

Independent Police Auditor Complaint Process

Purpose: To establish an independent, objective, fair, and transparent review process of citizen and internal complaints regarding the conduct of sworn Police Department personnel.

Process:

- 1. Select 4 to 5 qualified professionals to perform the services of an Independent Police Auditor (IPA) on a rotating basis.**
 - a. The Town issues a Request for Qualifications (RFQ) with the intention of selecting approximately five consultants. The RFQ process would occur every five years or on a schedule consistent with the Town's procurement procedures.
 - b. Qualifications include, but are not limited to, retired/former City Attorneys and/or attorneys with expertise in employment law, criminal procedure, and the Public Safety Officers Procedural Bill of Rights. Retired Police Command Officers who conduct Police agency investigations as a bona fide business would also be eligible to apply.
 - c. Candidates need to demonstrate that they have no connection to the LGMSPD and its staff; document their ability to work efficiently and effectively to investigate complaints thoroughly, objectively, and promptly; and prepare reports of their investigation methods, facts, and findings presented in a consistent format developed by the Town. All candidates would need to provide at least three references.
 - d. The Town Attorney and a Town-designated outside expert [e.g. Judge LaDoris H. Cordell (ret.)] will review all candidate submittals, determine if interviews are necessary, conduct the interviews, and select the rotating investigators. The Chief of Police may review all submittals and provide comments to the Town Attorney and outside expert for their consideration in the interview and selection of rotating investigators.
 - e. The Town will enter into a contract with each investigator in the role of the Town's IPA, clarifying that the Town intends to rotate the complaint work to various investigators to balance workload, ensure independent review, and maintain timely performance. Work of the investigators is overseen by the Town Attorney. Investigators will be paid for the work completed to the satisfaction of the Town. Poor performance in terms of timeliness, thoroughness, or other factors will result in removal from the list of rotating investigators.

- 2. Promote the Independent Police Auditor function and the Town's commitment to independent, thorough, and fair review of all complaints.**
 - a. Update the online complaint form to ensure it is user friendly and clarify that complaints are directed to the Independent Police Auditor and not the Police Department.
 - b. Move the complaint form from the Police Department website to the Town Clerk's website (Maintain a link to complaint form on the Police website for residents who may navigate to the Police site.)
 - c. Produce hard copies of the complaint form and make them available at the Clerk's Office.

- d. Promote outreach about the complaint form and the complaint process to the public using social media, print media, flyers, and other methods.

3. Implement a consistent, fair, thorough and independent analysis of all citizen and internal (Town staff member/Police Department personnel) complaints.

- a. All complaints are submitted to the Town Clerk.
- b. Complaints will fall under the following classification system:
 - i. Policy Complaint: A Policy Complaint is defined as a complaint in which a sworn Officer took action that was in compliance with policies and procedures, but for which the complainant believes the policy is inappropriate or invalid. In these cases, there is no indication a complaint is made specifically against the Officer taking the action.
 - ii. Conduct Complaint: A Conduct Complaint is defined as a complaint in which a complainant files an allegation against a sworn Officer, which if true would indicate the Officer violated (1) any local, state, or federal law or, (2) any Department policy or procedure, and where such actions could result in the involved Officer receiving disciplinary action.
 - iii. Non-Misconduct Concern: After receiving a complaint alleging misconduct by a sworn Officer, a preliminary investigation by the IPA may indicate that the allegations did not involve a violation of (1) any local, state or federal law or, (2) any Department policy or procedures. Such a complaint will be re-categorized as a Non-Misconduct Concern, meaning it does not meet the criteria outlined in the definition of a Conduct Complaint. Recategorizing complaints as Non-Misconduct Concerns allows the Department to track issues that may indicate a need for training for sworn personnel and/or community outreach/dialogue.
 - iv. Exceptional Clearance Complaint: When the initial investigation of a complaint reveals that the misconduct alleged in the complaint did not occur, based on immediately available evidence and/or recorded media, the complaint is categorized as an Exceptional Clearance Complaint. The investigator completes formal written documentation of the incident using the designated report format to explain why the case was cleared exceptionally.
 - v. Incomplete: A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. In such matters, the IPA may further investigate the matter depending on the seriousness of the complaint. If there is not the availability of sufficient independent evidence to continue, the complaint will be classified and found Incomplete

- c. Upon receipt, copies of the complaint are sent to the Town Attorney, Town Manager, Human Resources Director, and Chief of Police.
 - i. The Chief of Police will direct the Support Services Captain or designee to collect all relevant evidence related to the complaint (reports, video footage, audio recordings, Computer Aided Dispatch printouts, etc.)
 - ii. The Chief of Police determines if the Officer who is the subject of the investigation should be placed on administrative leave during the investigation in consultation with Town Attorney and Human Resources Director.
- d. The Town Attorney selects an investigator from the list of IPA contractors to conduct an independent investigation into the complaint with any necessary parameters, such as timeline for completion.
- e. The IPA contacts the complaining party (by phone preferably), introducing himself/herself as the Independent Auditor for this complaint and outlines the process. This contact is followed by a short letter on his/her own firm's letterhead with the same content.
- f. After consulting with the Town's Human Resources Director regarding appropriate content, the IPA sends formal written notice on his/her own firm's letterhead to the affected Officer informing them of the complaint, investigation process, and other information. All interaction between the IPA and the affected Officer will occur within the parameters outlined in California Government Code Section 3300-3312: Public Safety Officers Procedural Bill of Rights Act.
- g. The IPA conducts the investigation by interviewing the complaining party, the Police Officer named in the complaint, and others as appropriate; reviewing body camera and in-car video; and reviewing other relevant materials.
- h. The IPA writes a report, documenting type of complaint, the methods used to investigate the complaint, the facts pertaining to the complaint, findings associated with each element of the complaint, and rationale for the findings.
- i. The IPA report is submitted to the Town Attorney and Human Resources Director to ensure the facts support the findings.
- j. Once the IPA report meets the approval of the Town Attorney and if any of the allegations are sustained, it is submitted to the Chief of Police to determine appropriate discipline.
 - i. If after reviewing the report and its findings, the Chief of Police disagrees with the findings, the Town Attorney will consider the Chief's concerns and determine if the investigator needs to do additional work to substantiate the findings.
 - ii. In the event that professionals disagree on the findings, the Town Attorney may ask another investigator to evaluate the facts, materials, and methods and determine its own independent conclusions/findings. The second IPA analysis must be prepared to the satisfaction of the Town Attorney consistent with the procedure for the first independent analysis. If the second IPA report results in a different set of findings, the Town Attorney will determine which analysis stands.

- iii. The Chief of Police will determine the appropriate discipline for the Officer based on the findings. Discipline may need to be coordinated with the Human Resources Director to ensure appropriate appeal/Skelly rights of the employee
- iv. The Chief of Police will notify the Officer of the intended discipline and offer appropriate appeal rights.
- k. The IPA writes a letter on his/her own firm's letterhead informing the complaining party of the completion of the investigation and the findings of the investigation. Confidential information will not be provided.
- l. If the allegations are not sustained, the IPA writes a letter on his/her own firm's letterhead informing the affected Police Officer of the completion of the investigation and the findings. Confidential information will not be provided.
- m. The IPA writes a brief summary of the complaint (the nature of the complaint and key "facts" with no names or sensitive information provided), investigation steps, and findings for inclusion in an annual report to the Town Council and community regarding the work of the IPA.

4. Provide an Annual IPA Report to the Town Council and the community to foster transparency and accountability.

- a. The Town Attorney compiles the summaries from the IPA investigators into an Annual IPA Report.
- b. The Annual IPA Report is submitted to the Town Council, posted on the Town's website, and made available to anyone who requests it. The Mayor may choose to agendaize the report for discussion by the entire Council.

5. Updates to this process may be done as needed by the Town Manager, consistent with other Town procedures.