

Public Safety, Finance & Strategic Support Committee

October 15, 2009

Item # d(2)

One Year Progress Report of the Citizen Complaint Process
- & -
In-Custody Death Review Panel

Timeline

- **June 2007:** Evaluation of the former Citizen Complaint Process (CCP)
- **January 2008:** Redesign of the former CCP
- **March 2008:** Implementation of the In-Custody Death Training Review Panel
- **July 1, 2008:** Implementation of the Revised CCP
- **July 2008-June 2009:** Evaluation Period

Challenges & Opportunities

Challenges

- Phase out former CCP, while implementing revised CCP
- Lack of year-to-year data comparison

Opportunities

- IA Unit/IPA uniformity of approach and application of revised process
- More communication with IPA before investigations are closed
- Improved communication with the IPA

Quantitative Findings: Statistics/Activity

IA Unit received 462 total cases (149 closed under revised CCP):

- 287 (62%) classified as Conduct Complaints
- 5 (1%) classified as Policy Complaints
- 157 (34%) classified as Non Misconduct Concerns
- 13 (3%) in Pre-Classification at the time the statistical report was ran

412 allegations contained within the 149 closed cases:

- 23% of allegations are either Complaint Withdrawn or No Finding
- 48% of Bias Based Policing allegations were Unfounded
- 43% of allegations were Exonerated
- 1% of allegations were Sustained (not a reliable #)

Qualitative Findings: 5 Stages of the Complaint Process

- 1. Intake**
- 2. Classification**
- 3. Investigation**
- 4. Closing**
- 5. Audit Process**

Year Two Areas to Evaluate/Address

- **Audio Record Citizen Interviews:** The IA Unit and IPA need to continue discussion on whether to enhance the audio record of complainant contacts and to better understand the balance between a complainant's options, customer service, and transparency.
- **Officer Interviews:** The IPA has requested earlier notice of whether or not an officer may be interviewed and that officer interviews be conducted in a timely manner
- **Allegation Identification & Elimination:** The Administration would like to better understand the implications of tracking the allegations and documenting the final disposition in a manner that is desired by the IPA

Year Two Areas to Evaluate/Address

- **Bias Based Policing (short- and long-term efforts)**
- **Non Meritorious or Duplicative Concerns:** Staff is exploring mechanisms by which these cases can be reviewed and consolidated when warranted
- **Closing of Investigations:** The Administration, IA Unit and IPA will work on creating agreements that address the time needed to uphold each phase of the Process.
- **Early Intervention System Workplan**

Year Two Areas of Evaluate/Address

Preliminary Courtesy Definition:

“Department members will be professional in the course of their duties. Profane or derogatory language or obscene gestures will not be used during a contact with a member of the public. The Department recognizes that there are limited field situations where profane or derogatory language or obscene gestures may be a reasonable tactic or tool (e.g., undercover work, imminent risk, volatile physical and deadly force encounters, control tactic, etc.)”

In-Custody Death Training Review Panel

- The protocols/procedures summarize the actions the SJPD will take following an in-custody death as well as outline the roles of the:
 - City Attorney's Office
 - IPA
 - Santa Clara County District Attorney's Office
 - Corner's Office
- The guidelines were developed in consultation with the offices of the Employee Relations, City Attorney, and SCC District Attorney.