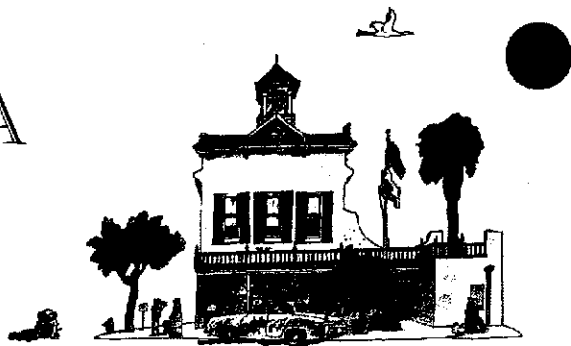


CITY OF CALISTOGA

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September 24, 2012

The Honorable Mark S. Boesseneker
Presiding Judge
Superior Court of the State of California
County of Napa
825 Brown Street
Napa, CA 94559

FILED

SEP 28 2012

Clerk of the Napa Superior Court

By: C. B.
Deputy

Subject: Grand Jury Final Report on the Shooting in Alta Heights
City of Calistoga Response

Honorable Judge Boesseneker:

The City of Calistoga has received and reviewed the subject Grand Jury Final Report dated June 15, 2012. As requested by the Grand Jury and pursuant to the provisions of the Penal Code and applicable law, the City of Calistoga is providing this letter to respond to Finding 4 and Recommendations R4 and R5.

Finding 4 – *“There is no civilian review board in Napa County for OIS incidents.”*

Response:

Agree. There is no such board or entity in the vast majority of jurisdictions in California.

Recommendation 4 – *“Within 180 days the law enforcement departments in Napa County and Mental Health Department establish more effective coordination in situations of crisis intervention by (1) engaging in joint training exercises, and by (2) maintaining instantaneous communication and patching capability.”*

Response – This recommendation will be implemented within 180 days of this response. Joint training is already occurring. Although it is not known precisely what is meant by the Grand Jury’s use of the phrase “instantaneous communication and patching,” Calistoga Police Department will ensure that all patrol officers and supervisors have immediate, 24/7/365 contact information for mental health professionals who have been jointly trained to work with law enforcement during crisis intervention.

Recommendation 5 – *“Within one year the Napa County Board of Supervisors and all Napa County incorporated local governments establish a civilian review board to examine all investigation documents of this incident and all future Officer involved shooting (OIS) incidents to provide feedback from a civilian point-of-view.”*

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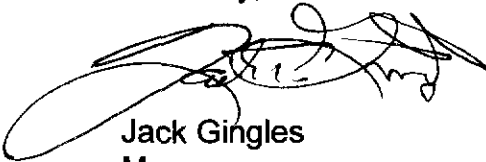
SEP 27 2012

Napa Superior Court

Response – This recommendation is ambiguous and undefined, and will not be implemented as written because it is not warranted and not reasonable. The recommendation seems to call for Napa County and all incorporated municipalities to establish a single “civilian review board” to examine events surrounding Mr. Poccia’s death and all future officer involved shootings which may occur, county wide. The City of Calistoga thinks it unreasonable for the relevant agencies to commit to establishing such an undefined civilian review entity on the 90-day time frame required by Penal Code Section 933 for this response. A wide variety of complex multi-jurisdictional, administrative, legal and financial issues are involved, and the efficacy of any such body is unclear. The Calistoga City Council has directed the City Manager and Police Department to more fully analyze the Grand Jury’s recommendation, to work with other Napa County agencies, and to report back with its recommendations regarding the potential for civilian review of law enforcement, no later than February 1, 2013.

Thank you for your efforts in assuring that all branches of county and city government are being administered honestly, effectively, and in the best interest of Napa County Citizens. If you have any questions regarding these responses, please contact us at 707-942-2805. You may also contact Interim Police Chief Susan Jones at 707-942-2813.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Gingles", with a large, sweeping flourish extending to the left.

Jack Gingles
Mayor