TO:    HONORABLE CITY COUNCIL
FROM:    CITY MANAGER               DEPARTMENT: POLICE
DATE:   July 19, 2004                CMR: 359:04

SUBJECT: COMPLAINTS MADE BY MEMBERS OF THE PUBLIC TO THE
POLICE DEPARTMENT, FIRST AND SECOND QUARTERS OF 2004

This is an informational report and no Council action is required.

DISCUSSION

The following report is a summary of all complaints made by members of the public and investigated by the Palo Alto Police Department during the first and second quarters of 2004. Starting with this report, these numbers now also include internal investigations, claims or lawsuits filed against the City and Police Department. The Police Department received seven new complaints during this period (January 2004 – June 2004). Five complaints were investigated during this period, including two from the fourth quarter of 2003. The remaining four investigations will be completed during the third quarter of 2004.

Official corrective action (discipline, admonishment, training, and/or policy review) occurred in all situations where a complaint was deemed sustained. A complaint is sustained when an investigation discloses sufficient evidence to clearly prove the allegations made. Absent such evidence, a complaint is usually deemed not sustained. Other categories of disposition include: unfounded when it can be demonstrated that the alleged actions did not occur; and exonerated when the acts were consistent with Department policies and procedures.

In efforts to be as open as possible, beginning with the first and second quarter Citizen Complaint Report, staff will be highlighting any complaints that have been received that include a reference to racial profiling or ethnic bias.

ATTACHMENTS

Attachment A - Type and Disposition First and Second Quarter Report 2004
Attachment B - Definitions of Complaints by Category
ATTACHMENT C

DEFINITIONS OF COMPLAINTS BY CATEGORY

1. **Department Policy and Procedure/No Employee Misconduct** - Complaints that address the department's policies and procedures in general, not employee misconduct. Examples include disagreement over speed limits, parking fines, traffic laws, etc.

2. **Service** - Complaints that address the failure of an employee to perform a required service. Examples include failure to return a phone call, follow up on an investigation, respond to a call, etc.

3. **Demeanor/Courtesy** - Complaints that address discourtesy by an employee.

4. **Misconduct** - Complaints that address violations of department rules or policies beyond discourtesy. Examples include abuse of authority and significant procedural errors.

5. **Unnecessary Force** - Complaints that address the use of unnecessary force upon a member of the public during the course of an arrest or performance of duties.