

**Final Report
San Jose Internal Affairs Peer
Review Study**

San Jose Police Department

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Glossary of Terms

Sacramento

Sacramento Police Department	SPD
Office of Public Safety Accountability	OPSA
Internal Affairs	IAD

Milwaukee

Milwaukee Police Department	MPD
Professional Performance Division	PPD
Fire and Police Commission	FPC
Internal Affairs Section	IAS

Seattle

Seattle Police Department	SPD
Internal Investigations Section	IIS
Office of Professional Accountability	OPA

Denver

Denver Police Department	DPD
Office of the Independent Police Monitor	OIM
Internal Affairs Bureau	IAB

Honolulu

Honolulu Police Department	HPD
Honolulu Police Commission	HPC
Internal Affairs Division	IAD

San Antonio

San Antonio Police Department	SAPD
Internal Affairs	IA

New York

New York Police Department	NYPD
Internal Affairs Bureau	IAB
Civilian Complaint Review Board	CCRB

Houston

Houston Police Department	HPD
Citizen Review Committee	CRC
Internal Affairs Division	IAD

Oakland

Oakland Police Department	OPD
Citizen's Police Review Board	CPRB
Internal Affairs Division	IAD

San Diego

San Diego Police Department	SDPD
Citizen's Review Board	CRB
Internal Affairs Division	IAD

Cincinnati

Cincinnati Police Department	CPD
Citizen's Conflict Resolution Panel	CCRP
Citizen's Complaint Authority	CCA
Internal Investigations Section	IIS

Detroit

Detroit Police Department	DPD
Internal Affairs	IA
Office of the Chief Investigator	OCI

Chicago

Chicago Police Department	CPD
Office of Professional Standards	OPS
Internal Affairs Division	IAD

Miami-Dade

Miami-Dade Police Department	MDPD
Professional Compliance Bureau	PCB
Independent Review Panel	IRP
Internal Affairs Section	IAS

Phoenix

Phoenix Police Department	PPD
Internal Affairs	IA
Professional Standards Bureau	PSB

San Francisco

San Francisco Police Department	SFPD
Office of Citizen Complaints	OCC

Los Angeles Police Department

Internal Affairs Group	LAPD IAG
Professional Standards Bureau	PSB
Office of the Inspector General	OIG

Background on Macias Consulting Group, Inc.

Macias Consulting Group (Macias) is a statewide management consulting firm with offices in Walnut Creek, Sacramento, Los Angeles and San Diego. Our firm was established in 1992 by Kenneth A. Macias, DPA, MBA, CPA and offers an array of professional management consulting services with employee resources of over 100 individuals. MCG specializes in government and performs city, county, and state-requested studies and evaluations on a myriad of issues, ranging from financial management to program evaluations. MCG's experience in police operations includes conducting comprehensive law enforcement studies for the Cities of Elk Grove and Fresno, and the Federal Financial Crimes Enforcement Division of the U.S. Treasury.

Background on the Report's Author

Ms. Denise Callahan

Ms. Callahan is the Director of Macias Consulting Group, Inc. Formerly from the U.S. Government Accountability Office (GAO), Ms. Callahan brings 20 years of experience in conducting evaluations and studies for government agencies. Ms. Callahan's expertise is in performance measurement, statistical analysis, and program evaluation. She has directed international, nationwide, state, county and city specific studies and investigations that have led to improvements in the efficiency and effectiveness of services and compliance of federal and state laws. Cumulatively, Ms. Callahan has conducted reviews that involved various departments and agencies in all 50 states. Ms. Callahan also implemented reviews at 13 of the 14 federal executive departments including over 30 federal agencies, bureaus, services, and dozens of California cities, counties, non-profit and privately owned entities.

Ms. Callahan holds a Master's of Public Administration from the University of Southern California and is an adjunct professor for the USC School of Policy, Planning, and Development teaching courses in performance-based management and performance auditing. She has authored multiple publications on government and on e-commerce and is past president of the Sacramento Chapter of the Association of Government Accountants. Ms. Callahan has satisfied the "Yellow Book" requirement of having at least 80 hours continuing professional education every two years, of which 24 must directly relate to the government environment and to government auditing.

EXECUTIVE SUMMARY

Why the SJPD Did This Review

On August 15th, 2006, the City of San Jose City Council directed the Police Department (SJPD), in collaboration with the Office of the Independent Police Auditor (IPA), to conduct a study "of similar large city police department Internal Affairs (IA) and audit functions." The City Council requested that the SJPD assess:

- (1) How SJPD and other law enforcement agencies define "Inquiries" and complaints, including how the classification process is administered;
- (2) The investigation standards used by SJPD and other law enforcement agencies in processing procedural complaints, especially whether it is mandatory that the subject officer be interviewed;
- (3) How other agencies utilize the civilian oversight role in in-custody death investigations and officer-involved shootings (OIS) cases; and
- (4) How other selected law enforcement agencies address the issue of racial profiling.

This study would aid in identifying options that would enhance citizen complaint handling.

For the purpose of conducting a comparative analysis, SJPD used the data collected from nine of the 17 law enforcement agencies included in this review. The nine law enforcement agencies were selected for further analyses because: (1) the information obtained was complete; (2) the agencies were located in California or in the Western United States and, as a result, are governed by similar state requirements associated with citizen complaint processes; or (3) the law enforcement agency was known in the industry to have noteworthy practices.

Upon the completion of the SJPD data collection effort, the SJPD Research and Development Unit (R&D) summarized the data for all of the 17 law enforcement agencies. The City then contracted with Macias Consulting Group to complete an independent analysis of the data and to summarize and prepare a report on the results of the study. While SJPD collected citizen complaint information from 17 law enforcement agencies, Macias could not utilize the information collected from all 17 agencies because the data was either incomplete; the mission and role of the IA unit was significantly different; or the size of the law enforcement agency was significantly larger than SJPD to make a reasonable assessment about the quality of citizen complaint processes.

What the Study Found

- SJPD's citizen complaint handling process met or exceeded six of the seven best professional practices recommended by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) for recordkeeping and storage, communication with citizens, and for complaint resolution.
- Law enforcement agencies commonly accept "Inquiries." Seven of the nine law enforcement agencies, including SJPD, had an "Inquiry" category or similar classification that addressed issues or concerns that were not raised to a level of a "complaint." The remaining two agencies did not have an "Inquiry" or similar category.

- Performance data reported previously by the IPA suggests that SJPD is successful at correctly classifying complaints and based on the information collected, no barriers to the acceptance of inquiries or complaints were identified among nearly all of the peer law enforcement agencies.
- Investigation standards used by the SJPD and other law enforcement agencies varied the most in the processing of procedural complaints:
 - Four of the nine peer agencies (including SJPD) had a specific category for procedural complaints and the remaining five agencies did not have such a category.
 - One law enforcement agency held a mandatory interview of subject officers in all citizen complaints and three agencies did not require mandatory interviews regardless of the type of complaint.
 - Five of the nine peer agencies (including SJPD) have senior management involved in defining the allegation against a sworn officer. The remaining four agencies have lower level staff perform these duties, such as IA personnel or sergeants.
 - Should disagreements arise on how allegations are defined, six of the nine peer law enforcement agencies (including SJPD) commonly had executive level management serve as the final arbitrator on defining the allegations.
- SJPD's effectiveness at citizen complaint handling, in terms of number of days to close a complaint, ranks mid-range (110 days) in comparison to other law enforcement agencies, which ranged from 30 to 198 days. However, citizen complaints received by SJPD have remained generally stable at 2.75 complaints for every 10,000 citizens in 2004; 2.48 complaints for every 10,000 in 2005 and 2.57 complaints for every 10,000 in 2006.
- The San Jose IPA currently responds to and audits investigations carried out by IA of officer-involved shootings. In other cities, it is not clear whether independent civilian oversight agencies have a significant impact on the citizen complaint process. Independent studies available for the two agencies with civilian external monitors cited serious problems with citizen complaint processing.
- SJPD is similar to many other law enforcement agencies in its policy prohibiting racial profiling. The City of San Jose (through the IPA's Office) is one of the few cities that publish data on the number of racial profiling allegations. The Macias analysis found that the number of complaints involving racial profiling allegations were too low that would validate a legitimate concern.

Macias concludes that SJPD has a satisfactory citizen complaint process when examining key performance metrics only and activities are consistent with, and in some cases exceeds, the operations of other law enforcement agencies.

Based on the results of our study, we identified that SJPD could consider the following activities to enhance the efficiency and effectiveness of its operations. These activities include:

- Eliminating the collection of disputes, inquiries, or other complaints pertaining to traffic violations until the matter is addressed by traffic court.
- Establishing policies on the types of "Inquiries" that will be formally tracked and captured.

- Changing the name of the “Inquiries” category to “Non-Complaints.”
- Establishing policies that state “Inquiries” are not considered complaints, but continue to require the reporting on inquiries by the IPA.
- Training SJPd or city employees to mediate complaints.
- Continue to support the IPA’s role in the auditing of IA activities regarding the citizen complaint process.
- Require an independent and annual evaluation of key performance measures of the SJPd citizen complaint process that were included in this study. This evaluation could be performed by the IPA or other analysts in other City departments.

BACKGROUND

SJPD has established a full set of policies and procedures to handle citizen complaints consistent with State regulatory requirements for law enforcement agencies. The goal of the complaint handling procedures are to ensure that Department procedures and actions are reasonable, effective, and provide efficient and fair attention to complaints, including their resolution.

Complaints are defined by IA as an act of expressed dissatisfaction, which relates to Department operations, personnel conduct or unlawful acts.¹ Individuals have a choice of whether they want to file a complaint. Upon receipt of a complaint by the Police Department, investigators review the complaint to classify the nature of the complaint. Informal complaints can be a procedural complaint where after the initial investigation, it is determined that the subject officer acted within Department rules and regulations and there is no factual basis to support the allegation, or the allegation is a dispute of fact case where there exists another judicial entity to process the complaint. Formal complaints are defined as, if after the initial investigation it is determined that the facts of the allegation are such that, should they be sustained, the allegation would amount to a violation of law or of Department rules or regulations. For individuals who choose not to file a complaint, the IA unit records the issue as an “Inquiry.” Inquiries are defined as contact with a Department member regarding an issue of concern that is immediately addressed and resolved to the satisfaction of the individual. A concern that is not satisfactorily resolved can become a complaint.

Internal Affairs personnel are assigned the responsibility to conduct a complete investigation of complaints and inquiries made against Department members. The IA Unit reports directly to the Chief of Police. IA activities pertaining to citizen complaint handling are subject to audit by the City’s Independent Police Auditor (IPA) who reports directly to the City Council. The IPA issues annual reports of the citizen complaint handling process to the City Council. The IPA has recommended in prior reports actions for the Police Department to consider in handling citizen complaints. In its most recent report, the IPA issued a series of policy recommendations that call for, among other things, an increased civilian role within the IPA to monitor and investigate complaints. While the IPA is mandated by City Charter and Municipal Code to conduct audits only of the Department, the IPA has argued in its reports that an expanded role could increase overall effectiveness of citizen complaint classification and investigation. In response to issues raised by the IPA, the City Council requested the City’s Police Department undertake a review of other law enforcement agencies to determine how they handle citizen complaints.

¹ San Jose’s IPA procedures in citizen complain handlings were not addressed in this study.

OBJECTIVES

The City of San Jose City Council requested that the Police Department identify citizen complaint handling activities that could benefit the City's internal complaint handling process. The study administered by the SJPD's Research and Development Unit (R&D) addressed the following key questions:

- (1) How SJPD and other law enforcement agencies define "Inquiries" and complaints, including how is the classification process administered?
- (2) The investigation standards used by SJPD and other law enforcement agencies in processing procedural complaints, especially whether it is mandatory that the subject officer be interviewed?
- (3) How other agencies utilize the civilian oversight role in in-custody death investigations and officer-involved shootings (OIS) cases?
- (4) How other selected law enforcement agencies address the issue of racial profiling?

SCOPE

The scope of the study focused on the citizen complaint handling processes administered by selected law enforcement agencies. For this review, 17 city law enforcement agencies and their civilian counterparts were contacted for citizen complaint handling information. For the purpose of comparative analysis, nine agencies were selected for further analysis of the data collected. The nine agencies selected were San Jose, Phoenix, San Francisco, Oakland, Sacramento, San Diego, Seattle, Denver, and Honolulu.

The analysis provides a snapshot of citizen complaint processes during calendar year 2005 (CY2005). CY2005 was chosen as the comparative year to study because it provided a complete year of data.

METHODOLOGY

To determine the key similarities and differences in complaint procedures between SJPD and other selected agencies, SJPD's complaint policies and procedures were first compared against professional best practices recommended by CALEA. Macias determined whether SJPD fell below, met, or exceeded the professional best practice under examination. Secondly, SJPD (R&D), with assistance from the City Manager's Office and the IPA, prepared and finalized a structured interview guide to administer to the selected law enforcement agencies. The City Manager's Office explained that the structured interview guide was approved by the City Council in November 2006 and was made public at that time.

Each questionnaire consisted of twelve major sections comprised of sixty-one (61) questions, as well as an area to capture agency contact and demographic information. Taken together, the survey sections and questions are meant to identify how agencies handle complaints from the community. The scope of the structure interview guide included a review and comparison of the following:

- Existing citizen complaint systems throughout the country;
- Classifications and definitions of complaints and allegations;
- Classifications of "Inquiries" and/or similar categories;

- Investigation standards;
- How each agency defines racial profiling and how those jurisdictions collect/measure this information; and,
- The role of civilian oversight in officer-involved shooting/in-custody death cases.

To implement the structured interview guide, the following cities were originally selected for participation in the study:

- | | | |
|----------------------------|------------------------------|--------------------------|
| 1. Los Angeles, California | 7. San Francisco, California | 13. Miami-Dade, Florida |
| 2. Phoenix, Arizona | 8. Sacramento, California | 14. Cincinnati, Ohio |
| 3. Denver, Colorado | 9. Oakland, California | 15. Detroit, Michigan |
| 4. San Antonio, Texas | 10. San Diego, California | 16. Milwaukee, Wisconsin |
| 5. Houston, Texas | 11. Chicago, Illinois | 17. New York, New York |
| 6. Honolulu, Hawaii | 12. Seattle, Washington | |

These agencies were judgmentally selected using the following criteria as guidance: (1) The city had to be a member of the Major Cities Chiefs Association; (2) The city had to provide geographic representation of the Nation (e.g. West Coast, East Coast, and Midwest); and (3) per the IPA, had to include agencies that had civilian oversight or external monitoring of IA activities. For all agencies, the completed SJPD structured interview guides are provided as an addendum to this report, as Appendix II. Upon administering the structured interview guide, some of the departments had more than one entity responsible for accepting and investigating citizen complaints. In order to be thorough in data collection activities, SJPD provided the questionnaire form to the responsible entities. As a result, the Department met with 25 organizations.

Upon the completion of the data collection effort by SJPD R&D, the unit summarized the data for all of the 17 law enforcement agencies, as shown in Appendix I. The City then contracted with Macias Consulting Group to independently analyze the data and prepare a report on the results of the study. The City wanted to avoid any perception of a conflict of interest if the SJPD had prepared its own report. To follow industry standards for conducting comparative reviews, Macias Consulting Group used the data collected to identify those agencies that could be “compared” to the SJPD. The selection of the law enforcement agencies to include for further analysis was based on the following criteria: (1) implementation of similar citizen complaint handling processes to SJPD, (2) adherence to California requirements for citizen complaint handling, and (3) comparable size to the SJPD. While the Los Angeles Police Department (LAPD) must adhere to state requirements for citizen complaint handling, the size of the LAPD was too large to make reasonable comparisons in citizen complaint handling. In addition to the City of San Jose, eight other cities, as follows, met the selection criterion for comparative review.

1. San Francisco, California
2. Phoenix, Arizona
3. Sacramento, California
4. Denver, Colorado
5. Oakland, California
6. San Diego, California

7. Honolulu, Hawaii
8. Seattle, Washington

Qualitative information was gathered from the agencies and the results summarized throughout this report. The analysis reflects the information gathered from Internal Affairs Units only among the peer cities. Additionally, a quantitative analysis was performed to assess the general efficiency and effectiveness of their respective citizen complaint handling process. To accomplish these analyses, operational data was gathered from each of the nine agencies on population, total calls for service, and complaint data. The data, where applicable, was weighted against population size to determine actual increases and decreases in citizen complaint levels. Complaint data was further gathered for SJPD from CY 2004 through CY 2006 and weighted against population size for those years to conduct a trend analysis on changes in citizen complaint levels. Moreover, information was summarized by the participating law enforcement agencies on other outcome data pertaining to “average days for complaint resolution.” These agencies could not provide the raw data needed to perform a more rigorous analysis to show the type of complaints that had slower or quicker processing times.

To respond to a request by the IPA to examine law enforcement agencies with civilian monitoring roles, there were two agencies in our peer review group that met this criterion. The cities of San Francisco and Oakland were further reviewed to assess their role in conducting independent investigations, the circumstances that triggered independent civilian oversight, and what impact, if any, the civilian monitoring role has had on the effectiveness of the citizen complaint process.

To assess how other selected agencies address the issue of racial profiling, racial profiling information was summarized from data reported by the peer agencies. Data was further collected on whether the agencies performed racial profiling studies. The Macias information on racial profiling that was presented in this report were based on statistical tests for significance on the data under analyses.

The results for all the information gathered from the 17 agencies that were provided structured interview guides are presented in Appendix I of this report.

LIMITATIONS OF THE STUDY

SJPD could not visit all of the originally selected 17 cities for participation in this study because of limited funding resources and time. The structured interview guide that was developed for this study was administered and completed using multiple methods: e-mail correspondence, conference calls and site visits. As a result, the uniformity and accuracy of the data collected varied. To resolve the data accuracy concerns, SJPD R&D provided the opportunity for all law enforcement agencies SJPD interviewed to review and update the information that was originally provided to SJPD R&D. In the SJPD R&D summary of the data, some law enforcement agencies were again contacted to ensure accuracy and completeness of the data.

In the analysis of effectiveness outcomes of other agencies that administer civilian police monitoring activities, the sources of data were from third-party sources. While the sources of the data and subsequent reports were prepared by reputable companies, the results reflected the

different nature of the studies and different types of key issues that were examined by the independent evaluators.

PRINCIPAL RESULTS

SECTION 1: COMPLAINT PROCESS

SJPD IA Citizen Complaint Handling Procedures Meet Professional Best Practices

The Standards for Law Enforcement Agencies is the principal publication of the Commission on Accreditation for Law Enforcement Agencies (CALEA). CALEA reports that the standards are representative of the “best professional practices” for law enforcement agencies everywhere and that relevant standards are isolated and used to individually provide accreditation of various functional components within a law enforcement agency – Communications, Court Security, Internal Affairs, Office Administration, Property and Evidence, and Training. Although California law enforcement agencies follow other state mandates, Macias compared the extent that SJPD IA operations met CALEA best professional practices pertaining to citizen complaint processes.

The results show that SJPD meets, and in some areas exceeds, best professional practices for citizen complaint handling. Specifically, SJPD meets four of the seven CALEA recommendations for complaint intake, handling, and resolution. SJPD IA exceeds another two recommendations pertaining to recordkeeping and guiding the subject officer through the complaint process. The remaining recommendation subjecting the subject officer to photographs and line-up for identification purposes are prohibited by California Code Section 3300. See Chart 1.0 for additional details.

Chart 1.0: Extent that SJPD IA Activities Meet CALEA Citizen Complaint Recommendation

CALEA Requirement	San Jose Activities	Meets or Exceeds Best Professional Practice
<p>A written directive require all complaints against the agency or its employees be investigated, to include anonymous complaints (52.1.1)</p>	<ul style="list-style-type: none"> • Duty Manual and IA Unit Guidelines have been prepared. • All complaints are investigated, including anonymous complaints, by the IA unit with proper review by supervisory personnel. 	<p>Meets</p>
<p>A written directive requires the agency to maintain a record of all complaints against the agency or employees and to protect the confidentiality of these records by maintaining them in a secure area (52.1.2)</p>	<ul style="list-style-type: none"> • IA files are maintained in a secured <i>off-site</i> facility. The IA office is secured with an alarm system. Files in IA are maintained in a locked file cabinet and only current IA members have access to the facility. 	<p>Exceeds</p>
<p>The agency keeps the complainant informed concerning the status of the complaint to include at a minimum a verification of receipt that a complaint has been received for processing, periodic status reports, and notification of the results of the investigation upon conclusion (52.2.4)</p>	<ul style="list-style-type: none"> • Complainants are provided a type written summary of complaint when a complaint is filed. • Complainants are sent status notification letters every 60 days. • Complainants are also sent closing letters once the case is completed. 	<p>Meets</p>

CALEA Requirement	San Jose Activities	Meets or Exceeds Best Professional Practice
<p>When employees are notified that they are the subject of an IA investigation the agency issues the employee a written statement of the allegations and the employee’s rights and responsibilities relative to the investigation (52.2.5)</p>	<ul style="list-style-type: none"> • Subject officers are advised that they are the “subject” of a complaint within 120 days of the received complaint. • Every 60 subsequent days, the employee is notified of the status of the investigation. • Subject officers are sent interview notices prior to any IA interviews. This notice is also sent to the subject officer’s immediate supervisors. • Prior to providing a statement at IA, the subject officer is read the “Lybarger” admonishment. Officers are also required to sign the “Lybarger” admonishment². 	<p>Exceeds</p>
<p>A written directive specific the conditions, if any, during an IA investigation, when medical or lab examinations are administered, photographs are taken of employees, a employee may be directed to participate in a line-up, an employee may be required to disclose financial statements and an instrument of diction of deception are used (52.2.6)</p>	<p>California Government Code Section 3300 prohibits these activities.</p>	<p>N/A</p>
<p>A written directive specifics the circumstance in which an employee may be relieved from duty (52.2.7)</p>	<p>SJPD Duty Manual section provides comprehensive information on the circumstances that would subject an officer to discipline up to and including dismissal from duty.</p>	<p>Meets</p>
<p>A written directive requires a conclusion of facts for each investigation into allegations of misconduct (52.2.8)</p>	<p>Duty Manual and IA Unit Guidelines requires a formal investigation for allegations of misconduct. Reports are prepared and reviewed by IA; for sustained cases, the Office of Chief reviews and takes appropriate action.</p>	<p>Meets</p>

² California Supreme Court determined that whenever the employer initiates interrogation of a peace officer and (a) it appears that the officer may be charged with a criminal offense as a result of his misconduct, or (b) the officer refuses to answer questions on the ground that the answers may be self-incriminating, the questioning must be preceded by a "Lybarger admonishment". The peace officer must be told, "Among other things, that although he had the right to remain silent and not incriminate himself, (1) his silence could be deemed insubordination, leading to administrative discipline, and (2) any statement made under the compulsion of the threat of such discipline could not be used against him in any subsequent criminal proceeding."

Law Enforcement Agencies Commonly Accept “Inquiries”

There is no known legal definition of an “Inquiry.” The SJPD defines an “Inquiry” as any issue of concern that is immediately resolved to the satisfaction of the individual, which does not give rise to a complaint. In addition to SJPD, six of the nine agencies included in the peer review had an “Inquiry” category or similar classification, as shown in Table 2.0. For example, San Diego Police Department captures any issue of concern that is immediately resolved to the satisfaction of the individual, which does not give rise to the complaint as “Miscellaneous.” The San Diego Police Department stressed the importance of resolving an issue of concern unofficially rather than utilizing the formal complaint process. Other agencies explained that it is important to have a mechanism available to address low-level concerns, so that more serious misconduct allegations can be investigated in a timely and thorough manner. Hawaii also has a “Miscellaneous” category where no formal investigation is conducted. The Sacramento Police Department does not consider “Inquiries” to be complaints, and “Inquiries” may be handled informally by the Department. The Denver Independent Police Monitor emphasized the need to have a category that addresses issues of concern that do not rise to the level of a formal complaint. His personal experience with the Rampart Corruption³ case taught him that an agency can easily become overwhelmed if every issue of concern is investigated as a formal complaint. When this occurs, major misconduct allegations are inadequately investigated, thus creating a Rampart-like scenario.

For the remaining two agencies – San Francisco Police Department and the Oakland Police Department – there is no “Inquiry” or similar category. The Phoenix Police Department will not accept a complaint if there no apparent violation of departmental policy or procedural violation, whereas in San Francisco and Oakland, all concerns or issues are classified and handled within the formal complaint process. The San Francisco and Oakland Police Departments do not have systems in place to collect “Inquiry” related concerns or issues.

Types of inquiries received show similarities

Although SJPD does not classify “Inquiries” as complaints, the San Jose Independent Police Auditor includes “Inquiries” as complaints for reporting purposes. In contrast, Honolulu Police Department and the Denver Police Department do not routinely report on the “Inquiries” because of the nature of minor issues involved with this type of category.

In 2005, the top two allegations in “Inquiries” received by SJPD were related to Improper Procedure (102) and Rude Conduct (58). SJPD did distinguish itself by being the only law enforcement agencies by accepting “inquiries” raised about traffic violations. In the other

³ The Los Angeles scandal began in the Rampart Division, a high crime area. In August 1998, a Rampart police officer was arrested on charges of stealing eight pounds of cocaine from a police evidence room. Just before his second trial, in September 1999 (the first resulted in a mistrial), he plea-bargained to a five-year term—in exchange for divulging information about what has become one of the worst police corruption scandals in American history. The officer recounted that many Rampart officers planted drugs or guns on innocent suspects, knowingly made false arrests, assaulted innocent people, shot people illegally, and perjured themselves extensively. More than a hundred criminal convictions have been overturned, with hundreds more under review. Dozens of LAPD officers have been relieved of duty, suspended, or fired or have quit, and many more are under investigation. In September 1999, LAPD Chief Bernard Parks convened an internal Board of Inquiry, which reported that similar problems also existed in the Central 77th and Southeast stations. The city of Los Angeles entered into a consent decree with the DOJ in September, allowing federal oversight of the LAPD.

agencies, the disputes are primarily handled by the court system. While SJPD does not have a classification that captures the number of “Inquiries” related to traffic violations, SJPD explained that the IA/IPA shared database does not currently categorize separately traffic related inquiries. Such information would need to be manually extracted by reviewing each individual case summary, a labor intensive task. Nevertheless, the SJPD conducted an ad-hoc analysis on “Inquiries” received in 2006 and found that 28 or 13 percent of about 200 “Inquiries” filed were traffic related cases.

Table 2.0: Law Enforcement Agencies that Accept “Inquiries” or Similar Categories

City	Maintains “Inquiry” Category
San Jose	“Inquiry”
Denver	Issues resolved at the field level or a IAB intake are not considered to be complaints
Honolulu	“Miscellaneous”
Oakland	OPD has “Informal Complaint Resolution (ICR) Category” CCRB does not have any such category
Phoenix	“Inquiry”
Sacramento	“Inquiry”
San Diego	“Miscellaneous”
San Francisco	None
Seattle	“Supervisory Referral Category”

Source of Data: Law Enforcement Agencies from nine peer cities.

Peer Agencies Classify Complaints Differently

In the absence of a legal definition for a “complaint,” SJPD officials explained that any concern that is not immediately resolved to the citizen’s satisfaction will become a complaint. Inquiries will be converted to a complaint if the individual wishes to have the Department formally investigate the issue or concern. SJPD classifies complaints into Citizen-Initiated (Formal), Department-Initiated (Formal), Department-Initiated/IPA (Formal), Policy (Informal)⁴, Procedural (Informal)⁵, Command Review (Informal), Inquiry, Citizen Contact (issue of concern not relating to SJPD personnel) and Complaint Withdrawn. No Boland has been ruled unconstitutional and this category has been removed since May 2006⁶. Subject officers are not interviewed for complaints that fall under the Informal category.

In comparison to the peer agencies in our review, all the law enforcement agencies, except for the San Francisco Police Department, apply similar complaint definitions, but each of them has their own unique categories for classifying complaints, as shown in Table 3.0. Based on our analysis, the complaint classifications developed by the San Diego Police Department provide the most clear and best descriptions of the types of complaints included in them, followed by the San Jose Police Department. Data was not available from all the agencies that showed the Department’s effectiveness at classifying the complaints. For SJPD, where outcome data was available, SJ IPA reported in 2006 that they agreed with the SJPD’s classifications in 87 percent of the complaints, which was later reported by the SJPD in an internal May 2007 memo to the IPA that the accuracy rate was 95 percent after resolving the complaints in question with the IPA. The agreement rate suggests that the SJPD is consistently accurate at appropriately classifying complaints^{7 8}.

⁴ A policy complaint relates to an established policy, properly employed by the officer, which the complainant believes to be inappropriate or invalid.

⁵ A Procedural complaint is a complaint lacking a factual basis to support the allegation of misconduct.

⁶ A No Boland complaint is a complaint that is closed within 30 days from the date the complaint was received due to the complainant failing to sign the Boland Admonishment, which authorizes a formal investigation of the allegation.

⁷ A five percent error rate is used to assess statistical accuracy of databases for program evaluation evaluation purposes – a practice of the U.S. Government Accountability Office.

⁸ The analysis relied on third party studies, which did not assess the circumstances for the error rate.

All of the nine law enforcement agencies accepted complaints from many different sources ranging from citizens and businesses to other sworn officers. The extent that formal investigations were carried out by IA units was dependent on the type of allegation involved.

Table 3.0: Peer Agency Complaint Classifications

City	Classifications for Complaints
San Jose	Citizen-Initiated Department-Initiated Department-Initiated/IPA Policy Procedural Command Review Complaint Withdrawn Inquiry Citizen Contact
Denver	Formal Informal Decline Service Complaint
Honolulu	Misconduct – Serious Allegations Procedural - Policy Violations Miscellaneous
Oakland	Class I (Formal) Class II (Informal) Informal Complaint Category (ICR)
Phoenix	Supervisor Initiated (SI) PSB/IA complaints
Sacramento	Citizen Departmental Inquiries
San Diego	Category 1 - Force, Arrest, Discrimination, Criminal Conduct Category 2 - Procedure, Service, Courtesy, Conduct, Other Category 3 - Internal Category 4 – Miscellaneous
San Francisco	Formal
Seattle	OPA-IS Investigations Line Investigations Supervisory Referrals Preliminary Investigation Reports (PIR) Contact Logs

Source of Data: Law Enforcement Agencies from nine peer cities.

Conclusions on Complaint Processes

SJPD developed a citizen complaint process consistent with professional best practices that are suggested by accreditation bodies for law enforcement agencies. SJPD has met or exceeded six of the seven suggested practices for the acceptance, handling, and resolution of citizen complaints which suggests SJPD has all the applicable components necessary to administer and oversee the handling of citizen complaints.

Additionally, SJPD's acceptance and definition of "Inquiries" is generally consistent with other law enforcement agencies. A common thread throughout most of the agencies is that "Inquiries" were not considered a major concern because the agencies either tracked the information and did not report on them, or did not track them at all. Differences did occur in the types of issues or concerns accepted among those agencies that collected "Inquiries." For instance, SJPD was the only the law enforcement agency that accepted citizen concerns that were traffic stop related. Most of the other law enforcement referred these matters to the court system. The number of traffic violations accepted by SJPD was generally small in comparison to total inquiries received; however, it does place a burden on staff to record and resolve these complaints when they are better handled in the court system.

Similarly, SJPD's classification of complaints is generally consistent with other law enforcement in that each of them, except the San Francisco Police Department, accepted informal and formal complaints. The San Francisco Police Department classified all issue or concerns regardless of the type of allegation a formal complaint.

SECTION II: INVESTIGATION STANDARDS

Investigation Standards Used by the SJPD and Other Law Enforcement Agencies in Processing Procedural Complaints Varied

The peer agencies varied the most in the handling of procedural complaints. As shown in Table 4.0, four of the nine agencies in our peer city comparison had a specific category for procedural complaints. The remaining five agencies did not have such a category. Secondly, none of the nine agencies held a mandatory interview of subject officers in all citizen complaints. The agencies ranged from requiring mandatory interviews, holding mandatory interviews for formal complaints and/or investigations, or holding optional interviews with the subject officer.

While all of the law enforcement agencies had multiple types of allegations that further described the nature of the complaint, the types of categories varied among all the peer agencies. Allegation categories that were variously maintained by the agencies included up to 17 different categories.⁹ Macias did not examine the sufficiency of the categories maintained by SJPD.

Table 4.0: Investigation Activities among Peer Law Enforcement Agencies.

<i>City</i>	<i>Mandatory interview of subject officers in all citizen complaints</i>	<i>Support person allowed to attend interview</i>
San Jose	Formal Complaints Only	Yes
Denver	No	Yes
Honolulu	No	Yes
Oakland	Yes in all CPRB complaints. OPD IAD does not require interviews in cases handled with "summary findings"	Yes
Phoenix	No	Yes
Sacramento	Formal Complaints but not mandatory	Yes
San Diego	Formal Complaints Only	Yes
San Francisco	Formal Investigations	Yes
Seattle	Yes	Yes

Source of Data: Law Enforcement Agencies from nine peer cities.

⁹ Categories included force, discourtesy, insubordination, service, discrimination, harassment, intoxication, false arrest, dishonesty, garnishment, improper search, firearm discharge, traffic, missing property, conduct unbecoming, neglect of duty, and improper tactics.

Variations among the law enforcement agencies continued to be evident in the processing of allegations. As shown in Table 5.0, five of the nine peer agencies, including SJPD, have senior management involved in defining the allegation against the sworn officer. SJPD officials explained that senior management was needed to enhance objectivity, uniformity, and accountability. The remaining four agencies have lower-level staff, such as intake officers, internal affairs investigators, and other staff members that assess the type of allegation included in the complaint.

Should disagreements arise on how allegations are defined, six of the nine peer agencies including SJPD, commonly had executive level management serve as the final arbitrator on defining the allegation. Another two agencies did not have a final arbitrator or the data was not available. The remaining city – City of Phoenix – had a line officer through the Chief of Police. The scope of the structured interview guide that was developed by the SJPD in conjunction with the City Manager’s Office and the IPA did not include questions on how the final arbitrator process was administered by the law enforcement agencies or questions that assessed the extent the processes were effective.

Table 5.0: Use of Senior Sworn Officer Management in Processing Allegations.

City	Who Defines Allegations	Final Arbitrator on how allegations are defined
San Jose	IA Lieutenant	City Manager
Denver	Investigator or IAB Supervisor	Command Officer IAB
Honolulu	IAD Investigators	N/A
Oakland	CPRB-Executive Director OPD-reviewed by chain of command	City Administrator
Phoenix	IA Staff Members	Line Officer through the Chief of Police
Sacramento	Intake officer/sergeant	No Arbitrator
San Diego	IA Lieutenant	Chief of Police
San Francisco	OCC supervisors	Director of OCC
Seattle	IIS Lieutenant	OPA Director

Source of Data: Law Enforcement Agencies from nine peer cities.

In addition to investigation processes, the citizen complaint process includes other functional components such as: intake, handling, resolution, monitoring and reporting¹⁰. The results show that among the functional components of the citizen complaint process, SJPD performs similarly to nearly all of the other peer agencies and administers other components, such as monitoring and reporting which illustrate key differences.

¹⁰ Each California law enforcement agency has some discretion on how to implement each functional component, provided the activities meet California Code. Law enforcement agencies in other states are subject to their own state laws and requirements, or must receive accreditation by the CALEA commission.

Complaint Intake

Similarities of the intake processes between the peer agencies include the absence of reporting barriers. All of the agencies reviewed accepted complaints directly from citizens. As shown in Table 6.0, complaints were accepted citizen complaints via telephone and electronic interfaces. Additionally, many of the peer agencies did not impose requirements that could potentially restrict the acceptance of complaints. Specifically, eight of the nine agencies did not require complainants to certify the complaint or require the identification of the complainant. The remaining agency – Honolulu Police Department – did not implement these requirements. The agency required notary signature of the complaint. Data was not available on the physical location of the complaint intake center to determine whether geographic barriers were present.

Table 6.0: Mechanisms for Accepting Citizen Complaints among Peer Agencies.

City	<i>Acceptance methods of citizen complaints (fax, E-mail, phone, third party or anonymous)</i>	<i>Restriction on accepting citizen Complaints</i>	<i>Signed Statement or Affidavit Required to accept complaints</i>
San Jose	Fax, e-mail, phone, third party and anonymous	None	No
Denver	Fax, e-mail, phone, third party and anonymous	None	No
Honolulu	Must make complaint at HPD or IAD	Must complain in person	Sworn/notarized statement required
Oakland IAD Oakland CPRB	Fax, e-mail, phone, third party and anonymous complaints	CPRB does not accept anonymous, third party or complaints by phone	No
Phoenix	Fax, e-mail, phone, third party and anonymous	None	No
Sacramento	Fax, e-mail, phone, third party and anonymous	Anonymous complaints accepted but only investigated with concurrence of the Chief of Police	No
San Diego	Phone, third party and anonymous	Fax & e-mail complaints not accepted	No
San Francisco	Fax, e-mail, phone, third party and anonymous	None	No
Seattle	Fax, e-mail, phone, third party and anonymous	None	No

Source of Data: Law Enforcement Agencies from nine peer cities.

Another similarity in the “intake processes” between the peer agencies is the recording of the officer’s name involved in the complaint. For complaints only, all of the nine peer agencies required identification of the officer for tracking and monitoring purposes.

For the six agencies that tracked “Inquiries” or similar categories, one of them (the Sacramento Police Department) tracked the officer’s identification. Another agency – San Diego Police Department – captures the officer’s name in the “Miscellaneous” category, but the agency does not track the concerns by the name of the subject officer. Instead, the issues are filed under the “complainant’s” name. The SJPD and Honolulu Police Department did not record the name of the sworn officer because neither of these agencies considered “Inquiries” to be complaints. Nevertheless, in April 2007, the SJPD began recording police officer’s names in Inquiry cases. Prior to this time, only allegations were listed in “Inquiries.” See Table 7.0 for cities that capture the identification of sworn officers involved in an “Inquiry” or similar category.

Table 7.0: Cities that Capture the Identification of Sworn Officers Involved in an “Inquiry” or Similar Category.

<i>City</i>	<i>Officer’s Name Retained</i>
San Jose	No
Denver	Yes
Honolulu	No, not documented or filed as complaints
Oakland	Yes
Phoenix	Yes
Sacramento	Yes
San Diego	Yes, but filed by complainant not the officer
San Francisco	N/A-OCC does not have an “Inquiry” or Similar Category
Seattle	Yes

Source of Data: Law Enforcement Agencies from nine peer cities.

Complaint Resolution

The peer agencies offered the most commonality on how resolution activities were carried out. All of the peer agencies used the same standard – the preponderance of evidence – in making final determinations about the complaint. Also, six of the nine agencies provided services that allow the complainant and the officer to meet with a mediator to discuss and determine how to resolve the complaint, as shown in Table 8.0. Data was not provided by the peer agencies on how frequently mediation services were used, but available information showed that agencies differed in their implementation. For instance, SJPD and other law enforcement agencies hired mediators who have extensive court experience and others used agency personnel. It is important to note that in California, all individuals have the right to dispute the final decision issued on complaints to the California Department of Justice.

Table 8.0: Peer Law Enforcement Agencies with Mediation Available to Resolve Disputes.

<i>City</i>	<i>Mediation Available</i>
San Jose	Yes
Denver	Yes
Honolulu	No
Oakland	CPRB does, IA does not
Phoenix	No
Sacramento	No
San Diego	Yes
San Francisco	Yes
Seattle	Yes

Source of Data: Law Enforcement Agencies from nine peer cities.

Monitoring and Reporting

SJPD exceeded other law enforcement agencies on the extent of complaint monitoring and reporting. Complaint monitoring could help identify the need for disciplinary action; help the law enforcement agencies provide strategic decision-making in the allocation of resources; or enhance other operational areas of the department. The SJPD and the Denver Police Department appeared to provide the most robust collection of demographic data by collecting data both on the complainant and the subject officer. The Sacramento Police Department collects demographic data on subject officers only and the San Francisco Office of Citizen Complaints collects demographic data on the complainant. The remaining seven cities do not collect either type of information. See Tables 9.0 and 10.0 for additional information.

Table 9.0: Peer Law Enforcement Agencies that Track Demographic Data of the Subject Officer.

<i>City</i>	<i>Track the gender, ethnicity and years of service of the subject officer</i>
San Jose	Yes
Denver	No
Honolulu	No
Oakland	No
Phoenix	No
Sacramento	Yes
San Diego	No
San Francisco	No, but has the capability.
Seattle	No

Source of Data: Law Enforcement Agencies from nine peer cities.

Table 10.0: Peer Law Enforcement Agencies that Track Demographic Data among Complainants.

<i>City</i>	<i>Track the ethnicity, age, educational level and occupation of complainants</i>
San Jose	Yes
Denver	No
Honolulu	No
Oakland	Yes (ethnicity & age only)
Phoenix	No
Sacramento	No
San Diego	No
San Francisco	Yes
Seattle	No

Source of Data: Law Enforcement Agencies from nine peer cities.

Moreover, SJPD joins nearly all of the peer agencies in tracking the number of officers who received more than one complaint. As shown in Table 11.0, Phoenix was the only city that did not track this information. The scope of this study did not address the extent that law enforcement agencies had sworn officers with more than one complaint, nor did the scope of this study include the nature of complaints filed against officers with more than one complaint to help identify whether systemic or training issues needed to be addressed. SJPD and the Sacramento Police Department were two of the nine agencies in our peer review that automated the complaint tracking which provides for the increased capability to more easily perform sophisticated analysis to assess and address operational performance.

Table 11.0: Peer Law Enforcement Agencies that Track the Number of Officers Who Received More than One Complaint.

<i>City</i>	<i>Track the number of officers who received more than one complaint</i>
San Jose	Yes
Denver	Yes
Honolulu	Yes
Oakland	Yes
Phoenix	No
Sacramento	Yes
San Diego	Yes
San Francisco	Yes
Seattle	Yes

Source of Data: Law Enforcement Agencies from nine peer cities.

As shown in Table 12.0, nearly all the peer agencies used complaint system monitoring activities as an early warning system to identify suspect sworn officers and each offered disciplinary action, counseling and training services.

Table 12.0: Peer Agencies Having Early Warning Systems and Corrective Action Options Available.

<i>City</i>	<i>Early Warning System (EWS)</i>	<i>Disciplinary in nature or Counseling/training</i>
San Jose	Yes	Counseling/Training
Denver	Yes	Counseling/Training
Honolulu	Yes	Counseling/Training
Oakland	Yes	Counseling/Training
Phoenix	No	N/A
Sacramento	Yes	Counseling/Training
San Diego	Yes	Counseling/Training
San Francisco	Yes	Counseling/Training
Seattle	Yes	Counseling/Training

Source of Data: Law Enforcement Agencies from nine peer cities.

As shown in Table 13.0, all of the nine law enforcement agencies maintained records, although no information was available on how the records were maintained. The extent that records were maintained ranged from 2 ½ years for the Honolulu Police Department to “indefinitely” by the Denver Police Department. The remaining seven agencies generally maintained data for four to six years. Proper recordkeeping ensures the confidentiality of the subject officer and the complainant is maintained.

Table 13.0: Recordkeeping Activities among Nine Peer Law Enforcement Agencies.

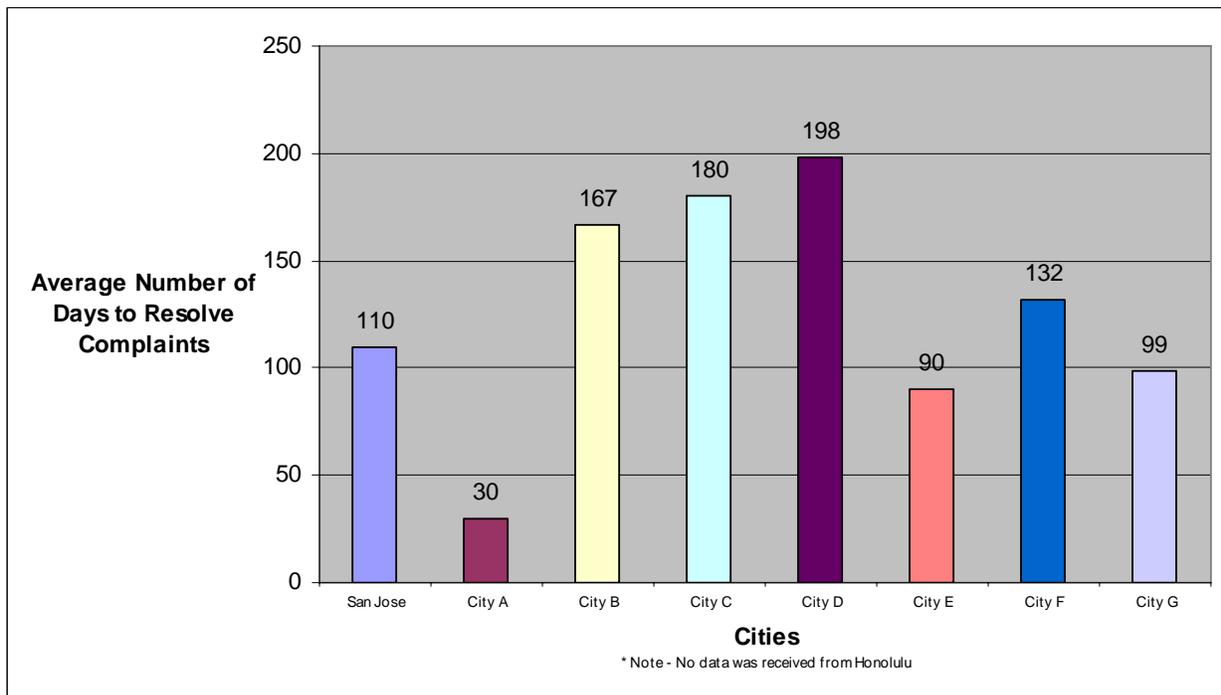
<i>City</i>	<i>Record Retention Schedule</i>	<i>Record Retention Schedule Mandated by law</i>
San Jose	6 Years	5 Years by Law
Denver	Indefinitely	N/A
Honolulu	30 Months	N/A
Oakland	CPRB 5 Years IAD indefinitely	5 Years by Law
Phoenix	5 Years	N/A
Sacramento	5.5 Years	5 Years by Law
San Diego	5 Years	5 Years by Law
San Francisco	5 Years then archived	5 Years by Law
Seattle	4 Years	N/A

Source of Data: Law Enforcement Agencies from nine peer cities.

SJPD Effectiveness at Citizen Complaint Handling Ranks in the Middle of Other Law Enforcement Agencies, but Exceeds Peer Benchmarks

SJPD’s overall effectiveness at citizen complaint handling was examined using four performance measures. The performance measure “Average Days for Complaint Resolution” provides an indication of the timeliness by SJPD to process citizen complaints. As shown in Chart 14.0, SJPD ranks fourth among the eight peer agencies at about 110 days in comparison to range of 30 to 198 among the remaining agencies. City law enforcement agencies in San Diego, Seattle, and Denver processed complaints quicker. All of the agencies met California law to resolve complaints within one year of the day the complaint was received.

Chart 14.0: Average Days to Close Complaints among Peer Law Enforcement Agencies, CY 2005.

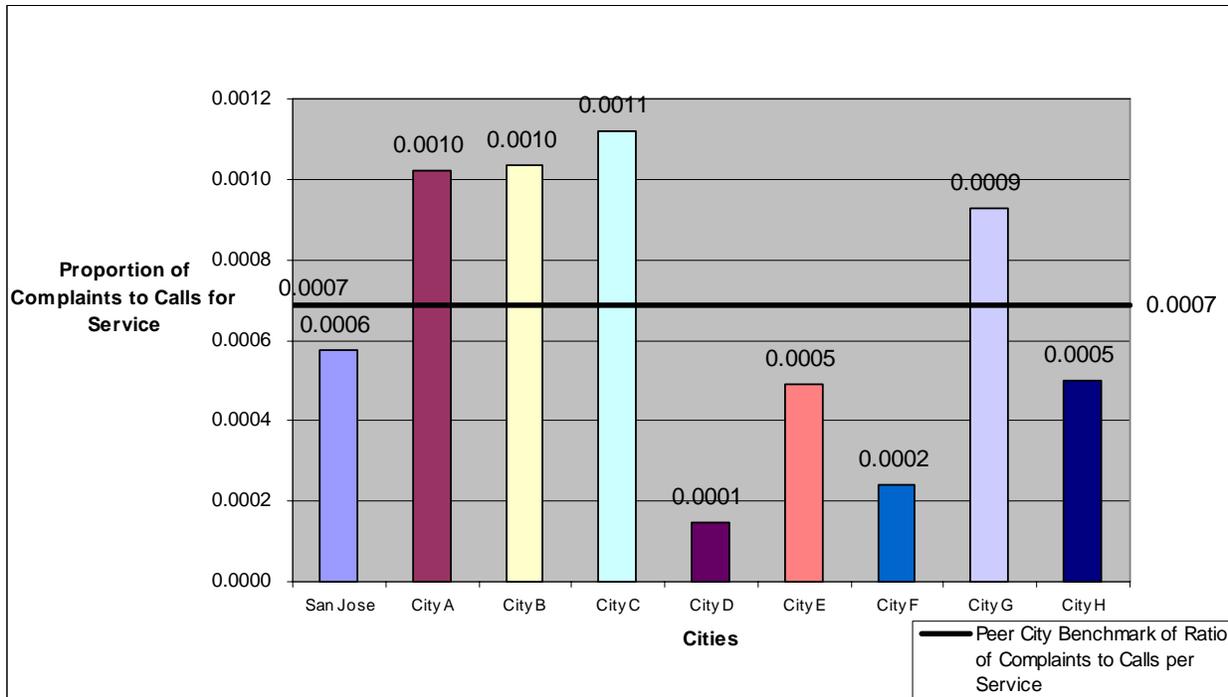


Source of Data: Law enforcement officials from each of the nine agencies.

Note – For Oakland and San Francisco totals are the timeframes reported by the police departments to complete an investigation and not an average of the amount of days it takes them to complete a complaint investigation.

The performance measure “Proportion of Complaints Received to Total Calls for Service” helps to assess the severity of citizen complaint problem within each city. As shown in Chart 15.0, SJPD ranks fifth among the nine peer agencies in complaint levels as a proportion to total calls for service at about .05 percent. All the remaining peer agencies were also below 1 percent of total police calls for services.

Chart 15: Complaints as a Proportion of Calls to Total Calls for Service among the Peer Agencies, CY 2005.

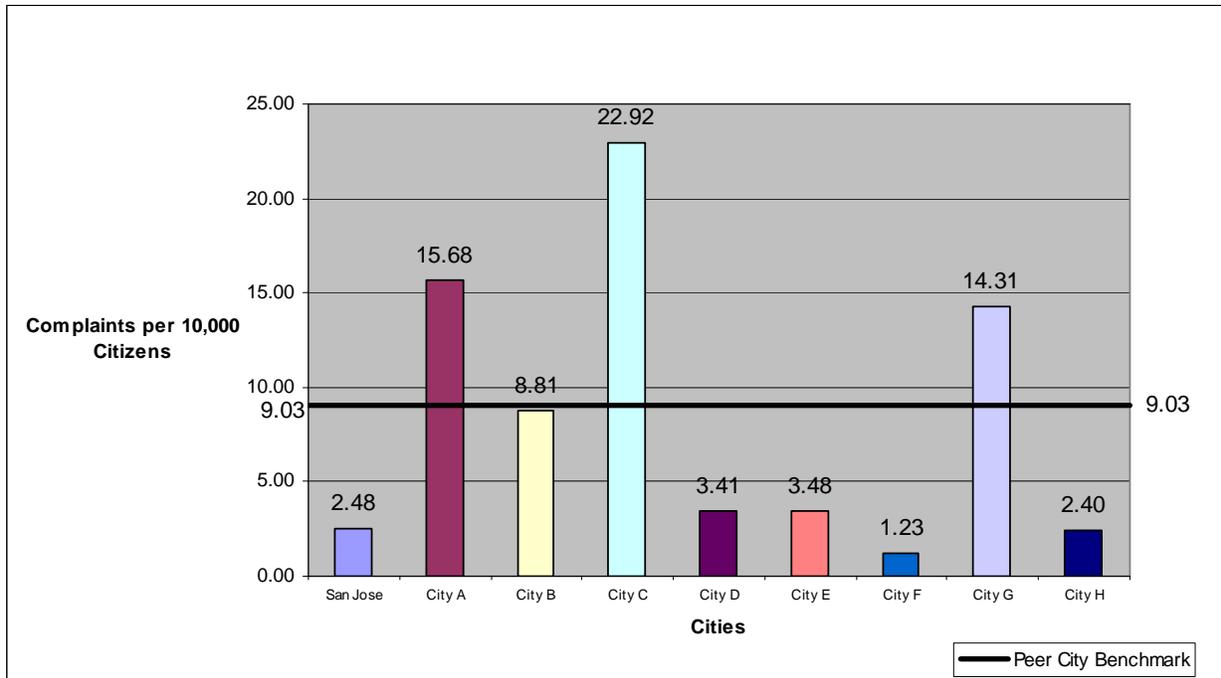


Source of Data: SJPD and law enforcement agencies from nine cities.

Note: Table reflects data on complaints, excluding inquiries because incomplete information was available on the number of inquiries. Agencies generally do not track and report on “inquiries”.

The performance measure “Number of Complaints per 10,000 Citizens” provides another measure to assess whether actual increases or decreases in citizen complaints have occurred. As shown in Chart 16.0, SJPD received about 2.48 complaints per 10,000 citizens in CY 2005. The peer average for citizen complaints weighted against population size is about 9.03 complaints. SJPD is below the peer average on its complaint level and ranked fifth among the nine peer agencies.

Chart 16.0: Citizen Complaints Received per 10,000 Citizens Among Peer Agencies, CY 2005.

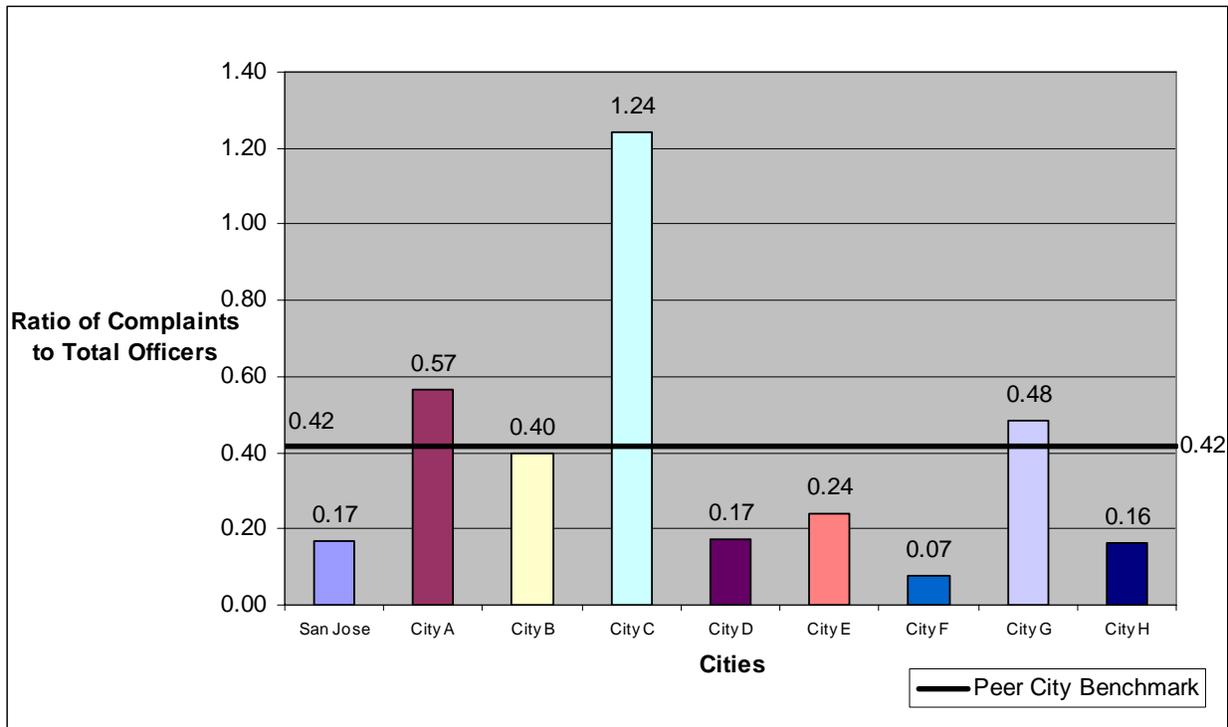


Source of Data: Law enforcement agencies from nine cities, U.S. Census population data.

Note – Ratio was calculated using total population for the cities, this total may not be reflective of the actual population serviced by the Police Departments

The performance measure “Ratio of Complaints per Sworn Officer” aids in assessing the seriousness of the citizen complaint problem among the agencies. As shown in Chart 17.0, SJPD is below the peer average benchmark and is ranked third among the nine law enforcement agencies at about 0.17 complaints per officer. The Seattle and San Diego Police Departments had slightly lower levels.

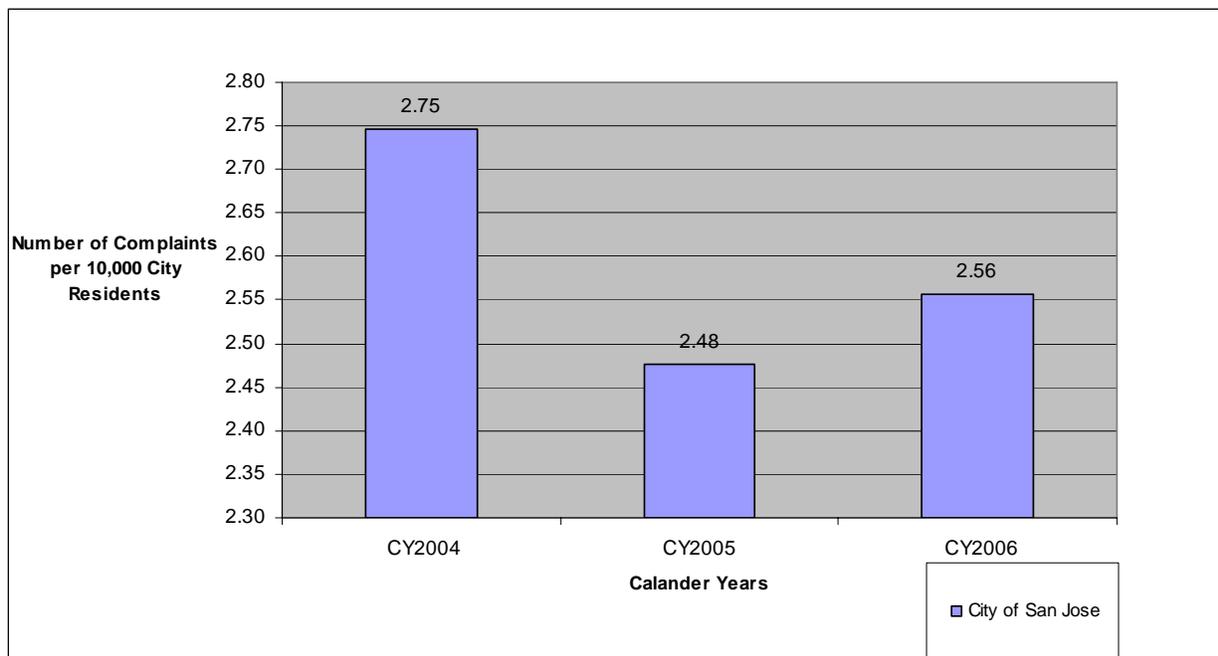
Chart 17.0: Average Complaints Received Per Sworn Officer Among the Peer Agencies.



Source of Data: Complaints - Law enforcement agencies from nine peer cities; sworn officer data - Federal Bureau of Investigation (FBI) data on number of sworn officers per police department.

A trend analysis shows no relative change in the number of complaints received by SJPD between 2004 and 2006. As shown in Chart 18.0, citizen complaints have remained generally stable at 2.75 complaints for every 10,000 in 2004; 2.48 complaints for every 10,000 in 2005; and 2.56 complaints for every 10,000 citizens in 2006. It is important to note that complaint levels could be influenced by many factors, such as the extent that citizens feel comfortable contacting the police, the outreach activities performed to educate citizens on the complaint process, and the relative success at resolving complaints to the citizen’s satisfaction.

Chart 18.0: Citizen Complaints Received per 10,000 Citizens from CY 2004 to 2006.



Source of Data: Macias Consulting Group analysis using U.S. Census population data for 2004 and 2005; California Department of Finance Data for 2006; and IPA data on reported complaints.

Conclusions on Investigation Standards and Other Complaint Activities

Based on the information collected on intake, handling, resolution, monitoring, and recordkeeping components of the citizen complaint process, SJPD was generally consistent with, and in some instances exceeded, other peer agencies in the activities implemented under four of the five components. For example, SJPD had similar operations for the acceptance of complaints, including the absence of significant barriers that would prevent citizens from filing a complaint. Additionally, peer agencies used the similar preponderance of evidence standards in making final determinations about the complaint and nearly all of them provided mediation services. Moreover, each of the agencies tracked the extent that sworn officers were involved in complaints and implemented recordkeeping activities.

Complaint handling was the one component that varied the most among the peer agencies. For instance, some of the agencies classified procedural complaints and others did not. Additionally, some held mandatory interviews of subject officers while others did not. Moreover, some agencies had senior management involved in defining the allegations while other agencies did not.

For the remaining component – monitoring and reporting – SJPD and the Denver Police Department exceeded other law enforcement agencies by providing robust monitoring and reports efforts by collecting data both on the complainant and the subject officer.

The extent that SJPD was effective in the implementation of its citizen complaint handling was evident among four performance measures. SJPD's performance was generally ranked in the middle of other peer agencies in the time required to resolve complaints and among complaint levels as a proportion to total calls for service and per 10,000 citizens. SJPD is in the top tier of peer agencies by ranking third in the number of the complaints per sworn officer.

SECTION III: OVERSIGHT ROLES

Citizen Oversight Roles Were Established To Address Specific Community Needs

Jurisdictions use various models to handle, improve, monitor or audit police departments' citizen complaints, but with a central goal to ensure police accountability. The types of systems in place among the peer agencies included:

- Internal Affairs
- Auditing System
- Independent Civilian Investigation System
- Parallel Investigation System
- Hybrid Systems

All the officials reported that oversight systems were established based on the needs of their community.

Internal Affairs System

- In an Internal Affairs system the police department is solely responsible for investigating all citizen complaints.¹¹

Auditing System

- In an auditing system, citizen complaints are monitored and audited once the investigations are completed by the police department's Internal Affairs Unit. The auditing system does not allow for a parallel or separate investigation of complaints. No auditing system allows for the investigation of complaints by the Police Auditor.¹²

Independent Civilian Investigation System

- Independent civilian investigative agencies are agencies that have full investigative power. These agencies conduct investigations on all citizen complaints.¹³

Parallel Investigation System

¹¹ Seven of the nine cities (SJPD, Sacramento Police Department, San Diego Police Department, Seattle Police Department, Honolulu Police Department, Denver Police Department, and Phoenix Police Department) have this type of system. Eleven of the seventeen (17) cities studied have this type of system currently in place.

¹² Four of the nine cities (San Jose Police Department, Sacramento Police Department, San Diego Police Department, and Denver Police Department) have this type of system. Four of the seventeen (17) cities studied have this type of system currently in place.

¹³ One of nine peer cities – the City of San Francisco Office of Citizen Complaints – had this type of system. Two of the seventeen (17) cities included in data collection efforts have this type of system currently in place.

- Citizen complaints are investigated simultaneously by the police department and the civilian oversight agency. One of the peer agencies – Oakland Police Department/Citizen Police Review Board – had this type of system. The City of Oakland is the only city studied that has this type of system currently in place. The Oakland Police Department is currently under a settlement agreement.

Hybrid Systems

- Citizen complaints are prioritized and investigated accordingly by the police department or a unit consisting of civilian and sworn police personnel which reports directly to the police department's Chief Officer.
- Citizen complaints are prioritized and investigated accordingly by the police department or a department consisting of civilians and sworn police personnel. The commander of Internal Affairs reports directly to the Chief of Police. The Chief Civilian Administrator investigator reports to a police board or commission.
- Citizen complaints are investigated by the police department. However, the Director of the Internal Affairs Bureau is a civilian with a rank equivalent of a deputy chief officer. The Director reports directly to the Chief of Police.
- A board or commission audits complaints only if the findings are disputed by complainants.
- Citizen complaints can be investigated simultaneously by the police department and civilian oversight agency. The civilian oversight agency is also responsible for the auditing of all citizen complaints.¹⁴

Of the five models described above, the most common models are the Independent Auditor model and the Civilian Review Board model. As described in the 1999 IPA Year End Report, the major difference in functions is that civilian review boards are usually investigative bodies, which focus a major portion of their resources on a case-by-case approach versus an auditor model, which focuses on identifying and changing the underlying causation factor that give rise to complaints. One model focuses on improving the process and outcomes, and the other model provides a second review and authorizes investigations of the same complaints.

For instance, under a model that serves an auditing function, such as the San Jose IPA, citizen complaints are monitored and audited once the investigations are completed by the police department's Internal Affairs Unit. The auditing system does not allow for a parallel or separate investigation of complaints, and resembles structures in the Sacramento and Denver Police Departments.

¹⁴ A total of five (5) of the seventeen (17) cities studied have this type of system currently in place. Two (2) of these five (5) agencies, the Detroit Police Department and the Cincinnati Police Department, are mandated by a Federal Consent Decree. Lastly, the City of Milwaukee is unique, as the Police and Fire Board/Commission is not a true oversight agency. It is an entity that is made available to dispute the findings of Internal Affairs investigations.

On the other end of the spectrum, independent civilian investigative agencies are granted full investigative power. Of the nine peer agencies, the City of San Francisco has established a civilian oversight agency authorized to conduct investigations on all citizen complaints. The City of San Francisco's Office of Citizen Complaints (OCC) was created by a voter initiated amendment to the San Francisco City Charter (Section 3.530.2) and placed under the direct supervision of the Police Commission in 1983. The OCC is staffed by civilians. .

A third form of oversight is exemplified in the model utilized by the City of Oakland, which has a Citizen Police Review Board (CRPB) that has a parallel investigation system and does not provide an audit function. Citizen complaints are investigated simultaneously by the police department and the civilian oversight agency. The CPRB was established in 1980 to review complaints of misconduct by police officers or park rangers, conduct fact-finding investigations and make advisory reports to the City Administrator. Jurisdiction was expanded to include complaints involving excessive use of force or bias. The CRPB is made up of a 12-member board of community representatives. The mission of the CRPB is to ensure police accountability and provide a forum to facilitate understanding between the community and the police department. The City of Oakland is the only city in the peer agency comparison that has a parallel investigation system in place.¹⁵ The Oakland Police Department is currently under a settlement agreement due to a case filed stemming from police misconduct.

Jurisdictions with Citizen Oversight Roles Have Greater Investigative Authority in the In-custody Deaths and Officer Involved Shooting Cases

When compared to other agencies with strong oversight bodies, the San Jose IPA currently has nearly the same presence in officer involved shootings, but no authority in the investigations of in-custody death cases. Although the IPA does not monitor or audit in-custody death investigations, the IPA is authorized to review and has access to the crime reports. However, the IPA cannot independently investigate the incident. Currently, the IPA responds to the scene of an officer-involved shooting and meets with the IA Unit Commander outside the perimeter of the crime scene, where they are briefed. At the conclusion of the criminal and administrative investigations, the IPA receives a copy of the criminal investigation from the Homicide Unit. The Internal Affairs Unit provides the IPA with a copy of administrative investigation. The IPA also participates in the Shooting Review Panel, which is conducted for all officer-involved shootings, which result in injury or death. The purpose of the Shooting Review Panel is to review possible training or policy issues.

The SFPD Management and Control Division (MCD) investigate officer-involved shootings and in-custody death cases. The OCC (oversight) responds along with the MCD to the scene in all cases, but the OCC will conduct an investigation only if a complaint is filed. Oakland's Citizen's Police Review Board has no role in in-custody death investigations or officer-involved shootings, unless there is a complaint filed directly with their office.

To address the recommendation by the IPA to begin to examine citizen complaint handling among law enforcement agencies that administered civilian monitoring, Macias examined whether agencies in the comparative review, which have External Civilian Police Monitors – San

¹⁵ Among all of the 17 agencies contacted, the City of Cincinnati has a parallel review system

Francisco and Oakland – differed in outcomes. The outcomes that Macias assessed were overall effectiveness of citizen complaint handling and citizen satisfaction of police operations. While the studies do not directly evaluate the impact that external civilian police monitoring has had on outcomes, the results provide an indication of whether potential benefits could occur.

Independent studies available for the two agencies with civilian external monitors showed serious problems with citizen complaint handling. A 2006 study¹⁶ available on the effectiveness of the City of San Francisco’s external monitor reported that “investigations took longer than necessary due to pervasive case management issues and the standard expectations for performance and management accountability were not met. These issues stemmed from the SFPD refusal to comply with the OCC requests for documents, large caseloads, and poor morale.” The report further reported that OCC was unable to meet its annual reporting requirements to the Board of Supervisors, Police Commission, and SFPD, and that in two of the past four years, the OCC closed fewer cases than it opened creating a backlog of open cases, and pending cases at the end of each year steadily increased.

In the City of Oakland where pervasive practices of alleged officer misconduct and violations of citizens’ civil rights promulgated the implementation of an external monitor, an independently prepared 2005 study showed numerous complaints that were not yet assigned a case number or investigated.¹⁷ In other cases, the study reported that complaints were not logged until a complaint form was completed and returned by the citizen rather than logging the circumstances for the complaint by telephone, or if the case was informally resolved, the issue was not properly documented or reported.

Independent citizen satisfaction surveys on police operations carried out by the two cities with civilian monitors show mixed results. For the City of San Francisco, a 2004 citizen satisfaction survey¹⁸ reported that of the violent crime victims, 46 percent reported the incidents to the police, compared to 49 percent of nonviolent crime victims. The primary reasons respondents give for not reporting crimes are that it is not worth the effort or that the police will not do anything. Some comments reflect a perception that the police are ineffectual and unhelpful based on respondents’ past experiences of: (1) the Police Department not answering the phone or placing the victim on hold for a long time; (2) officers not showing up to a call/crime scene; and (3) the police not following through or resolving the crime. Some victims say they do not report crimes because the crime was too minor or that another entity was involved, such as an insurance company.

For the City of Oakland, a 2005 independently prepared citizen satisfaction study¹⁹ showed that Oakland residents who have had contact with an Oakland police officer in the past five years have had a generally positive impression of their interaction, believing the officer they dealt with to have been professional and polite. However, some residents voiced dissatisfaction over what they felt to be a lack of action or improper conduct by the police officers with whom they

¹⁶ Office of Citizen Complaints: Weak Case Management and Organizational Issues Degrade OCC’s Performance, City and County of San Francisco. Office of the Controller, City Services Auditor, January 24, 2007.

¹⁷ City of Oakland Survey of Police Services and the Filing of Complaints, Fairbanks, Maslin, Maullin & Associates, September 2005.

¹⁸ 2004 Citizen Survey, Office of the Controller, City of San Francisco.

¹⁹ City of Oakland Survey on Police Services and the Filing of Complaints, Fairbanks, Maslin, Maullin & Associates. 2005.

interacted. Among those residents that had negative experience with the police but did not file a complaint, cited a lack of awareness or understanding of the process, while others lacked confidence that it would produce results. Over 25 percent of those residents reported they did not know about the Review Board, 16 percent did not know about Internal Affairs, and 15 percent did not know how to file a complaint. The study further reported that about one in ten residents who have had a negative experience with the police, report having filed a complaint with either the Citizens' Police Review Board or the Police Department's Internal Affairs Division.

In contrast, a citizen satisfaction survey conducted by Fairbanks, Maslin, Maullin & Associates to San Jose citizens in 2005 showed that 90 percent of citizens felt somewhat safe or very safe in their neighborhoods, and that nearly 50 percent of city residents feel that IPA can be effective.²⁰

Conclusions on Oversight Agencies

Given that the majority of citizens in San Jose feel somewhat safe and at least half were aware of the IPA and were confident in the IPA's potential effectiveness, it appears the IPA has done considerable outreach to improve community awareness of law enforcement operations. When looking at San Francisco and Oakland, additional civilian oversight bodies do not increase citizen's levels of awareness of the complaint process, such as in Oakland, nor does an increase in investigative authority improve the effectiveness of the citizen complaint process, as in San Francisco.

Surveys of San Jose citizens do not indicate a level of discontent over safety or the IPA that would suggest the need for changing their current role. Because jurisdictions select their oversight roles based on community needs, Macias cannot assume that what is appropriate for some is appropriate to all, moreover, Macias cannot conclude from the independent reviews of jurisdictions with greater civilian oversight that models with greater civilian oversight in investigations are inherently more effective or efficient at meeting the needs of their community.

²⁰ 2005 City of San Jose Community Survey, Fairbanks, Maslin, Maullin & Associates. 2005.

SECTION IV: RACIAL PROFILING

SJPD Is Similar to Many Other Agencies in Racial Profiling Reporting Activities

Racial profiling occurs when race is used by law enforcement to any degree, as a basis for criminal suspicion in non-suspect specific investigations. Various agencies and statutes have slightly different variations when defining racial profiling, as shown in Table 19.0, but SJPD limits racial profiling to traffic stops and tracks another complaint allegation dealing with discrimination.

Table 19.0: Racial Profiling Definitions

Chapter 684, Statutes of 2000 (SB 1102, Murray)

- “‘Racial profiling,’ for purposes of this section, is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped.”

California Highway Patrol

- “‘Racial profiling’ is defined for this report as occurring when a police officer initiates a traffic or investigative contact based primarily on the race/ethnicity of the individual.”

U.S. Department of Justice Resources Guide on Racial Profiling

- “For this guide, racial profiling is defined as any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.”

Police Executive Research Forum

- “‘Racially biased policing’ occurs when law enforcement inappropriately considers race or ethnicity when deciding with whom and how to intervene in an enforcement capacity.”

City of San Jose

- “Racial profiling during traffic stops occurs when a police officer initiates a traffic stop solely upon the race of the driver of a motor vehicle.”

American Civil Liberties Union

- “Racial profiling is the use of race by law enforcement in any fashion and to any degree when making decisions about whom to stop, interrogate, search, or arrest—except where there is a specific suspect description.”

Source: California Legislative Analyst’s Office 2002 Report.

San Jose handled and investigated racial profiling complaints in the same manner as other peer agencies. As shown in Table 20.0, eight of the nine law enforcement agencies had policies defining and prohibiting racial profiling. The remaining city, Honolulu Police Department, did not have a policy, nor did they track any such allegations.

A racial profiling allegation can be proven when the investigation discloses a preponderance of evidence to clearly prove the allegation occurred. This was common in five of the nine peer law enforcement agencies. Other agencies, such as the San Diego and Seattle Police Departments, relied on the police officers’ admission during interviews to prove or disprove the allegation of racial profiling.

Seven of the nine peer agencies, including SJPD, had mechanisms to track racial profiling allegations. For instance, the City of Sacramento includes allegations of racial profiling in the discrimination category while SJPD distinguishes racial profiling from discrimination allegations.

Five of the nine peer agencies published data on the number of racial profiling allegations. These reports range from annual to one-time reports. The five agencies regularly publish or have published annual descriptive data or other comprehensive analysis on the number of racial profiling allegations. For instance, the Sacramento Police Department conducts a comprehensive annual study on racial profiling, which is performed by an outside firm. The study provides analysis on the extent of racial profiling occurring by the police department and discusses demographic relationships. The San Jose IPA provides annual data on the number of racial profiling allegations. In 2006, Santa Clara County Civil Grand Jury reviewed the San Jose racial profiling that stemmed from individual concerns from community organizations. The study found there were no legitimate concerns regarding individual police excesses or systematic sanctioned programs of racial profiling implemented by the SJPD administration. In another earlier 2002 report by the California Legislative Analyst's Office (LAO) about SJPD, the LAO attributed the variation in racial stop rates to the organization of the department's police districts. The city's district boundaries are established in a manner to evenly distribute the number of typical calls for service. As a result, some districts are smaller geographic areas than others, and consequently tend to have higher concentrations of minority residents. The report concludes that when district populations are compared to district traffic stops, the proportions are similar.

Further analysis is needed in order to fully assess racial profiling among peer cities. Due to the lack of clarity in the current law regarding the definition, and lack of uniformity in data collection techniques, it is difficult to make a complete comparison. The 2002 LAO report concludes that the manner in which the data are gathered and analyzed remains fragmented among local law enforcement agencies, and that continued improvement and standardization in data analysis techniques by law enforcement researchers would improve the effectiveness of these efforts in the future.

Macias' analysis on complaints involving racial profiling allegations found that number of racial profiling complaints have statistically increased from six in 2004 to 14 in 2006. These complaint levels, however, are extremely small and while the differences can be found to be statistically significant, statistical significance says nothing about the practical significance of a difference. In other words, the analysis shows the number of complaints received is not large enough to show the existence of a potential problem. The analysis of all complaints with racial profiling allegations when normalized against the population at large shows low levels at .07 complaints per 10,000 citizens in 2004 and at .15 per complaints per 10,000 citizens in 2006, as shown in Chart 19.0

The analysis on formal and informal complaints with racial profiling allegations similarly shows low levels. Formal and informal complaint levels were less than .10 for each type of complaint from 2004 through 2006.

The results of the racial profiling results are significant because the City of San Jose has implemented efforts aimed at promoting transparency with the community. These efforts include community forums to discuss and identify areas in citizen complaints that need attention by the SJPD. However, racial profiling allegations remained at very low level. Four other law enforcement agencies also have community outreach programs – Sacramento, Oakland, Seattle and Denver.

Table 20.0: Racial Profiling Activities among Peer Law Enforcement Agencies.

<i>City</i>	<i>Defines Racial Profiling</i>	<i>Policy against Racial Profiling</i>	<i>Mechanism to track Racial Profiling</i>	<i>Publishes statistics regarding Racial Profiling</i>
San Jose	Yes	Yes	Yes	Yes
Sacramento	Yes	Yes	Yes	Yes
San Diego	Yes	Yes	Yes	No
Oakland	Yes	Yes	Yes	Last published in CY2004
San Francisco	Yes	Yes	Yes	Upon request
Seattle	Yes	Yes	Yes	Yes
Honolulu	No	No	No	No
Denver	Yes	Yes	Yes	Last published in CY2001-CY2003
Phoenix	Yes	Yes	No	No

Source of Data: Law Enforcement Agencies from nine peer cities.

Conclusions on Racial Profiling

The SJPD is consistent with other cities and exceeds the practices of others in the collection and tracking of allegations of racial profiling which provides a mechanism to indicate potential problems. Like most peer agencies, a racial profiling allegation can be proven by SJPD when the investigation discloses a preponderance of evidence to clearly prove the allegation occurred.

SJPD has all the components in place to effectively manage racial profiling allegations; a definition, a policy prohibiting it, a mechanism to track it and publish statistics providing the community with a high level of transparency. When community concerns arose last year, the Santa Clara County Civil Grand Jury reviewed the San Jose racial profiling that stemmed from individual concerns from community organizations and found there were no legitimate concerns regarding individual police excesses or systematic sanctioned programs of racial profiling within the SJPD. Macias concurs with this assessment based on our own analysis of racial data. The level of racial profiling allegations remains too small to justify or provide the evidence necessary to support that a potential problem exists.

REPORT CONCLUSIONS

SJPD's citizen complaint process is consistent with professional best practices suggested by accreditation bodies for law enforcement agencies. SJPD has met or exceeded six of the seven suggested practices for the acceptance, handling, and resolution of citizen complaints, which suggests SJPD has all the applicable components necessary to administer and oversee the handling of citizen complaints.

The data collected from other peer agencies does not provide a clear method for defining or processing "Inquiries." Without State or federal guidance on the issue, each law enforcement agency has accepted "Inquiries" within their own citizen complaint process. SJPD's acceptance and definition of "Inquiries" is generally consistent with other law enforcement agencies. A common thread throughout most of the agencies is that "Inquiries" were not considered a major concern because the agencies either tracked the information and did not report on them, or did not track them at all.

When issues or concerns rose to the level of a "complaint," the data collected among the peer agencies show some basic similarities and differences in the implementation of citizen complaint processes. SJPD was generally consistent with, and in some instances exceeded, other peer agencies in the activities implemented under four of the five citizen process components. For example, SJPD had similar operations for the acceptance of complaints, including the absence of significant barriers that would prevent citizens from filing a complaint. Additionally, peer agencies used the similar preponderance of evidence standards in making final determinations about the complaint and nearly all of them provided mediation services. Moreover, each of the agencies tracked the extent that sworn officers were involved in complaints and implemented recordkeeping activities. Complaint handling was the one component that varied the most among the peer agencies particularly on when sworn officers were interviewed in the handling of complaints. For the remaining component – monitoring and reporting – SJPD and the Denver Police Department exceeded other law enforcement agencies by providing robust monitoring and reports efforts by collecting data both on the complainant and the subject officer. In comparison to other peer agencies, the data collected showed no serious deficiency or absence of operational procedures in citizen complaint handling at SJPD. Instead, SJPD is implementing procedures that may not be necessary, such as the collection of traffic violation inquiries.

SJPD appears to perform satisfactory in citizen complaint handling. SJPD was commonly ranked in the middle of the other nine peer agencies in three measures examined. For another measure – complaint levels per sworn officer – SJPD was in the top tier of the peer agencies. Given that the level of citizen complaints has remained relatively constant and at low levels precludes conclusions about possible warning signs or legitimate concerns about SJPD's handling of complaints. In our opinion, SJPD does not have the level of citizen dissatisfaction that compelled other agencies to establish independent civilian investigative agencies. Nonetheless, continued monitoring of complaint data is important to identify potential warning signs.

Macias cannot conclude from the independent reviews of jurisdictions with greater civilian oversight that models with greater civilian oversight in investigations are inherently more effective or efficient at meeting the needs of their community. Given that the majority of citizens in San Jose feel somewhat safe and at least half were aware of the IPA and were confident in the

IPA's potential effectiveness, it appears the IPA has done considerable outreach to improve community awareness of law enforcement operations. San Jose citizens have not indicated a high level of discontent over safety or of the IPA's role that would suggest the need for changing IPA's current role.

Finally, the Macias' analysis on racial profiling allegations found that the number of allegations remains too small to justify or provide the evidence necessary that a potential problem exists.

While SJPD is performing generally well on its complaint handling processes, opportunities were identified that would help enhance operations. None of the suggestions are critical to operations as to warrant immediate response and implementation by the SJPD.

MATTERS FOR CONSIDERATION

The results of the analysis show that SJPD could incorporate activities administered by the other law enforcement agencies, or implement new initiatives, to provide for increased uniformity and potential efficiencies in citizen complaint handling. Initiatives include:

1. Eliminating the collection of disputes, inquiries, or other complaints pertaining to traffic violations until the matter is addressed by traffic court.
2. Establishing policies on the types of "Inquiries" that will be formally tracked and captured.
3. Changing the name of the "Inquiries" category to "Non-Complaints."
4. Establishing policies that state "Inquiries" are not considered complaints, but continue to require the reporting on inquiries by the IPA.
5. Training SJPD or city employees to mediate complaints.
6. Continue to support the IPA's role in the auditing of IA activities regarding the citizen complaint process.
7. Require an independent and annual evaluation of key performance measures of the SJPD citizen complaint process that were included in this study. This evaluation could be performed by the IPA or other analysts in other City departments.

AGENCY COMMENTS

The SJPD, City Manager's Office and the IPA were provided a copy of the draft to review and comment. Suggested revisions were incorporated as appropriate in the report. There were eight of ten other comments raised by the IPA that were sufficiently addressed in the report to the best extent possible based on the data provided by other peer agencies. The issues of IPA concern were related to how agencies define "Inquiries," how agencies prove racial profiling allegations; identification of allegations; collection of "Inquiries"; use of complaint systems; how complaints are filed; and locations for interviews. The remaining two issues regarding other agency practices on accepting complaints that are generated and reported in the field, and policies on officer retaliation were not needed to fulfill the City Council objectives, and thus, were not considered by Macias to be "reportable" issues. This information, however, is available in Appendix III. Finally, the IPA raised a concern about the report lacking a description on how allegations are defined by a "final arbitrator" and the effectiveness of the process. However, in the structured interview guide developed by the SJPD in collaboration with the IPA and the City Manager's Office, these issues were not addressed. As a result, Macias cannot report on these issues.

In other areas, the IPA raised concerns over the IPA's exclusion as a participant in the study. SJPD appropriately excluded the IPA's office from participation in the study because the IPA had assisted in the development of the structured interview guide, including helping to select cities to visit. Given this assistance, allowing the IPA to participate in the study would have potentially led to a conflict of interest.

The IPA raised a concern that this report was to be written by the SJPD in collaboration with the City Manager's Officer and the IPA. During the competitive selection process for the report preparation project, the City had explained that it wanted to avoid any appearance of a potential conflict of interest stemming from SJPD's preparation of a report that evaluates itself. The City cited its strong desire to have the report independently prepared by a third party.

Macias concurs with the IPA in stating that the study was not independent because SJPD had conducted the planning and data collection activities pertaining to the study. Nonetheless, the actual analysis of data and the preparation of the report were carried out independently by Macias Consulting Group, who subsequently provided the City Manager's Office, SJPD, and the IPA the report for review and comment. All of the questions and issues that were raised were assessed and incorporated into the report where applicable.

Finally, the IPA raised an issue about renaming the title of the report to a peer review rather than an internal study. The title of the report adequately reflects the nature and scope of the review. The scope of the SJPD work was not an internal study that focused and gathered data on SJPD processes only, but instead gathered information from 17 law enforcement agencies across the country.

APPENDIX I: Citizen Complaint Data Summarized for 17 Law Enforcement Agencies

Chart A1: Law Enforcement Agency and Types of Oversight

<i>City</i>	<i>Police Agency</i>	<i>Civilian Oversight</i>	<i>Consent Decree</i>
San Jose	SJPD IA investigates all complaints	IPA audits citizen complaints	No
Sacramento	SPD IA investigates all complaints	IPA audits citizen complaints	No
San Diego	SDPD IA investigates all complaints	CRB audits selected complaints	No
Oakland	OPD IA investigates all complaints	CPRB investigates all CPRB intakes and has the authority to conduct parallel investigations of citizen complaints. CPRB does perform an auditing function	Yes (Settlement Agreement)
San Francisco	SFPD IA investigates Department initiated complaints only	OCC investigates all citizen complaints	No
Los Angeles	LAPD IAG	Board of Police Commissioners, which oversee the Office of the Inspector and the Police Department	Yes
Seattle	SPD IIS investigates all complaints	None	No
Honolulu	HPD IAD and the Honolulu Police Commission investigates all complaints	None	No
Miami-Dade County	MDPD IAS all investigates all complaints	IRP accepts complaints and forwards them to MDPD for investigation.	No
Denver	DPD IAB investigates all complaints	OIM audits all complaints	No
Cincinnati	CPD IIS investigates all complaints	CCA investigates all major citizen complaints and conducts audits of all complaints	Yes
Milwaukee	MPD IAS investigates all complaints	As needed the Milwaukee Police and Fire Commission will audit disputed complaints	No
Phoenix	PPD IA investigates all complaints	None	No
San Antonio	SAPD IA investigates all complaints	None	No
New York	NYPD IAB investigates department initiated complaints	CCRB investigates all citizen complaints	No
Houston	HPD IAD investigates all civilian complaints	Yes (only in Use of Force case and OIS cases only)	No
Chicago	CPD IAD and OPS investigates all complaints	None	No
Detroit	DPD IA investigates department initiated complaints and use of force complaints.	OCI investigates all citizen complaints, except use of force complaints.	Yes

Source of Data: San Jose Police Department.

Chart A2: Inquiry or Similar Categories and Related Information

City	Inquiry or Similar Category	Officer's Name Retained	Statistics for CY2005
San Jose	"Inquiry"	No	203
Sacramento	"Inquiry"	Yes	494
San Diego	"Miscellaneous"	Yes, but filed by complainant not the officer. Not retained by IA.	242
Oakland	OPD has "Informal Complaint Resolution (ICR) Category" CCRB does NOT have any such category	Yes	N/A
San Francisco	None	N/A	N/A
Los Angeles	None	N/A	N/A
Seattle	"Supervisor Referral Category"	Yes	77
Honolulu	Issues or concerns may be referred to the district commander for resolution without ever becoming a complaint in addition HPD has a miscellaneous category which defines complain as not have substance and no investigation is required	No it is not documented or filed as complaints.	No records kept
Miami-Dade County	"Contact Report"	No documentation	No records kept
Denver	No, issues resolved at the field level or a IAB intake are not considered to be complaints	No, not considered to be a complaint	N/A
Cincinnati	"Daily Rounds"	Records are kept by the subject officer's supervisor, not IIS	N/A
Milwaukee	"Matter of Report"	Records are kept separate from the officer's Internal Affairs file.	N/A
Phoenix	"Inquiry"	Records are kept in a manual log separate from IA	N/A
San Antonio	"Incident"	Yes (if name provided)	N/A
New York	Handled at precinct level, unless the complainant contacts CCRB. All complaints are investigated at CCRB	No documentation at the precinct level, however if handled at CCRB they are documented	N/A
Houston	"Supervisor Intervention Process"	Yes, records are kept at divisional level	N/A
Chicago	No	N/A	N/A
Detroit	No	N/A	N/A

Source of Data: San Jose Police Department.

Chart A3: Peer Agency Use of Force Data Collected

<i>City</i>	<i>Tracks the type of force used in "Use of Force Complaints"</i>	<i>Tracks the locations of force applied in "Use of Force Complaints"</i>	<i>Tracks the level of injuries sustained by complainants in "Use of Force Complaints"</i>	<i>Tracks the disposition in "Unnecessary Force Complaints"</i>
San Jose	Yes	Yes	Yes	Yes
Sacramento	Yes	No	No	Yes
San Diego	No	No	No	Yes
Oakland	Yes	No	No	Yes
San Francisco	No	No	No	No
Los Angeles	No	No	No	Yes
Seattle	No	No	No	Yes
Honolulu	No	No	No	Yes
Miami-Dade County	Yes	No	Yes	Yes
Denver	Yes	Yes	Yes	Yes
Cincinnati	No	No	No	Yes
Milwaukee	Yes	No	No	Yes
Phoenix	No	No	No	No
San Antonio	No	No	No	Yes ²¹
New York	Yes	No	Yes	Yes
Houston	No	No	No	Yes
Chicago	Yes	No	No	Yes
Detroit	Yes	No	Yes	Yes

Source of Data: San Jose Police Department.

²¹ The SAPD defines a use of force as an incident where a suspect sustains an injury as the result force applied by an officer. The use of hand with no injury does not count as a use of force. In SJPD this would constitute a use of force.

Chart A4: Additional Complaint Data Collected

City	<i>Track the gender, ethnicity and years of service of the subject officer</i>	<i>Track the ethnicity, age, educational level and occupation of complainants</i>	<i>Track the number of officers who received more than one complaint</i>
San Jose	Yes	Yes	Yes
Sacramento	Yes	No	Yes
San Diego	No	No	Yes
Oakland	No	Yes (ethnicity & age only)	Yes
San Francisco	No	Yes (ethnicity & age only)	Yes
Los Angeles	Yes	Yes (ethnicity & age only)	Yes
Seattle	No	No	Yes
Honolulu	No	No	Yes
Miami-Dade County	No	No	Yes
Denver	Yes	Yes	Yes
Cincinnati	Yes (ethnicity & gender only)	Yes (ethnicity only)	Yes
Milwaukee	No	Yes (ethnicity & age only)	No
Phoenix	No	No	No
San Antonio	No	No	Yes
New York	Yes (gender & ethnicity only)	Yes (ethnicity only)	Yes
Houston	No	No	Yes
Chicago	Yes (tracked but not published)	Yes (ethnicity & age only)	Yes
Detroit	Yes	Yes, if provided by complainant	Yes

Source of Data: San Jose Police Department.

Chart A5: How Complaints are received among Law Enforcement Agencies

City	Acceptance methods of citizen complaints (fax, e-mail, phone, third party or anonymous)	Restriction on accepting citizen complaints	Signed Statement or Affidavit required to accept complaints
San Jose	Fax, e-mail, phone, third party and anonymous	None	No
Sacramento	Fax, e-mail, phone, third party and anonymous	Anonymous complaints accepted but only investigated with concurrence of the Chief of Police	No
San Diego	Phone, third party and anonymous	Fax & e-mail complaints not accepted	No
Oakland	Fax, e-mail, or walk in complaints OPD takes all forms of complaints	OPD has no restriction on accepting complaints. CPRB-does not accept anonymous, third party or phone complaints	No
San Francisco	Fax, e-mail, phone, third party and anonymous	None	No
Los Angeles	Fax, e-mail, phone, third party and anonymous	None	No
Seattle	Fax, e-mail, phone, third party and anonymous	None	No
Honolulu	Must make complaint at HPD or IAD	Must complain in person	Sworn/notarized statement required
Miami-Dade County	Fax, e-mail, phone, third party and anonymous	None	No
Denver	Fax, e-mail, phone, third party and anonymous	None	No
Cincinnati	Fax, e-mail, phone, third party and anonymous	None	No
Milwaukee	Fax, e-mail, phone, third party and anonymous	None	No
Phoenix	Fax, e-mail, phone, third party and anonymous	None	No
San Antonio	Fax, e-mail, phone, third party and anonymous	None	No
New York	Fax, e-mail, phone, and third party and anonymous	Anonymous complaints are not investigated with our a witness or victim to the incident	No
Houston	Serious misconduct allegations are the only complaints accepted by phone	All other complaints must be made in person	Sworn/notarized statement required
Chicago	Fax, e-mail, phone, third party and anonymous	None	Sworn/notarized statement required
Detroit	Fax, e-mail, phone, third party and anonymous	None	No

Source of Data: San Jose Police Department.

Chart A6: Authority on Allegations and Final Arbitrator

City	<i>Who Defines Allegations</i>	<i>Final Arbitrator on how allegations are defined</i>
San Jose	IA Commander	City Manager
Sacramento	Intake officer/sergeant	No Arbitrator
San Diego	IA Lieutenant	Chief of Police
Oakland	CPRB-Executive Director OPD-reviewed by chain of command	City Administrator
San Francisco	OCC supervisors	Director of OCC
Los Angeles	The Classification Unit	Federal Monitor and Office of the Inspector General
Seattle	IIS Lieutenant	OPA Director
Honolulu	IAD Investigators	N/A
Miami-Dade County	PCB Sergeants	Major
Denver	Investigator or IAB Supervisor	Command Officer IAB
Cincinnati	Chief of Investigations	CCA Board
Milwaukee	PPD Investigators	Chain of Command
Phoenix	IA Staff Members	Chain of Command
San Antonio	Chain of Command	Chief of Police
New York	Managing Investigator	Executive Staff Manager
Houston	Intake Officer	IAD Commander
Chicago	The Chief Administrator of OPS for OPS cases The Assistant Deputy Superintendent of IAD for IAD cases	The Chief Administrator of OPS for OPS cases The Assistant Deputy Superintendent of IAD for IAD cases
Detroit	Intake Officer (sergeants and above)	OCI Supervisor

Source of Data: San Jose Police Department.

Chart A7: Staffing Levels of Internal Affairs Departments and Complaint Ratios

<i>City</i>	<i>Staffing Level in IA</i>	<i>Complaints received to Ratio of IA Investigators</i>	<i>Ratio based on</i>
San Jose	9 Investigators	25:1	226 complaints to 9 investigators (does not include Inquiries)
Sacramento	6 Investigators	26:1	159 complaints to 6 investigators (does not include Inquiries)
San Diego	12 Investigators	13:1	155 complaints to 12 investigators (does not include miscellaneous category)
Oakland	OPD IAD CPRB	23:1 26:1	906 complaints to 23 investigations (does not include ICR category) 78 complaints to 3 investigators
San Francisco MCD	6 investigators	30:1	177 complaints to 6 investigators
OCC	16 Investigators	55:1	881 to 16 investigators
Los Angeles	122 Investigators	53:1	6,511 complaints to 122 Investigators
Seattle	6 Investigators	35:1	210 complaints to 6 investigators (does not include supervisory referrals)
Honolulu	9 Investigators	66:1	797 complaints to 12 investigators (does not include miscellaneous complaints)
Miami-Dade County	49 Investigators	8:1	404 complaints to 49 investigators
Denver	10 Investigators	88:1	875 complaints to 10 investigators
Cincinnati	IIS has 9 Investigators CCA has 4 Investigators	51:1 40:1	461 complaints to 9 investigators 158 complaints to 4 investigators
Milwaukee	10 Investigators	52:1	520 complaints to 10 investigators (does not include complaints investigated at the bureau/district level)
Phoenix	18 Investigators	28:1	498 complaints to 18 investigators
San Antonio	10 Investigators	56:1	566 complaints to 10 investigators
New York	140 Investigators	49:1	6,796 complaints to 140 investigators
Houston	43 Investigators	28:1	1,219 complaints to 43 investigators
Chicago	112 CPD Investigators 65 OPS Investigators	68:1	11,996 complaints to 177 OPA and CPD IAD investigators
Detroit	39 Investigators	43:1	1,687 complaints to 39 investigators (does not include investigations done by the force response group)

Source of Data: San Jose Police Department.

Chart A8: Mediation Availability among Cities

City	Mediation Available
San Jose	Yes
Sacramento	No
San Diego	Yes
Oakland	CPRB does, IA does not
San Francisco	Yes
Los Angeles	Yes
Seattle	Yes
Honolulu	No
Miami-Dade County	No
Denver	Yes
Cincinnati	Yes
Milwaukee	No
Phoenix	No
San Antonio	No
New York	Yes
Houston	Yes
Chicago	No
Detroit	No

Source of Data: San Jose Police Department.

Chart A9: Early Warning Systems and Disciplinary System

<i>City</i>	<i>Early Warning System (EWS)</i>	<i>Disciplinary in nature or Counseling/training</i>
San Jose	Yes	Counseling/Training
Sacramento	Yes	Counseling/Training
San Diego	Yes	Counseling/Training
Oakland	Yes	Counseling/Training
San Francisco	Yes	Counseling/Training
Los Angeles	Yes	Counseling/Training
Seattle	Yes	Counseling/Training
Honolulu	Yes	Counseling/Training
Miami-Dade County	Yes	Counseling/Stress abatement
Denver	Yes	Counseling/Training
Cincinnati	Yes	Counseling/Training
Milwaukee	No	None
Phoenix	No	N/A
San Antonio	Yes	Counseling/Training
New York	Yes	Counseling/Training
Houston	Yes	Counseling/Training
Chicago	Yes	N/A
Detroit	No	N/A

Source of Data: San Jose Police Department.

Chart A10: Standard of Evidence in Complaints

City	Standard of Evidence	Mandatory interview of subject officers in all citizen complaints	Support person allowed to attend interview	Final Arbitrator at the end of the complaint process
San Jose	Preponderance of evidence	No (Procedural, Policy or Command Review Complaints)	Yes	City Manager
Sacramento	Preponderance of evidence	No (Formal complaints not mandatory)	Yes	Chief of Police
San Diego	Preponderance of evidence	No (Only in Formal Complaints, Miscellaneous complaints don't require an interview)	Yes	Chief of Police
Oakland	Preponderance of evidence	Yes (In all CPRB complaints. OPD IAD does not require interviews in cases handled with "summary findings")	Yes	City Administrator
San Francisco	Preponderance of evidence	No (Only in Formal Investigations)	Yes	Police Commission
Los Angeles	Preponderance of evidence	No	Yes	Board of Police Commissioners
Seattle	Preponderance of evidence	Yes	Yes	Director of OPA
Honolulu	Preponderance of evidence	Not in miscellaneous complaints	Yes	Chief of Police
Miami-Dade County	Preponderance of evidence	Yes	No	Department Director
Denver	Preponderance of evidence	No	Yes	Manager of Safety
Cincinnati	Preponderance of evidence	No	Yes	City Manager
Milwaukee	Preponderance of evidence	Yes	Yes	Fire & Police Commission
Phoenix	Reasonableness or preponderance of evidence	No	Yes	Chief of Police
San Antonio	Preponderance of evidence	No	Yes	Chief of Police
New York	Preponderance of evidence	Yes, with the exception of those cases where an officer can be immediately exonerated	No	Civilian Complaint Board
Houston	Preponderance of evidence	Yes	Yes	Chief of Police
Chicago	Preponderance of evidence	N/A	N/A	The Chief Administrator of OPS for OPS cases The Assistant Deputy Superintendent of IAD for IAD cases
Detroit	Preponderance of evidence	Yes	No	Detroit Board of Commissioners

Chart A11: Authority in Officer-Involved Shootings and In-Custody Death Investigations

City	Civilian Oversight/Auditing in Officer-Involved Shootings	Civilian Oversight/Auditing in In-Custody Death Investigations	Includes rollout to OIS and ICD Incidents	Audit process	Access to criminal reports in OIS/ICD cases
San Jose	Yes (Auditing)	No	IPA part of OIS rollout team	IPA audits IA's administrative OIS investigations	Yes
Sacramento	Yes (Auditing & Oversight)	Yes (Auditing & Oversight)	OPSA part of OIS & ICD incident rollout team	OPSA conducts review and have oversight ability	Yes
San Diego	Yes, post investigation only	Yes, post investigation Only	No	Review only	Crime reports are not released to CRB. All files retained at police headquarters. CRB may review file at police headquarters only.
Oakland	None	None	No	N/A	N/A
San Francisco	Yes	Yes	OCC is part of the roll out team	None, they will only conduct an investigation if a complaint is filed	N/A
Los Angeles	Yes	Yes	Yes	Office of the Inspector General Reviews the investigation and provides feedback	Yes
Seattle	None	None	No	None, they will only conduct an investigation if a complaint is filed. They are part of the Police Department, so no true civilian oversight	OPA may review all criminal reports
Honolulu	None	None	No	None	None
Miami-Dade County	None	None	No	None	None
Denver	Yes (Auditing)	Yes (Auditing)	Part of OIS & ICD incident rollout team	Review and report finding to the Manager of Safety	May review all reports
Cincinnati	Yes	Yes	Part of OIS & ICD incident rollout team	N/A	Yes
Milwaukee	None	None	No	None	None
Phoenix	Yes	Yes	No	Post review of the police reports	Receives redacted copies of all reports

City	<i>Civilian Oversight/Auditing in Officer-Involved Shootings</i>	<i>Civilian Oversight/Auditing in In-Custody Death Investigations</i>	<i>Includes rollout to OIS and ICD Incidents</i>	<i>Audit process</i>	<i>Access to criminal reports in OIS/ICD cases</i>
San Antonio	Yes	Yes	No	IA presents case to the Chief's Advisory Action Board	Reviews all police reports
New York	No	No	No	No (review only if there is a complaint associated)	No
Houston	Yes	Yes	No	Review of all investigations	Receives copies of all police reports
Chicago	No	No	No	N/A	N/A
Detroit	No	No	No	N/A	N/A

Source of Data: San Jose Police Department.

Chart A12: Racial Profiling Policies and Reporting

<i>City</i>	<i>Defines Racial Profiling</i>	<i>Policy against Racial Profiling</i>	<i>Mechanism to track Racial Profiling</i>	<i>Publishes statistics regarding Racial Profiling</i>
San Jose	Yes	Yes	Yes	Yes
Sacramento	Yes	Yes	Yes	Yes
San Diego	Yes	Yes	Yes	No
Oakland	Yes	Yes	Yes	Last published in CY2004
San Francisco	Yes	Yes	Yes	Upon request
Los Angeles	Yes	Yes	Yes	Yes
Seattle	Yes	Yes	Yes	Yes
Honolulu	No	No	No	No
Miami-Dade County	Yes	Yes	Yes	Last published in CY2004
Denver	Yes	Yes	Yes	Last published in CY2001-CY2003
Cincinnati	Yes	Yes	Yes	In 2007
Milwaukee	Yes	Yes	Yes	No
Phoenix	Yes	Yes	No	No
San Antonio	Yes	Yes	Yes	Yes
New York	Yes	Yes	No	No
Houston	Yes	Yes	No	No
Chicago	Yes	Yes	No	No
Detroit	Yes	Yes	No	No

Source of Data: San Jose Police Department.

Chart A13: Customer Satisfaction Surveys and Record Retention Information

<i>City</i>	<i>Conduct Customer Satisfaction Surveys</i>	<i>Record Retention Schedule</i>	<i>Record Retention Schedule Mandated by law</i>
San Jose	Yes	6 Years	5 Years by Law
Sacramento	No	5.5 Years	5 Years by Law
San Diego	No	5 Years	5 Years by Law
Oakland	No	CPRB 5 Years IAD indefinitely	5 Years by Law
San Francisco	No	5 Years then archived	5 Years by Law
Los Angeles	No	Depends on the Case	5 Years by Law
Seattle	Yes	4 Years	N/A
Honolulu	No	30 Months	N/A
Miami-Dade County	No	54 Years	4 Years
Denver	Yes	Indefinitely	N/A
Cincinnati	Yes	5 Years minimum	N/A
Milwaukee	No	30 Years following death of employee	30 Years following death of employee
Phoenix	No	5 Years	N/A
San Antonio	No	Indefinitely	N/A
New York	No	N/A	N/A
Houston	No	Indefinitely	N/A
Chicago	No	Court order to retain all CR cases	N/A
Detroit	Yes	Indefinitely	10 Years

Source of Data: San Jose Police Department.

Appendix II: SJPD Summary of Information Provided by Other Law Enforcement Agencies on Citizen Complaint Processes

CITY OF CHICAGO

The city of Chicago has a population of 2,896,016 is comprised of 227 sq. miles, and supported by 13,500 sworn police officers.

This interview was conducted with Debra Kirby, who is the Assistant Deputy Superintendent of the Internal Affairs Division (IAD). The interview was conducted on April 23, 2007, at the Chicago Police Department's Internal Affairs office. The Chicago Police Department (CPD) Internal Affairs is located on-site at police headquarters. A second interview was conducted with Joe Fakuade a Senior Supervising Investigator at the Office of Professional Standards (OPS) on April 24, 2007. The OPS is located at an off-site facility.

Current Citizen Complaint System (section I, questions 1, 2, 3)

The OPS conducts investigations involving complaints of unnecessary force. The IAD conducts criminal misconduct and all other complaints against member of the CPD. Both the IAD and the OPS report directly to the Chicago Police Superintendent.

There is no civilian oversight in the Internal Affairs process.

The CPD is not under a Consent Decree or Settlement Agreement.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

All allegations of misconduct are categorized as "complaints," and complaints are assigned a Complaint Register (CR) Numbers. CPD does not have informal complaints regarding citizen's complaints.

A supervisor who is assigned a CR Number is required to contact the citizen complainant within three days of receiving the assignment. These matters are documented by reports generated by the supervisor. These matters are tracked by the Records Section of the Internal Affairs Division. The officers' names are retained. The Police Board only reviews sustained CR Numbers, when the recommended penalty is for more than six days.

State law requires that complainant must sign a sworn affidavit before a complaint is accepted. Once accepted all expressions of dissatisfaction are categorized as complaints. The CPD does not have an "Inquiry" or similar category.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

- The CPD was unable to provide the number of citizen contacts for CY2005.
- The CPD received 7,540 citizen complaints during CY2005

- The CPD did not have statistics on the number of officers subject to a complaint in CY2005
- Number of Summary Punishment Action Report (internal complaints) for CY2005 was 4,456
- No information was provided on the number of officers who had more than one complaint in CY2005
- No information was provided on the number of allegations received by the CPD and OPS.
- No information was provided on the breakdown of complaints and allegations for the CY2005
- No information was provided on the unnecessary force allegations and complaints received in CY2005
- No information was provided for the demographics of subject officers and complaints in CY2005

The CPD uses an in-house data base to track complaints.

The CPD and OPS are actively involved in community outreach through the Chicago Alternative Policing Strategy (CAPS). The Police Board holds monthly meetings where the public is invited and encouraged to attend.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

The CPD accepts complaints in any manner, including fax, e-mail, telephone, third party, or anonymously if the allegation is criminal in nature. Anyone can make a complaint.

The policy for accepting a complaint is to immediately contact the Office of Professional Standards.

A complainant may file a complaint over the telephone or in person at the OPS or any district station 24 hours a day.

The CPD does have a written policy regarding officer retaliation.

Allegations (section V, questions 28, 29, 30, 31, 32)

The Chief Administrator of OPS classifies all allegations investigated by the OPS. The Assistant Deputy Superintendent of IAD classifies all allegations investigated by IAD or other units.

Allegations are listed for all complaints.

The oversight in determining the outcome of all allegations rests with the Chief Administrator and the Assistant Deputy Superintendent.

Allegations are taken from the complaint's first report and additional allegations can be added after the interview of the complainant. The investigator can also add allegations after the interview of the subject officer.

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

There are 112 persons budgeted for the Internal Affairs Division. The CPD IAD staff is as diverse as the CPD. There is an initial in-house training that each IAD Investigator receives. There is also continuous training throughout the year.

In CY2005, the OPS had 65 investigators, 12 supervisors and 4 coordinators with one chief administrator. The OPS also had 10 clerical support staff.

The OPS investigators receive the same investigative training as the CPD detectives.

Mediation of Complaints (section VII, question 38)

The CPD does not have a mediation process. However, the CPD does have Collective Bargaining Agreements (CBA) with its members. The CBA is used to streamline the disciplinary process.

Early Warning Systems (section VIII, questions 39, 40, 41)

The CPD has two systems to track possible problem behavior. The two systems are Personnel Concerns and Behavioral Intervention. The Personnel Unit is responsible for tracking this information.

Investigation Standards (section IX, question 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

The standard of evidence used in IAD and OPS investigations is a preponderance of evidence (51%). The subject officer is interviewed in all citizen complaint investigations.

The CPD does not have an informal complaint category.

Interviews of subject officers are held where the investigator is assigned. They can be held at the Office of Professional Standards or at the Internal Affairs Division.

Interpreters are provided by the CPD as needed. No one is allowed to attend complainant or witness interviews.

The Chief Administrator of the OPS is the final arbitrator for all findings investigated by the OPS. The Assistant Deputy Superintendent of IAD is the final arbitrator for all findings investigated by IAD.

The following findings are available for all investigations:

- Sustained
- Not Sustained
- Exonerated
- Unfounded

Investigations by IAD and OPS have no timeline; however, investigations should be completed as quickly as possible. The timeline for Unit investigations is imposed by Department Directive, and therefore would be considered self-imposed.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

In-custody death investigations are investigated by the OPS. Officer-involved shootings are investigated by the OPS. The OPS responds to all OIS and in-custody death investigations.

Racial Profiling (section XI, questions 56, 57, 58, 59)

The CPD can and does track complaints of racial profiling. IAD uses the preponderance of evidence standard to prove or disprove an allegation of racial profiling.

Other Information (section XII, questions 60, 61)

The CPD does not track information on citizen satisfaction with the complaint process.

The CPD is under a Court Order to retain all CR Investigative file.

CITY OF CINCINNATI

The City of Cincinnati has a population of 314,292, is comprised of 78 square miles, and is supported by 1041 sworn police officers.

This interview was conducted with CPD Captain Eliot Isaac and Lieutenant Russell Neville on January 24, 2007, at the IIS office, which is an off-site location. The interview was conducted with CCA Director Kenneth Glenn and Chief Investigator Gregory Pychewicz on January 25, 2007, at the CCA office, which is an off-site location.

Current Citizen Complaint System (section I, questions 1, 2, 3)

The Cincinnati Police Department (CPD) has an Internal Investigations Section (IIS), which conducts citizen and department-initiated complaints. Low level/low tier complaints are referred back to the subject officer's unit of assignment for investigation. The officer's immediate supervisor will investigate the complaint and provide an opportunity for the complainant to address the officer in a Citizen's Conflict Resolution (CCRP).

The City of Cincinnati also has a civilian oversight system called the Citizen Complaint Authority (CCA). This department was created as a result of a Memorandum of Agreement with the Department of Justice.

The CCA conducts its own parallel investigations on complaints such as, excessive force, discrimination (profiling), unlawful search and seizure, officer-involved shootings, and in-custody deaths. Low level/low tier complaints are not investigated by the CCA. All citizen-initiated complaints are audited by the CCA.

Presently, the City of Cincinnati is under a Consent Decree.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

The following complaints are investigated via the CCRP process:

- Discourtesy/unprofessional attitude
- Lack of proper service
- Improper procedure, e.g., offense investigation, use of discretion, official law enforcement practices, and police department procedures

IIS investigates the following complaints:

- Criminal conduct
- Sexual misconduct
- Serious misconduct
- Excessive use of force
- Unnecessary searches and seizures
- Discrimination

Not all reports of dissatisfaction are categorized as complaints. If a citizen reports that he/she was merely dissatisfied with the way an incident was handled, and there is no allegation of procedural or policy violations, a supervisor may resolve the complaint without completing an official complaint form. Incidents of this nature are then noted in the supervisor's "daily rounds" and not with IIS. Traffic citation disputes are not accepted as complaints.

Complaints filed with CCA that do not rise to the level of misconduct are not investigated but documented and filed. Complaints in which the officer appeared to have followed proper procedures are closed out without having the subject officer(s) interviewed.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

The statistics presented in this report were provided by IIS and CCA:

During CY2005, the Cincinnati Police Department had approximately 304,000 documented calls for service; this number does not represent pedestrian and vehicular stops. During the same calendar year, the Cincinnati Police Department had 547 officers who were subject to a complaint.

During CY2005, the CCA received 461 citizen-initiated complaints containing 734 allegations. The CCA investigated 158 complaints, and monitored the balance, which were referred to the IIS.

CPD initiated 158 internal complaints during CY2005.

Of the 547 officers subject to a complaint, 97 had more than one complaint.

CPD does not track allegations. The only available statistics regarding complaints are provided by the CCA (see below chart).

<i>Allegations investigated by CCA</i>	<i>Total</i>	<i>Percentage</i>
Use of Force	117	47%
Unlawful Search/Seizure	32	9%
Unlawful Entry	14	4%
Improper Pointing a Firearm	17	5%
Discrimination	29	8%
Accidental Discharge of a Firearm	1	Less than 1%
Death in Custody	2	Less than 1%
Shots Fired	6	2%
Improper Procedure	46	12%
Discourtesy	46	12%
Harassment	1	Less than 1%
Total	366	100%

The below listed chart represents the discipline imposed during CY2005.

<i>Discipline</i>	<i>Total</i>
Held in Abeyance	1
Administrative Insight	26
Verbal Counseling	15
Department Hearings	3
Employee's Supplemental Log	31
Reprimands	109
Suspensions	37
Dismissed	6
None	364

During CY2005, there were 144 Use of Force complaints.

Both CCA and CPD do not track the locations of force applied to the complainants. The specific statistics to the type of force used, or the levels of injuries are also not tracked.

Of the 144 complaints of unnecessary force received, the dispositions of those complaints are reported in the chart below.

<i>Disposition</i>	<i>Total</i>
Reprimand	1
Suspension	1
Employee's Supplemental Log	3
Department Level Hearing	1
None	138

CCA maintains statistics on the gender and ethnicity of complainants and subject officers.

Gender and Ethnicity of complainants:

<i>Gender</i>			<i>Ethnicity</i>		
Male	Female	Unknown	African American	Caucasian	Other
113	41	4	121	30	7
70%	27%	3%	66%	29%	5%

Gender and Ethnicity of subject officers:

<i>Gender</i>		<i>Ethnicity</i>		
Male	Female	African American	Caucasian	Other
321	42	61	191	12
88%	11%	23%	72%	5%

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

CPD and CCA accept complaints in person, by phone, fax, e-mail, written correspondence, third party, or anonymously.

Police supervisors are responsible for accepting citizen complaints. The district/section/unit commander will make the determination if a complaint will be investigated, or routed to CCRP.

Complaints filed with CPD are reviewed by the Administrative Bureau Commander and the IIS Commander for assignment to IIS or the Patrol Bureau for CCRP. On a weekly basis IIS and CCA exchange information on all complaints filed.

Handouts that describe the complaint process are made available in public buildings and all police districts. In addition, the information is also provided on city web sites.

The Department does not have a specific written policy pertaining to officer retaliation against complainants.

Allegations (section V, questions 28, 29, 30, 31, 32)

Allegations are taken from the complainant's first report of the complaint and during the IA interview. The allegation is investigated fully and if the involved officer is found to have violated procedures, rules, or regulations not part of the original complaint, that allegation will be investigated. The following are the available misconduct allegations.

- Use of Force
- Unlawful Search and Seizure
- Unlawful Entry
- Improperly Pointing a Firearm
- Discrimination
- Accidental Discharge of a Firearm
- Death in Custody
- Shots Fired
- Improper Procedure
- Discourtesy
- Harassment

It is important to note that the CCA and IIS have a strong working relationship, and in the majority of cases there is a collaborative agreement in allegations and findings. If there is a disagreement, the City Manager is the final arbitrator.

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

The staffing of the IIS consists of 1 captain, 1 lieutenant, 7 sergeants, and 2 detectives, and 1 civilian employee. Of the twelve members of the Section, 3 are African Americans and 2 are females.

The staffing ratio of IIS investigators to number of complaints received is 33:1 (303 complaints to 9 investigators). Investigators receive training through the Reid Interview and Interrogations course, and any other available training courses.

The staffing of the CCA consists of 1 Director and 4 investigators. Of the 5 CCA members, there are 3 African Americans, two of which are females.

The staffing ratio of CCA investigators to the number of complaints received is 39:1 (158 complaints to 4 investigators). CCA investigators attend an interview and interrogation course. This training is not state mandated. The Director of CCA is a retired police sergeant with the Detroit Police Department. The Chief Investigator of CCA is a retired detective with the Columbus Police Department.

Mediation of Complaints (section VII, question 38)

CPD currently has a mediation process where low tier complaints are investigated by the subject officer's immediate supervisor. Upon completion of the supervisor's investigation, the supervisor would provide the complainant with an opportunity to discuss the incident with the subject officer. This is a mandatory process for the subject officer. Failure to cooperate will result in disciplinary action, which may lead to suspension or termination. If the complainant does not wish to participate, the complaint is still thoroughly investigated.

The actual mediation hearing has no impact on the investigation of the complaint. The mediation process is used frequently and is well received by the officers and the complainants.

Early Warning Systems (section VIII, questions 39, 40, 41)

Both CCA and IIS have an early warning system. CCA will forward to the City Manager names of officers who received ten or more complaints within a 3-year period. Training and counseling is provided by CPD. IIS uses other criteria other than complaints to track officers. The counseling and training provided to officers are not considered to be disciplinary in nature.

Investigation Standards (section IX, questions 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

The standard evidence used in an investigation is preponderance of evidence (51%). In complaints where it appeared that the subject officer acted properly, an interview of the officer is not necessary.

Interview locations are flexible. At the discretion of IIS and CCA, a complainant may have an advocate present during an interview. When an interpreter is needed, the investigator can enlist the help of on-duty officers, or utilize the Department's list of civilian interpreters.

The available findings of citizen-initiated complaints are:

- Sustained
- Not Sustained
- Exonerated
- Unfounded
- Sustained Other

If there is a disagreement between the Chief of Police and the Director of CCA regarding a finding of an allegation, the City Manager is the final arbitrator.

All CCRP cases are due within 90 days of the received date. IIS and CCA cases are due within 90 days of the received date.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

CCA responds to all officer-involved shootings and in-custody deaths. Copies of the criminal reports are made available to CCA. An administrative investigation is conducted when the criminal portion is completed. This investigation will then be forwarded to the City Manager. IIS also conducts an investigation and forwards the report to the Chief of Police for approval, prior to a Shooting Review Board.

Racial Profiling (section XI, questions 56, 57, 58, 59, 60)

CCA has been getting away from the term "racial profiling." CCA recognizes that race is just one factor thus the term "bias policing" is used instead.

CPD has a policy against racial profiling. Its policy states, "*No law enforcement agency should condone or promote the use of any illegal profiling system in their enforcement program. Any member of the Department who engages in illegal profiling shall be subject to disciplinary action, in accordance with applicable civil service law, up to and including dismissal, and may face claims of civil rights violations in federal court.*"

According to IIS, "*Without any irrefutable evidence, such as a statement made by the involved officer or knowledge that officers premeditated actions by an associate, there is very little chance of sustaining a racial profiling allegation.*"

CCA also has a similar view regarding proving a racial profiling allegation. CCA states, "*It is almost impossible to prove or disprove an allegation of profiling. Any investigation cannot conclude what was the intention of the officer to cause an action, not without a statement from the officer or witness who had the officer tell them what motivated his actions.*"

Other Information (section XII, questions 61, 62)

CCA sends out random surveys to complainants, to track the satisfaction rate. All complaints are retained for a period of 5 years. Complaints that are controversial or considered “high profile” are retained longer.

IIS also tracks citizen satisfaction level through surveys and an audit by the inspection section. IIS investigations are retained for eleven years, as mandated by the Justice Department.

CITY OF DENVER

The City of Denver has a population of 554,636, is comprised of 153.4 sq. miles, and is supported by 1548 sworn police officers.

An interview was conducted with Richard Rosenthal, the Director of the Office of the Independent Monitor (OIM) for the City/County of Denver. This interview was conducted on April 3rd, 2007 at the OIM's office in Denver. The survey referenced in this study was also completed by Commander John Lamb of the Denver Police Department's Internal Affairs Bureau (IAB). The Denver Police Department (DPD) Internal Affairs Bureau is located at an off-site facility.

Current Citizen Complaint System (section I, questions 1, 2, 3)

Sworn personnel assigned to IAB investigate all citizen complaints.

OIM accepts complaints, monitors/audits all investigations, and makes recommendations regarding allegations, findings, and discipline. All OIM intakes are referred to IAB for investigation. The OIM reports to the Manager of Safety, who oversees all City/County public safety departments.

Denver is not under a Consent Decree or formalized Settlement Agreement.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

The DPD classifies complaints as follows:

- Formal
- Informal
- Decline
- Service Complaint

All calls of dissatisfaction are classified as complaints. Formal, informal, and declines all receive an IAB case number, however, only formal complaints are kept in the officer's history.

Complaints classified as Declines and Informal complaints are tracked by the OIM, but are not recorded on an officer's IA file. Service complaints are tracked for possible training or policy issues that need to be updated.

Formal investigations are all complaints that are not classified as minor misconduct, dismissals or service complaints. All formal investigations will receive a complaint number and must have a disposition. These complaints can be handled by either IAB or the officer's chain of command. Informal investigations involve minor misconduct. It is an expedited process that does not result in a formal finding or imposition of discipline.

Some expressions of dissatisfaction are handled as an informal complaint. The supervisor handling the complaint completes an intake form that would be forwarded to IAB and shared with the monitor's office. The supervisor documents the steps taken to resolve the complaint.

DPD does not have an “Inquiry” category, but they do have an informal category, where officers’ names are kept to warn against a pattern of misconduct.

In an incident where a citizen brings an issue of concern forward to the department, and the issue is resolved either at the field level or with IAB, there is no documentation. This is not considered a complaint.

Traffic citation disputes are not investigated. They are categorized as Declines/Judicial Review.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

- The DPD was unable to provide the number of how many contacts they had for CY2005
- The DPD had 997 officers that were subject to a complaint in CY2005
- The DPD and OIM utilize a customized database for tracking complaints
- The DPD received 502 citizen complaints in CY2005
- The DPD initiated 495 internally generated complaints in CY2005
- The DPD had 185 officers receive more than one complaint during CY2005
- The DPD had 57 complaints involving use of force in CY2005
- The DPD received 529 allegations in CY2005 (The DPD and OIM complaint process was in “flux” during this time period and the numbers presented may not accurately represent statistics for CY2005)

Breakdown of complaints and allegations for the period covering the CY2005:

Formal Citizen	205
Informal Citizen	297
FTA/Court	180
Other Internal	116
Traffic Accidents	122
FTA-Education	44
Fail to qualify/firearm	22

The following is a breakdown of the discipline imposed for CY2005:

Sustained	338
Dismissal	1
Suspension	7
Fined Time	22
Written Reprimand	75
Oral Reprimand	205
SSR Entry	27
Retired	1

The DPD does not track the type for force used, level of injury nor the location of force applied on complainants.

The DPD does not track the statistics of the gender, ethnicity, and years of service of subject officers.

The DPD does not track the statistics of the ethnicity, age, educational level and occupation of complainants.

Community outreach is an on-going process that the department has made a priority. OIM has created a full-time Ombudsman position within their office. This person is required to meet with different community groups throughout the city in an effort to share information with the citizens.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

The DPD will accept complaints in any form. Anyone can make a complaint, however, the type of complaint, the validity of information, and the type of complainant may be a factor in determining if the complaint is Declined.

A complaint may be handled by the officer's supervisor, documented on an intake form, and forwarded to IAB. If the complaint is serious misconduct, IAB will be notified and respond immediately.

A complainant may file a complaint over the telephone, via fax or e-mail, to a supervisor, to the OIM, or with IAB.

There is a flow chart that is available to the public and is published in the OIM's annual report.

The DPD has a specific policy prohibiting officer retaliation against persons filing complaints.

Allegations (section V, questions 28, 29, 30, 31, 32)

Allegations are defined based upon which rule and regulation the complainant alleges the officer violated. The investigating supervisor or the IAB investigator will make the initial assessment and each level of command can amend the classification.

Only formal allegations are listed on an officer's discipline history.

OIM oversees all investigations, and there is a review process through the chain-of-command up to the Manager of Safety.

Allegations are taken from the first report of the complaint.

If violations are discovered during the investigative process, they are added.

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

In CY2005 there were 10 sergeants, 2 lieutenants, 2 detectives (who do not conduct investigations), 1 transcriber, 1 secretary and 1 commander assigned to IAB.

The ethnicity breakdown of IAB is as follows: 11 White, 3 African American, 3 Hispanic, and 3 Females

IAB's staffing ratio is 308 complaints to 10 investigators (31:1 ratio)

OIM staff members receive initial one day training by a current IAB staff member. In addition, the new investigator is encouraged to seek out and attend a three day IAB investigator course presented by an accredited law enforcement training agency.

This training is provided by the department and not state mandated.

OIM staff attend an IAB school, various academy classes, and participate in the ride-along program with street officers. Preferred credentials and experience is a law degree with extensive experience in criminal law.

Mediation of Complaints (section VII, question 38)

The DPD does have a mediation process. Mediation is a process that is guaranteed to be confidential under Colorado State Law. If the OIM, the Chief of Police, and the Manager of Safety all agree, a case is eligible for mediation. The complainant is contacted first and if he/she agrees, the officer is contacted. If both the complainant and officer agree to mediation, the case is set before a professional mediator not connected to the department. Once the case is mediated, it is dismissed from the complaint process and it does not appear on the officer's record.

The city is contracted with an independent company.

Mediation occurs as follows:

- 1) If the case will result in a greater complainant satisfaction
- 2) If it will result in improved officer conduct
- 3) If it will improve community/police relations.

Generally, cases involving an allegation of discourtesy are the most common types of cases eligible for mediation. Although, cases involving allegations of unnecessary force where there is no injury have been mediated.

If the complainant refuses mediation, the complaint is investigated. If, however, the complainant agrees to mediation and then changes his/her mind after the officer has accepted mediation, the complaint is dismissed. If the officer refuses mediation, the complaint is investigated.

If the complaint is mediated, it is dismissed and remains confidential.

In CY2005 50% of the community members and 84% of the officers who participated were satisfied with mediation (this process was developed in CY2005 so the data is limited).

Approximately 10% of all complaints received are mediated.

Early Warning Systems (section VIII, questions 39, 40, 41)

The DPD does utilize an early warning system. The system is used to track officers' contacts and actions including training, commendations, complaints, and use of force data.

The Early Identification and Interventions System (EIS) is used for training, self-awareness, and counseling.

Inquiries are a part of the EIS system. Data can be queried on each individual officer. This data can show, among other things, the number of uses of force per contact for the officer, a racial breakdown of the officers' contacts, and the number of contacts per other officers on the detail.

Investigation Standards (section IX, question 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

The DPD uses a preponderance (51%) of evidence as the standard of evidence in IA cases. In both informal and formal investigations it is not mandatory that a subject officer be interviewed.

Interviews are mainly held at IAB, however, they can be held over the phone or at a district station. The location is determined by the investigator.

Many of the investigators in IAB are certified in a second language and their services are utilized if an interpreter is needed.

Complainants and witnesses are allowed to bring attorneys to an interview.

The Manager of Safety is the final arbitrator in the complaint process.

The following findings are available in an IA investigation;

- Sustained
- Not-sustained
- Exonerated
- Unfounded

Informal investigations are to be completed within five business days. Formal investigations should be completed in 45 business days barring special circumstances (criminal charges filed against an officer). The OIM monitors the timeliness and reports the findings in an annual report. Timelines are imposed by the OIM.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

The OIM is called out to all officer-involved shootings (OIS) and in-custody deaths. The OIM is allowed to monitor all interviews. The OIM is allowed to review the case and recommend further investigation. The OIM is allowed to monitor the review by the use of force board and report findings to the Manager of Safety.

Members of IAB and OIM have access to all reports. Once the investigation is complete and presented to the District Attorney, it is sent to IAB for review by the Use of Force Review Board.

The board consists of all four division chiefs and two civilians selected from an approved pool. This board makes the determination of “in” or “out” of policy and the discipline imposed.

Racial Profiling (section XI, questions 56, 57, 58, 59)

The DPD defines racial profiling as making contact with an individual based solely on their race, gender, or ethnicity.

DPD does not have a specific policy regarding racial profiling.

From CY2001-CY2003 DPD compiled racial data on all officer-initiated actions. No other survey has been done since that time.

A racial profiling allegation would be proven through a preponderance of evidence.

Other Information (section XII, questions 60, 61)

The OIM tracks satisfaction levels through their annual surveys regarding citizen complaints.

The DPD retains records indefinitely.

CITY OF DETROIT

The City of Detroit has a population of 900,000 is comprised of 143 square miles, and is supported by approximately 3500 sworn police officers.

This interview was conducted with, Lieutenant Whitney Walton of the Internal Affairs Unit, Civilian Supervising Investigator Ainsley Cromwell, Lieutenant Danny Allen and members of the Detroit Police Department (DPD) and Office of the Chief Investigator (OCI). The interview was conducted on April 25, 2007 at the OCI office, which is an off-site location.

Current Citizen Complaint System (section I, questions 1, 2, 3)

The DPD has an Internal Affairs Unit (IA), which conducts criminal allegations against the DPD members. All citizen complaints are investigated by OCI, with the exception of use of force complaints. All use of force complaints are investigated by the Force Investigation Unit of the DPD.

The City of Detroit has minimal civilian oversight involvement over Internal Affairs & (Criminal & Serious) Force investigations. The Detroit Board of Police Commissioners helps establish policy for Internal Affairs and Force investigation, they are also the final authority in disciplinary related matters but they are not directly involved in the Internal Affairs complaint process nor does the Board review their I.A. complaints.

The OCI consists of sworn DPD personnel and civilian investigators, who report to the Chief Investigator. The Board of Police Commission oversees the OCI. The DPD is currently under a Federal Consent Decree.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

All expressions of dissatisfaction are categorized as complaints, with exceptions. However, the OCI recognizes that times an issue of concern does not rise to the level of a complaint. In those instances it is preferable that the concern is addressed to the satisfaction of the complainant. This does not preclude a complainant from moving forward with a formal complaint.

In the case of a traffic citation dispute, a referral is made to the appropriate judicial body to adjudicate the conflict. However, if the complainant insists on filing a complaint, the complaint will be accepted and investigated.

Some expressions of dissatisfaction may be handled by having the officer's supervisor contact the citizen. The concern is documented on the citizen complaint form and a case number is assigned. Within the complaint form there is a section that allows for resolution. If there is a resolution, the complaint is forwarded to the OCI and entered into a database. The officers' names are retained in the record. The DPD does not have an "Inquiry" category.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

The statistics presented in this report were provided by OCI

During CY2005, the DPD had approximately 2.1 million documented calls for service. During the same calendar year, the DPD had 2000 officers who were subject to a complaint.

During CY2005, the OCI received approximately 1500 citizen-initiated complaints containing approximately 3822 allegations.

The OCI did not provide information regarding the number of internally complaints during CY2005.

The DPD had 399 officers who were subject to a complaint in CY2005.

The DPD received 334 unnecessary use of force complaints during CY2005.

The DPD does not track the locations of force applied to the complainants. The specific statistics to the type of force used, or the levels of injuries are also tracked. This information was not available during the interview.

The DPD does track the gender and ethnicity of subject officers.

The DPD only tracks gender, ethnicity, occupation, or educational level of complainants if provided.

There is a civilian staff member within the OCI who is responsible for community outreach.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

The OCI accepts complaints in person, by phone, fax, e-mail, written correspondence, third party, or anonymously.

A citizen may contact any entity within the DPD to file a complaint. A supervisor will accept the complaint and provide the citizen a Citizen Complaint Number (CR #). Complaints are often filed at OCI offices and police precincts.

Handouts that describe the complaint process are made available in public buildings and all police districts. In addition, the information is also provided on a city web-site. The DPD does not provide a flow chart of the investigative process to citizens.

The Department does not have a specific written policy pertaining to officer retaliation against complainants.

Allegations (section V, questions 28, 29, 30, 31, 32)

Complaints are classified with the OCI. All allegations are taken from the complainant's first report of the complaint and reviewed by a supervisor. All allegations are investigated fully and if the involved officer is found to have violated procedures, rules, or regulations not part of the original complaint, that allegation will be investigated.

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

The staffing of the OCI consists of 1 chief investigator, 1 police lieutenant, 9 line civilian investigators, 4 senior investigators and 4 police sergeants. The Force Investigation Unit consists of 1 commander, 2 police lieutenants, 9 police sergeants and police officers. The Internal Affairs Unit consists of 1 commander, 1 police lieutenant and 13 police sergeants. The staffing level of the OCI, IA and Force Investigation Unit is diverse.

The staffing ratio of OCI investigators to number of complaints received is 90:1 (90 complaints to 1 investigator).

The staffing ratio of IA investigators to numbers of complaints received is 17:1

The staffing ratio of Force Investigation Unit to number of complaints received is 13:1

The staff members of OCI are mandated by the Consent Decree to receive 40 hours of investigative training. IA staff members and Use of Force Investigation Unit members receive In-house training.

A few of the OCI investigators are retired DPD police officers. OCI investigators are required to have prior investigative experience.

Mediation of Complaints (section VII, question 38)

The DPD does not have a mediation program.

Early Warning Systems (section VIII, questions 39, 40, 41)

The DPD is in the process of creating an early warning system.

Investigation Standards (section IX, questions 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

The standard evidence used in an investigation is preponderance of evidence (51%). Due to the provisions of the Consent Decree, officers are required to be formally interviewed in all complaints.

Interviews are held at times and places that are convenient for the citizens. OCI investigators will travel to complaints or witnesses locations to conduct interviews.

The OCI has staff members who are bi-lingual. The Department has a telephone translation service when an interpreter is needed.

The OCI prohibits group interviews. Only a parent, an attorney, or an agent representing the complainant or a principle (with parental consent) may be present during an OCI interview. Co-complainants, other witnesses, and support persons are not allowed.

The final arbitrator at the end of the complaint process is the Detroit Board of Commissioners.

The available findings of citizen-initiated complaints are:

- Sustained
- Not Sustained
- Exonerated
- Unfounded

All OCI cases are due within 60 days of the received date. This is mandated by the Consent Decree. However, it should be noted that this deadline is often not met due to the high volume of complaints. There is not statute of limitations for complaints.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

There is no civilian oversight in officer-involved shootings and in-custody deaths cases.

Racial Profiling (section XI, questions 56, 57, 58, 59, 60)

The DPD has an established police against racial profiling and biased-based policing. The DPD has a mechanism within the complaint database to track allegations of racial profiling and biased-based policing. To date the agency has not conducted a study or report related to racial profiling.

The DPD defines bias based policing as *“the differential treatment of individuals in the context of rendering police service based on a suspect classification, such as race, ethnic background, gender, sexual orientation, religion, economic status, age or cultural background. Bias based policing may also be defined as any police initiated action that relies on any characteristic other than the behavior, conduct, unlawful act or omission of that individual or information that leads the police to a particular individual.”*

The DPD has the same standard of evidence to prove a racial profiling allegation as other allegations.

Other Information (section XII, questions 61, 62)

The DPD does conduct random surveys to complainants, to track the satisfaction rate. All complaints are retained indefinitely. Under the Federal Consent Decree, a recommendation for the retention schedule is 10 years.

CITY OF HONOLULU

The City of Honolulu has a population of 908,521, is comprised of 85.7square miles, and supported by 2,005 sworn police officers.

This interview was conducted with Captain Gerald Kaneshiro. Captain Kaneshiro is the Commander of the Internal Affairs Division (IAD). The interview was conducted on February 22, 2007, via teleconference at the SJPD Research and Development Conference room. IAD is located at police headquarters.

Current Citizen Complaint System (section I, questions 1, 2, 3)

The Honolulu Police Commission (HPC) conducts investigations of citizen complaints involving police conduct of on-duty personnel. HPC will only investigate complaints that have occurred within 60 days of the incident. If the incident is older than 60 days, the investigation is forwarded IAD for investigation.

IAD will accept complaints up to one year after the incident has occurred. Complaints older than one year are examined on a case-by-case basis. IAD has up to one year to complete the investigation of allegations against department personnel.

Complaints are not investigated concurrently by IAD and HPC. There is no auditing of the internal affairs process.

HPD is not under a Consent Decree or a formalized Settlement Agreement.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

HPD classifies complaints against police personnel in three categories. These categories are identified as follows:

- Misconduct- Serious Allegations
- Procedural- Policy Violations
- Miscellaneous- Complaints that have no substance, thus no investigation.

HPD command staff members conduct audits to determine how complaints are classified. There is no civilian oversight in this process.

HPD does not have an “informal” complaint category, however HPD does have a “miscellaneous” category which is generated when there is no substance to the complaint and an investigation is not required. This category is tracked by the Department but does not become part of the individual officer’s IA file.

HPD does not have an “Inquiry” category. However, not all expressions of dissatisfaction are classified as complaints. Issues of concern may be referred to the district commander for resolution. These instances are not classified or documented as complaints.

All IAD investigators are notary qualified; when a citizen wishes to make a complaint, IAD requires that they sign a sworn/notarized statement.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

In CY2005, HPD had a total of 769,000 calls for service. This number does not include pedestrian or vehicle stops.

The following represents HPD statistics for CY2005

Officers subject to a complaint	499
Formal Citizen Complaints	268
Department Initiated Complaints	231
Procedural Complaints	298
Miscellaneous Complaints (not tracked)	

117 officers received multiple complaints during CY2005.

HPD uses Microsoft Access database to track complaints against police personnel.

HPD does not track the number of allegations.

The following represents HPD statistic for CY2005 discipline imposed on subject officers

Officers suspended	37
Officers terminated	6

HPD does not track the number of disciplinary cases resulting in written reprimands.

HPD received 9 complaints involving the use of force in CY2005.

- HPD does not track the type of force used
- HPD does not track the level of injury
- HPD does not track the locations of force applied on suspects

Of the 9 complaints received involving the use of force, the final dispositions are as follows:

- 4- No action, Justified
- 3-No action, Justified by Administrative Review Board
- 1-Sustained

Demographics pertaining to subject officers and complainants:

- HPD does not track gender, ethnicity or years of service of subject officers
- HPD does not track ethnicity, age, educational level, or occupation of complainants
- HPD does not perform community outreach.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

All complainants must respond to HPD or IAD to make a complaint against police personnel. HPD requires all complainants to sign a sworn/notarized statement when filing a complaint. HPD allows anyone can file a complaint.

HPD does not provide a flow chart to complainants explaining the complaint process.

HPD does not have a specific policy regarding retaliation against a complainant.

Allegations (section V, questions 28, 29, 30, 31, 32)

IAD investigators define and classify allegations. Allegations are listed only for those complaints requiring a full investigation. Allegations are taken from both the complainant's first report of the incident and the complainant's interview with the IA investigator.

Any violations of policy discovered in an investigation are included in the final disposition of the case, including any disciplinary action.

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

There are 9 administrative detectives, 1 major, 1 lieutenant and 1 captain assigned to the administrative side of IAD.

There are 3 criminal detectives, 1 lieutenant, 2 clerical positions, and 1 civilian safety officer assigned to the criminal side of IAD.

The staffing ratio is 63:1

IAD investigators receive departmental training that is not state mandated.

IAD staffing members consist of diverse ethnic backgrounds and various age groups.

Mediation of Complaints (section VII, question 38)

HPD does not have a mediation process.

Early Warning Systems (section VIII, questions 39, 40, 41)

HPD does utilize an early warning system for the complaint process. When an officer receives three or more complaints within a year, it will be referred to a division commander who may counsel the employee.

Miscellaneous complaints are NOT included in the early warning system. The early warning system is not considered to be disciplinary in nature.

Investigation Standards (section IX, question 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

HPD uses a preponderance (51%) of evidence as the standard of evidence in IAD cases. In formal investigations it is mandatory that a subject officer is interviewed. An officer is not required to submit to questioning during an investigation initiated by a civilian complainant who has not submitted a sworn, notarized statement.

Officers are not interviewed in miscellaneous complaints.

Interviews are held at IAD.

Interpreters are provided as needed through in-house personnel or a language hotline.

The Administrative Review Board (ARB) reviews all complaint cases and determines a finding. The ARB consists of the Assistant Chief and Deputy Chiefs of Police. Findings are forwarded to the Chief of Police for final disposition.

Complainants may bring an advocate or attorney with them to an IAD interview.

The following findings are available in an IAD investigation:

- Sustained- Evidence is sufficient to prove allegation
- Not Sustained- Evidence is not sufficient to prove allegation
- Unfounded-Evidence is sufficient to prove the allegation was false
- Exonerated- The employee's actions were proper and justified.

Investigations must be completed within 1 year of discovery of the allegation; this time period is self-imposed.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

HPC is not notified in the event of an officer-involved shooting (OIS) or in-custody death. There is no civilian oversight in the investigation of an OIS or an in-custody death investigation.

Officer involved shootings and in-custody death cases are investigated by IAD. Only ARB and IAD have access to criminal reports in OIS and in-custody death cases.

Racial Profiling (section XI, questions 56, 57, 58, 59)

HPD does not have a specific policy regarding racial profiling. HPD does not have a specific definition of racial profiling.

HPD does not track racial profiling.

HPD does not conduct annual studies or reports regarding racial profiling.

HPD handles allegations of racial profiling through the IAD investigative process and are classified as misconduct complaints.

Other Information (section XII, questions 60, 61)

HPD does not track information on citizens' satisfaction with the complaint process. IAD retains internal affairs investigation records for 30 months.

CITY OF HOUSTON

The city of Houston has a population of 2,045,732, is comprised of 635 sq. miles, and supported by 4779 sworn police officers.

This interview was conducted with Lieutenant Ron Alsbrooks. Lieutenant Alsbrooks is the Administrative Lieutenant of the Internal Affairs Division. The interview was conducted via e-mail with Lieutenant Alsbrooks. The Houston Police Department's (HPD) Internal Affairs office is located on-site at police headquarters, 1200 Travis Houston, Texas.

Current Citizen Complaint System (section I, questions 1, 2, 3)

HPD sworn personnel of supervisory rank conduct the investigations of complaints against department personnel.

The Citizen Review Committee (CRC) reviews completed cases alleging Use of Force. CRC also reviews cases involving discharge of firearms and cases involving serious bodily injury or death to a citizen. This is a result of the City of Houston's Executive Order by the authority of the Mayor. The objective of the CRC is to provide a system of increased accountability and transparency and to facilitate resident input into the investigative process.

REVIEW PROCEDURE

1. Upon the completion of an investigation that involves use of force, discharge of firearms, or serious bodily injury or death, or when an investigation is assigned and approved for review by the Committee, IAD will forward the investigative file to the Internal Investigations Command and the Legal Services Unit for review. After the investigation has been reviewed and returned to IAD, it will be made available to CRC for review.
2. Upon request of CRC, the IAD Lieutenant and Sergeant responsible for the investigation will meet with the committee to answer any questions they might have concerning the investigation.
3. If a quorum of the members decides additional investigation is needed, the Chairperson or his/her designee will meet with the IAD Commander to discuss the Committee's concerns. If the IAD Commander agrees with the Committee, he/she will see that the additional investigation is completed and then return the file to the Committee.
4. If the IAD Commander disagrees with the Committee, the Committee will complete a CRC Form #6 and attach it to the investigative file, indicating their request. The Committee will then submit the file and request to the Assistant Chief of the Internal Investigations Command for consideration. If the Assistant Chief of the Internal Investigations Command agrees with the Committee, the file will be returned to IAD, which will complete the additional investigation and then return the file to the Committee.

5. If the Assistant Chief of the Internal Investigations Command disagrees, the request will be forwarded to the Chief of Police. If the Chief of Police agrees that additional investigation is required, the investigative file will be returned to IAD, which will complete the additional investigation and then return the file to the Committee.

6. If the Chief of Police disagrees with the Committee's request for additional investigation, he will cause the Committee to be so notified, and the case will be forwarded through normal channels.

The city of Houston is not under a Consent Decree or formalized Settlement Agreement.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

HPD classifies complaints against police personnel in two categories. These categories are identified as follows:

Class I	Criminal Allegations
Class II	Policy Violations

All sworn expressions of dissatisfactions are categorized as “complaints.” A verbal expression concerning a minor dissatisfaction may be handled informally by a supervisor.

All complaints are given an Issue Record Number (IRF) and tracked through a departmental tracking system.

The Central Intake Office (CIO) of IAD is responsible for the oversight of how matters are classified and assigned.

The IAD investigative process is used to investigate formal complaints. This process is used for major and minor violations. Dispositions of formal complaints are categorized as:

- Sustained- Evidence is sufficient to prove allegation.
- Not Sustained- Evidence is not sufficient to prove allegation.
- Unfounded- Evidence is sufficient to prove the allegation was false.
- Exonerated- The employee’s actions were proper and justified.
- Never Formalized- Complainant failed to submit a sworn, notarized, statement of complaint.

HPD’s Alternative Dispute Resolution Unit is used to resolve minor employee issues that might be better resolved through a mediation process.

Some expressions of dissatisfaction may be resolved by the officer’s supervisor contacting the citizen. These matters may be documented in the officer’s personnel file maintained by the supervisor for future reference or by the Supervisory Intervention process (SI). The SI provides for written documentation of a minor infraction and is maintained in the officer’s divisional personnel file for use as a performance grading tool for a period of up to 6 months. For the 6-month period, this documentation may be used as a supervisory tool. This SI process is

considered non-disciplinary. The SI is issued a tracking number, but it is not included in the officer’s permanent employee file located in HR. It remains at the divisional level only.

HPD does not have a specific Inquiry section; however, issues that need to be resolved before they rise to the level of a complaint are accomplished through the SI process. They may also be resolved via the mediation process via the Alternative Dispute Resolution Unit. The SI process retains the officer’s name at the divisional level only.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

- HPD had a total of 1755 complaints against officers
- HPD received 311 citizen complaints in CY2005
- HPD had 1157 internal initiated complaints
- HPD had 267 officers receive multiple complaints
- HPD uses a database to track complaints against police personnel

<i>Total Class I and Class II</i>	<i>1468</i>	<i>100.00%</i>
<i>Investigative Issues</i>		
Class I IAD Investigations	255	17.37%
Class II IAD Investigation	70	4.77%
Class II Divisional Investigations	499	33.99%
Class II Expedited Investigations (Divisional)	395	26.91%
Class II Accident Investigations (Divisional)	249	16.96%

<i>GENERAL</i>	<i>1507</i>	<i>69.90%</i>
<i>ALLEGATIONS</i>		
Sustained	874	58.00%
Not Sustained	305	20.24%
Exonerated	128	8.49%
Unfounded	172	11.41%
Never Formalized	28	1.86%

<i>FIREARMS ALLEGATIONS</i>	<i>60</i>	<i>2.78%</i>
Justified Discharge of Firearms	52	86.67%
Not Justified Discharge of Firearms	4	6.67%
Accidental Discharge of Firearms	4	6.67%

<i>MISCELLANEOUS ALLEGATIONS</i>	<i>589</i>	<i>27.32%</i>
Allegations Cleared "Information Only"	80	13.58%
Allegations with no Reported Disposition	498	84.55%
Allegations Cleared as "Duplicate"	11	1.87%
TOTAL INVESTIGATIVE ALLEGATIONS	2156	100.00%

<i>USE OF FORCE DISPOSITIONS*</i>		
No Disposition Reported	29	24.37%
Exonerated	24	20.17%
Never Formalized	12	10.08%
Not Sustained	31	26.05%
Sustained - Reduced	1	0.84%
Sustained	2	1.68%
Unfounded	20	16.81%
Total Use of Force Allegations:	119	100.00%

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

HPD accepts public complaints by:

Telephone- Supervisors will accept and record phone-in complaints if the complaint involves allegations of serious misconduct (Class I). Other phone-in complainants will be advised they need to make the complaint in person to submit a sworn, notarized, statement. They may also be advised to mail a sworn, notarized, statement by mail with specific details of the allegations to the Central Intake Office.

- By Letter
- In person at the Central Intake Office
- In person at any HPD facility via any supervisor
- Anyone can make a complaint to HPD.

HPD will accept any complaint of a serious nature whether it is verbal or written. In cases involving serious, criminal allegations an IAD investigation team will initiate an immediate on-

scene investigation. Complaints of a less serious nature or complaints that are serious but have not recently occurred will be investigated through the normal investigative process.

**For a complete breakdown of how HPD's IAD process works please see the attached Matrix.*

Allegations (section V, questions 28, 29, 30, 31, 32)

HPD's Central Intake Office defines and classifies allegations. Allegations are listed only for those complaints requiring a full investigation. The IAD commander oversees how an investigation is conducted or dismissed. Allegations are taken from both the complainant's first report of the incident and the complainant's interview with the IA investigator.

Any violations of policy discovered in an investigation are included in the final disposition of the case, including any disciplinary action.

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

Authorized Positions	Actual Filled Positions
Captain- 1	1
Lieutenants 7	6
Sergeants 43	33
Officers 11	10
Civilians 8	8

HPD investigators receive departmental training that is not state mandated. Civilians that participate in oversight functions receive 24 hours of training administered by HPD.

Mediation of Complaints (section VII, question 38)

HPD does have a mediation process. In the case of mediation the officer and complainant must agree to the mediation process. If either the complainant or the officer does not agree to the mediation process, the investigation is turned over to the IAD investigative process.

Early Warning Systems (section VIII, questions 39, 40, 41)

HPD does utilize an early warning system for the complaint process. If an officer receives 3 complaints within a year it will result in an intervention counseling session. Miscellaneous complaints are NOT included in the early warning system. The early warning system is not considered to be disciplinary in nature.

Investigation Standards (section IX, question 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

HPD uses a preponderance (51%) of evidence as the standard of evidence in IA cases. In formal investigations it is mandatory that a subject officer is interviewed. An officer is not required to submit to questioning during an investigation initiated by a civilian complainant who has not submitted a sworn, notarized statement.

Interviews may be held anywhere. Employees are not permitted to have counsel present during an interview regarding non-criminal misconduct. Employees may have counsel present during an interview regarding an investigation of criminal conduct. Interpreters are provided as needed when available.

In cases where the complainant is not satisfied with the findings of IAD, the Chief of Police will have the final say.

The following findings are available in an IAD investigation;

- Sustained- Evidence is sufficient to prove allegation.
- Not Sustained- Evidence is not sufficient to prove allegation.
- Unfounded- Evidence is sufficient to prove the allegation was false.
- Exonerated- The employee's actions were proper and justified.
- Never Formalized- Complainant failed to submit a sworn, notarized, statement of complaint.

Investigations must be completed within 180 days of discovery of the allegation. This is based on local statute.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

Investigations must be completed within 180 days of discovery of the allegation. This time frame is based on an existing Houston statute.

The CRC reviews all cases of in-custody deaths and officer-involved shootings, with the exception of accidental shootings where there were no injuries and animal shootings. CRC reviews these cases after the investigation is completed.

HPD officer involved shootings are investigated by the Homicide Division and by IAD.

Racial Profiling (section XI, questions 56, 57, 58, 59)

HPD defines racial profiling as any law enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

HPD handles allegations of racial profiling through the IAD investigative process.

Other Information (section XII, questions 60, 61)

HPD does not track information on citizens' satisfaction with the complaint process. The HPD permanently retains internal affairs investigation records.

CITY OF LOS ANGELES

The City of Los Angeles has a population of 4,018,080 living in an area of 469.1 sq. miles, which is supported by 9,500 sworn police officers. Members of the Los Angeles Police Department are protected by the Public Safety Officers Procedural Bill of Rights.

The interview was conducted electronically via IAG e-mail with Detective James Willis on April 26, 2007.

Current Citizen Complaint System (section I, questions 1, 2, 3)

The Los Angeles Police Department (LAPD) has an Internal Affairs Group (IAG), assigned to Professional Standards Bureau (PSB). IAG investigates complaints of misconduct as delineated in Paragraphs 93 & 94 of United States Department of Justice Consent Decree, dated June 15, 2001. All other complaints against Department Personnel not described in the Consent Decree are investigated and adjudicated at the Area level (Chain of Command). There is civilian oversight in the internal affairs process.

The City of Los Angeles is currently under Federal Consent Decree, which requires a civilian review and audit of all completed internal affairs investigations. The audits are conducted by the Office of the Inspector General (OIG).

The Office of the Inspector General reports directly to the Board of Police Commissioners and has the authority to oversee the Department's handling complaints of misconduct; conduct any audit or investigation requested by a majority vote of the Board.

Police Commission has responsibility for the control, regulation and management of the Los Angeles Police Department pursuant to Los Angeles City charter Volume I, Article V, Section 506.

This Federal Consent Decree became effective in June 2001.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

The LAPD classifies complaint into two categories;

- *Disciplinary* - Complaints are sustained, not resolved, unfounded, exonerated, insufficient evidence to adjudicate.
- *Non Disciplinary*- Complaints are policy/procedure, employees actions do not rise to the level of misconduct, employees actions could have been different, demonstrably false, Department employee not involved and resolved through the alternative complaint resolution.

All expressions of dissatisfaction are categorized as complaints and are investigated by a Department supervisor. All complaints also receive a complaint form number for tracking purposes.

The LAPD does not have an “Inquiry” or similar category.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

The LAPD was not able to provide the number of calls for service in CY2005.

In CY2005 the LAPD had 4,156 officers subject to a complaint.

In CY2005 the LAPD received 5,165 citizen complaints.

In CY2005, the LAPD initiated 1,355 department initiated complaints.

In CY2005, the LAPD had 1,881 officers who received more than one complaint.

The LAPD does use an internal database to track complaints against police personnel.

In CY2005 the LAPD received 14,153 allegations.

Discipline Imposed for CY2005

Penalty	Totals
(not sustained--no discipline imposed)	9098
Admonishment	616
Demotion	1
Discharged on Prior Complaint	2
Discharged/Removed/Transferred	54
Inactive	4
No Action	41
No Penalty	142
Official Reprimand	172
Removed on Prior Board	30
Resign/Retire	149
Suspension	506
Termination on Probation	15

In CY2005 the LAPD received 808 Use of Force Complaints.

Status	Complaints
Not Sustained	595
Sustained	5
Pending or no final UF allegation	208

The LAPD does not track the type of force used, level of injury sustained, or locations of force applied.

The LAPD does track gender, ethnicity or years of service of subject officers during CY2005.

GENDER	DESCENT Description	Accused Cases	Mean Tenure Years
F	AMI	8	10.2
F	ASN	61	5.9
F	BLK	254	11.8
F	CAU	514	10.8
F	HIS	446	9.3
M	AMI	28	8.3
M	ASN	532	7.7
M	BLK	853	13.5
M	CAU	2789	11.3
M	HIS	2772	9.1

GENDER	DESCENT Description	Accused Cases	Mean Tenure Years
F	AMI	7	11.1
F	ASN	46	6.7
F	BLK	129	13.4
F	CAU	452	11.0
F	HIS	349	9.1
M	AMI	26	8.3
M	ASN	515	7.7
M	BLK	808	13.7
M	CAU	2728	11.3
M	HIS	2732	9.1

The LAPD tracks the age and ethnicity of complainants. They do not track the occupation or educational level of complainants.

Descent	Complainants	Age Known	Mean Age
Asian (mostly included in Other)	1	1	35.7
Black	1478	1342	38.1
Hispanic	1091	955	33.2
Other	184	157	38.4
Unknown	407	83	43.4
White	1107	995	43.1

Chief William J. Bratton has an operational philosophy that the Department is “transparent” and the veracity of the LAPD’s Categorical Use of Force and Internal investigations can be held up to public scrutiny, which it invites.

Geographical Areas are staffed with Senior Lead Officers (SLOs), assigned to specific Reporting Districts, which reach out to its local members, secular and religious leaders and activists. The two major civilian oversight entities: The Officer of the Inspector General and the Board of Police Commissioners are conduits for community input, which are relayed to the Department.

Both of these civilian oversight entities are accessible to the community and any questions, concerns or supplemental information they offer is always forwarded to the Internal Affairs Group (IAG).

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

The LAPD accepts all public complaints, and anyone is able to file a complaint (All methods: verbal at an Area Station; telephonic IAG after hour hot line; written to the Office of the Inspector General, to the Board of Police Commissioners and to the Department itself).

LAPD supervisors are responsible for accepting complaints when made aware or possible officer misconduct.

Minor complaints are generally investigated at one of the (19) nineteen geographic areas or specialized units. However, IAG is responsible for handling complaints of misconduct alleging: unlawful search, unlawful seizure, dishonesty, domestic violence, behavior involving narcotics or drugs, sexual misconduct, theft, and acts of retaliation, as described the Consent Decree, Paragraphs 93 & 94.

The Department does not publish a flow chart detailing a complaint flow.

The LAPD does not have a written policy pertaining to retaliation against a complainant; however, this would be considered unbecoming conduct of an officer and therefore handled appropriately.

Allegations (section V, questions 28, 29, 30, 31, 32)

The LAPD defines misconduct as:

- Commission of a criminal offense
- Neglect of duty
- Violation of Department policy, rules, or procedures
- Conduct which may tends to reflect unfavorably upon the employee or the Department.

Complaints of misconduct are classified as either Disciplinary or Non-Disciplinary

The LAPD has a section (Classification Unit) solely dedicated for classifying complaints. Police supervisors and police officer staff the unit.

All acts of alleged misconduct are documented on a Complaint Form and the allegation(s) are framed during the investigation.

All completed investigations are reviewed at different levels. In addition, the Federal Monitor and Office of the Inspector General can also provide insight.

Both, the investigation should include the initial contact with the complainant.

The allegations are added when identified. In those cases, the Department becomes a co-complainant.

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

The LAPD is comprised of 231 sworn personnel (122 of which are investigators) and 54 civilian personnel. During CY2005 IAG handled 6,511 complaints. The staffing ratio of IAG is 53:1 (6,511 complaints to 122 investigators).

The IAD has a diverse work group

- 39% Caucasian
- 17% African American
- 34% Hispanic
- 7% Asian
- 66% male

New investigators receive 40 hours of IAG mandated Internal Investigations training, which includes administrative law, preliminary investigation procedures, investigative strategies, interview techniques and report writing. The training also includes “best practices” in domestic violence, benefit abuse, worker’s compensation, and substance abuse investigations, special operations and deadly force incidents.

The Office of the Inspector General is staffed with auditors and investigators who routinely attend various Department and IAG schools. There are minimum education and relevant experience requirements for the auditors and the investigators.

Mediation of Complaints (section VII, question 38)

The LAPD does a mediation program.

In accordance with the Federal Consent Decree requirement, the Departments designed the Risk Management Information System (RMIS). The RMIS is designed to identify employees whose activity, over a 7 or 13 Deployment Period, is **exceptional** or **different** than his or her peer group. The RMIS monitors activity in the following indexes and generates an “Action Item” when an unusual activity is noted:

- Complaints Index
- Use of Force Index
- Claims/ Lawsuits Index
- Collisions Index

- All Pursuits Index

The LAPD also has an Alternate Complaint Resolution (ACR) process. This program is voluntary participation for the officer(s) and the complainant. The allegations must be non-disciplinary in nature and the complainant and officer(s) must sign a confidentiality agreement. The allegations must not be criminal nor can the allegations be for unauthorized force, unlawful search or seizure, dishonesty, domestic violence, alcohol, drugs, sexual misconduct, theft, or retaliation. In addition, the complaint may not be a complaint that was initiated by a judge or prosecutor, due to officer credibility issues. There must also be no apparent pattern of similar behavior by the officer(s).

The “mediator” is usually a first line supervisor who has completed the ACR training. A complaint is considered successfully mediated when the issue is resolved to the satisfaction of both parties and an unsuccessful mediation may result in the initiation of a personnel complaint investigation. The program has proven to be positive but is infrequently used (only a few per month).

Early Warning Systems (section VIII, questions 39, 40, 41)

With the Federal Consent Decree requirement the Department designed the Risk Management Information System (RMIS). The RMIS is designed to identify employees whose activity, over a 7 or 13 Deployment Period, is **exceptional** or **different** than his or her peer group. The RMIS monitors activity in the following indexes and generates an “Action Item” when an unusual activity is noted:

- Complaints Index
- Use of Force Index
- Claims/ Lawsuits Index
- Collisions Index
- All Pursuits Index

The RMIS is not considered disciplinary in nature and is used as an early advisory tool to identify and minimize “at-risk behavior” patterns/ trends. The RMIS is designed to automatically identify an “Action Item” or a supervisor can manually create it based upon policy and protocol. All dispositions, with the exception of “No Action” will be discussed with the affected employee and reviewed at additional levels of the chain of command to ensure fairness and accurate reporting.

The supervisor conducting the interview shall document his findings within RMIS, and further detail the activity on a Comment Card Form or supervisor’s log if necessary.

Investigation Standards (section IX, questions 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

The standard of proof in administrative hearings, like Boards of Rights, is by a preponderance of the evidence. To be considered by the Board, evidence must be reasonable in nature, credible, and of solid value.

As a general rule, accused officers are interviewed during administrative investigations. Though, an accused officer's Commanding Officer can recommend the exclusion of accused officer's interviews, if he/she believes there is sufficient evidence to adjudicate the complaint without said interview.

This Department does not conduct informal complainants or informal interviews. Department policy dictates that if the initial complaint investigation revealed that misconduct occurred, then any accused officer(s) would be afforded his rights under the Police Officers Bill of Rights prior to any interview.

Generally all interviews should be scheduled in advance and conducted in person. All accused employees shall be interviewed in person. However, occasionally an in-person interview of a witness is not practical. Complainants who refuse in-person interview, or whose location makes an in-person interview impractical, may be interview by telephone.

The location of interview can be critical. Employees should be interviewed at Department facilities. Consult your supervisor if the employee insists on an interview at a union or attorney's office. Non-Department subjects, witnesses, and complainants should be encouraged to come to Department facilities for interviews so you have better control over the interview.

The Department maintains a list of bi-lingual officers and utilizes an outside language bank if none are available.

The accused officer's Commanding Officer is the final adjudicator of all non-sustained complaints and sustained complaints with a penalty of an admonishment and below. The Chief of Police is the final adjudicator for all sustained complaints. The accused officer has the option to take his complaint to a Board of Rights.

The below listed are available disciplinary dispositions available:

- Sustained
- Sustained-No Penalty
- Board of Rights (BOR)-Removal
- BOR- Demotion
- BOR-Guilty
- BOR- Not Guilty
- Not Resolved
- Exonerated
- Unfounded

The below listed are available Non-disciplinary dispositions available:

- Policy/procedure
- No Misconduct
- Different
- Demonstrably False
- No Department Employee
- Alternative Complaint Resolution
- Other Judicial Review
- Insufficient Evidence to Adjudicate
- Withdrawn by COP, Duplicate

In order for the Department to impose discipline (greater than an Official Reprimand), the investigation must be time stamped by the Office of the Inspector General, no later than one year after the alleged misconduct came to the attention of an uninvolved supervisor. Statute can be tolled if one of the City Charter 1070 tolling provisions is not met.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

All deaths while the arrestee or detainee is in custodial care of the Department (also known as In-Custody Death or ICD) are investigated by Force Investigation Division, Profession Standards Bureau. These investigations are exhaustive and extensive and evaluated by the Office of the Inspector General and the Board of Police Commissioners.

All Officer-Involved Shootings (OIS) are investigated by Force Investigation Division, Profession Standards Bureau. These investigations are comprehensive, wide-ranging and replete with every interview being taped and transcribed. Such investigations are reviewed and adjudicated by a Use of Force Review Board. That investigation and adjudication is evaluated by the Office of the Inspector General and adjudicated by the Chief of Police. The Board of Police Commissioners is the final adjudicator of the use of force. Part of the investigation includes the OIG, Los Angeles County District Attorney and Risk Management Division response (roll-outs) to OIS or ICD scene.

Officer-Involved Shootings (also recognized as Categorical Uses Force) are investigated by Force Investigation Division, which has a bifurcated investigative model: A Criminal Investigative Section & Administrative Investigative Section. In certain circumstance, such as an OIS with a hit, Criminal Section Investigators present a "criminal" investigation independent of the involved officer's compelled statements to Los Angeles County District Attorney's Office, Justice System Integrity Division (JSID). Through channels of Discovery and legal motions, the compelled statements can be requested.

Racial Profiling (section XI, questions 56, 57, 58, 59, 60)

This Department defines Racial Profiling as any police practice in which a person is treated as a suspect solely because of his or her race, ethnicity, nationality or religion.

Internal Affairs Group has a written protocol and procedure, which was recently adopted and approved by the Board of Police Commissioners.

345. POLICY PROHIBITING RACIAL PROFILING. The Department shall continue to prohibit discriminatory conduct on the basis of race, color, ethnicity, national origin, gender, sexual orientation, or disability in the conduct of law-enforcement activities. Police-initiated stops or detentions, and activities following stops or detentions, shall be unbiased and based on legitimate, articulable facts, consistent with the standards of reasonable suspicion or probable cause as required by federal and state law.

Department personnel may not use race, color, ethnicity, or national origin (to any extent or degree) in conducting stops or detentions, or activities following stops or detentions, except when engaging in the investigation of appropriate suspect-specific activity to identify a particular person or group. Department personnel seeking one or more specific persons who have been identified or described in part by their race, color, ethnicity, or national origin, may rely in part on race, color, ethnicity, or national origin only in combination with other appropriate identifying factors and may not give race, color, ethnicity or national origin undue weight.

Failure to comply with this policy is a violation of an individual's constitutional rights. It is also counterproductive to professional law enforcement, amounts to racial profiling, and is considered to be an act of serious misconduct. Any employee who becomes aware of racial profiling or any other violation of this policy shall report it in accordance with established procedure. The Commanding Officer, Internal Affairs Group, shall ensure that all complaint allegations involving racial profiling are categorized under the appropriate category contained in the Department's Penalty Guide.

The Department collects data detailing information on traffic stops/ pedestrian stops and the ethnicity involved in said activity. There is no system in place to measure the effectiveness of this data.

The Federal Monitor and Office of the Inspector General conducts random audits on personnel complainants alleging Racial Profiling. Internal Affairs Group maintains a matrix on personnel complaints involving Racial Profiling data.

The standard of proof is by a preponderance of evidence.

Other Information (section XII, questions 61, 62)

Our Department sends out correspondence to a complainant explaining the disposition of their complaint. There is no system in place for tracking citizen satisfaction with the complaint process.

Current Department policy dictates that the Department maintains personnel complaints for 20 years. Sustained complaints are maintained in the accused personnel package.

MIAMI-DADE COUNTY

The County of Miami-Dade has a population of 2,253,362, is comprised of 2000 sq. miles, and is supported by approximately 3,000 sworn police officers.

This interview was conducted with Lt. Stephanie Daniels of the Internal Affairs Section (IAS), which operates under the umbrella of the Professional Compliance Bureau (PCB). The interview was conducted on February 27, 2007, at the San Jose Police Department's Research and Development Unit via a conference call. The Miami-Dade Police Department (MDPD) PCB is located at an off-site facility.

Current Citizen Complaint System (section I, questions 1, 2, 3)

The primary function of IAS is receiving, processing, and investigating complaints made against members of its department. In addition, IAS is the department's primary liaison with the Miami-Dade County Independent Review Panel (IRP), which is a civilian oversight agency. The criminal conspiracy section conducts proactive and prolonged investigations of allegations of major crimes.

IRP consists of nine members, each of whom is a qualified elector of Miami-Dade County and possess a reputation for civic pride, integrity, responsibility. IRP members have demonstrated an active interest in public affairs and service. IRP can accept complaints, conduct a preliminary investigation and then forward them to the police department if a formal investigation is required. It is another entity within the county for citizens to file misconduct complaints. PCB investigates all complaints against police personnel.

The County of Miami-Dade is not under a Consent Decree or formalized Settlement Agreement.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

PCB classifies complaints as follows:

- Personnel- Discourtesy or procedural type complaints involving minor allegations
- IA Complaints- Law violations or major allegations
- Shooting Incidents
- General Investigations-Refers to IAS investigations in which no subject employee has been identified and the case remains open pending further leads
- Memo to File- Refers to IAS investigations which result in no violation of law or departmental rules and cases in which the complainant withdraws the complaint and no further investigation is deemed appropriate.

Not all expressions of dissatisfaction are categorized as complaints. Non-formal complaints are called Contact Reports. These reports are not kept in any personnel file, but are tracked in an informal log. Officers' names are retained, but the information is not kept in the officers' IA files; Contact Reports are not counted as part of the early warning system.

On face value, cases involving minor allegations may be closed without an investigation.

PCB does not have an inquiry category. The Contact Report category, however, is similar to the inquiry category. If a person contacts PCB regarding an issue of concern, but does not want to file a complaint, there will be no documentation. Traffic citation disputes are not accepted as complaints, unlawful arrest allegations are not accepted, unless PCB can see that there is merit to the allegation.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

According to the 2005 annual study, the Miami-Dade Police Department received approximately 1.15 million calls for service; this number does not include vehicle and pedestrian stops where an individual is not arrested. MDPD had 576 officers that were subject to a complaint in CY2005.

MDPD utilizes an internal Microsoft database for tracking complaints.

MDPD received 354 citizen complaints in CY2005 (district complaints which are handled informally are not tracked).

Contact Reports are not tracked.

MDPD initiated 50 internally generated complaints in CY2005.

MDPD had 93 officers who received more than one complaint during CY2005.

MDPD received 115 allegations involving the use of force in CY2005.

MDPD received 625 allegations in CY2005.

The following is a breakdown of the discipline imposed for CY2005.

<i>Formal complaints</i>	
Counseling	37
Written Reprimand	23
5 Day Suspension	15
10 Day Suspension	4
15 Day Suspension	2
20 Day Suspension	4
Resigned	2
Informal Counseling	4
Demoted	1
Terminated	1
Discipline Rescinded	1
Retired	1

<i>Type of Force Used</i>	
Hands/Arm	111
Feet/Leg	37
Fists	27

Other	25
Electronic Control Device	5
Vehicle	4
Radio	2
PR24 (Baton)	1
Carotid Restraint	1

<i>Level of Injury</i>	
Abrasions	43
Lacerations	1
Soreness	16
Sprain	6
Broken bones/fractures	4
Internal Injury	4
Puncture	3
Other	2

<i>Unnecessary Force Complaint Dispositions</i>	
Not Sustained	59
Sustained	11
Exonerated	2
Memo Sent to File	12
Open Pending	30
General Info	1

MDPD does not track the statistics of the gender, ethnicity, and years of service of subject officers.

MDPD does not track the statistics of the ethnicity, age, educational level and occupation of complainants.

PCB provides brochures that are posted at each of the police substations and at headquarters. A PCB website is maintained with current information and is capable of accepting emailed complaints.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

MDPD will accept complaints in any form. Anyone can make a complaint.

Any member who is contacted by a complainant refers the complainant to the officer's supervisor, if he/she is available. If the supervisor is not available, the complainant is referred to the nearest supervisor or to PCB if the complaint is received during business hours.

The process is documented on the PCB brochure. The process is also documented in the appropriate General Manual Procedure and the PCB Standard Operating Procedures. Brochures

can be obtained at any police substation or at headquarters, and can be downloaded off of the website.

When a complaint is filed at IRP there would be a preliminary investigation to determine if the complaint merits a formal investigation. If the complaint needs further investigation it is turned over to PCB. IRP then reviews the department's response and sends information to the complainant. IRP may hold a committee meeting with the complainant, panel member, and the involved department. IRP may conduct a supplemental investigation. The panel may review the case in a public hearing. IRP may then report the findings and recommendations to the involved Department, County Manager, and Executive Mayor.

IRP will accept a complaint in any form, but requires the complaint be reduced to writing before the preliminary investigation will occur. IRP does not require the complainant to sign the complaint or take a sworn oath.

MDPD has a specific policy prohibiting officer retaliation against persons filing complaints.

Allegations (section V, questions 28, 29, 30, 31, 32)

Allegations are classified by the particular rule, regulation or procedure alleged to have been violated. The assigned investigating sergeant from PCB defines and classifies allegations. The lieutenant of PCB reviews the classifications and makes the final determination. Allegations are listed for complaints on a case by case basis. The determination of how an allegation is defined, investigated, or dismissed is reviewed up the chain to the rank of Major.

If an allegation of a violation of department policy surfaces during in an investigation that was not articulated in the original complaint, it is dealt with on a case by case basis.

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

PCB is comprised of 1 major, 1 captain, 5 lieutenants, 42 sergeants, and 7 officers.

The ethnicity breakdown of PCB personnel is as follows:

18 White (Non-Hispanic), 25 Hispanic, 11 African-American.

PCB's staffing ratio is 13:1.

PCB investigators receive approximately 40 hours of in-house training upon assignment to PCB. Investigators are sent to outside courses when the courses become available, subject to staffing and funding limitations.

Mediation of Complaints (section VII, question 38)

MDPD does not have a formal mediation process.

IRP offers to mediate complaints that are not resolved to the satisfaction of the complainant. In the mediation setting, IRP requires all participants be sworn in before they testify. Each party has a right to be represented by counsel. If both parties agree to utilize this informal procedure, the resolution process will be mediated by a Panel member and the Executive Director or his/her designee. If both parties agree with the outcome of the mediation process, the agreement resolution shall be submitted to the Panel for ratification, without a formal investigation. If the matter cannot be resolved at this stage, a public adversarial hearing shall be conducted. The final recommendation will be forwarded to the City Manager and the Department Director.

Early Warning Systems (section VIII, questions 39, 40, 41)

MDPD does utilize an early warning system for the complaint process. MDPD's "Early Identification System" (EIS) monitors use of force reports and complaints. The purpose of the EIS is to notify commanders of officers working for them who receive two complaints or are involved in two use of force reports within a 60-day period. The early warning system is used for counseling and stress abatement.

Investigation Standards (section IX, question 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

MDPD uses a preponderance (51%) of evidence as the standard of evidence in PCB cases. In both formal and informal investigations it is mandatory that a subject officer is interviewed. Ideally complainants are interviewed at PCB, but they can be interviewed anywhere if the need arises. Complainants are not permitted to bring a support person to the interview unless they are a juvenile. Interpreters are provided as needed by support staff or language line.

The Director of the police department is the final authority in the complaint process. After the Director's ruling, the complaint process ends and the case is closed.

The following findings are available in a PCB investigation;

- Sustained
- Not Sustained
- Unfounded
- Exonerated
- Sustained Other
- Policy Failure

MDPD requires that all complaints are completed within 180 days from the received date. This timeline is set by government statutes.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

There is no civilian oversight involved in the investigations of an officer-involved shooting or in-custody death. Both the investigative bureau and PCB have access to criminal reports from officer-involved shootings and in-custody death investigations. PCB reviews all officer-involved shootings and in-custody death investigations.

Racial Profiling (section XI, questions 56, 57, 58, 59)

MDPD defines racial profiling as “the exercise of police authority based solely upon an individual's personal characteristics including, but not limited to, race, color, ethnicity, gender, sexual orientation, age, physical handicap, religion or other belief system, or income status unless such personal characteristics are part of an identifying description or characteristic of a possible suspect.”

It is the policy of MDPD to provide equal protection to all citizens. Toward this end, police officers and civilians employed by MDPD are strictly prohibited from engaging in racial/bias profiling in any aspect of law-enforcement activity. Police Officers and civilian employees shall not use race, national origin, citizenship, religion, ethnicity, age, gender, sexual orientation, or physical or mental disability for a law enforcement-initiated action, except to determine whether a person matches a specific description of a particular suspect.

MDPD conducted a study on racial profiling in CY2004. MDPD does have a tracking mechanism for racial profiling.

MDPD has a panel of 3 majors that review all allegations of racial profiling. Investigations involving racial profiling are proven with a preponderance of evidence.

Other Information (section XII, questions 60, 61)

MDPD does not track information on citizen’s satisfaction with the complaint process. The State mandates that all internal affairs records are kept for a period of four years. MDPD retains the records for fifty years after the initial four year period.

CITY OF MILWAUKEE

The city of Milwaukee has a population of 586,500, is comprised of 96 sq. miles, and supported by 1922 sworn police officers.

This interview was conducted with Sgt. Heather Wurth and Lieutenant Kurt Leibold of the Internal Affairs Section (IAS). The interview was conducted on January 26, 2007 at the Milwaukee Police Department's (MPD) Internal Affairs office. MPD Internal Affairs is located at an off-site facility.

Current Citizen Complaint System (section I, questions 1, 2, 3)

MPD has a Professional Performance Division (PPD) which is divided into a Criminal Investigation Section and an Internal Affairs Section. The Criminal Investigation Section investigates allegations of misconduct, such as violations of city ordinances, traffic laws, and state and federal statutes by Department members. The Internal Affairs Section investigates allegations of misconduct, such as violations of a Department rule, standard operating procedure, or position responsibility by a Department member.

The City of Milwaukee has a Fire and Police Commission (FPC). The commission may also be involved in oversight if a complainant is not satisfied with the disposition of the investigation. The commission has the authority to audit investigations and hold disciplinary hearings.

The Milwaukee FPC can receive complaints against Department members for violations of Department rules and regulations. Upon receipt of the complaint, the commission determines whether the FPC commissioners have the authority to hear the complaint. Upon review, the complaint may be referred for conciliation, may be dismissed because it is outside the scope of the commission's authority, or for other reasons, or it may be referred to the Chief of Police for investigation and disposition.

The City of Milwaukee is not under a Consent Decree or formalized Settlement Agreement.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

MPD classifies complaints as follows:

Citizen Complaint

A citizen complaint is an allegation of a Department rule, standard operating procedure, or position responsibility violation committed by one or more Department members. A citizen complaint can be made either orally or in writing, providing that the complainant is an adult, parent, or legal guardian or a juvenile complainant, attorney representing an aggrieved party, or a translator representing a non-English speaking complainant.

When a citizen wishes to express dissatisfaction due to the acts or omissions of one or more Department members, or due to Department policies/procedures, they shall be immediately referred to a supervisor. The supervisor accepting the report shall obtain a complaint number from PPD as soon as practicable. Each citizen complaint filed receives a PPD number for

tracking purposes. Numbers are assigned in sequential order, generally based on the date the complaint is received.

During a review of the complaints by a lieutenant or captain, a determination is made whether the complaint will be investigated, or whether the complaint can be resolved in another manner (without investigation).

When a citizen is insistent on making a complaint, the complaint will be accepted by a supervisory member and assigned a PPD number.

Whenever a citizen communicates dissatisfaction with one or more Department members that does not rise to the level of a rule, standard operating procedure, or position responsibility violation, a report will not be completed. When in doubt as to whether a violation has occurred or whenever a citizen is adamant that a complaint be filed, the supervisor shall document the citizen's statements.

If an official complaint is not filed on the citizen's behalf, it is generally the supervisor's responsibility to document their conversation with the citizen complainant about the actions taken to resolve the situation. In instances such as this, it is not required that a supervisor files an official report and forward the information to PPD. Hence, there is no requirement, for the supervisor to obtain a tracking number.

MPD does not have a category for an inquiry. Cases that can be resolved to the satisfaction of the citizen, however, are handled at the district level and not by IAS. These incidents are documented on a "matter of report," a file that is separate from an IAS file. Only allegations that receive a PPD number are classified for tracking purposes but subject to change based on the scope of the investigation.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

MPD did not provide how many calls their department responded to for CY2005.

In CY2005, the Milwaukee Police Department had a total of 851 complaints. Of these 851 complaints, 591 were citizen-initiated complaints and 427 were department-initiated. MPD had 266 officers who received more than one complaint.

MPD does use an internal database to track complaints against police personnel.

In CY2005, MPD received 2256 allegations and 1274 complaints.

MPD provided the breakdown of complaints and allegations as follows:

Citizen	591
Fire and Police Commission	2
Internally Generated	427
Duplicates	9
Anonymous	13
Other Jurisdiction	7
Source not Credible	1
Information Only	28
Resolved without Investigation	2
Critical Incidents	13
Miscellaneous	137

MPD provided the following chart as a breakdown of Formal Disciplinary Action Imposed during CY2005.

<i>Suspensions</i>	<i>Total</i>
1 Day Suspension	33
2 Day Suspension	27
3 Day Suspension	15
4 Day Suspension	2
5 Day Suspension	3
6 Day Suspension	1
10 Day Suspension	3
20 Day Suspension	5
30 Day Suspension	3
TOTAL Suspensions	92
Official Reprimands	59
Member Dismissed	17
Member Terminated	14
TOTAL/Other Discipline	272
District Level Written Reprimand	18
Charge Dismissed	26
Demotion	1
Assigned Admin Duties	1
Discipline Rescinded	3
TOTAL Other Action	49

MPD does unofficial outreach conducted on a daily basis through contacts with citizens relative to citizen complaints. IAS also provides training relative to internal investigations during sessions of the citizen academy held at the Milwaukee Police Training Academy.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

Complaints are accepted through phone, mail, and in person at any of the Department's work locations. Anonymous complaints are also accepted and generally, these complaints are received directly through the Office of the Chief of Police, FPC or PPD. Complaints can also be e-mailed via a link on the FPC web location and can also be received via third party. In most instances of a third party complaint, follow up is conducted to ensure that the aggrieved individual wishes to proceed with an official complaint.

Citizens who wish to express dissatisfaction, due to the acts or omissions of one or more Department members, or due to Department policies/procedures, shall be immediately referred to a supervisor. Non-supervisory members shall in no way attempt to deter a citizen from making a complaint and are prohibited from questioning citizens as to the nature of the complaint. If the complaint relates to a Department member of another work location, the complaint shall be accepted without referring the complainant to that work location. A Citizen Complaint Report may be completed by the supervisor receiving the complaint. However, when more convenient for the complainant, the form may be completed by the complainant and returned to the Department, either in person or by mail. A request for the citizen to sign the form will occur unless the form is received via mail. If a citizen refuses to sign the form the complaint will not be disregarded.

Each citizen complaint, whether it is received at a district or PPD, receives a PPD number used for tracking. A review is then conducted by a PPD Lieutenant of Police or person acting in that capacity and a decision is made whether the matter will remain at PPD or if the investigation is going to be investigated at another work location. Each citizen is provided with a small booklet which briefly describes the complaint procedure and provides contact numbers should a citizen require or request additional information. The standard operating procedures are available at local libraries and available on the Milwaukee Police Department website.

MPD has a policy pertaining to officer retaliation against complainants.

Any member against whom charges has been made, who shall attempt directly or indirectly, by threat, appeal, persuasion, or the payment or promise of money, to secure the withdrawal or abandonment of such charges, or to prevent the attendance of witnesses, or who at any time before final judgment shall cause any person to intercede personally, or by letter, in the member's behalf, in any manner whatsoever with any official in or outside of the Department, or with any other person, shall be subject to the charges of an act contrary to good order and discipline.

Allegations (section V, questions 28, 29, 30, 31, 32)

Allegations are generally defined and classified by the member of PPD who assigns the investigative number, though this may change depending on the scope of the investigation. For this purpose, PPD utilizes an Internal Affairs File Record and allegation codes are assigned under the following major headings: Other, Absence, Accident/Department Vehicles, Alcohol, Chemical Test, Court, Failure to Conform, Discrimination, Drugs, Ethics, Department Equipment, Firearms, Force/Use of Improper, Harassment/Sexual/Member, Insubordination, Neglect of Duty, Failure to Know Position Responsibilities, Prisoner, Probationary Member, Procedures/Internal, Residency, Failure to Know Rules and Regulations, Service Related, Failure to Know Standard Operating Procedure, and Unfit for Duty. Under each major classification is a sub-classification which explains greater details of the allegation.

MPD's chain of command serves as the oversight as to how allegations are defined. Allegations are taken from both the complainant's first report and from the complainant's interview with an IAS investigator. MPD's chain of command makes the determination of whether or not to address a violation of rules and procedures, SOP, or position responsibilities, which is not articulated by the complainant but which is discovered during the course of the investigation.

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

The MPD Professional Performance Division-Internal Affairs Section has ten investigators. One investigator is also responsible for reviewing all Department use of force reports. One sergeant is assigned as a desk sergeant for the section, which entails scheduling, preparing specifications, and reviewing lost or stolen equipment reports, squad accidents, and pursuit reports. There are five office assistants that each performs different functions. There are three lieutenants and the deputy inspector of police.

The ratio of cases to investigators is approximately 127:1 for CY2005

Of those members assigned to MPD's Internal Affairs Section, four members are African-American, and the remaining members are white, Hispanic, or American Indian descent.

For CY2005, the section processed 1135 complaints against members of the Department. 615 complaints were investigated by the Districts or Bureaus where the offending member is assigned. 520 complaints were investigated by IAS. 614 complaints were internally generated and 521 were citizen complaints. Each sergeant assigned to IAS averages 52 cases a year, working approximately 200 days a year, equating to approximately 3.8 cases a week.

PPD training is conducted informally upon assignment to the section. Each investigator is also provided a booklet with information and the procedures for conducting internal investigations. Members of PPD have open communication about investigations and training or learning occurs on a daily basis. Other training may become available through the Department and members assigned to PPD are encouraged to seek outside training relative to their assignment. PPD's training is not state mandated. Members of the FPC are not required to obtain training.

Mediation of Complaints (section VII, question 38)

MPD does not have a mediation process.

FPC has a conciliation process. There is no cost to participate in the conciliation process. The FPC chooses the mediator. If the complainant does not cooperate with the process the complaint is closed. The mediation process is rarely used.

Early Warning Systems (section VIII, questions 39, 40, 41)

MPD does not have an early warning system.

Investigation Standards (section IX, question 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

MPD uses a preponderance (51%) of evidence as the standard of evidence in IAS cases. Unless otherwise directed by the commanding officer of PPD, oral statements shall be obtained from Department members who are subject to personnel investigations.

Interviews of citizen complaints can be conducted at any Department location. The interview of a citizen can also be conducted at the citizen's residence or other neutral location.

When a citizen needs an interpreter, a supervisor from another work location is brought in to assist. If there are no available supervisors, the citizen may bring in his/her own interpreter or have the Department contact an interpreter over the phone.

In most cases, a citizen complainant is interviewed in private.

If a complainant is not satisfied with the disposition of the complaint, the complainant may appeal the decision with the FPC, who is the final arbitrator.

The following findings are available in an IAS investigation;

- Sustained
- Not sustained
- Exonerated
- No Rule Violation
- Unfounded

MPD attempts to resolve all complaints within a six-month period. This timeline is imposed by the Chief of Police.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

There is no civilian oversight participation in officer-involved shootings or in custody death investigations.

Racial Profiling (section XI, questions 56, 57, 58, 59)

MPD defines racial profiling as “any police initiated action that relies upon the race, ethnicity, or national origin of an individual rather than the behavior of that individual, or information that leads the police to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.”

MPD has a policy prohibiting members of the department from engaging in any racial profiling

MPD does collect statistics from vehicle stops to ensure that racial profiling does not occur. However, MPD has not completed a formal study or report on racial profiling.

MPD uses a preponderance of evidence to prove a racial profiling allegation.

Other Information (section XII, questions 60, 61)

MPD does not track information on citizen’s satisfaction with the complaint process. MPD retention schedule for internal affairs records is 30 years following the death of a member (Wisconsin state law).

CITY OF NEW YORK

The city of New York has a population of 8,115,690 is comprised of 303 sq. miles, and supported by 35,896 sworn police officers.

This interview was conducted with Andrew Case. Mr. Case is a complaint investigator assigned to the New York City Civilian Complaint Review Board (CCRB). The interview was conducted on January 23, 2007, at the New York City CCRB office. The CCRB office is located off-site from police headquarters in downtown Manhattan.

Current Citizen Complaint System (section I, questions 1, 2, 3)

The New York Police Department (NYPD) has an Internal Affairs Bureau (IAB). IAB is responsible for investigating criminal allegations of police corruption and serious misconduct by members of the NYPD. These cases are not subject to civilian oversight.

The CCRB is an independent city agency that has the authority to investigate citizen complaints filed against NYPD officers. It does not have jurisdiction to investigate complaints filed against civilian employees of the NYPD, such as traffic enforcement agents and school safety officers. The CCRB investigates complaints involving allegations of force, abuse of authority, discourtesy, and offensive language.

Presently, the city of New York is not under a Consent Decree or formalized Settlement Agreement.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

The CCRB classifies all complaints as Misconduct. Procedural Complaints are referred to the police department's Office of the Chief of Department. The Chief of Department is responsible for the day to day operations of the police department. Complaints that are department initiated are investigated by IAB, not CCRB.

Not all expressions of dissatisfaction are within the jurisdiction of the CCRB. In those cases the complaint is forwarded to the appropriate agency or the CCRB will explain to the complainant that the CCRB will not accept the complaint. For example, traffic citation complaints are not accepted by CCRB. For procedural complaints such as, not responding to a call for service in a timely manner, the complaint would be forwarded to the Office of the Chief of Department.

The CCRB does not have an informal or a formal category for classifying complaints. The CCRB fully investigates all complaints made against NYPD officers, unless the complainant wishes to pursue mediation. In complaints where there is evidence that an officer can be immediately exonerated, the complaint can be resolved without the officer being formally interviewed.

Not all citizen expressions of dissatisfaction are categorized as a complaint. If a citizen is dissatisfied with police service or conduct, the citizen may file a complaint at a local police precinct. If an issue is handled to the satisfaction of the citizen at the precinct, there would be no notification to CCRB. When a case is disposed in this manner, there is no record of the

incident other than in the log book at the precinct station. However, when a citizen contacts the CCRB regarding dissatisfaction with a police action, CCRB will conduct an investigation. The CCRB does not have the authority to handle matters informally, such as contacting an involved employee's supervisor for minor transgressions.

Although the New York Police Department does not have an official "inquiry" category, allegations which are minor in nature, such as, rude conduct or improper procedure are often handled informally at the precinct level and as mentioned above these actions are not formally recorded.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

The NYPD does not release the number of police-civilian encounters. This information is not provided to the CCRB or other government agencies.

In CY2005, the CCRB received a total of 6,796 complaints. The CCRB does not initiate investigations, the CCRB only responds to complaints.

In CY2005 the NYPD had 3669 officers who received only one complaint. There were 725 officers who received 2 complaints. A total of 179 officers who received 3 complaints. A total of 41 officers who received 4 complaints. A total of 12 officers received 5 complaints and 7 officers who received 6 complaints.

Both the CCRB and IAB utilize a computer data base to track complaints against police personnel. IAB utilizes the "IA Pro" application.

During CY2005 the CCRB received 21,359 allegations

The records for the level of discipline imposed for CY2005 are shown in the chart listed below

Termination	0
Suspension for or loss of vacation time of 31 or more days and 1-year probation	0
Suspension for or loss vacation time of 21 to 30 days	0
Suspension for or loss of vacation time of 11 to 20 days	0
Suspension for or loss of vacation time or 1 to 10 days	1
Command discipline A	18
Command discipline B	3
Instructions	116
Warned and admonished	0
Total	138

The distribution for force allegations for CY2005 are shown in the chart listed below

<i>Type of Force Allegation</i>	<i>Number</i>	<i>Percent of Total</i>
Gun Fired	18	.3%
Gun Pointed	349	5.6%
Nightstick as Club	244	3.9%

Gun as Club	38	.6%
Police Shield	7	.1%
Vehicle	31	.5%
Other Blunt instrument as Club	66	1.1%
Hit against inanimate object	185	3.0%
Chokehold	168	2.7%
Pepper spray	371	5.9%
Physical force	4,442	70.9%
Radio as club	53	.8%
Flashlight as club	35	.6%
Handcuffs too tight	135	2.2%
Non-lethal restraining device	26	.4%
Animal	10	.2%
Other	86	1.4%
Totals	6,264	100.0%

The distribution for the level of injuries for CY2005 are shown in the chart listed below

Death	7
Gun shot wound	3
Fracture	14
Laceration with stitches	22
Lacerations without stitches	23
Bruise	35
Internal injury	5
Swelling	14
Redness	4
Other injury	32
Total	159

The exact location of where force was applied on a suspect was not tracked by the NYPD or CCRB for CY2005.

The disposition for force allegations are reported cumulatively for CY2001 through CY2005.

The disposition for all allegations for CY2005 are reported in the below chart

<i>Full Investigations-Dispositions and Disciplinary Recommendations</i>	<i>Number</i>	<i>Percent</i>
Substantiated-Charges	641	6.3%
Substantiated- Command Discipline	55	.5%
Substantiated- Instructions	13	.1%
Substantiated- No Recommendation	0	0.0%
Subtotal- Substantiated Allegations	709	7.0%
Unfounded	2,129	21.0%
Employee exonerated	3,703	36.5%
Subtotal- Findings on the Merit	6,541	64.5%
Unsubstantiated	2,414	23.8%
Department employee Unidentified	912	9.0%
Miscellaneous	272	2.7%
Refer to IAB	0	0.0%
Total- Full Investigations	10,139	100.0%

The statistical data for the race of the subject officer is provided in the chart listed below

<i>Race</i>	<i>Number</i>	<i>Percent of Subtotal</i>	<i>NYPD Population 2005</i>
White	4,242	57.4%	57.6%
Black	1,181	16.0%	15.9%
Latino	1,728	23.4%	23.0%
Asian	219	3.0%	3.4%
Other	19	.3%	.1%
Subtotals	7,389	100.0%	100.0%
Officers Unidentified	4,313		
Total	11,702		

The statistical data for the gender of the subject officer is provided below

<i>Gender</i>	<i>Number</i>	<i>Percent of Subtotal</i>	<i>NYPD Populations 2005</i>
Male	6,827	89.5%	82.8%
Female	798	10.5%	17.2%
Subtotal	7,625	100.0%	100.0%
Officer unidentified	4,077		
Total	11,702		

The years of service for the subject officer were not recorded for CY2005.

The statistical data for the race of the complainant is provided in the chart listed below

<i>Race</i>	<i>Number</i>	<i>Percent of Subtotal</i>
White	1,042	15.0%
Black	3,778	54.4%
Latino	1,750	25.2%
Asian	180	2.6%
Other	198	2.8%
Subtotals	6,948	100.0%
Unknown	2,918	
Total	9,866	

The statistical data for the gender of the complainant is provided below

<i>Gender</i>	<i>Number</i>	<i>Percent of Subtotal</i>
Male	6,267	68.3%
Female	2,904	31.7%
Subtotal	9,171	100.0%
Unknown	695	
Total	9,866	

The educational level and occupation for the complainant were not recorded for CY2005.

CCRB performs community outreach on a routine basis. During CY2005 the CCRB conducted 80 incidents of community outreach.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

NYPD accepts complaints in any form. The NYPD maintains a 1-800 call center for the purpose of receiving complaints about NYPD personnel. The toll free phone number is 1-800-PRIDE-PD. This phone number is staffed by sworn IAB officers who work as intake officers. Complaints of criminal misconduct or serious misconduct are referred to IAB. Citizen complaints against police officers are accepted by the call center and referred to the CCRB. The city of New York has established a 311 number for reporting police misconduct. This number can also be used to report complaints about garbage service or to complaints about taxi cab service. The CCRB receives complaints directly, in writing, fax, walk in or via the website. The CCRB does accept anonymous complaints but will only investigate anonymous complaints once they find someone who was a witness or victim and is willing to speak on the record to the CCRB.

NYPD has a policy requiring any employee, who receives a complaint to notify a supervisor, desk sergeant or field supervisor. The supervisor must refer the complaint to the CCRB. In the event that a field supervisor can resolve the complaint at the field level and the complainant is satisfied with the outcome, the complaint may be considered resolved.

The CCRB will not become involved unless the complainant contacts the CCRB. If a complainant and/or alleged victim cannot be located, refuses to provide a statement, or withdraws the complaint, the board will close the case as truncated and the investigation of the complaint will not occur.

NYPD does not have a specific rule regarding officer retaliation against complainants, however, in the event of an allegation of retaliation, IAB and the CCRB will immediately initiate an investigation.

Allegations (section V, questions 28, 29, 30, 31, 32)

NYPD allegations are individual/officer driven not event driven (for example, five officers' point their guns at a bank robbery suspect. The suspect subsequently files an I/A complaint against the five officers from jail. The complainant alleges that excessive force was utilized by the arresting officers. In this situation the IAB/CCRB would list five allegations of excessive force, one allegation for each officer, as opposed to one allegation for the entire event).

Allegations are defined and classified by the agency policy. In the event that during the course of a complaint investigation, an allegation on behalf of an officer is discovered, the CCRB will add the new allegation to the original complaint. However, this is done on a case-by-case basis and infractions for minor allegations may not become part of the complaint package (e.g. officer was not wearing his hat, neglected to seatbelt a suspect, etc...)

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

CCRB has approximately 140-145 investigators. The diversity of investigators varies from year to year depending on personnel changes.

The ratio of cases to investigators is approximately 47:1 for CY2005

All CCRB investigators receive training upon being hired. The training includes a three-week training period, during which the new investigator receives training from IAB. Investigators receive on the job training, tactical police training, and they participate in a police ride-along. The CCRB requires that all investigators pass a background investigation conducted by the City of New York Department of Investigations. Investigators are required to have a Bachelor's Degree in order to apply for a position.

Mediation of Complaints (section VII, question 38)

The CCRB does have a mediation process. The mediation process is voluntary for both the complainant and the officer. The CCRB employs outside mediators at a nominal cost to conduct the mediation session.

The mediation unit has an annual operating cost of approximately \$210,000. In CY2005 mediation resolved 205 cases. The average cost to mediate a complaint was \$1,030. Mediators are selected from outside the CCRB. Mediators must be trained and experienced. They are further trained by the CCRB's director of mediation. Trained mediators are placed on a list of available mediators from which a mediator may be chosen.

Cases that are eligible for mediation include complaints of discourteous words and complaints classified as stop and question (including what is known as a stop and frisk). Cases where physical force, an injury is alleged, or any sort of property is damaged, would not be eligible for mediation.

Mediation is provided on a voluntary basis. Both the complainant and officer must agree to mediation. If either party is unwilling participate, the complaint will be investigated formally by the CCRB. When both parties participate in the mediation process, the complaint is then closed as “mediated.”

In CY2005 90 cases were successfully mediated.

The cost per session is approximately \$200-\$500 per incident.

Early Warning Systems (section VIII, questions 39, 40, 41)

The CCRB does not have an early warning system. NYPD has an early warning system. The early warning system is not complaint driven.

Investigation Standards (section IX, question 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

The CCRB uses a preponderance (51%) of evidence as the standard of evidence. In formal investigations it is mandatory that a subject officer is interviewed, with the exception of cases where there is apparent evidence that the officer can be immediately exonerated. These cases are resolved without the officer being formally interviewed.

Almost all interviews are held at CCRB headquarters. In special circumstances, CCRB investigators will go into the field to interview witnesses. Complainants are permitted to bring an attorney to the interview. In the event the complainant is a minor, a parent is permitted to attend the interview. In no circumstances is the complainant permitted to bring an advocate to attend the interview.

During the course of a CCRB investigation the following findings are available

<i>Available findings for CCRB Investigations</i>	
Substantiated	The officer conducted the alleged action, which constituted misconduct
Exonerated	The officer conducted the alleged action, but the action was proper
Unfounded	The officer did not conduct the alleged action
Unsubstantiated	Insufficient evidence could be found to make a determination
Miscellaneous	The officer is no longer a member of the NYPD, or the board could not come to a majority opinion.

The CCRB must complete all investigations within 18 months of the date of the incident. These timelines are a statutory requirement.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

CCRB only reviews in-custody death investigations if a complaint is made with the CCRB. No monitoring is conducted by CCRB.

CCRB plays a similar role in officer-involved shooting investigations, if no complaint is made no investigation is conducted.

Racial Profiling (section XI, questions 56, 57, 58, 59)

NYPD does have a policy prohibiting racial profiling. In CY2005 177 complainants made an allegation of racial profiling. CCRB does conduct studies on Stop and Search practices, but not specifically “racial profiling.” A CCRB investigation will determine whether or not a stop was legal and justified; it does not speculate as to what prompted an officer to conduct an illegal stop. A racial profiling allegation would only be sustained through an officer’s admission of racial profiling.

Other Information (section XII, questions 60, 61)

CCRB does not currently track information on citizen satisfaction with the complaint process. CCRB recognizes the problem with tracking information of a citizen’s satisfaction with the complaint process. This is because the level of satisfaction is dependent on the outcome of the citizen’s case. In the event that an investigation has a finding of “no misconduct determined” it would be difficult to find an effective measure of “satisfaction” from the complainant.

CITY OF OAKLAND

The city of Oakland has a population of 400,619 is comprised of 80 square miles, and supported by approximately 730 sworn police officers. Members of the Oakland Police Department are protected by the California Peace Officer's Bill of Rights.

The interview was conducted with Executive Director Joyce Hicks and Policy Analyst Patrick Caceres on December 5, 2006, at the Citizens' Police Review Board office. The Citizen's Police Review Board is located in a separate building from police headquarters. The interview was conducted with Sergeants John Lois and Glen Rodriguez of the Oakland Police Department. The interview was conducted on December 5, 2006, at the Oakland Police Internal Affairs Unit. Internal Affairs is located off-site from police headquarters.

Current Citizen Complaint System (section I, questions 1, 2, 3)

Police conduct complaints may be filed with the Oakland Police Department's (OPD) Internal Affairs Division (IAD) or the Citizens' Police Review Board (CPRB) a civilian oversight agency independent of the Internal Affairs Division.

OPD and CPRB may conduct parallel investigations. CPRB and OPD may come up with different findings. In practice, CPRB only investigates complaints that are filed with their office. The majority of complaints are investigated by IAD.

There is no auditing function by CPRB.

CPRB can also make recommendations to policy changes and provides annual reports to City Council and the Mayor.

CPRB is a product of a City Ordinance, although, CPRB is not a party to the settlement agreement that effects OPD. CPRB has been impacted by the settlement agreement, in the revision of the officer training materials in compliance with CPRB investigations.

OPD is currently under a court mandated settlement agreement.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

CPRB

All complaints received by CPRB are initially classified as formal complaints of officer misconduct. After an investigation, a small fraction of complaints might be considered for mediation, procedural failure, or policy considerations. All expressions of dissatisfaction are categorized as "complaints" by CPRB. IAD uses another category to assign complaints; a training number instead of a complaint number is utilized. IAD assigns tracking numbers and communicates this information to CPRB. CPRB can refute the tracking category if CPRB finds merit in an investigation of the complaint.

All CPRB complaints are handled formally; there is no informal category.

CPRB has three complaint categories:

- **Priority One Complaints-** Complaints regarding force, sexual misconduct, discrimination, minors, or racial profiling.
- **Priority Two Complaints-** Improper searches, untruthfulness or theft
- **Priority Three Complaints-** Are all other complaints

No CPRB complaints are handled by having the officer's supervisor contact the complainant.

CPRB does not handle traffic citation disputes.

OPD/IAD

OPD defines a complaint as “an allegation from any source regarding a specific act or omission by a member or employee which would amount to misconduct or allegation from any source regarding an improper policy, procedure, practice, service level or legal standard of the department.”

If the complaint concerns a disagreement over the validity of traffic or parking citations, complainants are referred to the court system. The police department does not resolve such disputes.

OPD defines complaints against Departmental personnel into two categories Class I or Class II offenses. Class I offenses are the most serious allegations of misconduct, and if sustained, shall result in disciplinary action up to and including dismissal and may serve as the basis for criminal prosecution. The Class I offenses include but are not limited to:

- a. Use of excessive, unnecessary and /or unlawful force
- b. Fabrication or destruction of evidence, including the planning of inculpatory evidence
- c. Untruthfulness, including perjury
- d. Knowingly and intentionally filing a false police report, including the omission of pertinent information or facts
- e. Insubordination
- f. Commission of a felony or serious misdemeanor
- g. Bias or harassment, action of a retaliatory nature, or failure to take reasonable steps to prevent retaliation
- h. Solicitation or acceptance of gifts or gratuities except as specified in Manual of Rules
- i. Use of position for personal gain
- j. Knowingly or should have reasonably known that he/she made a false arrest or illegal detention
- k. Failure to report others who commit any misconduct offense
- l. Failure to detect a pattern of misconduct

- m. Failure of a supervisor/manager to properly supervise, and /or take corrective action for misconduct that he/she know or reasonably should have known about
- n. Failure to properly identify self, including refusing to provide name, deliberate concealment of a badge or name plate
- o. Obstructing the Internal Affairs investigation process in any manner.

Class II offenses include all minor misconduct offenses.

OPD has an Informal Complaint Resolution (ICR) process. This is a method of addressing service complaints and allegations of Class II misconduct against Departmental personnel that do not indicate a pattern of misconduct. The process involves a supervisor, commander, manager, or investigator resolving a complaint by addressing and resolving the issues with the complainant and the officer. In ICR cases it is not mandatory that officers are interviewed. Officers' names are not listed in ICR cases.

Although OPD does not have an Inquiry category, the ICR category is similar.

OPD also has a Service Complaint category. Service Complaints are complaints from any source regarding an inadequate policy, procedure, practice, service level, or legal standard or statute required of the Department that would not result in discipline. Service Complaints are assigned an IAD case number and documented in the IAD database. Service Complaints are not considered to be misconduct.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

CPRB

In CY2005, 85 officers were subject to CPRB complaints. 78 of these complaints were citizen-initiated.

CPRB does not collect internally-initiated complaints nor do they track such complaints. Nine officers had more than one complaint during CY2005.

CPRB uses an Access database to track complaints against police personnel.

CPRB received 125 allegations in CY2005. All 78 complaints filed in CY2005 were investigated by the CPRB as formal citizen-initiated complaints.

CPRB does not impose discipline on subject officers. CPRB makes disciplinary recommendations for the City Administrator and Chief of Police. Of the 18 hearings held, the following numbers of officers were recommended for discipline:

- 6 for training
- 5 for written reprimands
- 3 for oral reprimands
- 1 for counseling
- 1 for a four day suspension

There were 18 allegations of unnecessary force in CY2005. These 18 complaints represent 14% of the total allegations.

The chart below shows the number of complaints filed with CPRB and a listing of the following allegations:

The unnecessary force allegations filed with CPRB included:

<i>Types of Allegations</i>	<i>Filed</i>	<i>Distribution %</i>
Arrest - Improper	8	6%
Bias / Discrimination	4	3%
Citation - Improper	6	5%
Civil Disputes - Taking Sides	5	4%
Detention/Stop - Improper	13	10%
Entry/Search - Residence or Bldg.	7	6%
Failure to Act		
Failure to Act - To Enforce Restraining Order	1	1%
Failure to Act - To Ensure Safety After Car Tow	3	2%
Failure to Act - To Investigate	10	8%
Failure to Act - To Provide Identification	2	2%
Failure to Act - To Write A Report	5	4%
Failure to Act - Other	7	6%
Force		
Force - Choke	1	1%
Force - Grab/Push/Shove/Trip	3	2%
Force - Handcuffs Too Tight	1	1%
Force - Kick	3	2%
Force - Shooting Gun at Person or Animal	1	1%
Force - Specifics Unknown	2	2%
Force - Strike w Hand or Unknown Object	3	2%
Force - Twisting of Wrist	1	1%
Force - Use of Canine to Bite Person	1	1%
Force - Use of Patrol Vehicle	1	1%
Force - Other	1	1%
Harassment	1	1%
Property - Damaged/Missing/Seized	5	4%
Search		
Search - Person	1	1%
Search - Vehicle	1	1%
Truthfulness - Reporting	10	8%
Vehicle Towed/Impounded - Improper	4	3%
Verbal Conduct		
Verbal Conduct - Profanity/Rude Statements	11	9%
Verbal Conduct - Threats	3	2%
Other	1	1%
Total Allegations Filed	125	100%

The CPRB makes disciplinary recommendations to the Chief of Police and City Administrator. In order to keep officer personnel records confidential, the CPRB only reports statistics on disciplinary recommendations upheld by the Chief of Police and City Administrator and not on individually imposed officer discipline.

What was the level of injury (major, moderate, complaint of pain)?

The CPRB does not report distinctions in the level of injuries sustained by complainants.

Where were the locations of force applied on the suspect (head, arms, legs, etc...)?

The CPRB does not report on the locations of force applied on the suspect.

Of the unnecessary force complaints received during the 2005 calendar year, what was the disposition of those complaints?

The CPRB does not track the level of injuries or the location of the force applied on the complainant.

The dispositions unnecessary force complaints in CY2005:

<i>Force Category</i>	<i>sustained</i>	<i>not sustained</i>	<i>unfounded</i>	<i>exonerated</i>
Choke	1			
Grab/Push/Shove	2	4	1	1
Handcuff too tight	1			
Kick				1
Restraint Technique		1		
Punch		2		
Strike with Weapon	1	1		
Use of Chemical	1			
Use of Patrol Vehicle	1	1		
TOTAL	7	9	1	2

CPRB does not track the statistics of the gender, ethnicity and years of service of the subject officer.

CPRB does track the ethnicity and age of complainant who file their complaints with CPRB. Educational level and occupation of complainants are not tracked by CPRB. The following is a breakdown of the ethnicity and age of complainants who filed with the CPRB in 2005.

<i>Ethnicity</i>	
African-American	71%
Asian-American	1%
Caucasian	15%
Hispanic-American	7%
Other	6%

<i>Age</i>	
Under 15	0%
15-24	12%
25-34	23%
35-44	12%
45-54	26%
55-64	18%
65+	9%

CPRB mails brochures and complaint forms to all libraries, recreation and resource centers in Oakland. CPRB also appears at City Council district and community meetings to speak about

the complaint process and share complaint statistics. CPRB presents at the Citizen Academies held at City hall bi-annually.

OPD/IAD

The OPD was unable to prove the number of documented contacts with the community during the 2005 calendar year.

The OPD received 1176 citizen-initiated complaints in CY2005

The OPD generated 243 department-initiated complaints in CY2005

The OPD had 247 officers who received more than one complaint in CY2005

The OPD uses an internal database to track complaints against police personnel

The OPD recorded 2059 allegations in CY2005.

The OPD does not track the gender, ethnicity and years of service of the subject officers.

The OPD does not track the statistics of the ethnicity, age, educational level and occupation of complainants.

The OPD has brochures posted at various locations throughout the City in four different languages. The Department requires that all officers carry an informational booklet on the Internal Affairs process and that members provide this booklet to residents upon request.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)***CPRB***

There are no restrictions on who can make a complaint with CPRB. CPRB accepts complaints via fax, mailing, or walk-in to the office which is open only during regular business hours. Any member of the community may file a complaint with CPRB.

CPRB does not accept anonymous complaints, third party complaints, or complaints by phone.

CPRB complaints are accepted and reviewed by the CPRB Executive Director. A copy of the complaint is then forwarded to IAD for a complaint case number.

CPRB does not have a flow chart of the complaint process. However, there is an investigator's manual utilized by CPRB.

CPRB does not have a specific written policy pertaining to officer retaliation against complainants.

OPD/IAD

OPD accepts complaints in any form and at any time. The department also has a 24-hour Complaint Hotline and the OPD Communications Division has a policy that sets forth how complaints will be handled. Phone “operators shall generate an incident in the Computer Aided Dispatch System (CAD), designating the call type as an IA.” These calls must be handled on a recorded line. A field supervisor will be dispatched and the on-duty watch commander will be notified. The department has a policy that when a complaint is made, a sergeant must take an initial statement. A lieutenant or above or sworn member or IAD must be notified.

OPD produces a document called “Your Guide to Filing a Complaint Against the Police,” that is made available to the public.

OPD does not have a specific written policy pertaining to officer retaliation against complainants

Allegations (section V, questions 28, 29, 30, 31, 32)

CPRB

CPRB defines and classifies allegations based on OPD rule violations. The CPRB Executive Director and Investigators define and classify allegations. CPRB lists all allegations made in CPRB complaints with the exception of those complaints given tracking numbers by IAD.

Allegations, including those first reported by the complainant and those allegations discovered during the complainant’s interview, are handled as formal complaints. CPRB will include allegations that are a violation of the OPD duty manual discovered during an investigation whether or not the allegation is articulated by the complainant.

OPD/IAD

IAD uses a Discipline Matrix to define and classify allegations. Allegations are listed in all complaints. These decisions are subject to review by the chain of command up to and including the Chief of Police and the City Administrator. Allegations are taken from the complainant’s first report and their interview. Additional allegations of a serious nature that are discovered by Internal Affairs will be added to the complaint. Those of a less serious nature will be addressed, but not formally.

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

CPRB

The CPRB ordinance provides one investigator for every 100 officers. CPRB is currently staffed by 3 investigators as compared to the recommended 7.

The 8 CPRB staff consists of 2 African-Americans, 2 Asian-Americans, 2 Caucasians and 2 Hispanic-Americans.

In CY2005 the CPRB staffing ratio was 1:26.

CPRB investigators are required to have at least three years of professional full-time paid experience in civil or criminal investigations or related field where the responsibility includes evidence gathering, evaluation and disposition recommendations. A Bachelor's degree from an accredited college or university is required or an equivalent two years of college course work in criminal justice, civil rights, criminal law, basic investigations, evidence or criminal procedures. If the investigator does not have his/her Bachelor's degree, the job requires at least five years of experience as a peace officer in a civil or criminal investigative assignment. CPRB investigators do attend additional training held by IAD, however, there are no specified requirements. CPRB does not have a formal criminal background process.

OPD/IAD

OPD has 26 sworn personnel assigned to IAD. This includes 1 captain, 2 lieutenants, 13 sergeants, and 10 officers. OPD does not track the diversity of IAD staff.

It is not possible to determine the staffing ratio of investigators to the number of complaints received because some complaints are handled at intake while others are handled at the patrol division level. Intake officers investigate approximately 50% of the complaints received by IAD.

Due to the Court Settlement Agreement, IAD investigators are required attend the POST Internal Affairs course.

Mediation of Complaints (section VII, question 38)

CPRB

CPRB does have a mediation process. There is no cost for this service, because it is offered in-house. The CPRB Executive Director and Administrative Hearing Officer mediate CPRB complaints, where the complainant requests and agrees to accept mediation. The process includes a conference with the complainant, officer(s), and CPRB staff. The mediator is chosen based upon availability. If the complainant does not cooperate with the process, the complaint is either dismissed or the investigation is continued and later heard by the Board either as an administrative closure or evidentiary hearing. If the subject officer does not wish to participate, the complaint will remain open, be dismissed, or investigated further. A successful mediation will result in the closure of the complaint. In an unsuccessful mediation, the complaint remains open. There is no formal process for CPRB to receive feedback on the mediation process. Approximately 5-6% of the 115 complaints resolved in 2005 were resolved by mediation.

OPD/IAD

IAD does not have a mediation program.

Early Warning Systems (section VIII, questions 39, 40, 41)

CPRB

CPRB does not have an early warning system.

OPD

OPD has a Personnel Assessment System PAS. The information collected is use of force incidents, traffic accidents, number of arrests, complaints received and situations involving the employee assistant program (EAP).

When an officer qualifies for EWS, a report will be generated and forwarded to the officer's chain of command for intervention counseling. This process is not disciplinary in nature and officers must participate.

Investigation Standards (section IX, question 42, 43, 44, 45, 46, 47, 48, 49, 50)***CPRB***

The standard of evidence used by CPRB is a preponderance (51%) of the evidence. It is mandatory that the subject officer is interviewed in all CPRB complaints. The majority of all CPRB interviews are conducted in the CPRB office. In some rare incidents, interviews may be held at the complainant's and/or witness' residence. Interpreters are provided by the City's Equal Access Department (EAD). Complainants and witnesses are allowed to bring a support person or an attorney to the interview.

The City Manager (City Administrator) and the Chief of Police are final arbitrators at the end of the CPRB complaint process.

The available findings for CPRB complaints are:

- Unfounded
- Exonerated
- Sustained
- Not Sustained

OPD/IAD

The standard of evidence used by IAD is a preponderance (51%) of the evidence. Subject officers are interviewed on all formal complaints, except "summary findings." Interviews are generally held at IAD.

When necessary, IAD investigators will travel to meet complainants and witnesses. Language interpreters are provided if needed. A support person or advocate can attend an interview with the complainant or a witness

The City Manager is the final arbitrator at the conclusion of the complaint process. The available Internal Affairs findings are:

- Unfounded
- Exonerated

- Sustained
- Not Sustained
- No Manual of Rules violation
- Administrative Closure
- Informally Resolved (ICR)
- Filed (no longer used)

The Court Settlement Agreement imposed a 90 day timeline for IAD investigations and 120 days for division level investigations.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 51, 52, 53, 54, 55)

CPRB

CPRB does not have a role in in-custody death investigations or officer-involved shootings, unless there is a complaint filed directly with their office.

CPRB does not respond to the scene of in-custody deaths or officer-involved shootings.

OPD/IAD

N/A

Racial Profiling (section XI, questions 56, 57, 58, 59)

CPRB

CPRB does not have an established policy towards racial profiling, nor does it have a mechanism for tracking racial profiling.

CPRB utilizes a preponderance of the evidence standard to prove an allegation of racial profiling.

OPD/IAD

OPD has a specific policy against racial profiling. This Department policy explicitly prohibits racial profiling and other bias-based policing. The policy recognizes that there has been a growing national perception that law enforcement action is too often based on racial stereotypes or other bias-based policing.

The Officer of Inspector General Unit provided a racial profiling report in CY2004.

Other Information (section XII, questions 60, 61)***CPRB***

CPRB does not track information on citizen satisfaction with the complaint process.

CPRB maintains case files for a period of five year, before submitting them for archiving.

OPD/IAD

IAD does not track information on citizen satisfaction with the complaint process.

IAD does not purge internal affair records. Records are maintained indefinitely.

CITY OF PHOENIX

The City of Phoenix has a population of 1,466,296 is comprised of 474 sq. miles, and is supported by 2,898 sworn police officers. Members of the Phoenix Police Department are not protected by any Peace Officer's Bill of Rights Legislation.

The interview was conducted with Lieutenant Linda Johnson on November 27, 2006, at the Phoenix Police Department's Internal Affairs office, which is an off-site location

Current Citizen Complaint System (section I, questions 1, 2, 3)

The Phoenix Police Department (PPD) has an Internal Affairs Unit (IA), within the Professional Standards Bureau (PSB). IA investigates all citizen complaints. There is no civilian oversight or audit function in the internal affairs process, however, community members may participate in the Disciplinary Review Board and Use of Force Board process.

The Disciplinary Review Board is made up of two officers, two citizens and two commanders. The Disciplinary Review Board is used in cases where discipline is going to be greater than a letter of reprimand. The Use of Force Board is comprised of a bureau chief, three citizens, one peer officer and one commander. This group reviews serious use of force allegations.

The City of Phoenix is not under a Consent Decree or formalized Settlement Agreement.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

PPD defines a complaint as a violation of law or policy that if sustained would result in disciplinary action. PPD will not accept a complaint if there appears to be no apparent violation of departmental policy or procedural violation.

Cases of dissatisfaction with police service which do not rise to the level of misconduct are handled by a supervisor. This is similar to the San Jose Police Department's "inquiry" category. The term "inquiry" is presently used informally and is undefined. These inquiries are tracked in a manual log that is not filed with IA.

PPD has a policy that all complaints will be investigated. If the result is a minor performance issue, the matter can be resolved without a written investigation and the employee is "coached" on the issue. This procedure is not considered discipline. Formal complaint investigations fall into two categories:

Supervisor Initiated (SI)

Supervisor initiated cases are completed at the field level and are for minor policy violations, while the more serious cases are assigned to IA. The process is relatively the same procedure, but the IA cases are more in depth than the field cases. PPD has an informal rule that IA takes the case when the discipline would be a suspension or higher if the allegation was to be sustained.

It is a common practice for field supervisors to contact a complainant directly and resolve the complaint informally. The incident would be noted in the supervisor's notes. The names are not retained in a central database. There is no external oversight in this process.

PSB

PSB/IA complaints are of a more serious nature and are investigated by PSB.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

According to the 2005 annual study, PPD received 3.4 million calls for service, however, this number does not take into account vehicle stops, pedestrian stops, or other self-initiated activity.

In CY2005, PPD did not track how many officers were subject to a complaint nor did they track how many officers had more than one complaint. PPD received 72 citizen complaints, 336 supervisor initiated (SI), and 90 PSB cases.

The PPD does use an internal database to track complaints against police personnel. The allegations and findings, as well as the officers' information, is retained for five years.

In CY2005, PPD did not keep statistics on the number of the allegations received by their agency. Nor were they able to provide a breakdown of complaints/allegations for this time period.

Records for the level of discipline imposed were unavailable.

PPD does not record the type of force used, level of injury sustained, or locations of force applied.

PPD did not track the number of unnecessary force complaints or allegations during CY2005.

PPD did not track the gender, ethnicity or years of service of subject officers during CY2005.

PPD did not track the age, education level and occupation of complainants during CY2005.

Community and Patrol Services Bureau has a Community Response Squad. The group is comprised of detectives who act as liaisons to various minority community groups. This group maintains relationships with the various organizations to exchange information, resolve conflict and discuss issues of mutual interest. Although, this group is not attached to IA, the detectives work closely with IA.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

PPD accepts complaints in any form, however, not all complaints are logged and not all allegations are listed in complaints. Anyone can file a complaint, however, in cases of third party complaints the complaint will be considered in a different light.

PPD has a policy requiring any employee to notify a supervisor upon receiving a complaint. The complaint can be routed through the chain of command to the involved employee's supervisor or to IA.

Complaints can be filed by any method. The Police Department's website allows for online complaints to be filed. The Department has mail-in forms at precinct stations and at Department headquarters. These buildings are open for business 24 hours a day, 7 days a week. There is no restriction as to where, when, and with whom a complaint can be filed.

Upon receipt of a citizen complaint the complainant will receive a letter acknowledging the complaint, confirming that it is being investigated, and outlining the basic steps of the complaint process. There is usually a contact number for the investigator assigned. PPD does have a flow chart and an operations order that governs the complaint process, but it is not generally given out to the public.

PPD does not have a policy regarding officer retaliation against complainants.

Allegations (section V, questions 28, 29, 30, 31, 32)

All allegations must cite a specific policy violation. Allegations are defined via a group discussion by IA staff members utilizing the Discipline Matrix Form. IA only retains records stemming from formal complaints, not complaints which are resolved by field supervisors.

All investigations have review standards within their respective chain of command. PPD has an operations order that mandates the manner in which misconduct or complaint investigations are investigated. State law requires all investigations are public record and available for public release.

Upon receiving the initial complaint, PPD conducts a thorough interview to clarify all the issues in the initial intake. PPD has found that it is not uncommon for citizens to make additional allegations upon learning that the initial allegation has been unfounded. All materials in the complaint are taken into account. PPD will investigate any misconduct that arises during an investigation whether or not it is articulated by the complainant, however, these allegations may be handled as an SI complaint.

Misconduct Allegations

- Undue Force
- False Arrest
- Improper Detention/Interrogation
- Improper Search
- Improper Evidence Processing
- Police Harassment
- Missing Property
- Incomplete Investigation
- Rude Conduct
- Other Misconduct
- Improper Police Action
- Neglect of Duty
- Traffic Violations
- Insubordination
- Unlawful Activity
- Perjury
- Vice/Narcotic Violations
- Abuse of Authority
- Unauthorized Release of Information
- Sexual Harassment
- Conduct Unbecoming
- Abuse of City Property
- Improper Supervision
- Domestic Violence
- False Misleading During Investigation
- Untruthful Verbal Report

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

PPD Internal Affairs Unit is comprised of 2 commanders, 3 lieutenants and 18 investigators (sergeants and detectives). At the time of this report the staffing level for PPD IA included 14 men and 4 women (2 Hispanics, 1 African American, and the remainder Caucasian).

The staffing ratio for PPD is 5:1.

Members of PPD Internal Affairs staff receive internal orientation training, on the job training, and mentoring by senior investigators. The investigators also attend seminars as they become available. There are no mandates regarding training in the Internal Affairs Unit.

Mediation of Complaints (section VII, question 38)

PPD does not have a mediation process.

Early Warning Systems (section VIII, questions 39, 40, 41)

There is no early warning system for the complaint process. PPD has a Personal Assessment System. A number of criteria are used to flag potential problems allowing intervention of non-disciplinary nature prior to an allegation of misconduct. This includes traffic accidents, the use of reportable force. Inquiries are not part of the early warning system. The early warning system is not used for disciplinary reasons; it is for notification, counseling, and discussion.

Investigation Standards (section IX, questions 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

The standard is best described as reasonableness. A sustained finding is defined as “the allegation is supported by sufficient evidence to justify a reasonable conclusion that the alleged misconduct occurred.” This equates to a preponderance of evidence. In formal complaints, it is not policy that the subject officer be interviewed, but it is always done or attempted. In an inquiry, it is not mandatory that the subject officer be interviewed. IA interviews are conducted at the IA office which is an off-site facility. IA prefers to conduct interviews on-site, however, IA investigators will travel as necessary to interview complainants or witnesses. When needed, a certified interpreter will be provided. Interviews are conducted in private, however, complainants may bring a support person.

When a complainant is not satisfied at the end of the complaint process, the complainant may appeal the decision to the Chief of Police. The complainant may also appeal the decision through the City or may file a legal suit if not satisfied.

The available findings for Internal Affairs investigations are

- Unfounded
- Sustained
- Exonerated
- Unresolved

PPD also has a category called policy failure/training as an available finding.

PPD has a self-imposed mandate to complete all SI cases within 24 days of the received date. PSB cases do not have a completion time.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

PPD has a Use of Force Board consisting of sworn personnel and three civilian members. The Board is responsible for the review of officer-involved shootings, in-custody deaths and major use of force incidents requiring hospitalization. A redacted police report is provided to the Board prior to the Board hearing. The Use of Force Board will determine whether the use of force is

within policy or out of policy. PPD also has a non-disciplinary tactical review of that takes place after the incident. This is used for training purposes.

Racial Profiling (section XI, questions 56, 57, 58, 59, 60)

PPD defines racial profiling as “the reliance on race, skin color, and or ethnicity, as an indication of criminality, including reasonable suspicion, except when part of a suspect description.” The policy states, “officers will not stop an individual based on race, religion, national origin, gender, sexual orientation, or economic status, unless part of a suspect description.”

PPD does not specifically track racial profiling; it would likely be part of an allegation of improper search or seizure. PPD has not conducted a study of racial profiling. Allegations of racial profiling would be proven through interviews and statements regarding probable cause.

Other Information (section XII, questions 61, 62)

PPD does not track information on citizen satisfaction with the complaint process, however the Department will occasionally contact residents and ask questions regarding the overall police service received.

IA’s retention schedule for records is five years.

CITY OF SACRAMENTO

The city of Sacramento has a population of 457,347 and supported by 668 sworn police officers. Members of the Sacramento Police Department are protected by the Peace Officer's Bill of Rights Legislation.

This interview was conducted with Captain Scott Lacosse, Sergeant David Hargadon and Deputy Director Francine Tournour from the Office of Public Safety Accountability. The interview was conducted on December 12th, 2006, at the Sacramento Police Department's Internal Affairs Office. SPD Internal Affairs is located on-site at an annex building.

Current Citizen Complaint System (section I, questions 1, 2, 3)

SPD has an Internal Affairs Division (IAD) that investigates most citizen complaints. In some cases citizen complaints are investigated by the officer's command staff.

The City of Sacramento has a civilian oversight department, the Office of Public Safety Accountability (OPSA). OPSA has oversight over the Police Department, the Fire Department, and any other department at the direction of the City Manager. OPSA accepts complaints and they can monitor/audit any citizen or department complaint.

For the most part OPSA audits cases, observes interviews, and makes policy recommendations. OPSA can monitor and audit IAD investigations and interviews, but they do not question officers directly. OPSA also has the ability to conduct investigations and interview civilian witnesses, but in practice complaints have generally been referred to IAD. OPSA can also make recommendations pertaining to the IA process.

The City of Sacramento is not under a Consent Decree or formalized Settlement Agreement.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

IAD classifies complaints as Citizen, Departmental, and Inquiries.

IAD defines Inquiries as complaints where the complainant agrees to have his concerns addressed informally. These are concerns where the complainant is either satisfied that the employee's actions were within policy/procedure; complaints where the complainant retracts their complaint; or concerns where the complainant wants the employee's supervisor notified of the employee's conduct. Inquiries are not considered to be complaints, by definition and as such are not included for the purposes of Pitchess Motions. The names of officers associated with Inquiries are tracked in the department's early warning system.

IAD offers complainants two ways of resolving a complaint; informal or formal. Informal complaints are handled by the subject officer's supervisor. The supervisor reviews the citizen's concern and takes whatever action is necessary. This does not preclude IAD from initiating a formal complaint.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

In CY2005, SPD received 325,333 calls for service. In addition, there were 132,643 self-initiated events (457,976 total contacts).

In CY2005, IAD received a total of 88 complaints; these complaints involved 120 officers. 71 officers were subject to department-initiated complaints. SPD received 494 Inquiries. Disputes regarding traffic citations are investigated if the complainant desires a formal complaint, but only after the case is adjudicated in court. SPD can track how many officers had more than one complaint, but this information (for CY 2005) was not available at the time of this report.

IAD currently utilizes the IA PRO database.

During CY2005, IAD received 321 allegations of misconduct. Allegations are officer driven, not incident driven.

<i>ALLEGATION</i>	<i>FINDING</i>	<i>TOTAL #'s</i>
Conduct Unbecoming an Employee	Frivolous	8
Conduct Unbecoming an Employee	Informal	3
Conduct Unbecoming an Employee	Inquiry Only	2
Conduct Unbecoming an Employee	Sustained	1
Conduct Unbecoming an Employee	Unfounded	3
Discourtesy	Unfounded	3
Discourtesy	Frivolous	16
Discourtesy	Informal	4
Discourtesy	Inquiry Only	10
Discourtesy	No Finding	1
Discourtesy	Sustained	1
Discourtesy	Unfounded	2
Discourtesy	Within Procedure	1
Discrimination	N/A	1
Discrimination	Frivolous	8
Discrimination	Inquiry Only	6
Discrimination	Unfounded	2
Discrimination	Within Procedure	4
Dishonesty	Frivolous	1
Dishonesty	Inquiry Only	2
Excessive Force	N/A	2
Excessive Force	Exonerated	3
Excessive Force	Frivolous	11
Excessive Force	Inquiry Only	6
Excessive Force	Unfounded	4
Excessive Force	Within Procedure	2
False Arrest	Exonerated	1
False Arrest	Frivolous	7

False Arrest	Inquiry Only	2
False Arrest	Unfounded	1
False Arrest	Within Procedure	2
Harassment	Frivolous	1
Harassment	Informal	1
Harassment	Inquiry Only	6
Harassment	Unfounded	1
Harassment	Within Procedure	2
Improper Search And Seizure	Frivolous	3
Improper Search And Seizure	Informal	1
Improper Search And Seizure	Not Sustained	1
Improper Search And Seizure	Within Procedure	6
Improper Tactics	Frivolous	1
Improper Tactics	Informal	1
Improper Tactics	Inquiry Only	2
Improper Tactics	Within Procedure	5
Missing Property	Frivolous	1
Missing Property	Inquiry Only	1
Neglect of Duty	Frivolous	4
Neglect of Duty	Informal	9
Neglect of Duty	Inquiry Only	2
Neglect of Duty	No Finding	1
Neglect of Duty	Not Sustained	1
Neglect of Duty	Sustained	1
Neglect of Duty	Unfounded	1
Neglect of Duty	Within Procedure	7
Service	Frivolous	11
Service	Informal	2
Service	Inquiry Only	12
Service	Within Procedure	1
Traffic	Frivolous	2

Department Complaints

<i>ALLEGATION</i>	<i>FINDING</i>	<i>TOTAL #'s</i>
Conduct Unbecoming An Employee	Inquiry Only	2
Conduct Unbecoming An Employee	No Finding	5
Conduct Unbecoming An Employee	Not Sustained	1
Conduct Unbecoming An Employee	Pending	3
Conduct Unbecoming An Employee	Sustained	17
Conduct Unbecoming An Employee	Unfounded	2
Discourtesy	Sustained	2
Discrimination	Unfounded	2
Dishonesty	No Finding	2
Dishonesty	Sustained	6
Dishonesty	Unfounded	1
Excessive Force	Exonerated	3
Excessive Force	No Finding	2
Harassment	No Finding	1
Improper Search And Seizure	No Finding	1
Improper Tactics	Informal	2
Improper Tactics	No Finding	1
Improper Tactics	Sustained	8
Insubordination	Inquiry Only	1
Insubordination	No Finding	1
Insubordination	Not Sustained	2
Insubordination	Pending	1
Insubordination	Sustained	5
Insubordination	Pending	1
Intoxication	Pending	1
Missing Property	No Finding	2
Missing Property	Sustained	1
Neglect of Duty	Informal	3
Neglect of Duty	Inquiry Only	5
Neglect of Duty	No Finding	6
Neglect of Duty	Pending	2
Neglect of Duty	Sustained	43
Service	Informal	1
Service	No Finding	3
Service	Sustained	1
Traffic	Pending	1

The following chart represents the levels of discipline imposed on officers during CY2005

Informal-Documented Counseling	6	6%
Informal-Retraining	12	13%
Letter of Reprimand	34	37%
No Finding	1	1%
Resignation	15	16%
Salary Reduction	4	4%
Suspension	20	22%
Termination	1	1%
Total	93	100%

IAD received 32 Use of Force allegations during CY2005

IAD does record the type of force used by the officer in their early warning system, but they do not track the type of force used by the suspect, level of injury sustained, or locations of force applied.

IAD does track the gender, ethnicity or years of service of subject officers, but this information (for CY 2005) was not available at the time of this report.

IAD did not track the age, education level and occupation of complainants during CY2005.

IAD teaches at the police academy, citizen's academy, and civilian manager training class. OPSA also meets with civilian groups within the city.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

SPD and OPSA accept complaints via phone, e-mail, in person, U.S. mail, or fax. Anonymous complaints are also accepted, but are only investigated with the concurrence of the Chief of Police. Any member of the police department can accept a complaint at any time of the day. If the complaint is formal, it will be forwarded to IAD. A complainant can contact IAD during business hours, leave a message after hours, or file a complaint on-line at anytime.

IAD does not have a flow chart, but a brochure explaining the IAD process is provided when requested and is available on-line. OPSA has a flow chart, a brochure, and the complaint process is also available on-line.

SPD does not have a specific policy pertaining to officer retaliation against complainants.

Allegations (section V, questions 28, 29, 30, 31, 32)

The intake officer/sergeant determines the classification. However, this can change over the course of the investigation.

SPD classifies allegations as follows:

- Force
- Discourtesy
- Insubordination
- Service
- Discrimination
- Harassment
- Intoxication
- False Arrest
- Dishonesty
- Garnishment
- Improper Search
- Firearm Discharge
- Traffic
- Missing Property
- Conduct Unbecoming
- Neglect of Duty
- Improper Tactics

Allegations are only listed for formal complaints. There is no oversight in determining how allegations are defined. Although OPSA and IAD may differ on a specific allegation, both offices are in agreement in the majority of complaints

Allegations are accepted from both the complainant's first report of the complaint and also from an interview with the IAD investigator. Depending on the nature of the allegation, when a violation of the duty manual becomes apparent during an IAD investigation, this allegation may be added to the original complaint.

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

IAD is staffed with one Captain, four sergeants, two officers and one police clerk.

The diversity of IAD staff includes six Caucasians, one African-American and one Hispanic (Five males and three females, this does not represent CY2005).

The staffing ratio of IAD investigators to the number of complaints was six investigators to 159 complaints and 494 Inquiries, 108:1

Each investigator attends a POST IA school and a POST officer-involved shooting school.

The OPSA staff attends a POST IA school. OPSA staff also receives in-house training by IAD.

Mediation of Complaints (section VII, question 38)

SPD does not have a mediation process.

Early Warning Systems (section VIII, questions 39, 40, 41)

SPD has an early warning system that encompasses complaints, pursuits, accidents, and all reportable use of force incidents. The early warning system is not specific to the complaint process. Inquiries are considered part of the early warning system.

Investigation Standards (section IX, question 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

The standard of evidence in IAD investigations is a preponderance of evidence (51%). It is not a requirement that a subject officer be interviewed in either a formal or informal complaint.

Most interviews are conducted at the Internal Affairs office. However, some interviews are conducted over the phone or at the police department. On formal complaints, it is not required that the officer be interviewed.

In-house interpreters are provided when needed, in those circumstances when an in-house interpreter is not available, then the AT&T Language Line is utilized.

In cases where the complainant is not satisfied with the outcome of IAD's investigation, the Chief of Police is the final arbitrator. If there is a disagreement between IA and OPSA, the City Manager will be the final arbitrator. It should be noted, according to the Deputy Director of OPSA stated that there is rarely a disagreement between OPSA and IAD regarding the classification and disposition of complaints.

The following findings are available in an IAD investigation:

- Unfounded,
- Sustained,
- Not-Sustained,
- Exonerated, and
- Re-classed to Inquiry.

In cases where the complainant is not satisfied with the final disposition of the complaint, the Chief of Police is the final arbitrator.

IAD has a year to complete investigations and initiate discipline proceedings (per the California Government Code).

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

OPSA is part of the rollout team for in-custody death investigations and officer-involved shootings. OPSA conducts review and oversight in officer-involved shootings and cases involving in-custody death. Both IAD and OPSA have access to the reports from all in-custody deaths and officer-involved shootings as they become available.

IAD conducts a shooting review within 30 days of an officer-involved shooting and the Chief of Police can grant an extension to the timeline at their discretion. An administrative investigation would only be initiated by IAD if there was a complaint, or if there appears to be a violation of policy.

Racial Profiling (section XI, questions 56, 57, 58, 59, 60)

SPD defines racial profiling as “the reliance on race, skin color, and or ethnicity, as an indication of criminality, including reasonable suspicion, except when part of a suspect description.” The policy states, “officers will not stop an individual based on race, religion, national origin, gender, sexual orientation, or economic status, unless part of a suspect description.”

Complaints alleging racial profiling are tracked by SPD, but they are incorporated into the category of complaint known as “Discrimination”. SPD provides an annual study on racial profiling which is conducted by an outside firm (Lamberth & Associates). A racial profiling allegation would be sustained through a standard of preponderance of evidence.

Other Information (section XII, questions 61, 62)

SPD does not track information on citizens’ satisfaction with the complaint process. Random surveys are conducted regarding the overall satisfaction level with the police service.

SPD’s retention schedule for internal affairs records is five and a half years.

CITY OF SAN ANTONIO

The City of San Antonio has a population of 1,256,509, is comprised of 412.1 sq. miles, and is supported by 2,029 sworn police officers.

This interview was conducted with Sgt. Andrew Carian of the Internal Affairs Unit (IA). The interview was conducted on February 22, 2007 from the San Jose Police Department's Research and Development Unit via a conference call. The San Antonio Police Department (SAPD) Internal Affairs is located at an off-site facility.

Current Citizen Complaint System (section I, questions 1, 2, 3)

Any supervisor who has a complaint brought to his attention will conduct a preliminary investigation into the complaint. Allegations of serious misconduct are forwarded to IA for a follow up investigation.

There is no civilian oversight, however, the Chief of Police has a Citizens' Advisory Action Board consisting of two members of the community who are nominated by the San Antonio Police Officers' Association and approved by the City Council. This board works in conjunction with the Chief's Advisory Action Board which consists of sworn personnel. The board hears all cases and makes findings and/or disciplinary recommendations to the Chief. The Citizens' Advisory Action Board was added to the Collective Bargaining Agreement between the City and the San Antonio Police Officers' Association. This addition was self-imposed and not a result of any court order or voter mandate.

The Board reviews formal complaint cases, administrative reviews, officer involved shootings, officer involved family violence cases that have been investigated by IA, and makes recommendations to the Chief of Police. The Board may re-interview complainants, as well as officers who voluntarily show up for the board meeting and agree to speak to the Board.

The City of San Antonio is not under a Consent Decree or formalized Settlement Agreement.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

SAPD does have a "line complaint" category, but they do not have an "informal" complaint category. All complaints must specify a violation of a specific rule, regulation, or General Manual procedure. Only expressions of dissatisfaction that specify a violation of a specific rule, regulation, or General Manual procedure are considered complaints. General dissatisfaction, such as general complaints of high crime or traffic congestion, is handled as an "incident" and is filed separately at IA.

Complaints are classified as "formal complaints" and "line complaints." A formal complaint generally constitutes matters involving conduct that exhibits a significant variance from behavioral expectations established through formal training, departmental rules, regulations, policies, or procedures, and includes any behavior that may require stringent disciplinary action in the form of a suspension. A formal complaint also includes any allegation of unreasonable force, racial/ bias profiling, harassment or discrimination in the workplace, and any allegation of criminal activity. A line complaint generally constitutes matters limited to and involving a minor

variance from the sworn member's routine activities and responsibilities, such as an allegation of rude conduct or minor procedural violations. When appropriate, a division commander will address the behavior with counseling, a demerit, an oral reprimand or a written reprimand.

Line complaints are addressed by the officer's supervisor. These are documented on prescribed forms, forwarded through the officer's chain of command for review and recommendations, documented in the officer's personnel file, and stored at IA for the required amount of time. The complainant is notified of the division commander's decision by the complaint-generating supervisor (field supervisor or IA investigator). The Board does not address line complaints.

When an issue of concern can be immediately addressed and resolved to the satisfaction of the citizen, it is categorized as an "incident." An "Inquiry" is a case investigated by IA where a particular rule or regulation or procedure may have been violated, but it is unknown at the present time, when a rule or regulation or procedure may have been violated, but the officer's identity is unknown, or when the Chief or his designee wishes to have a particular matter investigated. In the event an "Inquiry" does not turn into a formal complaint, it will be reclassified as a "Deactivated" complaint.

IA retains officers' names that are involved in complaints that are classified as "Inquiries."

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

According to the 2005 annual study, the San Antonio Police Department received approximately 923,888 calls for service; this number does not include vehicle and pedestrian stops where an individual is not arrested. SAPD had 637 officers that were subject to a complaint in CY2005.

SAPD utilizes an internal Microsoft database for tracking complaints.

SAPD received 313 citizen complaints in CY2005 (Formal= 188, Line= 125).

SAPD received 243 internally generated complaints in CY2005 (Formal= 129, Line= 114).

54 SAPD officers received more than one complaint during CY2005.

SAPD had 38 complaints involving use of force in CY2005.

Of the 38 complaints SAPD received involving a use of force allegation, 27 were determined to be unfounded, 6 were deactivated, and 5 were inconclusive.

SAPD defines a use of force as an incident where a suspect sustains an injury as a result of force applied by an officer. The use of hands with no injury would not be considered a use of force.

SAPD received 317 allegations in CY2005.

Formal Cases:	
317 Cases	On 388 officers
188 citizen-generated complaints	On 240 officers
75 Administration-generated complaints	On 85 officers
54 Administrative Reviews	On 63 officers
158 cases	On 191 officers were deactivate

Line Complaints	
239 cases	On 249 officers
125 citizen-generated cases	On 133 officers
114 Administration-generated cases	On 116 officers

The following is a breakdown of the discipline imposed for CY2005.

Formal complaints	
Unfounded	49
Inconclusive	39
Counseling	8
Written Reprimand	12
Suspension	69
Indefinite Suspension	4
No Disciplinary Action	34
Deactivated by the Chief	1

Line Complaints	
Written Reprimand	67
Counseling	62
No Disciplinary Action	108

SAPD does not track the type for force used, level of injury nor the location of force applied on complainants.

SAPD does not track the statistics of the gender, ethnicity, and years of service of subject officers.

SAPD does not track the statistics of the ethnicity, age, educational level and occupation of complainants.

IA provides brochures that are posted at each of the police substations and at headquarters. An IA website is maintained with current information and is capable of accepting emailed complaints.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

SAPD will accept complaints in any form. Anyone can make a complaint.

Any member who is contacted by a complainant refers the complainant to the officer's supervisor if he/she is available. If the supervisor is not available and the complaint is received during business hours, the complainant is referred to the nearest supervisor or to IA. The complainant can use any method of communication to initiate the investigation process. Written, sworn statements are required from the complainant for a formal complaint before the case is presented to the Chief's Advisory Action Board.

The process is documented on the IA Brochure. The process is also documented in the appropriate General Manual Procedure and the IA Standard Operating Procedures. Brochures can be obtained at any police substation or at headquarters, and can be downloaded off of the website. Copies of the procedure may be obtained by making a request through the Legal Advisor's office.

SAPD has a specific policy prohibiting officer retaliation against persons filing complaints.

Allegations (section V, questions 28, 29, 30, 31, 32)

Allegations are classified by the particular rule, regulation or procedure alleged to have been violated. The officer's chain of command determines which rule, regulation or procedure was allegedly violated in line complaints generated from the field. IA determines which rule, regulation or procedure was violated in formal complaints and line complaints generated by IA.

Allegations are listed on all complaints. Allegations can be changed and amended at any level of the chain of command. The division commander has the authority to determine if a line complaint allegation can be dismissed. The Chief's Advisory Action Board reviews all formal complaints and makes a recommendation to the Chief if an allegation should be amended. The Board can also return a case for further investigation or to change or add allegations. Allegations are taken from any source. Allegations may come from the complainant's statement, from discoveries made during the investigation or from the Chief's Advisory Action Board. If allegations are discovered during the investigation, the allegations are added.

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

IA is comprised of 1 Unit Director, 10 Investigators, 1 Employee Early Warning System (EEWS) Coordinator, 1 Administrative Sergeant, and 3 civilian Administrative Assistants.

The ethnicity breakdown of IA is as follows:

9 White (Non-Hispanic), 6 Hispanic, 1 African-American. Of these 16, 6 are female.

IA's staffing ratio is 1:32.

IA investigators receive approximately one month of "on the job" training upon assignment to IA. Investigators are sent to outside courses when the courses become available, subject to staffing and funding limitations. Each of the investigators attends 40 hours of Texas Peace Officer continuing education training as mandated by the State and Departmental policy

The State of Texas requires 40 hours of training every two years and firearms training annually. Department policy exceeds this requirement by mandating 40 hours annually.

Civilian members of the Advisory Action Board attend a 24 hour orientation in Internal Affairs and orientation through the police academy.

Mediation of Complaints (section VII, question 38)

SAPD does not have a mediation process.

Early Warning Systems (section VIII, questions 39, 40, 41)

SAPD does utilize an early warning system for the complaint process. An employment history study is conducted for officers who meet a threshold of a predetermined number and type of complaints, or are recommended for candidacy by supervisory referral (approved through the chain of command), or referred to the program by the Chief.

The study contains information from multiple sources, i.e., IA files, Central, Division, and Unit-level files, Leave Inquiry, Assignment History inquiry, and supervisory evaluations.

An Employee Early Warning System Board reviews the case study and makes a recommendation to the Chief for remedial action where a pattern of undesirable behavior is detected (a plan of action) or monitoring for additional complaints for twelve months is recommended only.

EEWS is non-punitive in nature. Suspension, reduction in pay, or rank does not occur. A Plan of Action can include such remedies as a temporary transfer to another shift or area of the city in which to work, a permanent transfer, loss of outside employment privileges, psychological counseling, financial counseling, and remedial training at the training academy. The EEWS Board recommends a remedy based on their assessment of the behavior pattern identified.

Inquiries are included in the employment history case study but are not threshold mechanisms for referral to the system; unless they become a Formal or Line Complaint (then they may cause or contribute to a referral).

Investigation Standards (section IX, question 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

SAPD uses a preponderance (51%) of evidence as the standard of evidence in IA cases. In formal investigations it is mandatory that a subject officer is interviewed. Ideally complainants are interviewed at IA, but they can be interviewed anywhere if the need arises. Complainants are permitted to bring a support person to the interview and interpreters are provided as needed.

The Chief of Police is the final authority in the complaint process. After the Chief's ruling, the complaint process ends and the case is closed.

The following findings are available in an IA investigation;

- Sustained
- Inconclusive
- Unfounded

SAPD requires that all complaints are completed within 180 days from the date of the received date. This timeframe is set by a local government statute.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

SAPD defines an officer-involved shooting (OIS), as an incident in which an officer discharged a firearm, and the discharge resulted in the death or injury to any person; or any incident in which an officer uses deadly force against another or deadly force is used against an officer, which resulted in death or serious bodily injury to any person.

The "Shooting Team," a group of detectives and supervisors primarily from the Homicide Unit, conducts a thorough investigation and presents their findings to the Chief of Police, IA and the District Attorney's Office.

IA only responds to the scene of an OIS or in-custody death case when directed by a Deputy Chief. IA presents the case to the Chief's Advisory Action Board for recommendations. The District Attorney's Office reviews the case for criminal misconduct.

The civilian members of the Chief's Advisory Action Board review all in-custody deaths.

The civilian members of the Chief's Advisory Action Board review all officer-involved shootings.

The civilian members of the Chief's Advisory Action Board see all police reports and records that are available at the time of review.

Racial Profiling (section XI, questions 56, 57, 58, 59)

SAPD defines racial profiling as a law enforcement-initiated action by a peace officer based on an individual's race, national origin, citizenship, religion, ethnicity, age, gender, sexual orientation, or physical or mental disability rather than the individual's behavior or information identifying the individual as having engaged in criminal activity.

It is the policy of SAPD to provide equal protection to all citizens. Toward this end, police officers and civilians employed by SAPD are strictly prohibited from engaging in racial/bias profiling in any aspect of law-enforcement activity. Police Officers and civilian employees shall not use race, national origin, citizenship, religion, ethnicity, age, gender, sexual orientation, or physical or mental disability for a law enforcement-initiated action, except to determine whether a person matches a specific description of a particular suspect.

SAPD conducts an annual study on racial profiling in accordance with Article 2.132 of the Texas Code of Criminal Procedure.

IA investigates all allegations of Racial/Bias profiling procedure.

Other Information (section XII, questions 60, 61)

SAPD does not track information on citizen's satisfaction with the complaint process. All disciplinary records are kept indefinitely. This exceeds the State's minimum retention requirements.

CITY OF SAN DIEGO

The city of San Diego has a population of 1,272,148, is comprised of 324 sq. miles, and is supported by 2,070 sworn police officers. Members of the San Diego Police Department are protected by the California Peace Officer's Bill of Rights.

This interview was conducted with Lt. Brian Blagg. Lt. Blagg is the Commander of the Internal Affairs Unit. The interview was conducted on December 4, 2006 at the San Diego Police Department's Internal Affairs office. SDPD Internal Affairs is located on-site at police headquarters.

Current Citizen Complaint System (section I, questions 1, 2, 3)

The San Diego Police Department (SDPD) has an Internal Affairs Unit (IA). IA is responsible for investigating all citizen complaints against police personnel. SDPD has a Citizen's Review Board (CRB). The CRB only conducts an audit function. The CRB is permitted to intake complaints, but those complaints are then forwarded to IA for investigation.

The CRB only conducts post investigation audits. They only audit category one complaints.* (refer to definitions of category one complaints) CRB does not participate during the investigation process, nor do they monitor interviews. The CRB was created by City Charter in 1988. The CRB has a Director which oversees and manages the group. The Director of CRB is a non-voting member. Both Internal Affairs and the Office of CRB are located within Police Headquarters.

Presently, the city of San Diego is not under a Consent Decree or formalized Settlement Agreement.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

The San Diego Police Department classifies complaints against police personnel in four categories. These categories are identified as follows: Category One, Category Two, Internal, and Miscellaneous.

Category One: Force, Arrest, Discrimination, Slur, Criminal Conduct.

Category Two: Procedure, Service, Courtesy, Conduct, Other.

Not all citizen expressions of dissatisfaction are categorized as a complaint. If a citizen is unhappy with police service, and their complaint does not fit the description of a formal complaint, it is often referred to in the miscellaneous category. These miscellaneous complaints are filed under the complainant's name, not the officer's name. They cannot be tracked by the individual officer; they are tracked by individual complainant.

The San Diego Police Department does have an "inquiry" category, which is similar to the San Jose Police Department's "Complaint Withdrawn" category. The SDPD "inquiry" category is only used after a completed formal investigation, where the complainant actively withdrew the

complaint. Complaints that are categorized within the “inquiry” category have to be signed off by the subject officer’s commanding officer. This is a category that is rarely used by the SDPD, because of the “Miscellaneous” category. Inquiries are not considered to be part of the officer’s internal affairs history due to concerns with Pitchess Motions.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

According to the 2005 annual study, the San Diego Police Department received approximately 644,223 calls for service.

In CY 2005, the San Diego Police Department had a total of 117 Category One and Category Two complaints; these complaints involved 336 officers. 26 officers were subject to a department (internally) initiated complaint. The SDPD does not have a method to track how many officers who had more than one complaint during CY 2005.

The San Diego Police Department received 72 citizen complaints in CY 2005.

The SDPD does use an internal database to track complaints against police personnel. Officers with three or more complaints in one year receive counseling.

During CY 2005 the SDPD received 187 allegations. (This number may appear to be low when compared to other agencies; it must be remembered that at SDPD allegations are not officer specific, they are incident driven.)

<i>Category One and Category Two Complaints</i>	<i>117</i>
Withdrawn Complaints	31
Internal Complaints	26
Procedural Complaints	83
Miscellaneous / Inquiries	Records not retained

Records for the level of discipline imposed were not kept by Internal Affairs. In CY 2005 there were no sustained uses of force complaints. SDPD does not track the type of force used, the level of injury, or the location of force applied. SDPD does not track the demographics of subject officers or complainants.

The SDPD Internal Affairs Unit conducts community outreach through CRB. CRB attends community meetings, community events and attends speaking engagements.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

The San Diego Police Department accepts complaints in any form other than fax and email. The CRB can take complaints in any form and anyone can make a complaint.

The San Diego Police Department has a policy requiring any employee who receives a complaint to notify a supervisor, desk sergeant, or field supervisor. The supervisor must fill out the complaint form and forward it to IA if an issue is not resolved to the satisfaction of the citizen.

Upon receipt of a citizen complaint, the complainant will receive a letter acknowledging the complaint and confirming that it is being investigated and outlining the basic steps of the complaint process. There is usually a contact number for the investigator assigned. The San Diego Police Department does have a flow chart and an operations order that governs the complaint process, but that is not generally given out. If a citizen requests a copy of the appropriate order, they will provide it, as the San Diego Police Department has their operations orders available to the public on the Department website.

The San Diego Police Department does not have a specific rule about officer retaliation against complainants. However, the San Diego Police Department does have an operations manual about conduct unbecoming.

Allegations (section V, questions 28, 29, 30, 31, 32)

In the San Diego Police Department, allegations are event driven not individual/officer driven (for example, five officers' point their guns at a bank robbery suspect. The suspect subsequently files an IA complaint against the five officers from jail. The complainant alleges that excessive force was utilized by the arresting officers. In this situation, the SDPD would only list one allegation of excessive force against all five officers, as opposed to five allegations).

Allegations are defined and classified by the IA Lieutenant, who is the final authority. If there is a disagreement between the IA Lieutenant and CRB, then the Chief of Police will be the final arbitrator. Allegations are listed only in formal complaints, not as informal, which are resolved by field supervisors. There is no oversight in determining how allegations are defined, investigated, or dismissed. Allegations are taken from both the complainant's first report of the complaint and the complainant's interview with IA. Allegations which become apparent during an investigation are included depending on the severity of the allegation.

Misconduct Allegations

Misconduct allegations are the same as complaints including both category one and category two classifications.

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

The SDPD Internal Affairs unit is comprised of 1 lieutenant, 9 sergeants, 3 detectives and 1 civilian employee. Investigators assigned to the Internal Affairs Unit attend an in-house FTO class, the state mandated IA training and courses in interview and interrogation techniques.

The CRB is comprised of 23 Board Members. The members then are broken into groups of three which are then known as "work teams." Each work team is then assigned cases to audit. The CRB members are appointed by the mayor. A "minimal background check" is conducted on CRB members. These backgrounds are conducted by the City Attorney's Office. A criminal conviction or criminal history does not necessarily disqualify an individual from being appointed to the CRB. There is no relevant educational requirement or experience required to be appointed to the CRB. The CRB members do not receive any investigative training, however, they do attend IA school and participate in the police ride-along programs. CBR members serve for a one year term with a maximum of eight years of service.

Mediation of Complaints (section VII, question 38)

SDPD does have a mediation process. In the case of mediation, the officer and complainant must agree to the mediation process. An outside mediation service is utilized. The cost per session, is approximately \$200-\$500 per incident.

The majority of complaints mediated are Category 2. Category 1 complaints may be mediated on a case-by-case basis. If the complainant or officer does not agree, the complaint will be handled formally. At the outcome of a successful mediation, the complaint will not be recorded in the officer's file. Complaints that are mediated are not used for tracking purposes. Mediation is used approximately 1-2 times a month.

Early Warning Systems (section VIII, questions 39, 40, 41)

The San Diego Police Department does utilize an early warning system for the complaint process. If an officer receives 3 complaints within a year it will result in an intervention counseling session. Miscellaneous complaints are NOT included in the early warning system. The early warning system is not considered to be disciplinary in nature.

Investigation Standards (section IX, question 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

The San Diego Police Department uses a preponderance (51%) of evidence as the standard of evidence in IA cases. In formal investigations it is mandatory that a subject officer is interviewed, however in complaints that are classified as Miscellaneous the officer does not have to be interviewed. Ideally complainants are interviewed at SDPD, but they can be interviewed anywhere if the need arises. Complainants are permitted to bring a support person to the interview and interpreters are provided as needed.

The IA lieutenant is the final arbitrator at the conclusion of the complaint process. In cases where the complainant is not satisfied with the findings of IA, the Chief of Police will have the final say.

The following findings are available in an IA investigation;

- Sustained
- Not sustained
- Exonerated
- Complainant Not Cooperative (CNC)
- Unfounded
- Other

The San Diego Police Department requires that all Category One complaints be completed within 120 days of the received date. Category Two complaints are required to be completed within 60 days. This timeline is self imposed and are not based on a statutory requirement.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

The San Diego Police CRB reviews in-custody death investigations after the investigation is completed. The CRB does not participate or monitor the investigation, nor does the CRB respond to the scene of an in-custody death investigation.

The CRB plays a similar role in officer-involved shooting investigations, whereas the CRB's role is review only. Records and files pertaining to officer-involved shootings are not released to the CRB. Those files are retained at police headquarters and the CRB reviews the files at police headquarters. The CRB is entitled review the entire officer-involved shooting file. In the event of an officer-involved shooting, the CRB is not notified nor are they allowed to respond to the incident.

Racial Profiling (section XI, questions 56, 57, 58, 59)

The SDPD defines racial profiling as "directing one's activity on the suspect based on race." The SDPD has a policy prohibiting racial profiling (policy not provided). Discrimination complaints are handled as Category One complaints, which would result in a formal investigation by IA.

The SDPD tracks all vehicle stops done by their officers. The officer's name or the name of the individual stopped is not recorded as part of the tracking system. The SDPD does not produce or conduct a study on racial profiling. A Racial profiling allegation would be sustained through an officer's admission of racial profiling.

Other Information (section XII, questions 60, 61)

The SDPD does not track information on citizen's satisfaction with the complaint process. The SDPD retention schedule for internal affairs records is five years (state law). Miscellaneous complaints are retained for two years.

CITY OF SAN FRANCISCO

The city of San Francisco has a population of 749,172 is comprised of 49 square miles, and supported by approximately 2,193 sworn police officers. There are an additional 121 sworn officers at the Airport. Members of the San Francisco Police Department are protected by the California Peace Officer's Bill of Rights.

The SFPD interview was conducted with Lieutenant Lynnette Hogue and Sergeant Edward Santos Jr. on November 22, 2006. The interview was conducted at San Francisco Police Headquarters located at the Hall of Justice in San Francisco.

The interview with the Office of Citizen Complaints (OCC) was conducted with Chief Investigator Charles Gallman and Senior Investigator Edward McMahon on December 5, 2006. OCC is located at a location separate from police headquarters.

Current Citizen Complaint System (section I, questions 1, 2, 3)

OCC is a city agency comprised of civilian investigators that investigate all citizen complaints of misconduct or complaints that a police officer has not performed his or her duty correctly. OCC does not investigate "internal" complaints and does not investigate conduct by police officers that is not related to their duties or authority (for example, off-duty drunken driving arrests where the officer did not invoke his police authority).

The San Francisco Police Commission oversees the SFPD and OCC. In the mid-1980s San Francisco voters approved an amendment to the City Charter that created the OCC, and gave it the mandate to investigate complaints against sworn members of the SFPD. Subsequent Charter Amendments and legislation have increased powers of the agency.

At the conclusion of an investigation, the OCC director issues a preliminary finding on all complaints. In the case of a sustained complaint, the director has the authority to make a disciplinary recommendation to the Chief of Police, or, in limited circumstances, file disciplinary charges directly with the Police Commission. The Chief of Police has the power to suspend an officer for up to 10 days. the Police Commission may suspend fire or terminate an officer.

OCC attorneys act as the prosecutor in all OCC cases brought before the Police Commission. OCC reviews all officer-involved shootings and makes policy and training recommendations.

The SFPD is not currently under a settlement agreement.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

OCC investigates all expressions of dissatisfaction. These are classified as complaints, although some result in findings of policy failures. OCC does not have an "informal" or "inquiry" category.

If an expression of dissatisfaction is brought to the attention of a SFPD supervisor and is not filed with OCC, the supervisor may conduct a preliminary investigation to ascertain the level of alleged misconduct. In some limited circumstances the concern may be resolved informally

without rising to the level of a formal complaint. However, all members of the SFPD are required to forward complaints to the OCC and cooperate with the complaint process.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

The SFPD was not able to provide the number of community contacts for CY2005 and OCC does not track the number of community contacts.

In CY2005 the SFPD had 177 officers subject to a complaint (internal complaints).

OCC received 881 citizen-initiated complaints and 3315 allegations in CY2005.

OCC received 349 separate allegations of unnecessary force in CY2005.

- OCC does not track the level of injury to complainants
- OCC does not track the location of force applied
- OCC does not track the force used
- OCC does not track the disposition of force complaints during CY2005
- OCC does not track the gender, ethnicity, and years of service of the subject officers
- OCC tracks the ethnicity, age and gender of complainants
- OCC does not track the educational level and occupation of complainants

The following is a breakdown of the 943 complainants in 2005:

Gender		
Declined to State	62	6.57%
Females	314	33.30%
Males	567	60.13%

Race / Ethnicity		
African-American	287	30.43%
Asian-American	59	6.26%
Declined to state	180	19.09%
Caucasian /White	286	30.33%
Latino / Hispanic	96	10.18%
Native American or Pacific Islander	8	0.85%
Other	27	2.86%

Age		
1-13 (by an adult)	2	0.21%
14-16	11	1.17%
17-19	26	2.76%
20-30	188	19.94%
31-40	228	24.18%
41-50	175	18.56%
51-60	131	13.89%
61-70	25	2.65%
71-80	14	1.48%
Over 80	2	0.21%
Declined to state	141	14.95%

OCC engages in ongoing community outreach to all sectors of the community. Representatives appear at neighborhood and interest-group meetings, and participate in trainings and seminars.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

OCC accepts complaints in person, by fax, by mail, and by telephone. All SFPD members are obligated to encourage and receive complaints and have complaint forms at all district stations. OCC accepts anonymous complaints, but the information must be corroborated in order to result in a sustained finding of misconduct.

Anyone can make a complaint to OCC. OCC does not investigate complaints made by police officers. Complaints made by police officers are forwarded to the SFPD Management Control Division.

OCC has an investigator of the day who is available to take complaints during business hours. OCC accepts mail-in complaints, and complaints made to police officers or stations are immediately forwarded to OCC for investigation.

Allegations (section V, questions 28, 29, 30, 31, 32)

OCC classifies allegations into nine major categories:

- Unnecessary Force
- Unnecessary Force Sub-allegations
- Unwarranted Action
- Conduct Reflecting Discredit
- Neglect of Duty
- OCC Added Allegations/Neglect of Duty
- Racial Slur
- Sexual Slur
- Discourtesy

OCC line investigator proposes allegation and they are reviewed and approved by supervisors and legal staff. OCC investigates all complaints within its jurisdiction, only complaints on face value, that does not rise to a level of misconduct will not receive a full investigation. An example of this would be a traffic citation dispute complaint.

Within OCC, there is an extensive review process that starts at the investigator-level, proceeds through supervisory investigators, attorneys, and ultimately, ends at the Director.

Allegations are taken from both the first report and the interview. OCC investigates all rule violations that flow from a complaint, whether or not they are specifically articulated by the complainant. OCC does not presume that complainants know all the rules that police officers must follow or are able to specifically articulate their concerns.

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

OCC has a staff of 16 investigators. There are three supervising Senior Investigators that supervise teams of five investigators. There is one Chief Investigator who supervises all of the investigators. In addition, there is a three member legal and policy staff and administrative support. All report to the Director who is appointed by the Police Commission.

The diversity of investigators is:

- Male 13
- Female 8
- White 10
- Latin 2
- Black 3
- Other 3

The staffing ratio at OCC is approximately 1:55.

OCC staff members are required to attend P.O.S.T. certified training in officer-involved shooting (OIS), Interview and Interrogation, Homicide Investigation, Crime Scene Investigation, Internal Affairs Investigation, Traffic Investigation /Reconstruction, CLETS training, and ongoing training from subject matter experts from within the SFPD. In addition, there is an annual ride along/community outreach requirement. OCC mandates this training.

OCC investigators generally have a four-year college degree or equivalent experience and a background in law, investigations, paralegal, or other comparable work.

Mediation of Complaints (section VII, question 38)

OCC does have a mediation process. The San Francisco Police Commission establishes rules and regulations for the implementation and use of the mediation process. OCC provides a cost-free mediation program using pro-bono mediators.

The process involves identifying eligible complaints. If eligibility for mediation is determined, the coordinator calls the complainant to explain the process and determine if the complainant voluntarily consents to mediate the complaint. Once the complainant signs and returns his consent, the officer is similarly contacted. Should both parties agree to mediate the complaint, two mediators are selected from the OCC pool of pro-bono mediators – one attorney-mediator and one non-attorney mediator, both approved by the California State Bar Association – and assigned the mediation. The coordinator secures and designates a neutral mediation site should neither mediator have an available location to mediate the complaint.

Mediators are employed neither by the SFPD or OCC. Mediators are required to live or work in San Francisco and to have 30 hours of substantive mediation training in a single course, attend an OCC orientation of the mediation process, and have no current/prior conflicts (i.e., former SFPD officer, no legal representation of law officer, etc). The coordinator attempts to select mediators from the OCC mediator pool on a random basis, pairing an attorney and non-attorney mediator as a panel for each mediation case.

A complaint is eligible for mediation provided it does not involve the following:

- Significant use of force
- Substantial injury to the complainant or officer
- Sexual or racial slurs
- Cases involving questions of law

Mediation is a voluntary process, such that a complainant may decline mediation in favor of an OCC investigation of the officer(s). Once mediation commences and the police officer participates in good faith, the complaint is resolved in the event of the complainant's non-cooperation.

The officer may decline mediation, and the complaint will be returned for investigation of that officer. In addition, if the officer agrees to mediation, but is uncooperative in the mediation, the complaint will be returned for investigation.

The nature of mediation is outcome non-determinative; that is, there is no way of predicting what will come of further communication between the parties to a prior incident. Even if the parties are unable to satisfactorily resolve the complaint (i.e., agree to disagree), the complaint will be deemed resolved through mediation.

Early Warning Systems (section VIII, questions 39, 40, 41)

The SFPD has an early warning system that is currently being extensively reconfigured to reflect more aspects of an officer's performance and behavior. The EWS is not considered disciplinary in nature.

Investigation Standards (section IX, question 42, 43, 44, 45, 46, 47, 48, 49, 50)

Both the SFPD and OCC use a preponderance (51%) of evidence as their standard.

The SFPD will always interview officers in formal complaints. In OCC investigations, officers are either interviewed or required to complete a set of written questions about the incident in the vast majority of cases. In cases where the complaint alleges behavior that is proper on face value, the officer would not be interviewed.

All officers are interviewed in person at OCC. Civilian witnesses are interviewed in a number of different ways. Investigators conduct interviews at the civilian's home, in the field, at OCC offices, or on the phone.

OCC employs a number of bilingual investigators who conduct interviews in the witness's primary language whenever requested by the witness or whenever more accurate or complete information may be obtained. OCC occasionally contracts with interpreters.

Witnesses may bring support people or attorneys provided those individuals are not also witnesses to the same complaint.

The OCC director makes the final decision on the findings. The Police Commission is the final arbitrator at the end of the complaint process.

OCC uses the following findings:

- Sustained
- Not Sustained
- Proper Conduct
- Training Failure
- Policy Failure
- Unfounded
- Outside of Jurisdiction

Investigations must be completed in accordance with Government Code 3304. The SFPD has an MOU with the unions stating that investigations on police officers will be completed within 180 days. The City Charter requires that the OCC make its best effort to complete investigations of sustained cases within nine months.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 51, 52, 53, 54, 55)

The SFPD Management Control Division (MCD) investigates officer-involved shootings and in-custody deaths. OCC responds along with MCD to the location in all cases, but OCC will conduct an investigation only if a complaint is filed.

Racial Profiling (section XI, questions 56, 57, 58, 59, 60)

The SFPD has a specific policy prohibiting racial profiling (Dept General Order 5.17).

The SFPD tracks traffic stops by purpose, race and disposition. The SFPD will provide the data upon request.

OCC also does not publish a report on racial profiling.

The standard of proving or disproving an allegation of racial profiling is based on the preponderance of evidence standard.

Other Information (section XII, questions 61, 62)

OCC retention schedule for complaints is five years; complaints that are older than five years are sent to a warehouse for archiving.

CITY OF SAN JOSE

The city of San Jose has a population of 910,528, is comprised of 177 square miles, and is supported by 1349 sworn police officers.

Current Citizen Complaint System (section I, questions 1, 2, 3)

The San Jose Police Department (SJPD) Internal Affairs Unit (IA) investigates and conducts all citizen complaints. The IA Unit is located off-site from the Department.

The Office of the Independent Police Auditor (IPA) monitors and audits external Internal Affairs citizen complaint investigations. The Office of the IPA is also responsible for conducting public outreach and education and is responsible for the preparation and presentation of bi-annual and annual reports to the Mayor and City Council. The IPA reports include policy recommendations and statistical analysis of activities during the calendar year.

The Office of the IPA was created in 1993 and the staff consists of the IPA, Assistant IPA, a civilian analyst, Complaint Examiner, Public and Community Outreach Relations position, and one clerical support position.

Presently, the city of San Jose is not under a Consent Decree or formalized Settlement Agreement.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

Definitions

Citizen Initiated (CI) – Officers are interviewed

If the initial investigation of a complaint results in the determination of "sustained," the allegation would amount to a violation of the law or of Department policies, procedures, rules, or regulations.

Procedural (PR) – Officers not interviewed

If the initial investigation determines that the subject member acted reasonably and within Department policy and procedure, given the specific circumstances and facts of the incident(s), there is no factual basis to support the allegation.

Policy (PO) – Officers not interviewed

A complaint that pertains to an established policy properly employed by a Department member, which the complainant understands, but believes is inappropriate or not valid.

Command Review (CR) – Officer and officer's immediate supervisor meet with IA Commander

A Command Review is appropriate when an allegation involves a minor transgression, that may be handled by bringing the matter to the attention of the subject member's chain of command.

The utilization of this process does not imply that the subject officer has or has not, in fact, committed the transgression as described by the complainant.

- The involved employee's complaint record will be reviewed to ensure that he/she does not have a pattern of similar allegations before classifying the complaint.
- The employee and his/her supervisor will review the complaint at IA with the Unit Commander or his/her designee.
- The employee will be afforded the opportunity to submit a written response for inclusion in the case file within 30 days of Command Review.

Complaint Withdrawn (CW)

When a complainant does not wish to continue with the process and withdraws the complaint, the classification of CW will be used and a finding of "No Finding" will be assigned. Additionally, any officers' names will be removed from the subject officer field in the IA database. The subject officer in these cases will be listed as "unknown officer."

Inquiry (IQ)

Any contact with a citizen in reference to any issue of concern that is immediately resolved to the satisfaction of the citizen, which does not give rise to a complaint. Any concern that is not immediately resolved to the satisfaction of the citizen can become a complaint.

Or

The complainant alleges he/she was issued a traffic citation and he/she did not commit the infraction alleged. The complainant should be referred to Traffic Court as the proper venue to address the complainants' concerns.

Citizen Contact (CC)

A Citizen Contact is a case that does not involve an expressed dissatisfaction with police services provided by the San Jose Police Department or one of its members. Example: The case involves a member of another police agency and is appropriately referred.

Department Initiated/IPA (DI/IPA)

A Department-initiated complaint, which has a citizen nexus.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

The statistics presented in this report were derived from a shared database (IA Pro), utilized by both the Internal Affairs Unit and the Office of the Independent Police Auditor.

During CY2005, the San Jose Police Department had 393,196 documented contacts with residents, including calls for service or pedestrian/vehicular stops. These numbers do not include the many informal citizen contacts officers encounter daily. The chart below documents the total number of received complaints, inquiries, and requests for complaints to be withdrawn for CY2005:

<i>CY 2005</i>	<i>External Complaints Received</i>	<i>IPA</i>	<i>IA</i>	<i>Total</i>	<i>% to Total Complaints Received</i>	<i>% to Total Documented Citizen Contacts</i>
Formal: Citizen Initiated Complaints	44		62	106	27.7%	.03%
Informal: Command Review Complaints	3		4	7	1.8%	.002%
Procedural Complaints	21		21	42	11.0%	.01%
Policy Complaints	1		1	2	.5%	.0005%
No Boland	5		7	12	3.1%	.003%
Complaint Withdrawn	7		4	11	2.9%	.003%
Inquiry	65		138	203	53.0%	.05%
Total	146		237	383	100%	

SUBJECT OFFICERS NAMED IN COMPLAINTS²²

<i>Officers Receiving</i>	<i>Number of Officers</i>	<i>Number of Complaints</i>
1 Complaint	188	188
2 Complaints	30	60
3 Complaints	3	9
4 Complaints	2	8
5 Complaints	0	0
6 Complaints	1	6
Total Complaints	224	271

Of the 393,196 documented citizen contacts, 224 officers were subject to a complaint. Of the 224 officers subject to a complaint, 36 officers had more than one complaint, as represented in the above graph.

Allegations

Misconduct allegations are categorized and tracked by the Department and IPA includes:

<i>MISCONDUCT ALLEGATIONS</i>	
D	Discrimination
DS	Delayed/slow response
H	Harassment
ES	Excessive police service
MDP	Missing/Damaged Property
IP	Improper Procedure
RP	Racial profiling
RC	Rude conduct
UA	Unlawful arrest
UC	Un-officerlike conduct
F1	Unnecessary force causing injury as defined in section 243 of the Penal Code
F2	Unnecessary force not requiring medical attention
US	Unlawful search
FA	Failure to take action

In CY 2005, the SJPD received 489 allegations against officers. Allegations are officer driven, not incident driven. A complaint may consist of a single allegation, or multiple allegations such as rude conduct, unlawful arrest, and/or improper procedure. As an example, in an incident where a complainant filed five allegations of unnecessary force against five subject officers who used force, the complaint would list five allegations for unnecessary force. In contrast, some of the other cities surveyed would list this example as one allegation of unnecessary force. For a comparison, in this example, San Diego would only list one allegation of unnecessary force.

<i>SJPD - TYPES OF ALLEGATIONS RECEIVED - FORMAL/INFORMAL CASES</i>		
Type of Allegation	Total Number of Allegations	% of Allegations
Improper Procedure	154	31%
Unnecessary Force	112	23%
Rude Conduct	64	13
Unlawful Arrest	37	8
Unlawful Search	33	7
Un-officer-like Conduct	27	6
Missing/Damaged Property	18	4
Failure to Take Action	17	3
Racial Profiling	10	2
Discrimination	7	1
Excessive Police Service	6	1
Harassment	4	1
Policy/Procedural	0	0
Delayed/Slow in Response	0	0
Inquiry (Unclassified)	0	0
Total Allegations	489	100%

Discipline imposed upon the subject officers ranged from training and counseling to termination.

<i>Discipline</i>	<i>Officer in External Complaints</i>	<i>Officers in Internal Complaints</i>	<i>Total</i>	<i>%</i>
Training/Counseling	1	1	2	4
Documented Oral Counseling	4	20	24	50
DOC & Training	1	1	2	4
Letter of Reprimand	0	3	3	6
10-Hour Suspension	0	3	3	6
20-Hour Suspension	0	1	1	2
30-Hour Suspension	0	1	1	2
40-Hour Suspension	0	0	0	0
60-Hour Suspension	0	0	0	0
80-Hour Suspension	0	0	0	0
100-Hour Suspension	0	1	1	2
Settlement Agreement	0	1	1	2
Disciplinary Transfer	0	0	0	0
Terminations	1	0	1	2
Retirement before Discipline	0	1	1	2
Resigned before Discipline	0	2	2	4
Total Discipline Imposed	13	35	48	100

In CY2005 discipline was imposed on 13 officers in external citizen initiated cases; 35 officers were disciplined in internal cases. A total of six allegations were sustained in external cases; 34 allegations were sustained in internal cases.

During CY2005, there were 112 unnecessary force allegations within 70 complaints.

<i>Type of Unnecessary Force</i>	<i>Number</i>	<i>%</i>
Baton	9	11
Canine	1	1
Car	1	1
Chemical Agent	6	7
Gun	2	2
Feet	4	5
Ground	14	17
Hands	29	35
Handcuffs	5	6
Knee	5	6
TASER	7	8
Object	0	0
Other	0	0
Unknown	0	0
Total	83	100

<i>Overview of Complainant's Level of Injury</i>		
<i>Degree of Injury</i>	<i>Number</i>	<i>%</i>
Major	2	4
Moderate	5	11
Minor	33	73
None	5	11
Unknown	0	0
Total	45	100

<i>Location of Force Applications</i>	<i>Number</i>	<i>%</i>
Head	11	16
Torso	30	43
Limbs	24	34
Multiple Body Parts	3	4
Unknown	2	3
Total	70	100

Of the 70 of unnecessary force complaints received, the dispositions are reported below.

<i>Disposition</i>	<i>UF Class I (with Medical Treatment)</i>	<i>UF Class II (without Medical Treatments)</i>
Sustained	0	0
Not Sustained	0	11
Exonerated	11	63
Unfounded	0	14
No Finding	0	14
Within Procedure	1	7
Total Allegations	12	109

The Office of the IPA maintains statistics on the gender, ethnicity, and years of service of subject officers. Statistics are also collected on the ethnicity, age, educational level, and occupations of complainants.

Gender of Subject Officers

<i>Gender</i>	<i>Subject Officers</i>	<i>%</i>	<i>SJPD Sworn Officers</i>	<i>%</i>
Male	207	92%	1231	90%
Female	17	8%	133	10%
Total	224	100%	1364	100%

Years of Experience of Subject Officers

<i>Years of Experience</i>	<i>Female Officers</i>	<i>Male Officers</i>	<i>Total Subject Officers</i>	<i>%</i>	<i>Female Officers</i>	<i>Male Officers</i>	<i>Total SJPD Sworn Officers</i>	<i>%</i>
0-1+	0	3	3	1%	9	68	77	6%
2-4+	7	39	46	21%	19	126	145	11%
5-6+	0	24	24	11%	12	86	98	7%
7-10+	2	56	58	26%	28	299	327	24%
11-15+	3	41	44	20%	32	228	260	19%
16+	5	44	49	22%	33	424	457	34%
Totals	17	207	224	100%	133	1231	1364	100%

Ethnicity of Subject Officers

<i>Ethnicity</i>	<i>Subject Officers</i>	<i>%</i>	<i>SJPD Sworn Officers</i>	<i>%</i>
Native American	2	1%	6	0%
Asian American/Pacific Islander	23	10%	120	9%
African American	15	7%	67	5%
Filipino American	2	1%	31	2%
Hispanic	54	24%	337	25%
White	125	56%	795	58%
Not Available	3	1%	8	1%
Total	224	100%	1364	100%

Gender of Complainants

Male	277
Female	156
Total	433

Ethnicity of Complainants

<i>Ethnicity</i>	<i>Survey/Intake</i>	<i>%</i>	<i>% of San Jose Population</i>
African American	45	15%	4%
Asian/Pacific Islander	11	4%	13%
White	76	26%	36%
Filipino	6	2%	5%
Hispanic	129	44%	30%
Native American	2	1%	1%
Vietnamese	6	2%	9%
Other	16	5%	3%
Decline to State	3	1%	0%
Total	294	100%	100%

Age of Complainants

<i>Age of Complainants</i>	<i>Surveys/Intake</i>	<i>%</i>
Under 18	10	3%
18-30	89	30%
31-59	180	60%
60+	20	7%
Decline	2	1%
Total	301	100%

Education level of complainants

<i>Education Level</i>	<i>Surveys</i>	<i>%</i>
Graduate Degree	16	14%
College	34	30%
High School or Below	58	51%
Decline	5	4%
Total	113	100%

Occupation of complainants

<i>Occupation</i>	<i>Survey</i>	<i>%</i>
Administration	5	4%
Public Employees	1	1%
Disabled	9	8%
Homemaker	3	3%
Labor	44	39%
Professional	16	14%
Retired	3	3%
Self-Employed	3	3%
Student	15	13%
Unemployed	4	4%
Declined	9	8%
Total	112	100%

SJPD Internal Affairs Unit provides information pamphlets on the IA complaint process. These pamphlets are available at the Department's Information Center and Community Policing Centers. These pamphlets are available in English, Spanish and Vietnamese. This information is also available on the public SJPD.org website. The IPA conducts similar community outreach.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

SJPD accepts complaints via fax, e-mail, phone, third party, anonymous and in person. Anyone can make a complaint.

The SJPD Department members, when receiving Misconduct Complaints (C 1725), Procedure Complaints (C 1711), Informal Complaints (C 1716), Policy complaints (C 1721), or Inquiries will adhere to the following procedures:

- RECEIVED DURING BUSINESS HOURS (Monday - Friday, 0800 - 1700): The complainant will be referred to IA by the Department member receiving the complaint.
- RECEIVED DURING NON-BUSINESS HOURS (After 1700 and on Weekends): Department members receiving the complaint will refer the complainant to the ranking on-duty Command Officer. Regardless of the hour, complaints of sufficient gravity will be immediately referred to the IA Commander, who may elect to proceed with an immediate investigation. Examples of complaints which are of sufficient gravity are allegations of criminal activity, allegations of brutality or use of deadly force, or

allegations of conduct by any member that threatens the well-being of the community, the City, or the Department. If the member receiving the complaint is unsure whether the complaint is of sufficient gravity to refer immediately to IA, the member will immediately contact the Commander of IA who will determine the appropriate response.

A complainant may file a complaint in person, over the telephone, mail, e-mail, or fax.

The SJPD does not have an IA flow chart.

Complaints filed with IA are investigated by the intake investigator or assigned to a sergeant for investigation. Upon completion, the investigation is then forwarded to the IPA for a review and audit. All use of force complaints are reviewed for approval by the Assistant Chief of Police prior to the case being forwarded to the IPA for audit.

The SJPD does not have a specific policy towards the retaliation of complainants; however such conduct would be categorized as “Un-officer like Conduct” and would be investigated by IA.

Allegations (section V, questions 28, 29, 30, 31, 32)

Allegations are officer-driven, not incident-driven and allegations are listed for all complaints. As an example, a single complaint might include multiple allegations. Based on available information, allegations are defined by the IA Unit Commander.

In a complaint, initial allegations are listed. After further investigation, allegations may be changed, added, or removed, based on the facts presented, at the discretion of the I.A. Unit Commander. Ultimately, the Chief of Police has the final say as to how complaints and allegations are defined.

Misconduct Allegations

D	Discrimination
DS	Delayed/Slow Response
H	Harassment
ES	Excessive Police Service
MDP	Missing/Damaged Property
IP	Improper Procedure
RP	Racial Profiling
RC	Rude Conduct
UA	Unlawful Arrest
UC	Un-officerlike Conduct
F1	Unnecessary Force causing injury as defined in section 243 of the Penal Code
F2	Unnecessary Force not requiring Medical Attention
US	Unlawful Search
FA	Failure to Take Action

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

Presently the staffing of the SJPD IA Unit consists of 1 lieutenant, 5 sergeants, 4 intake officers and 1 civilian strategic support.

In CY2005 the IA staff consisted of 6 males and 5 females. Of the 11 staff members, 3 were Asians, 2 African Americans, 2 Hispanic and 4 Whites.

The staffing ratio of IA investigators to number of complaints, including inquires received is 43:1 (383 complaints to 9 investigators). IA unit members receive POST certified IA course and in-house training. This training is not State mandated but is required by the Department. IPA staff members attend the POST certified IA course.

Mediation of Complaints (section VII, question 38)

The Department has a mediation process that is voluntary for both the complainant and the subject officer. The mediator is selected by a contracted mediation firm. Mediation is reserved for cases involving minor transgressions only. At the conclusion of a successful mediation, the subject officer does not receive a record of complaint being filed. If the mediation is not successful, the complaint will be investigated as an informal or formal complaint. This process is rarely used.

Early Warning Systems (section VIII, questions 39, 40, 41)

The criteria for the Early Warning System in place includes: If an officer receives three formal complaints within a one-year period, or a combination of five informal and formal complaints within a one-year period. In either of these cases, an officer would qualify for an intervention counseling session. Findings of exonerated, not sustained, sustained, no misconduct determined, within procedure, and command review are included. Unfounded findings and complaint withdrawn are not counted in the Early Warning System.

In an intervention counseling session, the subject officer, along with his/her immediate supervisor would meet with his/her Bureau Chief to discuss the complaints that led to the intervention counseling session. Also in attendance is the commander of the Internal Affairs Unit. The purpose of the session is to bring the issues to the officers' and supervisors' attention and to identify and discuss possible training issues; it is not intended to be disciplinary in nature.

The Department also provides supervisor intervention counseling, which is initiated when a supervisor's team receives three formal complaints within a six-month period. The supervisor would then qualify for a supervisor intervention counseling session. This is also not considered disciplinary in nature but to identify and discuss possible training issues.

Inquiries are not included as part of the intervention counseling process.

Investigation Standards (section IX, questions 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

The standard used in an Internal Affairs investigation is preponderance (51%) of the evidence. In formal complaints, it is mandatory that the subject officer be interviewed. In an informal complaint, the subject officer is not interviewed. These interviews are held at the Internal Affairs Office, which is an off-site facility.

Interpreters are provided when necessary for complainants. Complainants may bring an advocate with him/her during the IA interview.

The available findings for an Internal Affairs investigation are: Unfounded, Exonerated, Not Sustained, Sustained, No Finding, Within Procedure, No Misconduct Determined Within Policy, and Command Review. If necessary, the City Manager is the final arbitrator at the conclusion of the complaint process.

The Department and the Office of the IPA have agreed that the Internal Affairs Unit will complete 90% of external investigations within 300 days of the received date. The IA Unit has set a goal to complete 75% of complaints that are categorized as “Use of force/with medical” within 180 days of the received date. California State law requires all internal affairs complaints be completed within one-year (some exceptions provided).

The retention schedule for all Internal Affairs complaints is six years.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

Currently, the IPA responds to the scene of an officer-involved shooting. The IPA will meet with the IA Unit Commander outside the perimeter of the crime scene. The IPA is briefed by the IA Unit Commander. At the conclusion of the criminal and administrative investigations, the IPA receives a copy of the criminal investigation from the Homicide Unit. The Internal Affairs Unit provides the IPA with a copy of administrative investigation. The IPA does not monitor or audit in-custody death investigations.

The IPA also participates in the Shooting Review Panel, which is conducted for all officer-involved shootings, which result in injury or death. The purpose of the Shooting Review Panel is to review possible training or policy issues.

Racial Profiling (section XI, questions 56, 57, 58, 59, 60)

The Department defines racial profiling as “When a police officer initiates contact solely on the race, color, nationality, age, sexual orientation, gender, disability, or religion of the person contacted.” The Department also has a Duty Manual section that prohibits racial profiling. There is a mechanism in place which tracks vehicle stop demographics

A racial profiling allegation can be proven when the investigation discloses that a preponderance of evidence to clearly prove the allegation occurred.

Other Information (section XII, questions 61, 62)

The Internal Affairs Unit surveys subject officers at the conclusion of the complaint investigation to determine their satisfaction level with the process. The IPA surveys the complainants to determine their satisfaction level with the complaint process.

CITY OF SEATTLE

The City of Seattle has a population of 579,215 is comprised of 86.3 square miles, and supported by 1288 sworn police officers.

John Fowler, the Associated Director of the Office of Professional Accountability (OPA), provided a written response to the survey via e-mail.

Current Citizen Complaint System (section I, questions 1, 2, 3)

The Seattle Police Department (SPD) has an Internal Investigations Section (IIS), within OPA. OPA consists of sworn and non-sworn department members. The system is a hybrid model of civilian oversight.

The OPA Director is a non-sworn civilian that is a member of the Command Staff. Members of IIS report to the OPA Director.

The OPA was created as a result of a recommendation from the “Blue Ribbon Commission.”

SPD is not under a Consent Decree.

Classification of Complaints (section II, questions 4, 5, 6, 7, 8, 9)

Complaints are classified as:

- OPA-IS Investigations
- Line Investigations
- Supervisory Referrals
- Preliminary Investigative Reports (PIR)
- Contact Logs

The most serious allegations receive a full and formal investigation by the investigative section of OPA. An OPA-IS investigation is conducted in response to a citizen or internal complaint alleging serious misconduct or the possibility of criminal activity.

Line Investigations are conducted by the employee’s first lieutenant in the employee’s chain of command (or civilian equivalent) when the alleged conduct, if true, would be a violation of the Department’s policies. The most frequently investigated investigations in Line Investigations are Conduct Unbecoming an Officer, followed by Violations of Rules and Regulations.

All expressions of dissatisfaction are classified into one of the complaint categories. A small percentage of cases are resolved via mediation and are not included in the classifications. OPA does not have an informal vs. a formal complaint category. Less serious complaints are classified at lower levels for resolution.

Some expressions of dissatisfaction are resolved by having the officer’s supervisor contact the citizen who is dissatisfied. This is categorized as a Supervisor Referral. The information is

maintained in a database and is not included in an early warning system. The OPA Director is responsible for the final classification.

Statistical Review (section III, questions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)

It is estimated that During CY2005, SPD had approximately 420,069 contacts with the public. This number includes dispatched calls and on-view citizen stops and/or contacts.

SPD had 193 officers who were subject to a complaint.

57 Officers received more than one complaint.

<i>Number of Complaints Received by OPA in CY2005</i>	
OPA-IS Investigation Complaints	174
Line Investigation Complaints	36
Supervisory Referrals	77

Information pertaining to the number of internal complaints was not provided.

OPA uses a software program called “On Target Performance System/Advance Investigative Management” to track complaints against personnel.

<i>Number of Allegations Received by OPA in CY2005</i>	
Unnecessary Force	165
Conduct Unbecoming an Officer	80
Violation of Rules and Regulations	104
Misuse of Authority	9
Improper Language	30
Failure to take Appropriate Action	21
Violation of Law	14
Mishandling Property/Evidence	21
Racial Profiling	11
Other	11
Total Allegations	466

This below chart represents the number of discipline imposed against sworn employees from the time period January 1, 2005 through May 16, 2006.

<i>Discipline</i>	<i>Total</i>
Termination	1
Demotion	0
Suspensions	30
Written Reprimand	18
Oral Reprimand	1
Transfer	4
Other	11
Total	65

OPA does not track the type of force used. OPA does not track the level of injury sustained by complainants. OPA does not track the locations of force applied on complainants.

There were 72 complaints for use of force during CY2005. Of those 72 complaints, 14% of them were sustained.

In CY2005 OPA did not record the type of force used, level of injury sustained, or locations of force applied.

- OPA did not track the number of unnecessary force complaints or allegations during CY2005
- OPA did not track the gender, ethnicity or years of service of subject officers during CY2005
- OPA did not track the age, education level and occupation of complainants during CY2005.

OPA and SPB conduct a significant amount of internal and external community outreach.

Complaint Intake Process (section IV, questions 22, 23, 24, 25, 26, 27)

OPA accepts complaints in person, by phone, fax, e-mail, written correspondence, third party, or anonymously. Anyone can make a complaint to OPA. OPA also accepts complaints through the Citizen Service Bureau.

A complaint may be taken by any department member and referred to OPA. Written complaints may also be forward if the complainant does not wish to speak with the officer directly. Complaints may be filed over the telephone, via the Department's website and in person.

SPB has a specific written policy pertaining to officer retaliation against complainants.

Allegations (section V, questions 28, 29, 30, 31, 32)

The IIS lieutenant makes recommendations to the classification of allegations. The OPA Director has the final say in the classification of allegations. All allegations are listed in the complaint. Allegations may be added or deleted during the course of an investigation.

When an allegation of a violation of the duty manual becomes apparent during an IA investigation, this allegation would automatically be added.

<i>Allegations are Defined as:</i>
Unnecessary Force
Conduct Unbecoming an Officer
Violation of Rules and Regulations
Misuse of Authority
Improper Language
Failure to take Appropriate Action
Violation of Law
Mishandling Property/Evidence
Other

Staffing and Training (section VI, questions 33, 34, 35, 36, 37)

OPA has 1 Director, a Strategic Advisor, an Administrative Staff Assistant, 1 Captain, 1 Lieutenant, 6 Detective Sergeants and 2 Administrative Support Personnel.

The diversity of OPA is 1 Pacific Islander, with the remainder of the staff being white males.

The staffing ratio is 35:1

All OPA training is on the job. There is no state mandated training and no training required for civilian staff members. The OPA Director has participated in training, ride-alongs and other educational opportunities.

Mediation of Complaints (section VII, question 38)

SPD does have a mediation process. The service is provided at no cost to the involved parties.

During the initial complaint review, cases are selected by the OPA Director for mediation. Mediation is a voluntary process for both the complainant and subject officer. The services are provided pro-bono.

All complaints are eligible for mediation, however, the less serious cases account for the majority of cases selected. OPA has mediated use of force and biased police cases with success.

In the event either party chooses not to participate, the complaint will be investigated. The mediation process gives both parties an opportunity to engage and it is not required for the parties to come to an agreement. There has been very positive feed back (both internally and externally) with the mediation program.

The mediation program was started in August 2005.

Early Warning Systems (section VIII, questions 39, 40, 41)

SPD has an early warning system (EWS). The EWS is based on use of force incidents, on-duty vehicle collisions, failure to appear to court, failure to appear for training, named in police action claims or law suit against the City/Department, receipt of OPA or EEO complaints, recommendations by a supervisor receipt of commendations or awards and aggregate indicators.

EWS is not considered to be disciplinary in nature; however, failure to participate may result in discipline.

Investigation Standards (section IX, questions 42, 43, 44, 45, 46, 47, 48, 49, 50, 51)

The standard evidence used in an investigation is preponderance (51%) of evidence. In formal complaints it is necessary that the subject officer be interviewed. OPA does not have an “informal” complaint process, however, in a lower classification complaint, the employee still has the right to be interviewed and present their side of the incident.

Interviews are held at police headquarters or at the Investigations Section of OPA. When necessary, interviews may be held off-site. Interpreters are provided as needed.

Complainants may be supported by family members and/or attorneys during a complaint interview. The Director is final arbitrator at the end of the complaint process.

The findings at the end of the complaint process are:

- Sustained
- Not Sustained
- Exonerated
- Unfounded
- Administrative Unfounded
- Administrative Inactivated
- Administrative Exonerated
- Other

OPA cases are due within 180 days of the received date.

Officer-Involved Shootings/In-Custody Death Investigations (section X, questions 52, 53, 54, 55)

OPA does not respond to the scene of officer-involved shootings or in-custody deaths. OPA has no role in officer-involved shootings or in-custody death cases unless there is a complaint. SPD has a firearms review board that investigates and reviews the circumstances of each intentional discharges of a firearm by an officer. The Board consists of the Deputy Chief of Administration, a captain, the Commander of the Training Section, a lieutenant, and a Bargaining Unit Representative.

The OPA Director has complete unrestricted access to criminal reports.

Racial Profiling (section XI, questions 56, 57, 58, 59, 60)

SPD refers to racial profiling as “bias policing.” SPD has a policy against racial profiling.

All allegations of racial profiling are tracked in the OPA database. There is also an ongoing review of citations. OPA has published a report on biased policing in its annual report. Investigations into biased policing are difficult to prove or disprove, for the same reason as other complaints (e.g. lack of independent witnesses, problems with the credibility of complainants and a lack of follow through with the complaint process by complainants).

The OPA 2003 *Response to Concerns about Racially Biased Policing Report* documents the difficulty of sustaining a racial biased policing allegation. According to the OPA:

- *The biased complaints are about conduct that is part of the police officer’s essential duties, for example, unlike an unnecessary force complaint, writing a traffic citation, or investigating a suspicious person call, are tasks that officer are expected to do. Hence, the actual behavior is not misconduct. Compounding this dilemma, the complainant conduct is frequently not legal.*
- *Most complainants admit they committed the infraction, therefore, there may be objective evidence supporting that they resembled a suspect. What is often alleged is, “why me and not somebody else?” This leads to another difficulty in investigating biased policing complaints. Police officers have tremendous discretion in carrying out their law enforcement duties. Finally, the greatest challenge posed by such complaints is the near impossibility of proving discriminatory intent. Even in situations where the legal justification of a stop and search is questionable. There are still rarely any positive indicators of biased policing.*

Other Information (section XII, questions 61, 62)

OPA provide surveys to complaints at the end of the complaint process.

OPA’s retention schedule of IA complaints is 4 years (current year plus 3 years).

APPENDIX III: Structured Data Collection Instrument Administered by SJPD

City:

Location of Interview:

Name and title of person interviewed:

Date _____ Time _____

City Demographics

City Population....._____

Square Miles....._____

Department Size_____ Sworn_____

I. Current System in Place

1. Who investigates complaints and/or expressions of dissatisfaction against sworn personnel (outside oversight, civilian review board, etc...)?
2. Is there a form of civilian oversight in the internal affairs process? If so where does it fall in the complaint process?
 - a) Is this oversight a result of a court order, voter mandate or self imposed?
 - b) What are the functions of civilian oversight in the internal affairs process (*does the civilian oversight audit, investigate complaints, re-interview complainants/witnesses, etc...*)?
3. Is your agency currently under a court settlement agreement (*consent decree, etc...*) that specifically pertains to the handling of complaints and/or expressions of dissatisfaction against sworn personnel?

II. Classification of Complaints

4. How does your agency classify *complaints* against police personnel (*misconduct, informal, procedural, policy etc...*)?

5. Are all expressions of dissatisfaction categorized as “complaints”? If not, what other categories are used, how is each category defined, what mechanism is used to track these matters, and is there any oversight/audit regarding how matters get placed initially or later reassigned into the various categories?
6. Does your agency have an “informal” vs. “formal” complaints (or “minor” vs “major” complaints); what is the distinction in terms of classification, investigation, process and potential disposition?
7. Are some expressions of dissatisfaction resolved by having the officer’s supervisor contact the dissatisfied citizen? If so, how are these matters documented? How are these matters tracked to ensure the citizen’s issues were resolved? Are officers’ names retained in any way? Is there any participation by the oversight agency in these matters?
8. Does your agency have an “*inquiry*” category or similar category that can be used when the issue of concern can be immediately addressed and resolved to the satisfaction of the citizen, and does not rise to the level of a formal complaint ?
9. If your agency has an “*inquiry*” or similar category, are the officers’ names retained?

III. Statistical Review

10. Number of documented contacts your agency had with the community during the 2005 calendar year (*dispatched event, self-initiated, etc...*).
11. How many officers were subject to a complaint during the 2005 calendar year?
 - a) Number of citizen-initiated complaints
 - b) Number of department (*internally*)-initiated complaints
 - c) How many officers have had more than one complaint, during the 2005 calendar year?
12. Does your agency utilize a data base to track complaints against police personnel?
13. Number of allegations received by your agency during the 2005 calendar year?
14. Please provide a breakdown of complaints and allegations for the period covering the 2005 calendar year (*example:-formal citizen-initiated complaints, formal department-initiated complaints, informal command review complaints, procedural complaints, policy complaints, withdrawn complaints or inquiries*).

15. Please provide a breakdown of the levels of discipline imposed on subject officers for complaints adjudicated during the 2005 calendar year.
16. Of the complaints received during the 2005 calendar year, how many were found to be unnecessary force allegations and complaints?
 - a) What was the type of force used?
 - b) What was the level of injury (*major, moderate, complaint of pain*)?
 - c) Where were the locations of force applied on the suspect (*head, arms, legs, etc...*)?
17. Of the unnecessary force complaints received during the 2005 calendar year, what was the disposition of those complaints?
18. Please provide the statistics of the gender, ethnicity and years of service of the subject officers (*if this material is tracked*).
19. Please provide the statistics of the ethnicity, age, educational level and occupation of complainants (*if this material is tracked*).
20. What type of community outreach is conducted by your police internal affairs and/or police department?
21. What type of community outreach is conducted by your civilian oversight agency (*IPA/CCRB/etc...*)?

IV. The Complaint Intake Process

22. What is the method used by your agency to accept complaints (*fax, email, phone, third party, anonymous, etc...*)?
23. Who can make a complaint? (e.g., witness to conduct, city manager, other city officials, civilian oversight agency, Grand Jury members or anonymous persons)
24. What is your department's policy for accepting a complaint (*immediately contact internal affairs, contact a Watch Commander, desk sergeant*)?
25. Where and how can a complainant file a complaint (*over the telephone, on a website, in person at a specific location, hours, to a supervisor in the field, etc...*)?

26. What is the process your department follows for investigating a complaint (*do you have a flow chart, is this provided to the public*)?
27. Does your department/agency have a specific written policy pertaining to officer retaliation against complainants?

V. Allegations

28. How does your organization define and classify allegations? Who on staff defines and classifies?
29. Are allegations listed only for complaints requiring a full investigation or are they listed in other matters, such as informal complaints, complaints resolved by line supervisors, such as inquiries?
30. Is there any oversight (chain-of-command, civilian or otherwise) in determining how allegations are defined, investigated or dismissed?
31. Are allegations taken from the complainant's first report of the complaint or solely from the complainant's interview with an IA investigator or both?
32. What is your department's policy for dealing with an allegation that is a violation of your duty manual that becomes apparent during an internal affairs investigation whether or not the allegation is articulated by the complainant?

VI. Staffing and Training

33. What is the staffing level of your internal affairs unit?
34. What is a breakdown of the diversity of your internal affairs staff?
35. What is the staffing ratio of internal affairs investigators to the number of complaints received by each agency?
36. What type of training does your internal affairs staff (*sworn*) receive?
 - a) Is this training State mandated or just provided by the department?
37. What type of training or background is required for civilians who work in a civilian oversight system (*outside oversight, Civilian Review Board, etc...*) is there education or relevant experience required (*do they attend I/A school*)?

VII. Mediation of Complaints

38. Does your agency have a mediation process?
- a) How does it work (*is there a cost, how much*)?
 - b) Does the agency mediate complaints, and, if so, what is the process?
 - c) How is mediator chosen?
 - d) What types of cases are mediated?
 - e) What happens if the complainant doesn't cooperate?
 - f) What happens if the officer doesn't cooperate?
 - g) Outcome of mediation
 - h) What feedback, if any, has agency or review agency received on mediation process?
 - i) How often is it used?

VIII. Early Warning Systems (*some sort of system in place which tracks and identifies officers who exhibit possible problem behavior, and allows a department to take proactive corrective action*)

39. Does your agency have an early warning system (EWS), and if so how does it function?
40. Is your EWS considered disciplinary in nature or is it used as counseling and/or training (*how is this documented and is it retained*)?
41. Are "inquiries" considered part of the early warning system (*this is assuming that a badge # or name is retained*)?

IX. Investigation Standards

42. What is the standard of evidence used in internal affairs investigations?
43. In a formal complaint, is it mandatory that the subject officer be interviewed?
44. In an informal complaint, is it mandatory that the subject officer be interviewed (e.g. procedural type complaint)?
45. Where are interviews held? (e.g., must the witness or complainant travel to agency)

46. When and how are interpreters provided?
47. Who can attend complainant/witness interviews (i.e., are persons allowed to bring support persons or attorney)?
48. Who is the final arbitrator at the end of the complaint process (*in those cases where the complainant is not satisfied with the final finding of the complaint*)?
49. What findings are available for an internal affairs investigation (*no finding, not sustained, exonerated, etc...*)?
50. What is the timeline for completing an investigation (*is your agency in compliance*)?
 - a) Are the timelines self-imposed or based on statutory requirements?

X. Officer-Involved Shooting/In-Custody Death Investigations

51. What role does your civilian oversight play in in-custody death investigations?
52. What role does your civilian oversight play in officer-involved shooting investigations?
53. Who has access to criminal reports in an officer-involved shooting/in-custody death investigation (*what portion of the investigation and when does the outside oversight have access*)?
54. What is your agency's procedure for reviewing an officer involved shooting?

XI. Racial Profiling

55. What is your city/agency's official definition of racial profiling?
56. Does your agency have an established policy towards racial profiling (*please provide*)?
57. Does your agency have a mechanism for tracking racial profiling?
58. Has your agency conducted a study or report on racial profiling (*how frequently is that done*)?
59. How does your agency prove a racial profiling allegation?

XII. Other Information

60. Does your agency track information on citizen satisfaction with the complaint process?
61. What is your agencies retention schedule of police internal affair records (*is this State mandated*)?