473-7265

JAIL
473-6655

MAJOR CRIMES TASK FORCE
884-4878

PATROL
473-7233

RECORDS
473-7284

WARRANTS
473-7297

July 30, 2016

John Mann, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive #275
San Rafael, CA 94903

Reference: Response by Sheriff-Coroner Robert T. Doyle to the June 2016 Civil Grand Jury Report Entitled, "Law Enforcement Citizen Complain Procedures: The Grand Jury Has A Few Complaints"

Dear Mr. Mann

As required by Penal Code Section 933.05, I offer the following response to the June 2016 Civil Grand Jury Report Entitled, "Law Enforcement Citizen Complain Procedures: The Grand Jury Has A Few Complaints"

This letter will serve as my response in my official capacity as the Sheriff – Coroner of Marin County. Although the findings and recommendations were written in general including all law enforcement agencies in Marin, my responses are representative of the Sheriff's Office only.

FINDINGS:

Finding 1: Marin County law enforcement agencies have procedures for Citizen Complaints that could act as deterrents to participation in the complaint process.

- I partially disagree with this finding. I can't speak to the practices of other law enforcement agencies in Marin but this is not the case at the Marin County Sheriff's Office.

Finding 2: Some Marin County law enforcement agencies employ procedures and admonitions that have been held to be unconstitutional.

- I partially disagree with this finding. I am not familiar enough with the policies and procedures of other law enforcement agencies within the County of Marin to accurately respond to the findings as

written, but this is not the case with the Marin County Sheriff's Office.

Finding 3: Some Marin County law enforcement agencies' complaint procedures require face-to-face contact with law enforcement officers, which may deter citizens from using the Citizen Complaint process.

- I partially disagree with this finding. I am not familiar enough with the policies and procedures of other law enforcement agencies within the County of Marin to accurately respond to the findings as written but this is not the case with the Marin County Sheriff's Office.

Finding 4: Not all Marin County law enforcement agencies provide written policies, procedures and Citizen Complaint forms in English and Spanish.

- I partially disagree with this finding. I am not familiar enough with the policies and procedures of other law enforcement agencies within the County of Marin to accurately respond to the findings as written. The Marin County Sheriff's Office does offer the form in both English and Spanish. The policy is only offered in English at this time. It will be translated and made available by October 1, 2016.

Finding 5: Not all Marin County law enforcement agencies accept and investigate anonymous Citizen Complaints.

- I partially disagree with this finding, I am not familiar enough with the policies and procedures of other law enforcement agencies within the County of Marin to accurately respond to the findings as written. The Sheriff's Office does accept anonymous Citizen Complaints, as has been our policy since 2006.

Finding 6: Information about and access to the Citizen Complaint procedure is difficult to find on Marin County law enforcement agency websites.

- I partially disagree with this finding. I am not familiar enough with the design of other law enforcement agencies websites within the County of Marin to accurately respond to the findings as written. The Sheriff's Office website contains the form in English and Spanish in the "Resources" tab. Our updated website, which is due to be launched in September of 2016, will have a tab on the homepage linking you to both the Complaint Forms and the Citizen Complaint Policy and Procedure in both English and Spanish.

Finding 7: Marin County law enforcement agencies do not publish the number, the nature or the disposition of Citizen Complaints.

- I am not familiar enough with the policies and procedures of other law enforcement agencies within the County of Marin to accurately respond to the findings as written. The Sheriff's Office has recently added data summarizing the number, nature and disposition of citizen complaints on its website.

RECOMMENDATIONS

Recommendation 1: Every Marin County law enforcement agency should have a clear and full description of the law enforcement agency's policy and procedures for handling Citizen Complaints on its website that is accessible by a direct link from the law enforcement agency's home page to a clearly identified "Citizen Complaints" folder.

- Recommendation 1 will be implemented by the Sheriff's Office. The Marin County Sheriff's Office is currently revising its website. Although the current version has the complaint form and complaint process embedded in the content, the new website version will have a tab on the homepage linking you to a form that can be downloaded and printed directly from the website. The revised website is scheduled to launch in September of 2016.

Recommendation 2:All Marin County law enforcement agencies should accept the filing of Citizen Complaints online.

- Recommendation 2 will be implemented with the launch of the Sheriff's Offices' new website in September of 2016.

Recommendation 3: A clear and full description of the law enforcement agency's policy and procedures along with forms for filing Citizen Complaints should be available to the public in the lobby of each law enforcement agency.

- Recommendation 3 will be implemented. Citizen Complaint forms and the Citizen Complaint Policy will be available in the Sheriff's Office lobby by September 1, 2016.

Recommendation 4: Written policies and procedures, as well as Citizen Complaint forms, should be available to the public in English, Spanish and other languages appropriate to the community.

- Recommendation 4 was previously implemented . The Marin County Sheriff's Office does offer the form in both English and Spanish. The policy is only offered in English at this time. It will be translated and made available by October 1, 2016.

Recommendation 5: Marin County law enforcement agency personnel should be trained in the agency's Citizen Complaint policy and procedures in order to fully describe them to members of the public.

- Recommendation 5 has been the Sheriff's Office policy for the past 10 years. All Sheriff's Employees are responsible for familiarizing themselves with all Sheriff's Offices Policies and Procedures. Staff that is likely to come into contact with citizens is required to know the policy and the procedure for providing citizens complaint forms. If a staff member does not immediately know the answer to a citizen's question, they are instructed to research it or put the citizen in touch with someone who has the information requested. This has been our expected practice since for the past 10 years.

Recommendation 6: All public-facing law enforcement personnel should present an open and welcoming attitude to any inquiry about the Citizen Complaint process.

- Recommendation 6 has been the Sheriff's Office policy for the past 10 years. All Sheriff's Office employees are tasked with providing open and welcoming attitudes with all citizens at all times, and in all cases, not just with respect to the acceptance of citizens complaint forms. This is a cornerstone of our organizational culture and a prominent part of our Department Mission Statement. Every employee is expected to provide excellence in public safety services.

Recommendation 7: No policy, procedure or form for handling Citizen Complaints should have any language based in whole or in part on California Penal Code Section 148.6 and/or California Civil Code of Civil Procedure Section 47.5, nor should a complainant be required to acknowledge that they have read and understood such language.

- Recommendation 7 was previously implemented and no such language exists on the Sheriff's Office citizen compliant form, nor has it since the law required that change many years ago.

Recommendation 8: A person who initiates a Citizen Complaint should not be required to verify or certify the contents of the complaint form.

- Recommendation 8 will not be implemented by the Sheriff's Office. The Sheriff's Office does not require signatures on the complaint form. Additionally, It is expected that everyone who initiates the complaint process against a Sheriff's Office employee should be prepared to participate in the ensuing investigation.

Recommendation 9: The identification of the complainant on the Citizen Complaint form should be optional.

- Recommendation 9 has previously been implemented by the Sheriff's Office. Our policy states "All Marin County Sheriff's Office personnel shall accept all citizens concerns and complaints made by any person against any employee of

the Sheriff's Office. Complaints shall be accepted by any method, in person or anonymously." This has been our practice since 2006.

Recommendation 10: The signature of the complainant should not be required on the form.

- Recommendation 10 has previously been implemented by the Sheriff's Office. We don't require a signature on the complaint form. (see response for R9)

Recommendation 11: Anonymous Citizen Complaints, and complaints initiated by minors, should be accepted and investigated in accordance with the agency's procedures.

- Recommendation 11 has previously been implemented by the Marin County Sheriff's Office. (see response for R9)

Recommendation 12: Members of the public who desire information regarding a law enforcement agency's policy, procedure and citizen complaint forms should not be required to discuss their involvement, identity or situation before the materials are provided.

- Recommendation 12 has previously been implemented by the Sheriff's Office. In fact, not only is a member of the public not required to discuss their involvement or identify themselves to receive the described documents or information, they can simply ask that those materials be mailed to them rather than have to receive them in person. This has been our practice since 2006.

Recommendation 13: All Marin County law enforcement agencies should incorporate within their policies and procedures an appeal process that allows the complainant to appeal the disposition to an entity outside of the law enforcement agency.

- This recommendation will not be implemented. A citizen who requests an appeal to the outcome of an investigation can do so formally by making an appointment with the Sheriff to review and discuss the outcome.

Recommendation 14: Marin County law enforcement agencies should publish on their websites and annually update the number, nature and disposition of Citizen Complaints.

- Recommendation 14 has already been implemented by the Sheriff's Office. The data is on our website and available to the public currently. As mentioned earlier, our new website will have a section where this data can be more easily located and reviewed by the public as well.

For the reasons stated above, I do believe the Sheriff's Office handles Citizen Complaints responsively, thoroughly and professionally. We have advanced and evolved over the years in this area. I appreciate the fact that the

improvements we have implemented are recognized by your report. We are committed to continue partnering with our community to provide excellence and leadership in future years.

Yours truly,

ROBERT T. DOYLE
SHERIFF-CORONER