

# EAST PALO ALTO POLICE DEPARTMENT

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## COMPLAINTS AGAINST THE POLICE SUMMARY REPORT

MAY 12, 2009

CHIEF RONALD L. DAVIS

# MESSAGE FROM THE CHIEF

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This is the 2008 "Complaints Against the Police" Summary Report to the East Palo Alto community.

The purpose of this report is to: 1) provide the community information pertaining to the number and nature of complaints filed against Police Department personnel; 2) ensure the Department is open to public evaluation and scrutiny, and 3) provide the Department and community critical information necessary to prevent officer misconduct and enhance professionalism within the Department.

In its 2007 report, the Department highlighted several keys steps taken to enhance organizational accountability. Those steps included:

1. The creation of online complaint reporting to allow community members to file complaints against officers online without coming to the Department or making contact with an officer.
2. The establishment of four satellite locations in the city for community members to file complaints by placing their written complaint in a marked "drop box".
3. The redesign of the entire complaint process through the creation of the Professional Standards Division (PSD). PSD will ensure the Department conducts thorough, fair and timely complaint investigations.
4. The creation of the new complaint policy that ensures complaints are investigated properly and done so in a timely process.
5. The purchase of complaint software to better track complaints filed against the police to ensure complaints are completed thoroughly and in a timely manner.
6. The revision of operational policies to ensure they are current to best practice and recent case-law decisions.
7. The publishing of an anti-racial profiling policy that requires the Department to collect traffic-stop data to ensure our enforcements efforts are not discriminatory.

In 2008, the Department continued its efforts to enhance its accountability to the community. These efforts include:

- Implementation of the Early Intervention System (EIS) to track officer behavior (including complaints and uses of force) and identify trends that may indicate problematic behavior. As part of this system (and review), supervisors were required to complete a matrix for each employee that outlined their complaints, uses of force, sick leave, vehicle accidents, performance evaluations and report writing deficiencies. The management team reviewed each matrix to identify if remedial training and/or intervention was needed.

The Department also used the EIS (and matrices) to identify departmental policy and training needs. For example, in 2008, the Department conducted four quarterly training sessions for officers and civilian employees based on information gleaned from the EIS.

The first EIS review was conducted manually requiring supervisors to capture data from varying databases and sources. Future reviews, however, will be automated thanks to the new complaint tracking and EIS software purchased by the Department.

- Increasing the level and quality of training provided to employees, to include:
  - Four quarterly training sessions (8 hours each) provided to all employees.
  - 24-hours of Continual Professional Training certified by the California Peace Officers' Standard and Training (POST) Commission. 90% of all police officers attended. The remaining officers will attend in 2009.
  - Local and regional training conferences, including the International Association of Chiefs of Police conference and the National Institute of Justice conference.

In 2009, the Police Department will take the following additional measures to enhance organizational accountability.

- Initiate the national accreditation process with the Commission on Accredited Law Enforcement Agencies (CALEA). This process requires the Department to comply with over 150 national best-practices.
- Work with the Association of Bay Area Governments (ABAG) to obtain a grant to purchase in-car video cameras and recorders for all patrol vehicles. This allows the Department to capture enforcement stops on videotape.
- Create a racial profiling review group comprised of police and community leaders to evaluate the stop-data gathered over the past year; identify how that data can be used to improve police operations, and publish a report for the community.
- Require all sergeants and supervisors to attend a supervisory training seminar in May that focuses on leadership, accountability and community policing.
- Provide all sergeants and supervisors training in internal investigations and civil liability.
- Provide all employees training in racial profiling and police-community relations. So far this year, 5 officers and 2 civilian employees attended the two-day police accountability training seminar offered by the National Organization of Black Law Enforcement Executives (NOBLE).
- Require captains to attend the Peace Officers' Standards and Training (POST) Management Course (topics include ethics, accountability, community policing and liability). This course is 104 hours and required to receive the POST Management Certificate. One captain just completed this course in March and the second started this month.
- Require captains to attend the FBI National Academy. One captain is scheduled to attend in September and the second is tentatively scheduled for December. This course is critical in building managerial skills and succession planning.

Respectfully,

Chief Ronald Davis

# OVERALL SUMMARY

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In 2008, a total of 25 complaints were filed against Police Department personnel. There were a total of 22 complaints filed in 2007.

- Of the 25 complaints filed, 21 were filed by community members and 4 initiated by the Police Department.
- Of the 25 complaints filed in 2008, none remain open.
- 8 out of the 25 complaints (32%) are for Rude Conduct. This was the highest category of complaint.
- 2 out of the 25 complaints (8%) were for “Excessive Force”
- There were no complaints for “Racial Bias/Slurs”.
- 23 out of 41 police personnel assigned to the Department (56%) in 2008 received no complaints.
- 12 out of 41 police personnel assigned to the Department (29%) in 2008 received only one complaint.
- 6 out of 41 police personnel assigned received a total of 15 complaints, which represents 58% of the total complaints filed.
- 4 out of the 25 complaints were deemed “Sustained”, which means the Department determined the complaint had merit.
- 2 out of the 25 complaints were deemed “Exonerated”, which means the alleged conduct/action occurred, but such action was in compliance with Departmental policy and law.
- 13 out of the 25 complaints were deemed “Not Sustained”, which means there was insufficient evidence to either prove or disprove the complaint.
- 6 out of the 25 complaints were deemed “Unfounded”, which means the investigation proved the allegation did not happen as alleged.
- In 2008, the Department responded to 35,679 calls for service and made 898 arrests. This means that complaints were filed in less than 3% of the arrests made and less than 1% of contacts between the police and the community.

Much has been accomplished over the past few years, and the Department is committed to making itself responsive, respectful and accountability to the community. However, there is much work to be done. Enhancing community trust and confidence is a perpetual goal – it must be earned day-by-day through every contact.

# COMPLAINT CHARTS

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THE FOLLOWING CHART OUTLINES THE NUMBER AND TYPE OF COMPLAINTS FILED AGAINST POLICE DEPARTMENT PERSONNEL. THE COMPLAINTS ARE LISTED BY YEAR AND ARE IN ALPHABETICAL ORDER.

<b>Type of Complaint</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Administrative			1
Conduct Unbecoming	2	1	1
Excessive Force	9	2	2
False Arrest	1	1	1
Harassment	3	2	2
Insubordination/Failure to Obey Order	2	3	
Procedure Violations	8	5	8
Racial Bias/Slur		2	
Retaliation			1
Rude Conduct	12	6	8
Theft			1
<b>Total</b>	<b>37</b>	<b>22</b>	<b>25</b>

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## OPENED/ADJUDICATED CASES

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THE FOLLOWING ARE THE NUMBER OF CASES THAT ARE OPEN OR ADJUDICATED.

	<b>2007</b>	<b>2008</b>	<b>Total</b>
<b>Open</b>	0	0	<b>0</b>
<b>Adjudicated</b>	22	25	<b>47</b>
<b>Total</b>	<b>22</b>	<b>25</b>	<b>47</b>

BELOW ARE THE FINDINGS OF THE ADJUDICATED CASES. OPEN CASES ONLY LISTED IN CHART DIRECTLY ABOVE.

<b>Adjudicated Cases</b>	<b>2007</b>	<b>2008</b>
Exonerated	5	2
Sustained	5	4
Not Sustained	9	13
Unfounded	2	6
*Other (Admin)	1	0
<b>Total</b>	<b>22</b>	<b>25</b>

\*THIS CASE INVOLVED A DEPUTY ASSIGNED TO THE SHERIFF'S DEPARTMENT – CASE REFERRED.



## **MISSION**

It is the mission of the East Palo Alto Police Department to work in partnership with the community to reduce crime and violence and provide quality law enforcement services.

## **VISION**

The East Palo Alto Police Department will be nationally accredited and recognized as an industry leader that is committed and responsive to the needs of our community.

## **VALUES**

- **SERVICE**
- **TEAMWORK**
- **RESPECT**
- **INTEGRITY**
- **VISION**
- **EXCELLENCE**

***“STRIVE FOR PERFECTION IN ORDER TO ACHIEVE EXCELLENCE”***