TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: POLICE

DATE: July 15, 2002 CMR:338:02

SUBJECT: COMPLAINTS MADE BY MEMBERS OF THE PUBLIC TO THE POLICE DEPARTMENT, FIRST AND SECOND QUARTER OF 2002

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 quarter of 2002. The Police Department received fourteen new complaints during this period (January – June 2002). Ten complaints, including one each from the second, third and fourth quarters of 2001, were investigated during this period. The remaining seven investigations will be completed during the third 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:_________________________________________________  
Dennis Burns  
Police Lieutenant

DEPARTMENT HEAD:____________________________________________  
PATRICK DWYER,  
Chief of Police

CITY MANAGER APPROVAL:____________________________________  
EMILY HARRISON,  
Assistant City Manager