

POLICING THE POLICE

*The Citizen Complaint Process and Internal
Affairs Function*



J. Ronald Rich, Chair

**Linda Cantley
Valerie R. Castro
John Schilling
Gregory T. Shamlian**



In Memoriam

The 2017-2018 Los Angeles County Civil Grand Jury dedicates the following investigation to the memory of fallen officer Gregory Casillas of the Pomona Police Department. The CGJ acknowledges that law enforcement is both a dangerous and difficult profession. We ask much of our law enforcement professionals. Societal issues complicate the demands of modern police work. Mental illnesses, homelessness, along with what always seems to be constricting departmental budgets exacerbate the demands of today's police professionals. We are grateful and humbled by law enforcement professionals such as Officer Casillas. He is representative of the best in his profession. It is the CGJ's sincere hope that this investigation honors his memory.

POLICING THE POLICE

The Citizen Complaint Process and Internal Affairs Function

EXECUTIVE SUMMARY

Sworn police officers hold incredible power. They can remove a person's freedom and use deadly force, but they must operate within the confines of the law and adhere to departmental policies and procedures.

Transparency of police department's internal operations starts with an effective citizen complaint process. The 2017-2018 Los Angeles County Civil Grand Jury (CGJ) observed in the course of its investigation that effective community relations and public trust can be earned through an open and accessible complaint process.

The California State Penal Code, 832.5(a)(1), mandates that each department or agency that employs peace officers establish a procedure to investigate complaints by members of the public against the personnel of these departments. Complaints can provide meaningful insight into how well services are provided and accepted by those served by municipal police departments; and how well police personnel are trained, managed and supervised. The CGJ investigation reviewed the citizen complaint process and internal affairs functions in the following twelve (12) municipal police departments within the County of Los Angeles: Bell Gardens, Burbank, Culver City, El Monte, Glendale, Inglewood, Pasadena, Pomona, San Fernando, South Gate, Torrance and West Covina.

Availability of Complaint Forms

A meaningful and effective citizen complaint system requires location signage and readily available citizen complaints forms at all police stations and accessible city facilities. All materials should be provided in languages spoken by a majority of citizens in the community served by each police department. Our investigation found only three departments had clear signage, all in English only. Seven departments did not have freely available complaint forms requiring that complainants go through police supervisors to obtain complaint forms.

Convenience of Making Citizen Complaints

The citizen complaint system should provide multiple ways for a complaint to be filed including in person, through the mail, by telephone, or through the internet. Citizens should be allowed to make complaints anonymously. Complaints could be filed in person, by mail, and by telephone with all departments, except one department that did not accept filing by telephone. In only two departments could a complaint be filed via the internet.

Warnings When Making Citizen Complaints

The complaint form and process should not in any way intimidate or discourage potential complainants. Admonitions/warnings on complaint forms that may intimidate or discourage persons from completing complaints should not be used. Three departments had admonitions or warnings on their complaint forms that would tend to intimidate complainants from filing complaints.

Communications with Complainants

Clear and thorough communication with those making complaints is important for an effective citizen complaint system. This includes making a written description of the procedure involved in investigating and adjudicating the complaints available to the public, as required by Penal Code 832.5(a)(1) and providing and releasing to the complaining party a copy of their own statements at the time the complaint is filed as required by the Penal Code 832.7(b).

California Penal Code 832.7(e)(1) requires each department to provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition.

Two departments were non-compliant with the Penal Code in providing a written description of the procedure for processing complaints. Four departments did not comply with the Penal Code in providing the complainant with a copy of their complaint in his or her own words. Ten of the departments attempted to resolve the complaints prior to them being accepted and logged. Only two of the twelve departments notified the complainant of the disposition of the complaint within 30 days, a violation of the Penal Code. All twelve departments had established policies and procedures in place for investigation of complaints and the investigations were carried out at the appropriate levels.

Review, Disposition, Retention and Follow-Up of Citizen Complaints

Effective management of citizen complaint investigations includes numbering and logging each complaint to ensure complaints do not get lost, and that timelines for completing the investigation are monitored. We found one police department that did not number or log complaints. A software program or application can be helpful in managing investigations of citizen complaints.

An effective complaint process includes a review of the investigations of complaints at an appropriate level; that the review process assures the investigations are thorough and conclusions are valid and well supported. The investigation found all twelve police departments reviewed had clearly defined responsibilities for review and approval with the ultimate responsibility resting with the Chief of Police.

Law enforcement standards and common practice among law enforcement agencies is that investigations of complaints and allegations against law enforcement personnel result in findings of fact; to make the determination whether or not they are to be exonerated, unfounded, sustained or not sustained.

The investigation revealed compliance with findings of fact that varied from 22% to 97% with an average of 75%.

A key purpose for receiving and investigating complaints is to identify law enforcement personnel that frequently or habitually engage in inappropriate behavior. Even if the results of investigations are inconclusive, tracking complaints can provide an "early warning" system to identify and institute corrective actions to improve employee conduct.

California Penal Code 832.7(e)(1) requires each department to provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition.

Retention of Citizen Complaint Records

The California Penal Code 832.5(b) requires that records related to citizen complaints regarding police be maintained by the police department for a period of five years. Our investigation revealed one department not in compliance with this requirement.

Recommendations

The Civil Grand Jury (CGJ) recommends those police departments that are not in compliance with penal code requirements take appropriate steps to come into compliance. The CGJ recommends some police departments improve the availability of complaint forms, the convenience of completing complaint forms, the communication with complainants, the management and tracking of complaint investigations, make determinations resulting from investigations consistent with standards, and use complaint information to identify potential personnel problems. The CGJ also recommends that police departments remove warnings (admonitions) that may intimidate or discourage persons from making complaints.

BACKGROUND

The absence of civilian oversight in 44 of the 46 law enforcement agencies in Los Angeles County is a problem and should be an issue of great concern. Independent civilian police oversight is in place for the Los Angeles Police Department by the Office of the Inspector General. Oversight of the Los Angeles County Sheriff's office resides in the office of its' Inspector General. The City of Long Beach has a Citizen Police Complaint Commission that provides civilian oversight for the Long Beach Police Department. These three departments are the only police agencies in Los Angeles County, that have independent civilian oversight.

Oversight is provided to some degree by the California Penal Code 832.5(a)(1) requiring that any agency in the State of California that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these agencies. Complaints from the public usually result in the filing of a citizen complaint form that initiates an investigation.

The police units that investigate complaints from both the public and the police department, against police personnel are called Internal Affairs Units or less commonly the Office of Professional Standards.

The CGJ selected 12 of the approximate 46 Los Angeles County Municipal Police Departments to investigate, focusing on their handling of citizen complaints and their Internal Affairs Units structure and function.

The CGJ's goals were to increase the availability and acceptance of citizen complaints; insure that timely and appropriate investigations occurred; assess that compliance with the citizen complaint process was being followed and to insure that logging and tracking measures were in place to identify problem officers early. This can potentially prevent more serious problems in the future.

It was The CGJ's desire to improve transparency and oversight and thus police conduct. It is hoped that this study will send a message to police officers, Internal Affairs Units, the police departments and the community that oversight is occurring. It was our goal that departmental and individual police standards would be set and maintained at the highest possible level.

METHODOLOGY

The following outlines the approach used to review the availability of the complaint form, as well as, the receiving, investigating and responding to citizen complaints regarding police personnel.

- Reviewed legislation to identify specific requirements for receiving, investigating and responding to citizen complaints.
- Identified best practices for the availability of complaint forms, as well as, the receiving, investigating and adjudicating citizen complaints against police personnel.
- Selected twelve police departments from throughout the County to review the availability of, as well as, the receiving, investigating and adjudicating of citizen complaints.
- Obtained and reviewed policies and procedures for each of the twelve selected municipal police departments to identify specific requirements including complaint initiation process, complaint acceptance, logging, tracking, investigating, notifying the complainant, and remedial actions.
- Obtained detailed information on citizen and administrative (departmental) complaints and investigations from each of the twelve police departments for the past five years.
- Interviewed Internal Affairs personnel regarding structure, training and function of their units.
- Reviewed randomly selected citizen and departmental complaint records for policy compliance.
- Reviewed and analyzed the citizen complaint process and compared with identified legal requirements and best practice standards.
- Developed recommendations for improving the availability, receiving, logging, tracking, investigating and adjudicating citizen complaints by the police departments.

UNDERSTANDING VARIOUS ASPECTS OF THE COMPLAINT PROCESS

A complaint is an allegation by any person that a sworn officer or custodial employee of an agency, or the agency itself, has behaved inappropriately as defined by the person making the allegation. The person making the allegation is the complainant.

Availability of Complaint Forms

Signage should be available in English, Spanish and other demographically appropriate languages; denoting the location of complaint forms, informing persons of their right to make a complaint and the availability of personnel to assist in the process. When a complaint form is asked for by a member of the public, they should be advised that they may (but are not required to) meet with a departmental supervisor to discuss the complaint. They may at any time, stop the interview, complete the complaint form and file it at that time or file it later at their convenience.

Complaint forms should be available from all field police officers and supervisors, as well as, all police stations; and any city facility ordinarily accessible to the public such as a library, city hall or city-related administrative offices. Agencies should have a website with a citizen complaint form link that is easily found. An electronic version of the complaint form should be available online, which can be completed, transmitted and accepted by the agency.

Complaint forms detailing the information necessary to complete the complaint and containing an explanation of the process involved should be used. A carbonless duplicate or triplicate type complaint form, with the process involved explained on the form and with one copy given to the complainant at the time of the filing, serves as an excellent and time-saving vehicle, besides demonstrating compliance with legal requirements.

The complaint process should accommodate all languages spoken by a substantial portion of the residents of Los Angeles County, a minimum of English and Spanish, with other languages available based on local demographics. Similarly, brochures explaining the procedure for the filing and the investigation of the complaint should be available in those languages.

Anonymous Complaints

Because of the presence of many intimidating factors, some complainants may desire to remain anonymous. Filing a complaint anonymously does not mean that the complainant is an unwilling participant. One can actively assist in an investigation without revealing their name, address or other identifying information. Asking a complainant to produce identification and to sign a citizen complaint form can be extremely intimidating, especially when having to face a supervising police officer and being requested to sign a complaint form that contains threatening admonitions. The complainant may feel threatened by the fact that his or her name and address are known to police officers, including the officer being complained about. The complainant can be fearful that he or she could be targeted for retaliation. They could be subjected to obvious observation by police officers, traffic ticketing, nuisance traffic stops or even reluctance of police officers to respond promptly to a complainant's phone calls for police assistance. This would be especially true for undocumented immigrants with poor English language skills required to convey the facts of their case to the investigators. It is an unfortunate reality that many individuals in the community are fearful of law enforcement officers. Although making it more difficult, an anonymous complainant can still provide facts about the case that allows a meaningful investigation.

Complaint Types

Citizen complaints are usually divided into two groups; 1) policy, procedural or service complaints; and 2) personnel complaints.

Service Complaints or Policy and Procedure Complaints

These are complaints by the public against departmental employees, that when investigated, are not related to the personnel's performance, but rather the policies, procedures or services of the department. Examples would be, perceived inadequate police coverage in a neighborhood or slow police response times. These complaints are generally referred to as service complaints. Many departments attempt to handle these complaints by having a supervisor address the matter in person or by telephone at the time the complaint is made. They are then discarded and not logged or tracked in a complaint tracking system; however, it is advantageous to track all service complaints by type, service area and other possible criteria. This could yield quarterly or annual

statistics that might point to policies or procedures that could be reviewed, revised to deliver better service to the community, or an area within the community. These statistics might help substantiate the need for possible changes in management, staffing or budget.

Personnel Complaints

These are complaints filed by a citizen or departmental personnel against sworn officers or custodial personnel alleging misconduct or improper job performance. These would include: 1) Commission of a crime, 2) Use of excessive force, 3) Neglect of duty: the knowing and willful failure to perform a requested duty or task, 4) Violation of departmental rules, regulations, policies or procedures and 5) Conduct which might be detrimental to the department or that which might reflect unfavorably upon the employee or department, such as discourtesy.

Personnel complaints whether filed by a citizen or departmental personnel are handled by all twelve investigated municipal police departments in exactly the same manner. An exception would be if there is any suggestion of a criminal element to the misconduct. This would necessitate a completely separate criminal investigation by a separate agency investigator, an outside agency or experienced private investigator. These ramifications are beyond the purpose of the present investigation.

Any civil lawsuit or claim filed against a municipality or employed peace officer for misconduct, should be reported to the Internal Affairs Unit. It should then be processed and investigated as a personnel complaint.

Intake Process for Complaints

Intake denotes the process of receiving a complaint. An agency should receive any and all complaints from all possible sources, even if received anonymously. Complaints provide insight into how an agency is being perceived by the public. A complaint may be filed by phone, mail, email, website or in person. Any employee in a police facility may receive the complaint and immediately pass it on to the supervisor of the officer in question. An agency should receive complaints at any of its city's facilities ordinarily accessible to the public. Permitting acceptance by non-police officials of the agencies local government, allows a complainant to present their complaint in a neutral, non-police location without fear or threat of intimidation. Non-police officials, who accept complaints, should immediately transfer them to the city's police department.

The involved officer's supervisor should evaluate the complaint to determine the nature of the response needed. Once received, all complaints should be numbered, logged and tracking initiated, using a dedicated process before any further action is taken. No attempt should be made to "settle the problem" by a supervising officer until and unless the complaint has been received, logged and the complainant has consented. Often, a record is not maintained if the complaint is taken and resolved by a supervisor at the station level. As a result, an officer with multiple complaints in the past, not logged or tracked, would probably not be identified as requiring evaluation and possible correction.

Complaint Acknowledgement

It should be noted that California Penal Code 832.7 (b) requires that the agency or department receiving a citizen complaint shall release to the complaining party, a copy of his or her own statements at the time the complaint is filed.

A written acknowledgement or a copy of the complaint should be given, to the complainant, at the time of the filing of the complaint, if filed in person. If the complaint is filed by telephone, it can be read back to the complainant for review and correction and mailed to the complainant or a copy of the complaint form can be mailed to the complainant to complete and mail back to the agency. If filed by mail, a copy can be sent back to the complainant. If filed by computer, the complainant usually has a copy.

After the complaint is accepted, a written acknowledgement letter should be sent to the complainant containing a summary of the complaint, the logging number of the complaint, the name of the person investigating the complaint and a contact telephone number.

Tracking Complaints and Early Warning Systems

Every personnel complaint should be numbered, logged and tracking initiated immediately following acceptance. The tracking system ideally should be computerized and capable of capturing information from separate data fields. These fields are important for case tracking, including the complainant's name, the employee being investigated, the date, the alleged offense, the disposition and the corrective action taken. Very small agencies with few complaints might find the computer systems expensive and too time consuming for their needs.

An early warning system for identifying potential problem officers is strongly recommended. The system would signal an alert, when an officer is named in 2-5 complaints, depending on severity, per year. This would allow early intervention with counseling, mentoring, reprimand or other appropriate corrective action.

Even frivolous complaints should be tracked by the underlying complaint or problem, as a series of the same problem may reveal a more serious issue than initially indicated.

Departmental Training and Education of Citizen Complaints

All of the municipal police departments investigated by the CGJ complied with that portion of the California Penal Code 832.5(a)(1), which requires that they establish a procedure to investigate complaints by members of the public against the personnel of their departments or agencies. Some did not meet this requirement of making a written description of the procedure available to the public.

All departments investigated were supplied with policy manuals provided by the same company, Lexipol. Despite this, the CGJ observed marked disparities among the departments in attempting to meet their obligations to the public.

It is readily apparent that the elements that prevent all departments from achieving uniformly best practice standards appears be a lack of understanding, education and training in the Citizen Complaint process by the personnel involved. Law enforcement personnel and staff should receive detailed and ongoing instruction in all aspects of the Citizen Complaint process.

Part of the training should include an open and welcoming attitude displayed by police personnel. If needed, they should know how to readily locate and present the necessary written material to the complainant. They should be available to assist the complainant in filling out the form and translating or arranging for a translation. Someone should give a written description of the process involved to the complainant and discuss the process involved with the complainant.

Law enforcement personnel should be knowledgeable about the information on the website and capable of instructing the complainant on how to complete and file the complaint form online or by telephone.

Law enforcement personnel must be capable of providing the complainant with communication that is clear, concise and readily understood regarding all aspects of the Citizen Complaint process. This includes completing and filing the complaint form, the investigative process, the possible findings, the disposition and the appeal process.

Complete transparency of the complaint process is essential to gain acceptance by citizens and the community at large.

Dissuading Complainants

The department's or agency's citizen complaint process should not discourage or seek to intimidate complainants. No threats, inferences, warning of prosecution or civil defamation lawsuits should be made. No suggestion of the need for a polygraph (lie detector test) "to find the truth" should be made orally or in writing to a potential complainant.

Retaliatory practices such as checking for warrants or immigration status checks on potential complainants should not occur.

Admonitions (Warnings) on Citizen Complaints

False Reports – Criminal Liability

California Penal Code Section 148.6(a)(1) makes it a misdemeanor to file a false allegation of misconduct against a police officer, knowing the allegation to be false. It also contains an extensive advisory in bold face type, which the complainant is required to read and sign. It states, the complainant could be prosecuted on a misdemeanor charged, if he/she knowingly files a false complaint against a public officer.

In 2001, a California Court of Appeals held that California Penal Code Section 148.6 was unconstitutional.¹ The case was appealed to the California Supreme Court and reversed on appeal in finding the code section to be lawful.²

In November 2005, the United States 9th Circuit Court of Appeals found the section to be unconstitutional, a violation of the First Amendment and equal protection clause.³ The court found the statute was unlawful because it only criminalized a false allegation against a peace officer, but did not criminalize knowingly false assertions in support of a peace officer or made by a peace officer or witness during the course of a misconduct investigation. The case was appealed to the United States Supreme Court, which declined to review the decision in May 2006. This rendered California Penal Code Section 148.6(a)(1) federally unconstitutional.

1 *People v Stanistreet*, (2001) 93 Cal App 4th 469

2 *People v Stanistreet*, (2002) 29 Cal 4th 497

3 *Chaker v Crogan*, (2005) 428 F 3d 1215 Court of Appeals 9th Circuit

The Jones & Mayer law firm, who had filed an amicus curiae brief on behalf of the California State Sheriffs' Association, the California Police Chiefs' Association and the California Police Officers' Association, sent out a case alert memorandum dated May 18, 2006.⁴ The memorandum stated that the United States Supreme Court made a decision on May 15, 2006, not to review the case, which meant that the United States 9th Circuit Court of Appeals opinion was final. This made California Penal Code Section 148.6(a)(1) unconstitutional federally, but constitutional according to California State Courts. The law firm's memorandum stated that enforcement of Section 148.6(a)(1) could lead to civil rights lawsuits in federal court seeking substantial damages. They recommended that their clients cease using the language in Section 148.6(a)(1) in all complaint forms.

Therefore, in view of the above court decisions and the above legal memorandum, it is the CGJ's suggestion that the only application of this section of the California Penal Code would be that of intimidating a citizen from filing a legitimate complaint.

Another type of criminal admonition is contained on some citizen complaint forms. This states just above the complainant's signature line "I declare under penalty of perjury that the statements I have made are truthful and accurate to the best of my ability". Although one might think this simply worded admonition is less threatening than California Penal Code Section 148.6 (a)(1), it is not. California Penal Code Section 148.6(a)(1) is a misdemeanor, while perjury can be charged as a misdemeanor or felony. This admonition should also be removed from all citizen complaint forms.

False Reports – Civil Liability

California Civil Code Section 47.5, Defamation Action by Peace Officer, is another admonition used to intimidate a citizen from filing a citizen complaint against police personnel. It allows a peace officer to bring an action for defamation against an individual who has filed a complaint with the officer's employing agency alleging misconduct, criminal conduct or incompetence, if that complaint is false, the complaint was made with knowledge that it was false and that it was made with spite, hatred, or ill will. The knowledge that the complaint was false, may be proved by a showing that the complainant has no reasonable ground to believe the statement was true and that the complainant exhibited a reckless disregard for ascertaining the truth. In contrast to the criminal advisory contained in Penal Code Section 148.6(a)(1), police agencies were not required to advise a potential complainant about California Civil Code Section 47.5.

The American Civil Liberties Union (ACLU) filed a lawsuit in the United States District Court of California challenging California Civil Code Section 47.5. In October 1999, US District Court Judge Gary Taylor ruled that the law was unconstitutional violating the First Amendment. Judge Taylor stated "Section 47.5 has...a chilling effect since it imposes greater risk upon citizens who report claimed police misconduct and thereby discourage the filing of complaints." An ACLU newsletter stated that California Civil Code Section 47.5 is the only law of its kind in the nation that gives police officers a special right to sue citizens who file complaints against them.⁵

4 [https://www.scribd.com/document/15647492/California-Peace-Officers-Association-Chaker v Croghan](https://www.scribd.com/document/15647492/California-Peace-Officers-Association-Chaker-v-Croghan)

5 <https://www.aclu.org/news/aclu-overturns-law-and-protects-ca-citizens>

A California Court of Appeals in November 2001 concluded that the California Civil Code Section 47.5 violates the First Amendment constitutional right of free speech.⁶

In June 2003, another California Court of Appeals revisited the unconstitutionality of California Civil Code Section 47.5 and ruled that the statute was constitutional.⁷ A final decision on the constitutionality of California Civil Code Section 47.5 has not yet been made by the California Supreme Court.

California State Courts of Appeal have reached inconsistent conclusions about the constitutionality of the law, the status of which remains unsettled. As stated by Judge Taylor the presence of California Civil Code Section 47.5 on a citizen complaint form is severely intimidating to potential complainants. On July 9, 2003, the previously mentioned Jones and Mayer law firm published another newsletter that urged caution before an officer initiates a lawsuit pursuant to California Civil Code Section 47.5 based upon the Court of Appeal decisions.⁸

As California Civil Code Section 47.5 appears to be of questionable enforceability and as it is not mandated by law, it is strongly recommended that this admonition not to be placed on citizen complaint forms. It definitely poses a high risk that citizens will be intimidated from filing a legitimate complaint that could result in potentially serious problems not being recognized, investigated and corrected. It should not be used.

Polygraph Examination

A final admonition, found in surveying the citizen complaint forms of the involved municipal police departments, was the possibility of asking a complainant to undergo a polygraph examination (lie detector test), if the involved agency “couldn’t find the truth any other way.” This test is generally not admissible in court and should not play a role in the investigation of citizen complaints and it serves only to intimidate a potential complainant from filing a complaint, perhaps allowing a serious problem to go without correction.

6 Walker v Kiousis, (2001) 93 Cal App 4th 1432

7 Loshonkohl v Kinder, (2003) 109 Cal App 4th 510

8 <http://www.jones-mayer.com/news/2003/07/09/civil-code-section-47-5-is-alive/>

Understanding Aspects of Internal Affairs

The police units that carry out investigations of citizen and departmental complaints against police officers are usually called Internal Affairs Units or The Office of Professional Standards. An Internal Affairs investigation serves an oversight function to insure that departmental policy and procedures are followed and that all department employees follow agency standards of professionalism and the law. Internal Affairs Units serve primarily as an investigative agency. Although some agencies may make disciplinary recommendations on sustained Internal Affairs investigations, final adjudication almost always rests with the Chief of Police.

All Internal Affairs officers should have completed an accredited Internal Affairs training program and have continuing Internal Affairs education. Standards of best practices, policies and training are set by several agencies. The Commission on Police Officers Standards and Training (POST) provides specific training in internal affairs for police officers. All of the Internal Affairs Officers of the agencies the CGJ investigated were trained by POST. Lexipol, a web based subscription service provides essentially all of the Los Angeles County municipal departments with risk management policies, policy training and guidance, but not internal affairs training.

Internal Affairs Personnel

The CGJ is most pleased to state that the officers of almost all investigated municipal police agencies Internal Affairs Units were outstanding examples of police personnel. They were knowledgeable, cooperative and were extremely interested in how they could improve their agency's functions.

Officers selected for Internal Affairs positions must have a number of outstanding skills. Among the skills are the respect of their fellow officers, excellent interpersonal relations skills, significant experience in all areas of policing, including patrol and they must be especially skilled in conducting investigations. Above all, they must be extremely honest, fair and objective.

All of the Internal Affairs Officers the CGJ interviewed had performed at a level to earn supervisory positions of Sergeant and above. They had police experience of at least fifteen years. All but one officer (who had only been promoted to an Internal Affairs Unit three weeks previously) had certified POST training in Internal Affairs, as well as, ongoing training in Internal Affairs. It is not uncommon that after serving in Internal Affairs for two-five years, occasionally more, they will again be promoted. These are outstanding officers.

We observed that most Internal Affairs Units of smaller agencies consisted of several Sergeants. Larger agencies were led by Lieutenants with Sergeants under them. The number of Sergeants was dependent on the size of the agency.

Small Agencies - Internal Affairs Units

In smaller agencies that have an Internal Affairs Unit, after the complaint is received, it will be passed to the immediate supervisor of the officer, who is the subject of the complaint. The supervisor reviews the complaint and determines the response required. If the complaint is about the delivery of a police service that, if true, would not violate departmental policy or rule nor local, state or federal law it should be a service or informal complaint. A service complaint should be noted on the citizen complaint form and the complaint may be handled informally by a supervisor.

When a complaint is about a police officer's conduct, that even if true, would not qualify as misconduct, it may sometimes be handled informally. However, this requires that the complainant consents to an explanation from the supervisor and is satisfied with the explanation. No further investigation is needed. A written explanation on the complaint form should follow and the complaint must be logged and tracked.

All other complaints should be forwarded to the Internal Affairs Unit.

Larger Agencies - Internal Affairs Units

The immediate supervisor of the officer, if appropriate, forwards the complaint to the Internal Affairs Unit. It is most common for the complaint to be referred to the head of the Internal Affairs Unit or a specific intake officer: in all of the investigative agencies, this was an agency supervisor. The complaint is then assigned to the investigating officer. The investigating officer should always be of a higher rank than the officer, who is the subject of the complaint. The subject officer should be informed of the circumstances of a citizen complaint immediately after the complainant and witnesses have been interviewed. The subject officer should also be informed who will be in charge of the investigation and given a contact telephone number. If the officer to be investigated is a Lieutenant or of higher rank, the investigation most frequently will be done by another police agency or an experienced private investigator. The complainant and any witnesses should be interviewed within 24 hours of receipt of the complaint, if possible. The complainant should be told by the interviewer, that an acknowledgement letter will be sent indicating that the complaint is being investigated, the person who is in charge of the investigation and a contact telephone number. If not done previously, a copy of the complaint and a description of the investigating procedure should be provided.

The investigating officer should promptly, after being assigned the case, make a determination if there is any suggestion of a criminal element in the case. If so, completely separate administrative and criminal investigations must be opened, with separate investigators. There must be no sharing of information between the investigations. Criminal investigations are beyond the scope of this investigation.

Lesser departmental personnel rule violations may be handled with counseling, training, remedial agreement, or other measures and do not necessitate an investigation by the Internal Affairs Unit.

All complaints made by the public and all departmental complaints of a serious nature must be investigated. The extent of an investigation may vary, dependent upon the seriousness and complexity of the case. All investigations should be thorough, fair and carried out with the highest integrity. No investigation should be terminated or closed without the concurrence of the head of the Internal Affairs Unit.

Most investigations should be completed within 60 days. Complex investigations should be completed within 180 days. Any additional time should require the Chief of Police's approval.

These are the four accepted investigative findings as established by the Commission For Accreditation of Law Enforcement Agencies.⁹

Unfounded: Allegation is false or not factual.

Exonerated: Incident occurred, but the employee's actions were lawful, proper and consistent with rules, regulations, policy, or state laws.

Not Sustained: Insufficient facts either to prove or disprove the allegation.

Sustained: The allegation is found to be substantially true. Generally speaking, the incident occurred and the specifically cited rule(s), regulation(s), or other general or special order(s) were violated by the employee.

An officer should not be exonerated if the results of the investigation are inconclusive. Finding a complaint to be frivolous should require that at least two persons evaluate and categorize the complaint.

The subject officer should be notified immediately after a disposition has been made. The complainant must be notified within 30 days that a disposition has been made (Penal Code 832.7(e)(1)). The general provisions of Penal Code Section 832.7 make it clear that the details of any discipline of the subject officer should not be disclosed to the complainant.

California allows an annual publication of an agency's complaints and their investigative findings, without reference to the names of persons involved. All agencies should make this information available to the public.

Independent Appeal Process

If the complainant is dissatisfied with the result of the investigation the CGJ recommends that there be an appeal process available. This should be part of the citizen complaint process, outlined on the complaint form or a complaint process brochure. The appeal process would best be done outside the police agency involved. This could be carried out by the City Manager, Human Resources Personnel or a Citizens Review Board. Their recommendations should be returned to the police agency for possible further investigation and/or final disposition. A disgruntled complainant would likely be more accepting of the disposition if it had been reviewed by an impartial evaluator.

⁹ See appendix #4

FINDINGS

The following sections provide an overview and findings regarding the twelve investigated municipal police departments availability of complaint forms, as well as, the receiving, investigating and adjudication of citizen and administrative complaints.

A. Availability of Complaint Forms

A meaningful and effective citizen police complaint system requires easily understood and readily available forms for making complaints. Ideally, clear signage should inform persons wanting to make a complaint of the location of complaint forms, and the forms should be available in English, Spanish and possibly other languages depending on the demographics of the police service area.

The complaint form should also be in English and Spanish and provided in all languages spoken by a substantial portion of the population served by each police department. Complaint forms should be available at all police stations and available at any city facility ordinarily accessible to the public such as libraries, city hall, community centers and similar locations. Forms should also, ideally, be available on police department websites and from police officers and supervisors in the field.

Finding 1: The availability of forms for making citizen complaints for some police departments could be improved.

All twelve police departments met the basic requirement that they establish a procedure to investigate complaints by members of the public against their police personnel. As Exhibit 1 shows, only three of the police departments had clear signage showing the location of complaint forms in the police station. None of the police departments had signage in languages other than English.

All twelve of the police departments had complaint forms available in their police stations. However, the complaint form was only freely available at five of the police departments. For the other seven police departments, a person wanting to make a complaint would have to request the complaint form. This request may be made to the police personnel at the reception area or may require the person to obtain the form from a police supervisor or the watch commander. This practice may tend to discourage persons from making a complaint. However, the rationale provided by most police departments for this practice was to ensure there was not a simple misunderstanding rather than an actual complaint. Others stated that they encourage persons making complaints to talk with a supervisor or the watch commander, so they can get a complete and intelligible statement, including any evidence such as video or photos. Only four of the police departments had complaint forms available at other public facilities like city hall, libraries, and community centers. One police department stated that forms were also available through the local chapter of the National Association for the Advancement of Colored People (NAACP).

Exhibit I Availability of Citizen Complaint Forms								
Police Department	Signage		Access to Complaint Form				Website	
	Clear Signage	Signage in Multiple Languages	Police Station	Freely Available	Other Public Facilities	Multiple Languages	English	Multiple Languages
Bell Gardens	No	No	Yes	No	No	Yes	No	No
Burbank	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Culver City	No	No	Yes	No	No	Yes	No	No
El Monte	No	No	Yes	No	No	Yes	No	No
Glendale	No	No	Yes	No	Yes	Yes	Yes	Yes
Inglewood	Yes	No	Yes	Yes	No	Yes	Yes	Yes
Pasadena	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Pomona	No	No	Yes	No	Yes	No	Yes	No
San Fernando	No	No	Yes	Yes	No	Yes	No	No
South Gate	No	No	Yes	No	No	Yes	Yes	No
Torrance	No	No	Yes	Yes	No	Yes	Yes	Yes
West Covina	No	No	Yes	No	No	No	No	No

Two of the police departments provide the complaint form in English only. Ten of the police departments provided complaint forms in multiple languages that included English, Spanish, Armenian, Japanese, Korean, Chinese, French and Indonesian. Some departments stated that if a person wants to file a complaint and does not speak English they will provide an interpreter.

Five of the police departments did not provide the complaint form on their website. Of the seven that did provide the complaint form on their website, all but one provided the complaint form in multiple languages.

B. Convenience of Making Citizen Complaints

For a citizen police complaint system to be effective, it should be fairly convenient and straightforward for an individual to make a police complaint. This includes providing multiple ways for a complaint to be filed, including in person, through the mail, by telephone, or completing the complaint form online. It also includes allowing persons to make complaints anonymously.

Finding 2: The convenience of making citizen complaints could be improved for some police departments.

As Exhibit 2 shows, all the police departments accepted complaints in person. All but one police department (San Fernando) accepts complaints through either the mail or telephone. San Fernando accepts complaints by mail, but does not accept complaints over the telephone. Only two of the police departments (Burbank and Torrance) had a capability on their website to file a complaint.

Some people may want to remain anonymous when making a complaint. Anonymous complaints can provide valuable information. As Exhibit 2 shows, all of the police departments

allow persons making a complaint to remain anonymous, although all encourage them to identify themselves, so they can get statements and information from them and follow up with them.

Exhibit 2 Convenience of Making Citizen Complaints					
	Ways of Making Complaints				
Police Department	In Person	By Mail	By Telephone	Online	Anonymously
Bell Gardens	Yes	Yes	Yes	No	Yes
Burbank	Yes	Yes	Yes	Yes	Yes
Culver City	Yes	Yes	Yes	No	Yes
El Monte	Yes	Yes	Yes	No	Yes
Glendale	Yes	Yes	Yes	No	Yes
Inglewood	Yes	Yes	Yes	No	Yes
Pasadena	Yes	Yes	Yes	No	Yes
Pomona	Yes	Yes	Yes	No	Yes
San Fernando	Yes	Yes	No	No	Yes
South Gate	Yes	Yes	Yes	No	Yes
Torrance	Yes	Yes	Yes	Yes	Yes
West Covina	Yes	Yes	Yes	No	Yes

C. Admonitions/Warnings on Citizen Complaint Forms

Some individuals may be reluctant to file a complaint for fear of reprisal from the officer or officers they are complaining against or the police department itself. Ideally, the complaint form and process should not in any way intimidate or discourage persons from making complaints.

Finding 3: Some police departments include admonitions/warnings that may intimidate or discourage persons from making complaints on complaint forms or related materials.

As Exhibit 3 shows, two police departments (South Gate and Torrance) include the warning, Penal Code 148.6, that a complainant making a false claim against a police officer can be prosecuted for a misdemeanor.

As Exhibit 3 shows, only one police department (Torrance) includes the warning from California Civil Code 47.5, which indicates that a peace officer may bring a civil action for defamation against an individual who has filed a complaint with the officers employing agency alleging misconduct, criminal conduct, or incompetence, if the complaint is false, the complaint was made with the knowledge that it was false and that it was made with spite, hatred or ill will. The knowledge that the complaint was false may be proven by a showing that the complainant had no reasonable ground to believe the statement was true and that the complainant exhibited a reckless disregard for ascertaining the truth.

Exhibit 3				
Warnings When Making Citizen Complaints				
Police Department	False Claim Warning (PC146.8)	Defamation Warning (CC47.5)	Perjury Warning	Possible Polygraph Warning
Bell Gardens	No	No	No	No
Burbank	No	No	No	No
Culver City	No	No	No	No
El Monte	No	No	No	No
Glendale	No	No	Yes	No
Inglewood	No	No	No	No
Pasadena	No	No	Yes	No
Pomona	No	No	No	No
San Fernando	No	No	No	No
South Gate	Yes	No	No	No
Torrance	Yes	Yes	No	No
West Covina	No	No	No	Yes

Another warning against making a false claim is that requiring the complaint form be signed under “penalty of perjury.” Two police departments (Glendale and Pasadena) include such statements on their complaint forms. The Glendale form states: “I declare under penalty of perjury that the statements I have made are truthful and accurate to the best of my ability.” The Pasadena Police complaint form states: “I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing information I have provided regarding this complaint is true and correct”. Perjury can be charged as a misdemeanor or a felony.

A final warning that may intimidate or discourage persons from making complaints is the potential to be subjected to a polygraph examination. Only one police department (West Covina) includes this warning. The West Covina Police complaint brochure states: “In certain cases where we can't find the truth any other way, you may be asked to take a polygraph examination. The same is true for our officers.”

D. Communication with Complainants

A meaningful and effective citizen police complaint system requires clear and thorough communication with those making complaints. A key element of this communication is information on the procedure for receiving and investigating complaints. The California Penal Code Penal Code 832.5(a)(1) requires that every police department establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies and shall make a written description of the procedure available to the public.

Finding 4: The Bell Gardens and San Fernando police department were not in compliance with the requirement that they make a written description of the procedure for investigating complaints available to the public.

As shown in Exhibit 4, ten of the police departments had written descriptions of the procedure available to the public as required by the penal code. Two police departments (Bell Gardens and San Fernando) had no written procedures available and are not in compliance with the Penal Code 832.5(a)(1) requirement.

Effective communication with complainants also requires that complainants have an opportunity to provide complete information on the incident that generated the complaint. This requires that the complaint form include all the pertinent information, including a description of what occurred to generate the complaint.

Finding 5: The El Monte and South Gate police department complaint form do not provide an opportunity for the complaining party to provide a statement or description of what occurred to generate the complaint.

As Exhibit 4 shows, ten of the police department's complaint forms included the appropriate content, including a description of what occurred to generate the complaint. The complaint form for two police departments (El Monte and South Gate) did not provide an opportunity for the complaining party to provide a statement or description of what occurred to generate the complaint.

Ideally, persons making a complaint would have the ability to make a complaint without attempts to resolve the complaint prior to it being accepted and logged. As Exhibit 4 shows, ten of the police departments attempt to resolve complaints prior to them being accepted and logged. When asked for the rationale for this practice one police department stated: "When people come into the lobby and say they want to make a complaint about an officer and a watch commander is available, we have face time with them. Often time complaints are about why did they get a ticket or why was my son arrested, and so forth. This face times allows for an explanation and many times the person is satisfied. We don't like to load our complaint log with items that have nothing to do with policy violations or criminal violations." Two police departments stated they do not make such attempts to resolve complaints prior to their acceptance and logging.

The California Penal Code 832.7(b) requires that each police department receiving a citizen complaint release to the complaining party a copy of their statement, in his or her own words, at the time the complaint is filed.

Finding 6: The Culver City, El Monte, San Fernando and Torrance police departments were not in compliance with the requirement that each police department receiving a citizen complaint release to the complaining party a copy of their own statements at the time the complaint is filed.

Exhibit 4					
Communication With Complainants					
Police Department	Written Complaint Procedure*	Appropriate Complaint Form Content	Attempt to Resolve Prior to Log	Complainant Receives Copy of Statement*	Percent Written Notification*
Bell Gardens	No	Yes	Yes	Yes	57%
Burbank	Yes	Yes	Yes	Yes	100%
Culver City	Yes	Yes	Yes	No	59%
El Monte	Yes	No	Yes	No	82%
Glendale	Yes	Yes	Yes	Yes	100%
Inglewood	Yes	Yes	No	Yes	95%
Pasadena	Yes	Yes	Yes	Yes	78%
Pomona	Yes	Yes	Yes	Yes	51%
San Fernando	No	Yes	Yes	No	8%
South Gate	Yes	No	Yes	Yes	NA
Torrance	Yes	Yes	No	No	95%
West Covina	Yes	Yes	Yes	Yes	91%
				Average %	74%
* Required by the Penal Code (832.5, 832.7)					
Note: Percentage calculations of written notifications within 30 days excludes complaints with investigations pending, complaints generated from within the police department, and complaints with no mailing address.					

As Exhibit 4 shows, eight of the police departments routinely provided complainants copies of their statement at the time of the complaint. Several of these police departments had complaint forms that were carbonless in triplicate, making it convenient to provide a copy of the completed form to the complainant. Others routinely made copies of the completed complaint form and provided the copy to the complainant. Four police departments did not routinely provide copies of the complainants’ statement as required by the Penal Code. Some of these departments stated they would provide copies, if requested.

A standard practice among law enforcement agencies is to send an acknowledgement letter, including a copy of the complainant’s statement, to each person making a complaint. For example, the Los Angeles Sheriff’s Department requires an acknowledgement letter be sent to each complaining party with a copy of their statement within three days of the complaint being received. The policy states: “The letter shall be sent regardless of whether the comment was made in person, by telephone, by electronic means, or by mail.”¹⁰ This approach ensures that the Penal Code requirement is met regardless of the method used to make the complaint.

¹⁰ Los Angeles Sheriff’s Department Service Comment Report Handbook Handling Public Complaints

Finding 7: Most police departments were not in compliance with the requirement to provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition.

California Penal Code Penal Code 832.7(e)(1) requires that each department provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition.

As shown in Exhibit 4, only two police departments (Burbank and Glendale) were in full compliance with the requirement to provide written notification to the complaining party of the disposition of the complaint. Glendale Police Department uses a software program that includes generating a written letter to the complainant once a disposition is determined. The case cannot be closed until that letter is generated. Other police departments stated they provided verbal notifications, or that there was no written notification made. We found that police departments' compliance with this requirement averaged 74% for the twelve police departments and ranged from 8% to 100%.

South Gate Police Department stated that "a letter is sent to the complainant via United States Postal Service (USPS) and is sent certified mail. When the letter is delivered we keep the USPS copy of the signature tag in the file with the complaint." However, no other documentation was provided such as the date the letter was sent.

E. Investigations of Citizen Complaints

The California Penal Code (PC832.5) requires each department that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments. As Exhibit 5 shows, all twelve police departments reviewed had policies in place for investigating such complaints. These policies assigned responsibility for conducting investigations to police personnel at appropriate levels.

Exhibit 5				
Investigation of Police Citizen Complaints				
Police Department	Policy for Investigations*	Investigated at Appropriate Level	Complaints Numbered and Logged	Complaint Tracking Program
Bell Gardens	Yes	Yes	Yes	Yes
Burbank	Yes	Yes	Yes	Yes
Culver City	Yes	Yes	Yes	No
El Monte	Yes	Yes	Yes	No
Glendale	Yes	Yes	Yes	Yes
Inglewood	Yes	Yes	Yes	Yes
Pasadena	Yes	Yes	Yes	Yes
Pomona	Yes	Yes	Yes	Yes
San Fernando	Yes	Yes	No	No
South Gate	Yes	Yes	Yes	Yes
Torrance	Yes	Yes	Yes	Yes
West Covina	Yes	Yes	Yes	No

* Required by the Penal Code (832.5, 832.7)

Effective management of citizen complaint investigations includes numbering and logging each complaint to ensure complaints do not get lost, and that appropriate timelines for completing the investigation are monitored.

Finding 8: Some police departments could improve the management of complaint investigations, including numbering and logging, as well as tracking and monitoring of key requirements and milestones.

As Exhibit 5 shows, eleven of the police departments numbered and logged each complaint. One police department (San Fernando) did not number and log complaints as they were received. A software program or application can be helpful in managing investigations of citizen complaints to ensure investigations do not get lost, and to provide automatic tracking and reminders of key requirements and milestones in investigations. As Exhibit 5 shows, eight of the police departments used a software program or application to assist in managing and tracking investigations.

F. Review, Disposition and Follow Up of Citizen Complaints

An effective complaint process includes a review of investigations of complaints at an appropriate level, and a review process in place with some assurance that investigations are thorough, and conclusions are valid and well supported. As Exhibit 6 shows, all twelve police departments had clearly defined responsibilities for the review and approval of investigations of complaints about police. In all cases, the ultimate responsibility was with the Chief of Police.

Finding 9: Findings resulting from investigations of citizen complaints and the use of complaint information to identify potential problems could be improved for some police departments.

Law enforcement standards and common practice among law enforcement agencies is that investigations of complaints and allegations against law enforcement personnel result in findings of fact. Law enforcement standards, as established by the Commission on Accreditation for Law Enforcement Agencies (CALEA) dictate that these findings be used by the adjudicating officer to reach one of the following determinations:¹¹

Unfounded: Allegation is false or not factual.

Exonerated: Incident occurred, but the employee's actions were lawful, proper and consistent with rules, regulations, policy, or state laws.

Not Sustained: Insufficient facts either to prove or disprove the allegation.

Sustained: The allegation is found to be substantially true. Generally speaking, the incident occurred and the specifically cited rule(s), regulation(s), or other general or special order(s) were violated by the employee.

¹¹ See appendix #4

As Exhibit 6 shows, police departments' compliance with this standard averaged 75% for the twelve police departments and ranged from 22% to 97%. Other dispositions included frivolous, incomplete, none, and other. While some of these may have meaning, they do not preclude reaching one of the determinations outlined in the standards.

Exhibit 6				
Review, Disposition and Follow Up of Police Citizen Complaints				
Police Department	Reviewed at Appropriate Level	Findings Consistent with Standards	Used to Identify Potential Problems	Maintain Records for Five Years*
Bell Gardens	Yes	97%	Yes	Yes
Burbank	Yes	97%	Yes	Yes
Culver City	Yes	94%	No	Yes
El Monte	Yes	36%	No	Yes
Glendale	Yes	94%	No	Yes
Inglewood	Yes	96%	Yes	Yes
Pasadena	Yes	89%	Yes	Yes
Pomona	Yes	22%	Yes	Yes
San Fernando	Yes	45%	No	No
South Gate	Yes	78%	Yes	Yes
Torrance	Yes	65%	Yes	Yes
West Covina	Yes	84%	No	Yes
	Average %	75%		
* Required by the Penal Code (832.5, 832.7)				
Note: Percentage calculations of complaints with findings consistent with standards excludes complaints with investigations pending, complaints referred to other law enforcement agencies, service complaints, and complaints with no allegations of wrongdoing.				

Exhibit 7 shows the number and percentage of complaints by disposition for each of the twelve police departments over the past five years.

Exhibit 7 Number and Percentage of Complaints by Disposition Past Five Years (2013 to 2017)										
Police Department	Unfounded		Exonerated		Not Sustained		Sustained		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Bell Gardens	31	86.1%	1	2.8%	2	5.6%	1	2.8%	1	2.8%
Burbank	275	38.2%	131	18.2%	79	11.0%	212	29.4%	23	3.2%
Culver City	48	31.4%	33	21.6%	22	14.4%	41	26.8%	9	5.9%
El Monte	6	10.9%	2	3.6%	9	16.4%	3	5.5%	35	63.6%
Glendale	238	63.5%	73	19.5%	10	2.7%	32	8.5%	22	5.9%
Inglewood	34	21.1%	21	13.0%	76	47.2%	24	14.9%	6	3.7%
Pasadena	41	19.3%	16	7.5%	10	4.7%	121	57.1%	24	11.3%
Pomona	18	9.6%	2	1.1%	11	5.9%	10	5.3%	146	78.1%
San Fernando	7	35.0%	0	0%	1	5.0%	1	5.0%	11	55.0%
South Gate	11	23.9%	15	32.6%	3	6.5%	7	15.2%	10	21.7%
Torrance	17	12.1%	43	30.5%	10	7.1%	22	15.6%	49	34.8%
West Covina	12	37.5%	1	3.1%	10	31.3%	4	12.5%	5	15.6%
Averages	738	34.5%	338	15.8%	243	11.4%	478	22.4%	341	15.9%

Note: Numbers and percentages excludes complaints with investigations pending, complaints referred to other law enforcement agencies, service complaints, and complaints with no allegations of wrongdoing.

A key purpose for receiving and investigating complaints is to identify law enforcement personnel that frequently or habitually engage in inappropriate behavior. Even if the results of investigations are inconclusive, tracking complaints can provide an “early warning” system to identify and take corrective actions to improve employee conduct. Identifying and mitigating behaviors before they become career limiting or ending for the employee or creating liability for the agency is in the best interest of both the law enforcement agency and its personnel.

An “early warning” corrective action program should include two functions – monitoring and corrective action. Part of this program should be an early intervention program designed to enhance an employee’s professional performance through guidance and supervision. Employees are identified as candidates and become part of the program when it is determined that a specific employee may benefit from such a structured intervention plan.

As Exhibit 6 shows, seven of the police departments had a formal program to use the complaint information to identify potential problems or as an “early warning” system. Most of these stated that this function was part of the program or software they used to track complaint investigations. Five of the police departments did not have such an “early warning” system. Several of them stated that their police departments were small, and supervisors and managers were able to maintain awareness of potential problems without a formal program or approach.

Finding 10: The San Fernando Police Department was not in compliance with the requirement that records related to citizen complaints be maintained by the police department for a period of five years.

The California Penal Code 832.5(b) requires that records related to citizen complaints regarding police be maintained by the police department for a period of five years.

As Exhibit 6 shows, eleven of the police departments had records covering the past five years and were able to provide information on complaints for that period. One police department (San Fernando) was only able to provide information on citizen complaints for the past three years.

RECOMMENDATIONS

- 1.1 Police departments should improve the availability of complaint forms to members of the public by having:
 - a. Clear signs indicating the location of complaint forms in multiple languages reflective of the community served by the police department (All twelve police departments).
 - b. Complaint forms freely available in the police station without the need to request the form from police personnel (Bell Gardens, Culver City, El Monte, Glendale, Pomona, South Gate, West Covina).
 - c. Complaint forms located in multiple public facilities including city hall, libraries and community centers (Bell Gardens, Culver City, El Monte, Inglewood, San Fernando, South Gate, Torrance, West Covina).
 - d. Complaint forms in multiple languages reflective of the community served by the police department (Pomona, West Covina).
 - e. Complaint forms on the police department website in multiple languages reflective of the community serviced by the police department (Bell Gardens, Culver City, El Monte, Pomona, San Fernando, South Gate, West Covina).
- 1.2 Police departments should improve their citizen complaint process by:
 - a. Allowing complaints to be made by telephone (San Fernando).
 - b. Developing the ability for complaints to be made online (Bell Gardens, Culver City, El Monte, Glendale, Inglewood, Pasadena, Pomona, San Fernando, South Gate, West Covina).
- 1.3 Police departments that include warnings that may intimidate or discourage persons from making a complaint on complaint forms or related materials should remove those warnings (Glendale, Pasadena, Torrance, South Gate, West Covina).
- 1.4 Police departments should make a written description of the procedure used to investigate complaints available to the public as required by the California Penal Code 832.5(a)(1) (Bell Gardens and San Fernando).
- 1.5 Police departments should revise their complaint forms to provide an opportunity for the complaining party to provide a statement or description of what occurred to generate the complaint (El Monte and South Gate).
- 1.6 Police departments should comply with the legal requirement that each police department receiving a citizen complaint, release to the complaining party a copy of their own statements at the time the complaint is filed as required by the Penal Code 832.7(b) (Culver City, El Monte, San Fernando, Torrance).
- 1.7 Police departments not in compliance with the legal requirement Penal Code 832.7(e)(1) to provide written notification to the complaining party of the disposition of the complaint within 30 days, should take appropriate steps to come into compliance with this requirement. (Bell Gardens, Culver City, El Monte, Inglewood, Pasadena, Pomona, San Fernando, South Gate, Torrance, West Covina).

- 1.8 Police departments that do not number, log and track complaints should develop a system for doing so (San Fernando).
- 1.9 Police departments should accept and log all citizen complaints regardless of their initial assessment of the seriousness of the allegations. (all twelve police departments)
- 1.10 Police departments that do not use a program or application for managing complaints and investigations should consider doing so (Culver City, El Monte, San Fernando, West Covina).
- 1.11 Police departments that do not use findings resulting from investigations of citizen complaints to identify potential problems should do so (Culver City, El Monte, Glendale, San Fernando, West Covina).
- 1.12 Police departments should establish procedures or a system to ensure it adequately maintains records related to citizen complaints regarding police for a period of five years as required by the California Penal Code 832.5(b) (San Fernando).
- 1.13 Police Departments should promote detailed and ongoing education and training in all aspects of their citizen complaint process. (all twelve police departments)
- 1.14 Police Departments should consider developing an appeal process to be initiated when a complainant is dissatisfied with the result of an investigation or disposition. (all twelve departments)

REQUIRED RESPONSES

California Penal Code Sections 933(c) and 933.05 require a written response to all recommendations contained in this report. Such responses shall be made no later than ninety (90) days after the Civil Grand Jury publishes its report (files it with the Clerk of the Court). Responses shall be made in accord with the Penal Code Sections 933.05 (a) and (b).

All responses to the recommendations of the 2017-2018 Los Angeles County Civil Grand Jury must be submitted on or before September 30, 2018, to:

Presiding Judge
 Los Angeles County Superior Court
 Clara Shortridge Foltz Criminal Justice Center
 210 West Temple Street, Eleventh Floor-Room 11-506
 Los Angeles, CA 90012

Responses are required from:

Responding Agency	Recommendations
Bell Gardens P.D. and Mayor of Bell Gardens	1.1.a, 1.1.b, 1.10.c, 1.1.e, 1.2.b, 1.4, 1.7, 1.9, 1.13, 1.14
Burbank P.D. and Mayor of Burbank	1.1.a, 1.9, 1.13, 1.14
Culver City P.D. and Mayor of Culver City	1.1.a, 1.1.b, 1.1.c, 1.1.e, 1.2.b, 1.6, 1.7, 1.9, 1.10, 1.11, 1.13, 1.14
El Monte P.D. and Mayor of El Monte	1.1.a, 1.1.b, 1.1.c, 1.1.e, 1.2.b, 1.5, 1.6, 1.7, 1.9, 1.10, 1.11, 1.13, 1.14
Glendale P.D. and Mayor of Glendale	1.1.a, 1.1.b, 1.2.b, 1.3, 1.9, 1.11, 1.13, 1.14
Inglewood P.D. and Mayor of Inglewood	1.1.a, 1.1.c, 1.2.b, 1.7, 1.9, 1.13, 1.14
Pasadena P.D. and Mayor of Pasadena	1.1.a, 1.2.b, 1.3, 1.7, 1.9, 1.13, 1.14
Pomona P.D. and Mayor of Pomona	1.1.a, 1.1.b, 1.1.d, 1.1.e, 1.2.b, 1.7, 1.9, 1.13, 1.14
San Fernando P.D. and Mayor of San Fernando	1.1.a, 1.1.c, 1.1.e, 1.2.a, 1.2.b, 1.4, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14
South Gate P.D. and Mayor of South Gate	1.1.a, 1.1.b, 1.1.c, 1.1.e, 1.2.b, 1.3, 1.5, 1.7, 1.9, 1.13, 1.14
Torrance P.D. and Mayor of Torrance	1.1.a, 1.1.c, 1.3, 1.6, 1.7, 1.9, 1.13, 1.14
West Covina P.D. and Mayor of West Covina	1.1.a, 1.1.b, 1.1.c, 1.1.d, 1.1.e, 1.2.b, 1.3, 1.7, 1.9, 1.10, 1.11, 1.13, 1.14

ACRONYMS

ACLU	American Civil Liberties Union
CALEA	Commission on Accreditation for Law Enforcement Agencies
CGJ	Civil Grand Jury
IA	Internal Affairs
IA PRO	A computer software program that allows an agency to monitor complaints and investigations
Lexipol	A provider of public safety agencies policies and policy training
NAACP	National Association for the Advancement of Colored People
POST	Commission on Police Officers Standards and Training
USPS	United States Postal Service

COMMITTEE MEMBERS

- J. Ronald Rich Chair
- Linda Cantley
- Valerie R. Castro
- John Schilling
- Gregory T. Shamlian

APPENDIX

Recommended Best Practice Standards for Citizen Complaints and Their Investigation

Best Practices Standards can be found in the following publications:

- 1) BEST PRACTICES GUIDE:
Internal Affairs: A Strategy for Smaller Departments
International Association of Chiefs of Police
Bureau of Justice Assistance
Office of Justice Programs
United States Department of Justice
<http://www.theiacp.org/portals/0/pdfs/BP-InternalAffairs.pdf>
- 2) STANDARDS AND GUIDELINES FOR INTERNAL AFFAIRS:
Recommendations from a Community of Practice
Office of Community Oriented Policing Services (COPS)
United States Department of Justice
<https://ric-zai-inc.com/Publications/cops-p164-pub.pdf>
- 3) BUILDING TRUST BETWEEN THE POLICE AND THE CITIZENS THEY SERVE:
An Internal Affairs Promising Practices Guide for Local Law Enforcement
Building trust between the police and the citizens they serve
International Association of Chiefs of Police
The Office of Community Oriented Policing Services (COPS)
United States Department of Justice
<http://www.theiacp.org/portals/0/pdfs/buildingtrust.pdf>
- 4) COMMISSION FOR ACCREDITATION OF LAW ENFORCEMENT AGENCIES:
A Management Improvement Model thru accreditation, 5th Edition,
Chapter 52, Internal Affairs, July 2006.
<http://www.calea.org/>