

# **REPORT TO CITY COUNCIL**

## **BACKGROUND**

In September 2020, the Los Altos City Council formed the Citizens' Police Task Force to review specified police practices to increase trust, transparency, and accountability within the Police Department. The Task Force met for a period of six (6) weeks and worked with department staff to understand policies and practices related to the police complaint intake process as well as the School Resource Officer Program. The Task Force heard testimony from the public before making recommendations to the City Council.

This report will provide the City Council with an update and the Annual Report related to the police complaint intake process only.

## **COUNCIL ACTION**

On November 24, 2020, the City Council directed the Police Department to initiate the following changes to the police complaint intake process, all of which have been implemented.

Police complaints may be submitted to an Independent Intake Official (IIO) who contracts with the city of Los Altos.

The Independent Intake Official (IIO) provides an alternative way for the public to submit complaints.

The Independent Intake Official (IIO) can receive complaints via online IIO WEBFORM, email, by U S Mail using the Civilian Complaint Submission Form, or by phone.

Complaints are shared between the Independent Intake Official (IIO) and the police department administrative staff. The IIO will keep a complainant's name confidential from the police staff if requested.

Complaint demographic data will be collected and stored in a database, which tracks both Informal and Formal complaints.

The Independent Intake Official (IIO) will summarize complaints in an annual report, the first of which will be provided in 2022.

In addition, the intake of personnel complaints against police officers was further enhanced.

Online intake options are prominently displayed on the department's website.

A webpage was added to describe the role of the Independent Intake Official (IIO), and the role is prominently displayed on the City Manager's page.

The complaint process is explained in various locations on the City website, as well as in flowcharts and a downloadable complaint brochure.

Printed brochures and complaint forms are available at several locations, such as City Hall, libraries, Los Altos High School, and other public facilities and are prominently displayed in the Police Department's holding facility.

Complaints may be submitted to the Police Department or the IIO via online webforms, email [PoliceFeedback@losaltosca.gov](mailto:PoliceFeedback@losaltosca.gov), or phone. Complaints may also be submitted by US mail or in person to the Police Department.

Police patrol vehicles and Officer business cards now display the police feedback email address.

The Police Department FAQ page was expanded to include specific Q & A about the Citizens' Police Task Force and complaint filing.

## **INDEPENDENT INTAKE OFFICIAL**

The City created the role of the Independent Intake Official and currently contracts with Stephanie Atigh, Attorney at Law, to provide these services.

The Independent Intake Official provides the following:

Contracts with the city of Los Altos

Accepts complaints from the public

Shares complaints with the Police Department so that the administration can process the complaint

Accepts and logs complaints that were initially sent to the Police Department

Monitors the progress of complaints to ensure timely processing

Holds names of complainants confidential from the Police Department if requested

Generates an annual report to the city summarizing all police complaints received. The IIO Annual Report will not include personal identifying information about complainants or Department member.

The Independent Intake Official **does not provide** the following:

The IIO does not work for the Los Altos Police Department

The IIO does not conduct investigations

The IIO has no authority to change the result of an investigation

The IIO will not release a complainant's name to the Police Department if the complainant wishes to remain anonymous

## **INDEPENDENT INTAKE OFFICIAL 2022 ANNUAL REPORT**

Personnel complaints are classified in 5 categories: Informal, formal, incomplete, decline to investigate, and exceptional clearance. This first Independent Intake Official Annual Report will summarize the police complaints for informal complaints and formal complaints as well as the

two complaints in which the Independent Intake Official has kept the complainants' identities confidential from the Police Department.

A complaint can be classified as **incomplete** if the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

A complaint may be classified as **decline to investigate** when (1) the alleged incident could not have occurred based on the details the complainant provides that could best be described as hallucinatory in nature; (2) a reasonably objective person would assume the complainant's description of the circumstances is based upon information that is clearly made up or imaginary; (3) the complainant's description of the incident is based on what a reasonably objective person would describe as an implausible conspiracy theory; or (4) the complainant previously made the same complaint against a Department member that has previously been investigated and a disposition reached.

An **exceptional clearance complaint** is one in which the initial investigation of the complaint reveals that the misconduct alleged in the complaint did not occur, based on immediately available evidence and/or recorded media. Complaint investigators will complete formal written documentation of the incident using the Internal Affairs Investigation Report Format to explain why the case cleared exceptionally.

## **FORMAL COMPLAINTS**

Per Department Policy (LAPD Duty Manual 1020.3.1), a formal complaint is defined as a matter in which the complaining party requests further investigation or in which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the reported employee or referred to the Operations Commander depending on the seriousness and complexity of

the investigation. If an investigation of a formal complaint discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator will respond appropriately to those additional allegations.

The disposition of a formal complaint is classified in one of the following:

**Unfounded:** when the investigation discloses that the alleged acts did not occur or did not involve Department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8)

**Exonerated:** When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

**Not sustained:** When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the officer.

**Sustained:** A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of a Department member were found to violate law or department policy (Penal Code § 832.8)

**No Finding:** When the complainant fails to provide information promised or necessary to complete the investigation, the complainant is no longer available to clarify details needed to make a finding in the case, or the complainant has advised that he or she is no longer willing to cooperate in the investigation.

**Complaint Withdrawn:** When the complainant affirmatively indicates the desire to withdraw his/her complaint.

A summary of the formal complaints received in 2021 is provided in Table 1 attached to this report.

## **INFORMAL COMPLAINTS**

Per Department Policy (LAPD Duty Manual 1020.3.1), an informal complaint is a matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the reported employee. Informal complaints need not be documented on a personnel complaint form, and the responsible supervisor shall have the discretion to handle the complaint in any matter consistent with this policy.

According to the Policy (1020.3), inquiries about conduct or performance that, if true, would not violate department policy or federal, state, or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department. However, for the purposes of this report and at the direction of the City Council, inquiries were included as informal complaints.

An informal complaint is considered “resolved” when the complainant expresses satisfaction to the Department’s representative about the Department’s response to the complaint, and the complainant does not ask for further action by the Department. An informal complaint is considered “closed” when the concerns articulated in the complaint have been addressed by Department personnel, but the complainant is unable to be reached to discuss their level of satisfaction.

A summary of the informal complaints received in 2021 is provided in Table 2 attached to this report.

## **COMPLAINTS WHERE IDENTITY OF COMPLAINANT IS KEPT CONFIDENTIAL BY INDEPENDENT INTAKE OFFICIAL**

A complainant can request that his/her identity be maintained only by the Independent Intake Official and not shared with members of the Department. In 2021, the IIO received only two such complaints, and in

both cases the complainants did not respond to the IIO's request for additional information. Those complaints are summarized in Table 3 attached to this report.

**Table 1**

**FORMAL COMPLAINTS 2021**

Reporting Date	Complaint Number	Complaint Type	Community or Dept Initiated	Racial or Bias Related	Use of Force Related	General Description	Reporting Method	Disposition
5/4/21	21-005	Formal	Community	No	No	Improper surveillance of complainant's home	Phone call to IIO	Unfounded
8/19/21	21-015	Formal	Department	No	No	Action in violation of Dept policy; Rudeness	Memo to Department member	Pending outside investigation



**Table 2****INFORMAL COMPLAINTS 2021**

Reporting Date	Complaint Number	Complaint Type	Community or Dept Initiated	Racial Bias	Use of Force Related	General Description	Reporting Method	Disposition
1/19/21	21-001	Informal	Community	No	No	Dept member rudeness during stop for Vehicle Code violation	Phone call to Department	Resolved
2/1/21	21-002	Informal	Community	No	No	Dept member driving at unsafe speed	Email to PoliceWeb	Resolved
3/2/21	21-003	Informal	Community	No	No	Dept member rudeness during stop for Vehicle Code violation	In person at Department	Resolved
3/26/21	21-004	Informal	Community	No	No	Dept member not using turn signal	Phone call to Department	Resolved
6/8/21	21-006	Informal	Community	No	No	Dept member rudeness when receiving report of criminal activity	Email to PoliceWeb	Resolved
7/4/21	21-007	Informal	Community	No	No	Dept member shining spotlight into vehicle	Phone call to Department	Resolved

8/14/21	21-008	Informal	Community	No	No	Dept member obstructing investigation	Police Feedback email	Closed
7/21/21	21-009	Informal	Community	No	No	No female officer at arrest	In person at scene of incident	Closed
8/1/21	21-010	Informal	Community	No	No	Dept member following car too closely	Email to Department	Resolved
8/14/21	21-012	Informal	Community	No	No	Failure to send officers re cloned children	Police Feedback Email	Decline to Investigate
8/19/21	21-011	Informal	Community	No	No	Complaint about court fees following arrest	Phone call and email	Resolved
8/25/21	21-013	Informal	Community	No	No	Dept member using foul language	In Person at Department	Closed
9/17/21	21-014	Informal	Community	No	No	Dept member improperly entered backyard during welfare check	Phone call to Department	Resolved
5/8/21	21-016	Informal	Community	No	No	Failure to receive notice that the prescription drop-off box was full	Email to PoliceWeb	Resolved

**TABLE 3****COMPLAINTS WHERE IDENTITY MAINTAINED BY IIO: 2021**

<b>Reporting Date</b>	<b>Complaint Number</b>	<b>Community or Dept Initiated</b>	<b>Racial or Bias Related</b>	<b>Use of Force Related</b>	<b>General Description</b>	<b>Reporting Method</b>	<b>Disposition</b>
8/7/20	n/a	Community	No	No	Complainant did not provide any factual information to IIO	IIO Webform	Incomplete  Complainant never responded to request for information
12/11/21	21-017	Community	No	No	Seeking assistance to locate alleged improper fiduciary	IIO Webform	Incomplete  Complainant never responded to email and telephone request for information