

To: Los Altos City Council, Chief A. Galea, City Manager Brad Kilger, City Clerk Andrea Chelemengos, PublicComment@losaltosca.gov

From: Jeanine Valadez, Resident and ex-Police Task Force

Subject: PUBLIC COMMENT AGENDA ITEM Police task Force Informational Update 3/23/2021

Below, please see my Response to “Informational Item: Police Task Force Recommendation Update (A. Galea); Memo Added 3/18/2021”

METHOD: I have included Chief Galea’s original text and put my response to his update in blue text.

DATE: February 22, 2021

TO: Los Altos City Council

FROM: Andy Galea, Chief of Police

SUBJECT: POLICE TASK FORCE RECOMMENDATIONS UPDATE

City Council provided direction to City Staff regarding the Police Task Force recommendations at the November 10, 2020 City Council Meeting. The approved minutes can be found at the following

link: Minutes approved from November 24, 2020 City Council Meeting

(https://docs.google.com/gview?url=https%3A%2F%2Flos-altos.granicus.com%2FDocumentViewer.php%3Ffile%3Dlos-altos_42b5d82d322ed07676b4b31c2421ba6e.pdf%26view%3D1&embedded=true)

This summary encompasses City Council’s direction regarding the Police Task Force recommendations and the actions taken thus far by Police Department administrative staff.

1.) Staff directed to implement an online complaint/commendation submission form, submitted to both the Police Department and an Independent Intake Portal.

Action Taken: Completed. The online submission form has been created. This form will be submitted to the Police Administration email (PoliceFeedback@losaltosca.gov) and to the Independent Intake Official. We are referring to the third party receiving complaints as the Independent Intake Official to be clear that this is an individual and is outside of the Police Department.

RESPONSE:

1. Use of the designation "Official" strikes too close to being an "Officer." A different name needs to be used. If the original Portal is unacceptable, I suggest: Steward, Advocate, Monitor
2. The webform works for submissions to the PD. However, the same facility needs to be set up for the Independent Intake. Listing an email without giving the complainant the use of a form is inequitable. I suggest having a link in the paragraph describing the Independent intake that takes the viewer outside of the PD page to a new page where the complainant can fill in another webform that goes to the intake person.
3. Also, the printing facility is pretty bad, requiring the execution of a printing command for each page in the form, rather than one printing instruction to print the entire multi-page document.
4. Move flow charts to a more prominent place (higher) on the page. Repeat the flow charts at the Independent Intake page.

2.) In addition to the Police Department, submissions of hard-copy, online complaints and phone calls may be made to the Independent Intake Official. The Police Department and Independent Intake Official will, within a reasonable amount of time, share information received with the other.

Action Taken: Completed. The agreement with the Independent Intake Official has been signed. The contact information for the Independent Intake Official has been added to the department website. All complaints entered on the webform will be automatically sent to the Independent Intake Official and Police Administration. The Independent Intake Official has been added to the distribution list for PoliceFeedback@losaltosca.gov.

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RESPONSE: This was NOT the agreement for process. The independent intake portal was supposed to be independent from the police submittal process.

3.) Staff directed to:

a. Ensure the City has a tracking data base that would track both formal and informal complaints.

Action Taken: Completed. A new tracking database has been installed and is being utilized. This database is capable of tracking both formal and informal complaints.

RESPONSE: There is not detail included here to show that all 11 data points are tracked for each complaint as approved in the Task Force Recommendations.

b. Retain an Independent Intake Official to do intake for informal and formal complaints about Los Altos Police Officers. The Independent Intake Official will share

all informal and formal complaints received with the Police Department within a reasonable amount of time and will also receive informal and formal complaints that are initiated at the Police Department. This independent intake official will track all informal and formal complaints according to the list recommended by the Task Force presented in the staff report.

Action Taken: Completed

i. The City has entered into an agreement with an Independent Intake Official.

The tasks of this official will align with the Council's direction noted above.

RESPONSE: There was no transparency to this process. The following questions are relevant:

1. who, specifically, was the hiring manager for this job?
2. To Whom will Ms. Atigh directly report in the execution of her job?
3. Was a Job Description/Requirements published? If so, please post a copy of it.
4. Was the Job posted at the City Employment Opportunities page? (<https://www.losaltosca.gov/adminservices/page/employment-opportunities>) If so, please make public the posting content.
5. If the Job was not publicly posted, can you inform the public as to the hiring process for this position?
6. Please make public a copy of Ms. Atigh's resume and/or other documents used to vet her for the position

ii. All complaints initiated via the online submission form will be sent to both the Police Admin staff and the Independent Intake Official.

RESPONSE: Even though it is proper that complaints submitted to the PD be shared with the Independent Intake, requiring the complainant to report to the police was not. The intent of the recommendation was that the complainant should have the facility to submit complaints outside the PD mechanism.

iii. Complaints initiated in person, by email or by phone at the PD will be entered into the internal database and shared within a reasonable period.

(Two business days)

iv. A list of open complaints will be shared with the Independent Intake Official regularly and upon request.

c. All formal complaints (investigation and resolution) shall not exceed one-year from the submission date or within the time frame set forth by current law.

Action Taken: Completed. The tracking data base is capable of tracking milestones and

due dates. These dates will be monitored by both Police Administration and Independent Intake Official.

d. The Independent Intake Official will receive copies of all reports from the Police Department of the results of their investigation and produce an annual report of informal and formal complaints to the City Council and the information deemed appropriate for public disclosure be made available online including demographic information.

Action Taken: Completed. This process was outlined in the agreement with the Independent Intake Official.

[RESPONSE: Need a copy of the agreement/job outline with person hired.](#)

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e. The Police Department will collect additional data about the complainants and the nature of their complaints.

Action Taken: Completed. This information will be collected within the database of the new software, and has been included as optional information on the complaint webform

[RESPONSE: The PTF approved recommendations included a long list of tracking items, including data about the officer. This is not reflected in this update. Need proof that the approved recommendation was implemented for both complainant and the officer.](#)

4.) Staff directed to consider modifications to the complaint brochure per the following Task Force recommendations as follows:

PTF recommended 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":

- a. "An investigator will be assigned to investigate the complaint."
- b. "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."

(*explanation of why behavior would not be subject to discipline)

Action Taken:

a. "An investigator will be assigned to investigate the complaint." The language will remain the same. Not all complaints are retained and investigated internally.

RESPONSE: Why? This issue was discussed in the PPTF meetings and no reasonable objection could be raised to retaining and investigating all submitted complaints.

b. "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*. This language will remain the same. The Department is not able to impose discipline if employees terminate employment prior to the administration of the discipline.

RESPONSE: The language could be changed in accordance with the approved recommendation with the proviso that discipline may not be enforceable if the employee terminates their employment. Leaving the language as is offers NO comfort to complainants that their incident will be taken seriously.

In addition, investigations that disclose potential criminal activity may (will?) be referred to the District Attorney for criminal prosecution." This section will be changed from may to will. Investigations that disclose potential criminal activity will be referred to the District Attorney's Office for review.

5.) Staff directed to provide outreach education to the community on how to file a complaint and prominently display information on how to file a complaint as outlined below:

a. Deliver information/education about the existing complaint process to Los Altos High School students, parents, staff, and faculty

Action Taken: On Hold. School is still operating remotely, limiting our ability to provide outreach.

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b. Prominently display of information on the complaint procedure in all police premises, particularly in custody areas:

Action Taken: Completed. Current complaint brochures have been placed in the police holding facility. Complaint information is readily displayed in PD

lobby. The brochures are currently being updated to include Independent Intake Official contact information and revised language. Once completed, they will replace the current brochures displayed.

c. Display of information in non-police public spaces: city hall, community center, library, high school:

Action Taken: Pending. Library and Community Center are not currently open to the public. City Hall has been provided the complaint brochures for display.

d. Display clearly on the city website the complaint process with a flow chart of all the steps involved in different circumstances.

Action taken: Completed. Complaint/Commendation link is on first page of Police website. Flow chart was added to the "How Are We Doing" segment of the website, along with all other complaint/commendation information.

[RESPONSE: See concerns about flow chart in RESPONSE to Item 1 above. Flow Chart should be shown in as many relevant locations as possible.](#)

e. At every traffic stop and pedestrian stop, officers are strongly encouraged to give information about how to file a complaint/commendation on a business card and/or brochure.

Action taken: Completed. Business cards were modified to provide a feedback link. The cards and instruction have been provided to all officers. In addition, the Police Department website has been added to back of patrol vehicles.

6.) Staff directed to:

a. Eliminate the School Resource Officer program from Los Altos High School by the end of the 2019/2020 school year and inform the school administration of the Council action in order to determine and start the appropriate termination process

Action Taken: Completed. The Police Department School Resource Officer Program at the Los Altos High School has ended. This has been communicated to both the District Superintendent and the Los Altos High School Principal.

[RESPONSE: Termination of the Officer assigned to the SRO role was not part of the recommendation. Is the PD saying that an SRO officer cannot be utilized elsewhere in the PD?](#)

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b. Inform the school district that the City is ready to partner with the school administration to develop an alternative program to foster overall student well-being and create a safe and equitable environment preferably by the start of the 2021/2022 school year; and form a Council/Mountain View Los Altos Union High School District task force.

To be completed by Los Altos City Councilmembers and Los Altos Union High School District. Police Administration personnel are available to assist if our participation is requested.