



CITY OF VALLEJO
OFFICE OF THE CHIEF OF POLICE

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SOLANO SUPERIOR COURT

JUN 30 2017

JUDGE ROBERT C. FRACCHIA
DEPT. 25

June 27, 2017

Honorable Judge Fracchia
Presiding Judge
Solano County Superior Court
600 Union Avenue
Fairfield, CA 94533

Re: **2016-2017 Grand Jury Report Entitled: Civil Asset Forfeiture: A Functional Review**

Dear Judge Fracchia:

Pursuant to Penal Code section 933.05, the Vallejo Police Department responds to Findings 1, 2, and 4, in the above report as follows:

Finding 1: Annual financial audit of all credits and debits to the seized proceeds holding account is not performed as required by California Health and Safety Code section 11469. The code also specifies seizing agencies shall ensure seized property is protected and its value preserved.

Response:

The Vallejo Police Department partially disagrees with the Grand Jury finding. The Vallejo Police Department does not currently work with the Solano County District Attorney's Office on annual audits. However, the City of Vallejo Finance Department does internally audit all debits and credits to the seized proceeds holding account and maintains a listing of all outstanding seized proceeds by case number. Furthermore, the Vallejo Police Department does ensure that all seized property is protected and its value is preserved.

Recommendation 1 – Applicable agencies perform annual audits by working with the Solano County District Attorney's Office to track their cases that are still currently being adjudicated.

Response: The City will implement this recommendation within three months.

Finding 2: Agencies are not returning proceeds that are not forfeited or claimed to the property owner and following proper escheatment procedures per California Government Code sections 50050-50057.

Response: Disagree. It is unclear from the narrative in the report what facts the Grand Jury relies on to support this finding. In fact, the City complies with the noticing and claims process

dictated by Government Code section 50050-50057. Annually, the City of Vallejo Finance Department reviews outstanding checks, then completes the notice and claim process. Currently, the Vallejo Police Department does not have any outstanding checks for asset seizure property that would require an escheatment process.

Recommendation 2 - Agencies return proceeds that are not forfeited or claimed to the property owner and follow proper escheatment procedures per California Government Code sections 50050 – 50057.

Response: The recommendation is already implemented as the City of Vallejo already complies with California Government Code sections 50050-50057.

Finding 4: In recurrent instances, proceeds posted from what were described as asset forfeiture were never reported to the District Attorney's Office as being asset forfeiture based and therefore were never logged as such.

Response:

Disagree. It is unclear from the narrative what proceeds posted to the account were not reported to the District Attorney's Office. The District Attorney's Office requires officers to call the "on-call D.A." before seizing assets. Once the D.A. verbally approves the seizure, the officer logs the name of the D.A. and the time of the call.

Recommendation 4 - All asset seizures must be reported to the District Attorney's Office within 15 days per California Health and Safety Code §11488.2 or the property shall be returned to the individual designated in the receipt.

Response:

This recommendation is already implemented. The Vallejo Police Department reports all seized assets to the District Attorney's Office within 15 days.

Sincerely,



ANDREW J. BIDOU
Chief of Police

cc: Grand Jury