



1 North San Antonio Road
Los Altos, California 94022-3087

MEMORANDUM

DATE: November 18, 2020

TO: Citizens' Police Task Force

FROM: City Staff

**SUBJECT: TASK FORCE RECOMMENDATIONS ON POLICE OFFICER
FEEDBACK PROCESS**

One of the objectives of the Citizens' Police Task Force is to develop recommendations to the City Council regarding the City's Police Officer feedback process. On November 4, 2020 and November 16, 2020, the Task Force began reviewing and finalizing recommendations.

It should be noted that these recommendations are not in any prioritized order and are only numbered for ease of reference during discussion. The Task Force may reorganize and reorder these recommendations in any manner that the group sees fit.

Police Officer Feedback Process

Additional options for submission

1. *Recommendation: Implement an online complaint submission form, submitted to both Police Department and an independent third-party*
2. *Recommendation: In addition to the Police Department, submissions of hard-copy, online complaints and phone calls may be made to an independent third-party. Police Department and independent third-party will immediately (within 24 hours) share complaints received with the other*

Tracking of complaints

1. *Recommendation: An independent third-party will be retained by the City to do intake for complaints about Los Altos Police Officers. The independent third-party will share all complaints received with the Police Department within 24 hours and will also receive complaints that are initiated at the Police Department. This third party will track all complaints to not exceed one-year from the submission date, will receive copies of all reports from the Police Department of the results of their investigation, and produce an annual report that will include demographic information. The Police Department will collect additional data about the complainants and the nature of their complaints.*

Outreach

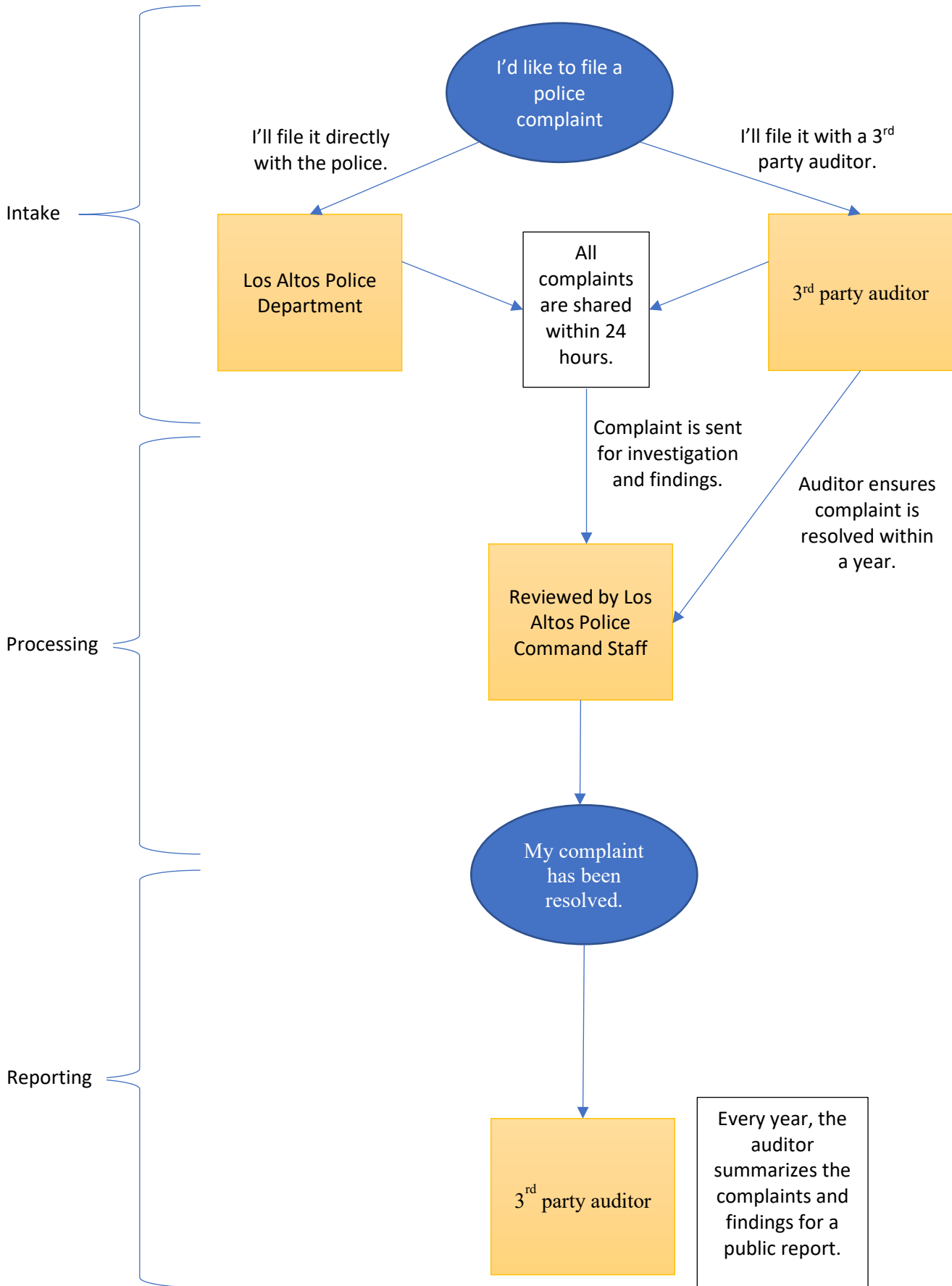
1. *Recommendation: Consider modifications to the complaint brochure*
 - a. Recommend that the City Attorney and police department review the language in the "Civilian Complaint & Commendation Procedure" brochure to determine whether or not it is appropriate to change "may" to "will" in the following sentences under the heading "The Complaint Procedure":
 - i. "An internal investigator **may** (will?) be assigned to investigate the complaint."

ii. *"If the investigation proves that the employee violated any laws or policy of the Los Altos Police Department, he/she **may** (will?) be subject to the Department's discipline process. In addition, investigations that disclose potential criminal activity **may** (will?) be referred to the District Attorney for criminal prosecution."*

2. Recommendation: *Provide outreach education to the community on how to file a complaint and prominently display information on how to file a complaint*
 - a. Deliver information/education about the existing complaint process to LAHS students, parents, staff and faculty
 - b. Prominently display of information on the complaints procedure in all police premises, particularly in custody areas
 - c. Display of information in non-police public spaces: city hall, community center, library, high school
 - d. Display clearly on the city website the complaint process with a flow chart of all of the steps involved in different circumstances (Attached)
 - e. At every traffic stop and pedestrian stop, officers give information about how to file a complaint/commendation on a business card and/or brochure, unless the officer is unable to do so

Attachments:

1. Draft complaint process flow chart for City website
2. Preliminary Task Force Recommendations with track changes





1 North San Antonio Road
Los Altos, California 94022-3087

MEMORANDUM

DATE: November 16, 2020

TO: Citizens' Police Task Force

FROM: City Staff

SUBJECT: PRELIMINARY TASK FORCE RECOMMENDATIONS ON POLICE OFFICER FEEDBACK PROCESS

One of the objectives of the Citizens' Police Task Force is to develop recommendations to the City Council regarding the City's Police Officer feedback process. At the October 28, 2020 Task Force meeting, members were charged with sending their preliminary recommendations to City staff. Staff has compiled those preliminary recommendations and attempted to organize them by categories. All recommendations provided have been included below.

It should be noted that these recommendations are not in any prioritized order and are only numbered for ease of reference during discussion. The Task Force may reorganize and reorder these recommendations in any manner that the group sees fit.

On November 4, 2020, the Task Force began reviewing and finalizing the recommendations. Those edits are shown in track changes below. In addition, Task Force members Curtis Cole and Jeanine Valadez were tasked with reviewing recommendation #4 "Record and track all types of complaints (including informal) and include all complaints (formal and informal) in personnel files. Their work is attached to this memo.

Police Officer Feedback Process

Additional options for submission

1. ~~*Recommendation: Implement an online complaint submission form, submitted to both Police Department and an independent third-party*~~
 - a. ~~Online complaint form~~
 - b. ~~Webforms for better tracking of complaints~~
 - c. ~~Provide a mechanism to use an online web form for intake~~
 - d. ~~Recommend creating an on-line, web-based function to provide an additional option for filing police personnel commendations and complaints.~~

2. ~~*Recommendation: Explore implementation of an app-based complaint submission form*~~
 - a. ~~Implementation of my90~~
 - i. ~~Publicize and educate Los Altos residents regarding its existence and use~~
 - b. ~~Investigate feasibility and options to use a community-based mobile app for intake such as Omnigo?~~
 - c. ~~Provide a means for people to provide Anonymous feedback (not filing a complaint for follow-up) how to input and record? Look at <https://my90.com/>~~

~~d. Consider contracting with My90 to provide real time feedback about civilians' attitudes about the police.~~

~~3.2. Recommendation: In addition to the Police Department, submissions of hard-copy, online complaints and phone calls may be made to an independent third-party. Police Department and independent third-party will immediately (within 24 hours) share complaints received with the other. Utilize a department outside of the Police Department for submission of complaints~~

- ~~a. If it is logistically possible, complaints can be received through the city clerk's office
 - ~~i. City clerks should be trained to:
 - 1. Field initial call
 - 2. Guide through informal + formal process~~~~
- ~~b. If that is too big of a lift for city clerks, complaints can be also received by OIR group~~
- ~~c. Recommend third party reporting entity such as Office of Independent Review (OIR) that is utilized by Palo Alto~~
- ~~d. The department make available a means to submit a form to a department outside of the Police Department. And publicize the fact that this goes to an independent review board.~~
- ~~e. Learn about Palo Alto Office of Independent Review as an OIR for intake and investigation oversight.
 - ~~i. OIR Group is also working with Santa Clara County OCLEM—OIR is not appropriate for investigations—they can provide oversight of the investigation.~~~~
- ~~f. Recommend that an administrative function be established within the City Manager's office as an additional option for filing police personnel commendations and complaints.~~
- ~~g. Provide a neutral place for the submission of complaints, such as the Clerk's Office.~~

Tracking of complaints

~~4.3. Recommendation: Record and track all types of complaints (including informal) and include all complaints (formal and informal) in personnel files. An independent third-party will be retained by the City to do intake for complaints about Los Altos Police Officers. The independent third-party will share all complaints received with the Police Department within 24 hours and will also receive complaints that are initiated at the Police Department. This third party will track all complaints to not exceed one-year from the submission date, will receive copies of all reports from the Police Department of the results of their investigation, and produce an annual report that will include demographic information. The Police Department will collect additional data about the complainants and the nature of their complaints.~~

- ~~a. Document all complaints, including informal (can just be basic information such as when which officer was involved, and what was the situation)~~
- ~~b. Include Informal Complaints in the police personal files so that these too can be evaluated and used to assess police behavior.~~
- ~~c. Document and track status of all complaints (currently four times: informal, formal, incomplete, and exceptional clearance) currently, informal complaints have no record of the # (these are dealt with to the satisfaction of filer)—perhaps find a way to record these: even if its only recording **date**, **topic**, and **note** —“citizen did not file formal complaint”~~
- ~~d. Record all complaint events—even when complainant opts for a different path~~
- ~~e. Reports should include department initiated complaints (that are found to be valid)~~
- ~~f. Report on testing of procedures—Typically an independent audit~~
- ~~g. Track number of requests on how to make a complaint~~
- ~~h. We want to track calls to the non-emergency # and asking about how to file a complaint? So we can determine if we are discouraging the filing of complaints.~~
- ~~i. Someone should keep track of the number of complaints/type of complaints per officer
 - ~~i. This should be publicly accessible information~~
 - ~~ii. Doesn't have to link to the actual name of the officer, but some way to identify a pattern of many complaints relating to one officer~~~~
- ~~j. What do want to do about tracking officer/badge numbers? Can we make this anonymous?~~

~~5. Recommendation: Publish an annual report of all complaints received~~

- ~~a. An annual report published of all of the complaints received (like San Jose)
 - ~~i. Should include department and community initiated complaints~~~~
- ~~b. The department to regularly publish statistics about all complaints (demonstrating they are all investigated to the extent possible): include what? (month, topic, resolution?)~~

- e. ~~Annual report to City Council of complaints/commendations/feedback intake and resolution in the last time frame. [at least annually]~~
- d. ~~Require Los Altos Police Department to produce an annual report that describes, in detail, the complaints (public and department initiated) that were submitted annually, the specifics facts of each complaint, and the findings of each complaint. The report should be presented to the City Council and available to the public, online.~~

Outreach

6.4. Recommendation: ~~Make~~ Consider modifications to *the complaint brochures and forms*

- a. ~~Recommend that the City Attorney and police department review the language in the "Civilian Complaint & Commendation Procedure" brochure to determine whether or not it is appropriate to change "may" to "will" in the following sentences under the heading "The Complaint Procedure":~~
 - i. ~~"An internal investigator **may** (will?) be assigned to investigate the complaint."~~
 - ii. ~~"If the investigation proves that the employee violated any laws or policy of the Los Altos Police Department, he/she **may** (will?) be subject to the Department's discipline process. In addition, investigations that disclose potential criminal activity **may** (will?) be referred to the District Attorney for criminal prosecution."~~
- a. ~~Revise the language of the complaint information to make it clear what complaints WILL be investigated, what complaints WILL have results, make it clear the reporter will not be penalized for filing a report~~
- b. ~~The department policy and intake forms include a statement on the protection of personal information except as necessary to resolve the complaint. Note, this likely should include a notice that the information is subject to the State's public disclosure laws.~~
- e. ~~Policy and forms should note that even anonymous complaints will be investigated, though subject to the limits of evidence collection.~~
- d. ~~The department discuss, identify and remove other discouragements and barriers to filing a complaint [such as fear of retribution]~~
- e. ~~The department lower barriers to filing: specifically: avoid language that requires signing under penalty of perjury (though evidence taken later might require that)~~
- f.b. ~~Complaint intake forms (printed and online) should be in top 4 languages common to Los Altos. (Multiple Languages: provide the form in many languages for the community)~~

7.5. Recommendation: Provide outreach education to the community on how to file a complaint and prominently display information on how to file a complaint

- a. ~~Proactively conduct outreach to those who live and work in Los Altos about the complaint process and make complaint forms easily available to individuals.~~
- b.a. ~~Deliver information/education about the existing complaint process to LAHS students, parents, staff and faculty. This would be in 3 separate sessions for each audience.~~
- e. ~~Publish information about how complaints are processed (policy 1020) [For both officers and citizens, every investigation should be processed fairly and uniformly: try to describe each step of the investigation so all know what to expect.]~~
- d.b. ~~Prominently display of information on the complaints procedure in all police premises, particularly in custody areas~~
- e. ~~Provide written information to all persons detained on how to make a complaint after release~~
- f. ~~Information on complaints procedure to be carried by police on duty to be given to members of the public who express dissatisfaction~~
- g.c. ~~Display of information in non-police public spaces: city hall, community center, library, high school~~
- h. ~~It should be made clear on the city website that there is a way to report complaints to a 3rd party/not the police~~
- i. ~~Make paper forms widely available: online, City Hall and Police offices, and public places such as the Libraries.~~
- f.d. ~~Display clearly on the city website the complaint process with a flow chart of all of the steps involved in different circumstances~~
 - i. ~~Examples:~~
 - ii. ~~<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=27283>~~
 - iii. ~~<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=27285>~~

~~k.c.~~ At every traffic stop and pedestrian stop, officers give information about how to file a complaint/commendation on a business card and/or brochure, unless the officer is unable to do so

~~l.~~ The department seek feedback from more everyday police-citizen interactions (for example: ~~hand out postage-free form on traffic stops~~)

Others

~~A.~~ Anonymous general feedback form

~~B.~~ Clearly explain when first receiving the call the difference between informal and formal complaint, while being careful to not push the person towards one option or the other

~~C.~~ the department define and publish department principles (of the complaint process) to build trust in the process. Details left to the department but suggested principles from DOJ Building Trust Between Police and the Citizens They Serve:

~~o~~ Comprehensive investigation

~~o~~ Public and accessible process for filing complaints

~~o~~ Fair and Thorough investigation: unbiased and impartial

~~o~~ Transparent process with reporting

~~D.~~ The department consider a community survey (publish information about complaints/feedback process) #outside TF scope?

~~E.~~ Any officer and office should be trained to accept a complaint (they carry forms in their police vehicle)

~~F.~~ Provide feedback to complainant within a defined time frame of filing: 30 days, 90 days?

~~G.~~ Notify the complainant within a defined time frame of beginning of investigation? (likely duplicate given the one above)

~~H.~~ Close complaint within 180 days (unless it's complicated) [CA law says one year for feedback]

~~I.A.~~ Notify complainant within one week of conclusio