

Date

To: **Mountain View Los Altos Union High School District**

From: **Los Altos Citizen's Police Task Force**

Subject: **Police School Resource Officer Program for Los Altos High School**

The City Council of Los Altos has established a "Citizen's Police Task Force." One of the Task Force's assignments is to review the Police School Resource Officer Program for Los Altos High School and to provide recommendations, if any, concerning the program.

Input by the School District on the School Resource Officer program is critical to completing this assignment. To that end, we are requesting that the District provide responses to the attached four questions. The responses may be provided in writing, or in a meeting with the Task Force.

Thank you for your assistance with this important matter.

Attachment: Questionnaire

**QUESTIONS CONCERNING THE LOS ALTOS HIGH SCHOOL POLICE
SCHOOL RESOURCE OFFICER PROGRAM**

Questions

1. **Do you recommend that the School Resource Officer program be continued at Los Altos High School?**

Yes: _____ **No:** _____

Please explain:

2. If question #1 answered "Yes." Currently, the Los Altos Police Department School Resource Officer (SRO) is assigned to cover 16 schools within the city of Los Altos, including Los Altos High School. **Would you recommend that a full time SRO be assigned exclusively to Los Alto High School?**

Yes: _____ **No:** _____

Please explain:

**QUESTIONS CONCERNING THE LOS ALTOS HIGH SCHOOL POLICE SCHOOL
RESOURCE OFFICER PROGRAM**

**3. What are the best and most important aspects of the program?
Please discuss:**

**4. Do you have any recommendations for improving the program?
Please discuss:**

Person(s) Completing the Questionnaire

Name: _____ Date: _____
Position: _____

Name: _____ Date: _____
Position: _____

Name: _____ Date: _____
Position: _____

Benchmarking Police Personnel Complaint Polices (10/23/20)

Benchmark Police Departments	POPULATION	POLICE OFFICERS	RATIO POP./ OFFICERS	
ATHERTON	7,000	21	333/1	
MENLO PARK	35,000	54	648/1	
LOS GATOS MONTE SERENO	35,000	39	897/1	
LOS ALTOS	30,000	32	938/1	

What Benchmarked:

1. User “friendliness” of department web site in finding information about complaints, how to submit a complaint, and locating the complaint policy
2. Reviewed the “Personnel Complaint Policy”

Findings

1. Any “Best Practices” or suggestions from other PD’s for LAPD to consider: **None were identified**
2. **LAPD “Best Practices”:**
 - (1) Web site very user friendly
 - (2) “Citizen Complaint & Commendation” Brochure
 - (3) Only Department that had complaint and commendation metrics posted on web page

Critical Questions for School Administration

1. What are the policies around when SROs or police are called? Is there one specific person who calls police? Or anyone can call police?
2. Captain Katie said that officers can do a 5150 hold if the school psychologist is unavailable. Does LAHS have a school psychologist available during the school day? (On the school website, I found contact for Carianne Lee - is she the school psychologist?) So when would it be the case that the school psychologist is unavailable? Why is it acceptable to have an officer who is not trained in mental health determine if a 5150 hold is needed?
3. When do you inform students or parents that an incident has occurred on campus? There were 2 rapes reported, 2 instances of brandishing a weapon, 6 sex crimes, and one case of brandishing a firearm, and I don't remember being informed about ANY OF THEM.
4. We have a Santa Clara County Mobile Crisis Response Team that respond to mental health crises from 8 AM-8PM. Have they ever been called? Do police ever dispatch their services instead of police? What is the policy both from police if someone asks for crisis response team, and from school to ask for crisis response team? There were 8 calls for mental health issue to the police, 1 suicide attempt, 1 suicide threat, 7 welfare checks, and 20 medical emergencies (some of which could be mental health related). I would like to know in how many cases was the school psychologist or CIT called first.
5. What are the policies around when a student can be questioned by an SRO or any officer without parent supervision or notification?
6. I'm assuming that school discipline is sometimes in the form of "getting sent to the office" to meet with administration. Are SROs ever present during those meetings? If so, what is the purpose?
7. Do teachers and staff undergo bias training? i.e. Bias in disciplining,
8. Do teachers/admin/staff receive any kind of training in de-escalation, mediation, and crisis intervention?
9. How does the school identify "at risk" students. Is this information ever shared with police?
10. Has the school admin ever received feedback on SROs/police interactions from students or teachers/staff? What does the school do with this feedback? Does the school ever pass this info on to police?
11. What are the school's goals for the SRO program?
12. How has the school monitored success of the SRO program?

From Renee Rashid

Research on Independent Police Auditors:

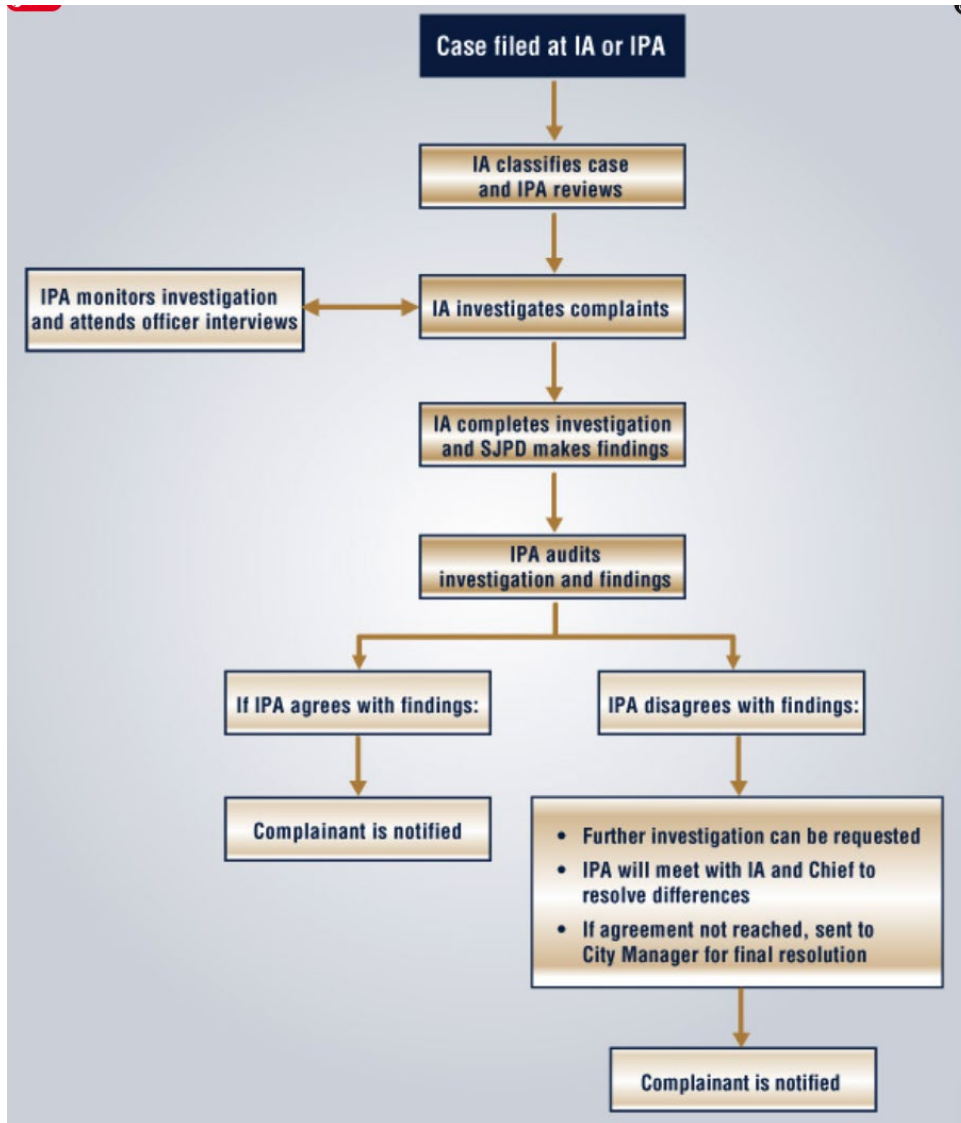
Palo Alto: Utilizes the Office of Independent Review (OIR) to look into complaints against police, incidents when officers fire tasers, and police shootings. Webpage: <https://www.cityofpaloalto.org/gov/depts/pol/auditor.asp>

I looked more into OIR group. It consists of two people - Michael Gennaco & Stephen Connolly - who are the founders/attorneys at OIR. Palo Alto hasn't authorized them to review incidents involving police dogs for example or any broader use-of-force review, or internal complaints. But other cities do. They also do audits of hiring practices and promotions. I spoke with Stephen Connolly to find out more about what they do:

1. What is the current role of the IPA in Palo Alto? They have been part-time with Palo Alto since 2006, to function as police oversight of the complaint process. They do NOT conduct investigations.
2. Do they handle intake of police complaints? They can function that way, take in calls, emails, web forms, etc. They can explain the complaint process to those who are unsure.
3. What is the background of Michael & Stephen? Both are lawyers. Mike was in the US Attorney's office in civil rights division
4. They work with police chief to give recommendations during the police investigation
5. Oversight on investigations
 - a. They give public reports 2x/year
 - b. Advisory recommendations to police
 - c. Final findings to city council. City managers may have more leverage in holding police departments accountable based on negotiations with police unions

I also asked about what the approximate cost would be to have a body like OIR handle the complaint process. Using Palo Alto's scope as a model, he said it would likely be \$25K-\$35K per year.

San Jose IPA: Has its own IPA, which is a permanent arm of city government. Flow for San Jose complaints is (from <https://www.sanjoseca.gov/your-government/appointees/independent-police-auditor/filing-a-complaint>)



San Jose: Uses Omnigo Community Mobile App for mobile complaint submission

From: [Curtis Cole](#)
To: [Jon Maginot](#)
Subject: Re: Information for Task Force Meeting
Date: Wednesday, October 28, 2020 2:20:30 PM

Jon,

Can you share some links for people, if they wish to read before next week's meeting?

Here are some papers and articles on "police department complaint process best practices" for your reading pleasure (perhaps before 4 Nov meeting)

Best Practices Search (papers):

International Association of Police Chiefs: (10 pages)

Internal Affairs: A strategy for smaller departments

<https://www.theiacp.org/sites/default/files/2018-08/BP-InternalAffairs.pdf>

National Association for Civilian Oversight of Law Enforcement (2 pages)

<https://www.nacole.org/complaints>

CA Attorney General's Office: Best Practices - 2020 RIPA Board Report - Racial and Identity Profiling Advisory (RIPA) Board (21 pages)

Best Practice Recommendations for Civilian Complaint Forms (starts on page 9)

<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2020.pdf>

U. S. Department of Justice Office of Community Oriented Policing Services (132 pages)

Building Trust Between Police and the Citizens They Serve

Complaint process on pages 20-30

https://nccpsafety.org/assets/files/library/Building_Trust_Between_Police__Citizens.pdf

Other research

Using Mediation in Biased Police Complaints (Police Chief Magazine) (5 pages)

LAPD 2014 program

<https://www.policechiefmagazine.org/bringing-sides-together/?ref=7e7204767b0ac016b78ddc36cbb613a8>

U. S. Department of Justice Office of Community Oriented Policing Services (111 pages)

Mediation as a promising alternative to the handling of citizen complaints against police officers.

<http://restorativejustice.org/am-site/media/mediating-citizen-complaints-against-police-officers.pdf>

To fellow Task Force members,

Attached is a handbook I found useful in understanding what it means to have integrity in our police accountability and oversight process.

This handbook is from the United Nations Office on Drugs and Crime.

I have included only pages that I have highlighted with particularly pertinent information (because the entire doc is 150 pages long).

The entire handbook is at this link

https://www.unodc.org/pdf/criminal_justice/

[Handbook_on_police_Accountability_Oversight_and_Integrity.pdf](#)

I promise I am not “cherry picking” information, but rather, for the sake of brevity, included the information that is relevant to us.

I have included information about the for independence in the investigation process, which I will be happy to explain more in person why, but at a high level, it is because I believe the information about the need for independence in investigation can also be applied to the complaint process.

Not all complaints are about police misconduct but may relate to policing standards, operational guidelines or policies.⁷⁹ Such so-called service complaints will not always require an investigation but nevertheless warrant an effective and timely response and, just like any other complaint, may provide the police with a learning opportunity.

Importance of ensuring that complaints can be lodged directly with the police and also with an independent external body

In addition to ensuring that members of the public can file a complaint directly with the police, there should be alternatives such as the possibility of filing a complaint with a body that is independent of the police or prosecutor's office. This will protect those making complaints from being intimidated by the police.⁸⁰ The independent body must be responsible for oversight over the entire police complaints process. Willingness on the part of the police to cooperate with these independent institutions will contribute to their legitimacy, as it will show that they are refraining from interfering in complaints investigations.

Good practices for the complaints procedure

It must be possible for complaints to be made easily without discrimination and the procedures should be comprehensible.⁸¹ Complaints must be accepted at any police station; the officer on duty must be obliged to accept the complaint; there should be no fees; and, most importantly, the complainant's security must be guaranteed and he or she should not be pressured in any way to refrain from filing a complaint.⁸² The complainant needs to be treated sympathetically right from the start. If the complaint is gender-specific, this should be taken into account, with consideration given to having a female officer record the complaint.

Examples of good practice in ensuring the complaints system is high-profile and accessible include:⁸³

- Inclusion of information about the complaints procedure in police publicity materials
- Prominent display of information on the complaints procedure in all police premises, particularly in custody areas
- Provision of written information to all persons detained on police premises on how to make a complaint after release
- Information on the complaints procedure to be carried by police officers on duty, which can be given to members of the public who express dissatisfaction with the police

⁷⁹ Council of Europe, Commissioner for Human Rights, "Opinion of the Commissioner for Human Rights concerning independent and effective determination of complaints against the police", document CommDH(2009)4 (Strasbourg, 12 March 2009).

⁸⁰ Alemika, "Police accountability institutions and mechanisms in Nigeria" (see footnote 32).

⁸¹ Council of Europe, "Opinion of the Commissioner for Human Rights" (see footnote 79).

⁸² Rachel Neild, *Themes and Debates in Public Security Reform: A Manual for Public Society* (Washington, D.C., Washington Office on Latin America, 2000).

⁸³ Council of Europe, "Opinion of the Commissioner for Human Rights" (see footnote 79), para. 43.

- Display of information on the police complaints procedure in public spaces managed by criminal justice agencies, including prosecution, probation, prison and court services
- Display of information on the police complaints procedure in public spaces that do not come under the umbrella of the criminal justice system, including community, advice and welfare organizations

Recording of complaints

The practice of discouraging people from making complaints or refusing to accept or record complaints should be avoided at all times.

A failure to register a complaint is neglect of duty representing a disciplinary offence. It can prove helpful to install a system where records are kept of all complaints, which can be traced. This will help to prevent officers from trying to dismiss complaints.⁸⁴

In situations where alternative conflict resolution methods may be more effective than filing a complaint, the complainant should be informed. If, however, the complainant insists on filing a complaint, he or she must be given the opportunity to do so. If the complainant opts for an alternative procedure after being fully informed, this should also be recorded.

Following up on complaints

The right to remedy (see chapter II above) obliges States to investigate the wrongdoing of their agents. Each complaint needs to be investigated, even if the issue appears to be minor. The investigation must be conducted promptly and investigators must be in a position to gather evidence.⁸⁵ Swift action may be important to prevent files and potential evidence from becoming lost, personnel being moved around or officers closing ranks.

Sometimes a complaint may be satisfactorily resolved (in the opinion of both the complainant and the officer involved) through offering an apology or through a meeting between the complainant and a senior police officer, with or without an independent mediator, or through the offer of an agreed amount of money to compensate for the damage done or grief caused.⁸⁶ Mediation should in principle be considered only if, on the face of the complaint, there is no proof of facts leading to disciplinary or criminal charges.⁸⁷ Both the complainant and the police must agree to mediation in such situations, which may also help to restore confidence.

When the complaint is found to be groundless, the complainant should have the opportunity to appeal against the decision.

⁸⁴Neild, *Themes and Debates in Public Security Reform* (see footnote 82).

⁸⁵Council of Europe, "Opinion of the Commissioner for Human Rights" (see footnote 79).

⁸⁶*Ibid.*, para. 60.

⁸⁷Tamar Hopkins, *An Effective System for Investigating Complaints against Police: A Study of Human Rights Compliance in Police Complaint Models in the US, Canada, UK, Northern Ireland and Australia* (Melbourne, Victorian Law Foundation, 2009).

Informing the complainant of the progress and outcome of the complaint

For most complainants, it is not easy to file a complaint against the police, and they may have had to overcome various barriers (practical, psychological or emotional). If they then never hear about the outcome of the complaint, this can result in demoralization, frustration and a loss of confidence in the police. It is therefore important to establish procedures for informing complainants about the progress of the investigation. In some countries, a special person is appointed for this purpose. While rules for confidentiality criteria usually require that not all information be disclosed to the complainant, some information on the progress of the investigation or on whether a decision has been made can help to restore confidence.

Complaints as an indicator of confidence in the procedure

The aim of a complaints procedure is to prevent impunity and restore (or enhance) public confidence. It is often observed that the number of complaints increases (rather than decreases) if police enhance their efforts to improve integrity and the complaints procedure in particular. An absence of complaints must not be interpreted as a sign that police performance is meeting with overall satisfaction, but may indicate a lack of faith in the effective handling of complaints.

Good practices in relation to the complaints procedure in general

Testing of procedures. The complaints system needs to be tested regularly to assess whether it meets current needs. Additionally, it is good practice to audit the entire complaints system, including all organs where complaints can be filed and where these can be investigated. Such an audit should be carried out by a body that is separate from the independent body that normally oversees the police, such as a renowned academic institute under the auspices of parliament. An example of this can be found in Australia, where the Victoria government has announced a review of the effectiveness of the entire integrity and anti-corruption system including its complaints system.⁸⁸

Establishment of external oversight over the entire police complaints system. It is good practice for an independent, external body to have oversight over the entire complaints system and share responsibility with the police for the visibility and accessibility of the system.⁸⁹ To that end, this body must be informed of all complaints filed directly with the police and must also have the power to start an investigation on its own initiative, without a complaint having been made. It must also be authorized to intervene and even repeat an investigation if this has not been satisfactorily performed by the police.

Disclosure of complaints statistics. It is good practice, and in fact mandatory where the aim is to establish, restore or enhance public confidence, to disclose the number of complaints received, the nature of the complaints and their consequences, including numbers of officers that have been disciplined and criminally prosecuted.⁹⁰ Too often, police try to keep these figures away from the media, under the erroneous impression that this might negatively affect their image. In fact, the opposite is true: displaying transparency

⁸⁸ Completed on 31 May 2010. See www.ssa.vic.gov.au/CA2571410025903D/0/579DC317D4CD4BACCA25735C000E61B4?OpenDocument (accessed 9 August 2010).

⁸⁹ Council of Europe, "Opinion of the Commissioner for Human Rights" (see footnote 79).

⁹⁰ O'Neill, "Police reform in post-conflict societies" (see footnote 1).

Table 1. Differences between disciplinary and criminal proceedings

	<i>Disciplinary proceedings</i>	<i>Criminal proceedings</i>
Legal framework	Administrative law (employee versus employer or more specifically, civil servant versus administration)	Criminal law (suspect versus State)
Status	Subject or accused	Suspect
Rights	Presumption of innocence	Presumption of innocence
	Fair trial	Fair trial
Obligations	Employees are obliged to cooperate, for example by disclosing dockets and other pieces of work-related information that may be self-incriminating	No obligations
Rules of evidence	Balance of probabilities	Beyond reasonable doubt
Result	Decision (by superior or by disciplinary panel)	Verdict (of criminal court)
Maximum sanction	Dismissal ^a	Imprisonment
Appeal	With next line manager Ultimately, administrative court	Common appeal procedures under criminal law

^aFew countries allow for detention under disciplinary proceedings.

In practice, an officer can be subjected to disciplinary proceedings, then referred to the prosecutor if a criminal offence appears to have been committed. It is likely that the officer will be suspended (a disciplinary measure) pending the outcome of court proceedings. Even if acquitted by the court, the accused may be deemed no longer suitable for police service and not reinstated. This is only acceptable if the outcomes of the disciplinary investigation allow for dismissal.

3. Police internal affairs or independent complaints bodies

Investigating complaints against police officers presents specific challenges. Police officers are well-versed in the criminal justice system, are familiar with the mechanics and weaknesses of investigations and may know the people conducting the investigation.

It is crucial that police do not investigate their immediate colleagues both in order to avoid any conflict of interest and to ensure that the investigation may be seen by the public as unbiased and impartial, which could contribute to restoring public confidence. If no other options are available, then, as a minimum, investigating officers should come from a different branch or region and a higher rank than the officer or officers under investigation. To prevent the officer from influencing, monitoring or enquiring about the investigation, it needs to be conducted in a different office.

Some police agencies have established separate internal affairs units for carrying out the investigations (whether disciplinary or criminal). These are usually called upon for more serious offences, with minor infractions (such as rudeness or lack of punctuality) left to the discretion of the officer's supervisor. The Office of Community Oriented Policing Services of the United States Department of Justice issued a guide in 2009 on the pivotal role of internal affairs units in rebuilding community trust after misconduct has occurred. The guide focuses on creating an effective internal affairs approach for agencies of any size or type.⁹⁷ Establishing a specialized branch within the judicial police may prove useful in countries where they conduct criminal investigations.

In countries with an independent police complaints body, it is generally accepted that this body needs to have the power and the capacity to carry out investigations autonomously, rather than delegating investigations to the police. **The authority of an independent complaints body would be severely jeopardized if its function was only to receive complaints without being able to act on them.** Independent complaints bodies will be discussed in more depth in chapter IV below.

4. Witness protection

Witnesses and complainants may sometimes be afraid to come forward, for example, when there is a danger of retaliation by the police or armed forces. Witness protection measures are therefore crucial, especially, but not exclusively, in post-conflict situations. It is the responsibility of the State to install such protection to ensure that victims and witnesses do come forward to tell their story so that justice is done and impunity avoided.⁹⁸

Protective measures fall into three broad categories and need to be applied on the basis of a risk assessment and threat analysis:

1. *Protection in the initial phase.* The main practices in the initial phase are usually to maintain the anonymity of the witness and to protect the information provided.
2. *Protective measures in the courts.* In the courts, modern technology is often used (cameras, voice distorters).
3. *Entry into a witness protection programme.* A witness protection programme provides the highest level of security.

In principle, a complaint should be filed under the complainant's name, but where this is too dangerous, it must be possible to make an anonymous complaint. In the interests of respecting the rights of the suspect, the identity of the complainant must be recorded somewhere, for example, with the judge presiding over the investigation. In an extreme case, the identity of the witness might be on record only with an institution outside the country, for example the United Nations.⁹⁹ Alternatively, if the complainant refuses to make his or her identity known (in the case of a complaint filed with an independent

⁹⁷ *Building Trust Between the Police and the Citizens They Serve* (see footnote 12).

⁹⁸ The commitment to develop witness protection policies is also laid down in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, General Assembly resolution 55/59, annex, para. 27. Available from: www.unodc.org/pdf/crime/a_res_55/res5559e.pdf.

⁹⁹ Based on personal communication with Kees Hindriks, former police commissioner, international consultant.

IV. Before and after police actions and operations: establishing independent police oversight and complaints bodies

A. Independence

For police accountability to be fully effective, it must involve multiple actors and institutions performing multiple roles, to ensure that police operate in the public interest. As these actors and institutions often represent particular interests, it is crucial to have a complementary independent institution overseeing the entire system. Independent bodies include national human rights institutions, also known as human rights commissions, operating under the Paris Principles, as discussed in chapter II.¹⁰⁸ Additionally, some countries have established police-specific bodies such as police boards, police service commissions and independent police complaints bodies.

The United Nations Convention against Corruption calls for independent bodies or persons (specialized in combating corruption through law enforcement) that can “carry out their functions effectively and without any undue influence” (article 36). For this, the independent body should have complete discretion in the performance or exercise of its functions and not be subject to the direction or control of a minister or any other party.¹⁰⁹ In principle, it should give an account after its work has been performed, when it reports to parliament (rather than the executive).

Furthermore, independence is best maintained if the independent body has statutory underpinning, rather than being established by a decree. Some independent police oversight bodies come under the police act, which may compromise public perception of the body’s independence. The independent body should also receive sufficient funding, separate from the police budget.¹¹⁰ Lastly, there must be a fair and transparent appointment process for the body’s commissioners or councillors as well as its staff, which should be based on merit rather than on political or any other affiliation.¹¹¹

¹⁰⁸An informative website on national human rights institutions is available from www.nhri.net.

¹⁰⁹Based on personal communication with Martin Hardy, Manager of Investigations, Office of Police Integrity, Melbourne, Australia.

¹¹⁰Shahindha Ismail, “The Police Integrity Commission of the Maldives”, *Network for Improved Policing in South Asia (NIPSA) Newsletter*, vol. 1, No. 2 (December 2009).

¹¹¹Appointment as Director of the Office of Police Integrity (Melbourne, Australia) is conditional on having qualified for appointment as a judge of High, Supreme, County Court or equivalent.

case, for effective police accountability, it is essential that an independent body is mandated to deal with complaints against the police.

Various models are used for oversight bodies whose mandate is only to deal with complaints:¹¹⁷

- *Investigative and quality assurance models.* These share responsibility for investigations into allegations of misconduct with the police. They usually deal only with certain types of complaint and more serious complaints.¹¹⁸
- *Review and appellate models.* After the police have completed an internal investigation into a complaint, the boards under this model review the file and decide whether a specific case was competently or fairly handled and, if not, request that the problem identified be corrected.¹¹⁹
- *Evaluative and performance-based models.* These do not concentrate on individual complaints, but are geared to identifying patterns and practices of police misconduct and systemic failures to deal with them.
- *Mixed models.* Oversight bodies may use a combination of two or more of the above models.

Under the complaints structure sometimes referred to as the “post box” model, the independent body can receive the complaint and refer it to the police, but cannot investigate or make recommendations.¹²⁰ Some of the review and appellate models are perceived by the public as “post boxes” only, thus hindering their effectiveness.

Although in general it is considered good practice for the independent body to have investigative powers and the capacity to initiate an investigation, this does not mean that it needs to investigate all complaints. It is considered good practice for it to investigate serious complaints only and monitor the rest.¹²¹ In principle, the independent body must investigate all deaths and serious injuries suffered in police detention or as a result of police action; arguably, any use of lethal force (firearms) must always be investigated independently. It must be mandatory for the police to report these incidents to the independent body, and the investigation must commence immediately upon receipt of a complaint involving an allegation that could lead to criminal or disciplinary outcomes.¹²²

As stated in chapter III above, it is good practice for the independent body to have oversight over the entire complaints system. It needs to monitor investigations of

¹¹⁷Police Assessment Resource Center, *Review of National Police Oversight Models for the Eugene Police Commission* (Los Angeles, February 2005); Swati Mehta, “International models for civilian oversight of the police”, unpublished manuscript, 2009; “Civilian oversight of policing: lessons from the literature” (see footnote 17).

¹¹⁸The only investigative body that takes over investigations entirely is the Police Ombudsman for Northern Ireland. See www.policeombudsman.org.

¹¹⁹Despite their weaknesses, such boards serve a useful purpose: “Review and appellate models have the strengths of opening internal police investigations to scrutiny by outsiders and often providing for participation by multiple community members on a board, thereby allowing various groups in the community to perceive that their perspectives are represented.” Police Assessment Resource Center, *Review of National Police Oversight Models* (see footnote 117), p. 13.

¹²⁰Mehta, “International models for civilian oversight of the police” (see footnote 117).

¹²¹Commonwealth Human Rights Initiative, *Feudal Forces: Democratic Nations—Police Accountability in Commonwealth South Asia* (New Delhi, 2007).

¹²²Hopkins, *An Effective System for Investigating Complaints against Police* (see footnote 87).

complaints, including the investigations conducted by the police, and complaints filed directly with the police must be forwarded to the independent body. The independent body must also be authorized to intervene in police investigations that are not conducted properly. This means that the independent body needs to have access to police reports (the outcome of the investigation, the information considered and the decision) and inform the police if the investigation has not been performed satisfactorily. This may result in the independent body repeating the investigation.¹²³ The monitoring function of the independent body should be well-defined.

As a minimum, the independent body must do the following:

- Have the capacity to receive complaints directly from the public (as well as from members of the government)¹²⁴
- Record all complaints filed against police (whether submitted at the police station, police headquarters, prosecutor's office or directly to the independent body)
- Have the capacity to start an investigation on its own initiative
- Have sufficient investigative powers to make an assessment of the case in hand, including:
 - The power to hear any person and subpoena powers
 - The power to obtain any information required, including the power to access police dockets and to conduct searches and seizures
 - The power to compel the presence of witnesses including the police
 - The capacity to offer witness protection
- Have the power to recommend further penal or disciplinary action
- Have the capacity to make recommendations for structural change, hence enabling the police to prevent the recurrence of misconduct
- Have the capacity to follow up on its recommendations. For example, it must have the capacity:
 - To publish its findings and recommendations, including the response received from the police
 - To compel the police to disclose the reasons for not following up on the recommendations
 - To make public a failure by the police to follow up on its recommendations

Having investigative powers does not mean that the independent body must have the power to prosecute, sentence or discipline the subject of the investigation. Instead, it needs to recommend penalties to police commanders or refer a case for criminal prosecution.¹²⁵ In the Council of Europe Opinion of the Commissioner for Human

¹²³Based on personal communication with IPCC Commissioner Davies.

¹²⁴Council of Europe, "Opinion of the Commissioner for Human Rights" (see footnote 79).

¹²⁵The only exception is the Police Ombudsman for Northern Ireland, whose recommendations concerning disciplinary recommendations are mandatory.

From: [Toni Moos](#)
To: [Jon Maginot](#)
Subject: To Share for Police Task Force Meeting -- LAHS Testimonials regarding SROs
Date: Wednesday, October 28, 2020 2:20:22 PM

Hi Jon,

Can you please also share this link — includes testimonials of students with experiences with SROs at LAHS.

<https://www.theblackhub.org/testimonials>

Thank you,

Toni

Date: 2020_10_28

To: Police Task Force

From Jeanine Valadez

Subject: Some Best Practices and findings for Police Complaint Process Version 0.0

- 1) US Department of Justice: <https://www.ncjrs.gov/pdffiles1/nij/184430.pdf> This is the Dept of Justice's compilation, analysis, and assessment of nine (9) models for how to establish Citizen participation in the Police Department's complaint process; these 9 models are built around four (4) types of participation, as quoted here:
 - a. Type 1: Citizens investigate allegations of police misconduct and recommend findings to the chief or sheriff
 - b. Type 2: Police officers investigate allegations and develop findings; citizens review and recommend that the chief or sheriff approve or reject the findings.
 - c. Type 3: Complainants may appeal findings established by the police or sheriff's department to citizens, who review them and then recommend their own findings to the chief or sheriff.
 - d. Type 4: An auditor investigates the process by which the police or sheriff's department accepts and investigates complaints and reports on the thoroughness and fairness of the process to the department and the public.
- 2) United Nations
https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf Handbook on Police Accountability Oversight and Integrity, Specific to our work is Chapter 3, pp 33-47, Dealing with Police Complaints. This is a much shorter, but higher level treatise on the complaints issue. One early assertion stands out to set scope in terms of breeding confidence in police: "**Importance of ensuring that complaints can be lodged directly with the police and also with an independent external body:** In addition to ensuring that members of the public can file a complaint directly with the police, there should be alternatives such as the possibility of filing a complaint with a body that is independent of the police or prosecutor's office." 15 pages.
- 3) International Association of Chiefs of Police:
<https://www.theiacp.org/sites/default/files/2018-08/BP-InternalAffairs.pdf> Best Practices Guide for Smaller Police Departments - Technical Assistance Program. This policy guide is written entirely from the perspective of the police. There is no mention of citizen involvement or overview. There is, however, mention of Internal Affairs (IA). 10 pages
- 4) Various cities, large and small, have documented police complaint procedures. A non-statistical review showed relatively frequent deployment of the following:
 - a. Citizen Review Board or joint citizen/police review boards that review complaints (less so for CRB to review investigations)
 - b. Online complaint forms that go to a processor (individual "Ombudsman" not the police, but which are forwarded unedited to police; this affords some level of untraceability to the complainant should they seek it.

- c. Publishing of complain process brochures, instructions very generously across a wide variety of channels/media. It was important to include non-police venues.
- d. Proactive distribution by LE personnel of complaint process brochures to people they stop, cite, arrest, or incarcerate to show citizens LE officers and personnel care about their performance.