



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

MEMORANDUM

DATE: November 11, 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 City Manager's Office and Police Department

- 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 City Manager's Office and hard-copies of complaint forms available at City Manager's Office. Police Department and City Manager's Office will immediately 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

- 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?

5.4. Recommendation: The City Publish 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 of all complaints received

- a. An annual reports 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?)
- c. 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

6.5. Recommendation: Make modifications to complaint brochures and forms

- 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.
- c. 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. 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)

7.6. 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. 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.
- c. 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. 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. Display of information in non-police public spaces: city hall, community center, library
- 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.
- j. 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. At every traffic stop, officers give information about how to file a complaint
- 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

- Fair and Thorough investigation: unbiased and impartial
- 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. Notify complainant within one week of conclusio

Date: November 5, 2020

To: Jon Maginot, Angel Rodriguez

From: Police Task Force Subcommittee comprised of Curtis Cole and Jeanine Valadez

Subject: Recommend Wording for Item #4 from “Preliminary Task Force Recommendations on Police Officer Feedback Process”

Background:

Item #4 of the above-mentioned Report submitted by City Staff at the November 4 Police Task Force Meeting concerns complaint tracking. The wording of Item #4 is an unfiltered concatenation of topic-relevant brainstorm submissions by individual Task Force members. The goal of this subcommittee is to synthesize the members’ contributions into cohesive wording for Item #4.

In the process of conceiving this wording, the Subcommittee consolidated redundant suggestions, added granularity to the concepts of Complaints versus Inquiries, and elaborated in more detail desired information to track (not knowing precisely what current information is tracked, we decided to be more comprehensive and prescriptive). We did not remove, delete or filter out any idea suggested by the membership group. And finally, we derived this new Item #4 within the context of Items #3 and #5 currently in the Preliminary Recommendations. Should those sections (or other sections) materially change in nature, topic, or specificity, further edits may be required to the wording we propose for Item #4 below.

This report is comprised of two sections:

- 1) Our edited, recommended wording for Item #4 of the “Police Task Force Recommendations on Police Officer Feedback” (as of Nov. 4, 2020).
- 2) The original, unedited, wording of Item #4, included for the reader’s reference.

SUBCOMMITTEE’S RECOMMENDED WORDING for Item #4:

4. Recommendation: Create and maintain a Complaint/Inquiry Tracking Data Base.
 - a. The Tracking Data Base shall document the following:
 - i. All types of Complaints, including formal, informal, abandoned, investigated, etc., from Intake through to Final Disposition or Resolution.
 - ii. Requests for Status of a Complaint already in the system.
 - iii. General Inquiries, including but not limited to, inquiries about how to submit complaints, inquiries as to how the Complaint process works, or inquiries about PD personnel, policies or procedures.
 1. Sometimes these inquiries may lead to the submission of a Complaint.
 2. For any such general Inquiry that is elevated (by which authority?) to the status of a Complaint, a separate entry shall be made in the Tracking Data Base, including correspondence to the original general Inquiry.

3. For any such general Inquiry that is NOT elevated to the status of a Complaint, the Tracking Data Base shall specify why the escalation did not occur or was deemed not necessary (and by whom).
 4. Repeated Inquiries on a particular topic or scope of interest may suggest topics for PD to highlight in educational programs or memoranda for/to the public.
- b. The Complaint/Inquiry Tracking Data Base shall include all Complaints or Inquiries whether generated by the Public, by the City government or Staff, by any public, private or commercial entity, or by personnel within the Police Department.
 - c. The following shall be recorded for each Complaint or Inquiry submitted:
 - i. Complainant/Inquirer information, including but not limited to identification, contact, and demographic descriptors. If Complainant/Inquirer wishes to remain Anonymous, they may do so; in these cases, all other information should still be recorded.
 - ii. Police Officer's (or other Complainee's) information, including but not limited to, identification, badge number, contact information, and demographic descriptors.
 - iii. Format in which Complaint was submitted; e.g., online, webform, paper copy, emergency call, non-emergency call, personal visit/interview/meeting.
 - iv. Location where and Entity to which or to whom the Complaint was submitted -- PD, City Manager or Clerk, Independent Repository, Chartered Intake Person, Other (specify).
 - v. Categorization of Complaintⁱ or Inquiryⁱⁱ; [are such Categories already in existence or should we create them? See endnotes for examples]
 - vi. Specific wording or content of Complaint or Inquiry
 - vii. Where Complaint or Inquiry was directed at Intake:
 1. Answered or resolved at Intake (by whom)
 2. Not answered or not resolved at Intake, so directed to specified department or personnel for further work/research (referred to whom).
 3. Directed to PD for investigation (to whom).
 4. Inquiry or Complaint withdrawn at Intake; no further action.
 - viii. How Complaint or Inquiry was investigated or specific reasons why it was not investigated.
 - ix. Disposition of Complaint or Inquiry; include consequences or corrective action rendered.
 - x. Timeline of Complaint or Inquiry as it travels through the system from intake through disposition/resolution – allows analysis of efficacy and efficiency in the process.
 - d. The Complaint/Inquiry Tracking Data Base shall be submitted for independent review (audit) to validate integrity of data collection, processing, and archival.

(Method and Means TBD). This necessitates that all underlying documentation for all Complaints or Inquiries be retained in archive to enable audits.

- e. The Complaint/Inquiry Tracking Data Base shall be constructed to enable Annual Reports for Internal and Public Review. For example, the Data Base shall allow systematic removal of the actual names of police officers or complainants, replacing such names with avatars or code-numbers to provide privacy while retaining the ability to track complaints or inquiries to a given identity.

ORIGINAL WORDING of Item #4:

4. Recommendation: Record and track all types of complaints (including informal) and include all complaints (formal and informal) in personnel files
 - 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.
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ⁱ Endnote 1: Example categories of Complaints for police misconduct: coerced false confession, intimidation (verbal, physical, with weapon), false arrest, false imprisonment, evidence tampering, police perjury, witness tampering, police brutality, police corruption, demographic-based profiling/bias, sexual misconduct, unwarranted surveillance, unwarranted searches, unwarranted seizure of property, inappropriate language, alcohol or drugs on duty, violating police rules or codes of conduct (specify), etc.

ⁱⁱ Endnote 2: Example categories for Inquiries: education on policy, education on procedures, education about acceptable or unacceptable personnel conduct, for status of existing complaint, general commentary or feedback, suggested change to policy/procedures/operations, request for information, etc.