TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: POLICE

DATE: January 22, 2002 CMR:126:02

SUBJECT: COMPLAINTSmade by members of the public to the police department, third and fourth quarters of 2001

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 third and fourth quarters of 2001. The Police Department received twelve complaints during this period (July 2001 – December 2001). Fifteen complaints were investigated during this period: four complaints from the second quarter of 2001, seven complaints from the third quarter of 2001 and one from the fourth quarter of 2001. The remaining six complaints will be closed during the first quarter of 2002.

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 may be 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 1995, the California Legislature adopted Assembly Bill 1732 that amended Penal Code Section 148.6 and became effective January 1996. The amendment was prompted by the number of frivolous and false complaints made against police officers. This section states that every person who knowingly files any false allegation of misconduct against any peace officer is guilty of a misdemeanor. The section further requires that all law
enforcement agencies accepting allegations of misconduct against peace officers must have complainants read and sign a specific advisory statement. The Police Department has created a Complaint by Members of the Public Admonishment form, which outlines the requirements of Section 148.6 and contains the required admonition. All members of the public filing a complaint of misconduct against a police officer are given this admonishment and asked to sign the form. The intent of the legislation is not to intimidate or prevent members of the public from making complaints, but to attempt to ensure that the complaints made are done so honestly and with no ulterior motives. Staff often sends the complainants the forms in order to make the process as convenient for them as possible.

ATTACHMENTS

Attachment A - Type and Disposition First Quarter Report
Attachment B - Type and Disposition Year to Date Report
Attachment C - Definitions of Complaints by Category

PREPARED BY:_________________________________________________

BRAD ZOOK
Police Lieutenant

DEPARTMENT HEAD:_____________________________________________
PATRICK DWYER,
Chief of Police

CITY MANAGER APPROVAL:_________________________________________
EMILY HARRISON,
Assistant City Manager