

“Placerville, a Unique Historical Past Forging into a Golden Future “



City Manager’s Report
March 10, 2014 City Council Meeting
Prepared By: Scott Heller, Chief of Police

Item#: 3.2

Subject: Recommend City Council acceptance of an informational report regarding the 2014 Internal Affairs Summary for the Placerville Police Department.

Discussion: The attached report is the 2014 Internal Affairs Summary for the Placerville Police Department. The report covers internal operations as they relate to citizen complaints, internal complaints, administrative investigations, uses of force, intentional firearms discharges, and vehicle pursuits. This report is presented to the City Council as an informational item on internal operations within the City of Placerville Police Department.

California Penal Code Section 832.5 requires each police department in the state to establish a procedure to investigate complaints by members of the public against personnel of the department, and make a written description of the procedure available to the public. The Placerville Police Department’s Policy #1020 covers in detail the way the Department intakes and investigates complaints. A condensed written description of the citizen complaint policy is included on the back of the Citizen Complaint Form, which is in triplicate, with a copy of the policy provided with the complaining party’s copy of the form. The language on the form reads:

CITIZEN COMPLAINT POLICY

As law enforcement officers we are governed by Federal, State and Municipal laws. In addition to these regulations, we are expected to comply with the provisions of our Policies and Procedures, other department directives and the Law Enforcement Code of Ethics.

Since we endeavor to provide professional law enforcement services to the community, our duties must be performed in a manner that will inspire the confidence and respect of the public. Therefore, when it is determined that a member has demonstrated misconduct or inappropriate behavior, corrective action will be taken.

A member, who is acting within the scope of the law, and our regulations, will receive the full support of the Department. A double standard of law enforcement cannot exist anywhere within the City of Placerville. Uniform enforcement practices must be followed throughout the community and the law must be enforced courteously and appropriately.

When a citizen makes a complaint against a member of the department, that complaint shall be thoroughly investigated. When an investigation establishes a citizen complaint is valid, appropriate administrative action will be taken.

Placerville Police supervisors are encouraged and expected to handle minor complaints in a manner that will provide a speedy resolution for the complainant, while at the same time providing the necessary feedback and training to enhance the overall performance of Placerville Police Department employees.

COMPLAINT DEFINED: *A complaint is defined as an expression of dissatisfaction, either in writing or orally, with the operation of the Placerville Police Department or the conduct of its employees.*

COMPLAINT DISPOSITIONS: *Based upon the findings of the Department investigation, a complaint shall be classified in the following manner: **Sustained, Not Sustained, Exonerated, or Unfounded.***

- 1 **Sustained Complaint:** *A complaint is considered “Sustained” when the investigation reveals that:*
 - *The employee has committed the act(s) of misconduct alleged in the complaint.*
 - *The employee omitted a required duty.*
- 2 **Not Sustained Complaint:** *A complaint is considered “Not Sustained” when the investigation discloses insufficient evidence to clearly prove or disprove the allegation(s) made.*
- 3 **Exonerated Complaint:** *A complaint is considered “Exonerated” when the investigation indicates the act occurred but the act was justified, lawful, and proper.*
- 4 **Unfounded Complaint:** *A complaint is considered “Unfounded”.*

*For further information regarding the City of Placerville Police Department’s citizen complaint process, please write to the **Placerville Police Department, Internal Affairs, 730 Main Street, Placerville, CA 95667** or call (530) 642-5210.*

The Internal Affairs (IA) Section of the Placerville Police Department is responsible for investigating and tracking complaint investigations based on citizens’ complaints and internally generated complaints. The Support Division Commander oversees IA and reports directly to the Chief of Police regarding IA issues. IA is also responsible for conducting audits; officer involved shooting investigations, and other critical incident or threshold incident investigations. IA records are maintained in the Office of the Chief of Police. IA incidents include complaints, uses of force and pursuits. IA incidents are tracked and analyzed to ensure the Department adheres to the best practices in law enforcement and to determine individual and organizational training needs.

California Penal Code Section 832.7 states peace officer personnel records and records maintained by any local agency pursuant to 832.5 (referenced above in citizen complaint process), or

information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code... A department that employs peace officers may disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved.

In a constant effort to build public trust with our community and increase transparency into our operations while complying with the above laws regarding personnel matters, the attached report aims to provide the City Council and public a snapshot into the Department's Internal Affairs Section for calendar year 2014.

Options: N/A

Cost: None.

Budget Impact: None.

Recommendation: Recommend City Council acceptance of an informational report regarding the 2014 Internal Affairs Summary for the Placerville Police Department.



M. Cleve Morris, City Manager



Scott Heller, Chief of Police

Attachment: 2014 Internal Affairs Summary

PLACERVILLE POLICE DEPARTMENT

INTERNAL AFFAIRS

Office of the Chief of Police



2014 Internal Affairs Summary



Scott Heller
Chief of Police

I. OVERVIEW

The Internal Affairs (IA) Section of the Placerville Police Department is responsible for investigating and tracking complaint investigations based on citizens' complaints and internally generated complaints. The Support Division Commander oversees IA and reports directly to the Chief of Police regarding IA issues. IA is also responsible for conducting audits; officer involved shooting investigations, and other critical incident or threshold incident investigations. IA records are maintained in the Office of the Chief of Police. IA incidents include complaints, uses of force and pursuits. IA incidents are tracked and analyzed to ensure the Department adheres to the best practices in law enforcement and to determine individual and organizational training needs.

This report will summarize the activities of the Internal Affairs Section for calendar year 2014.

II. COMPLAINTS

A complaint is defined by the Placerville Police Department as an allegation of misconduct by an employee, which if found to be true, could result in disciplinary action. Complaints can be generated either within the organization or outside of the organization. There are two types of complaints.

Informal Complaint: Complaints of minor issues that can be resolved to the complainant's satisfaction by the employees' supervisor. These complaints are not counted in this analysis.

Formal Complaint: A formal written complaint from a citizen, any complaint of serious allegations of misconduct, or complaints that a supervisor determines requires more investigation or action.

Complaint categories represent the primary allegation of a complaint and include:

- Conduct
- Force
- Attitude
- Service
- Procedure
- Racial
- Theft
- Sexual
- Law
- Policy

Complaint dispositions are the findings, or outcome, of an internal investigation. They include:

Sustained: The employee has committed the act, or acts, of misconduct alleged in the complaint, or the employee omitted a required duty.

Not Sustained: There is insufficient evidence to clearly prove or disprove the allegations made.

Exonerated: The act occurred but the act was justified, lawful, and proper (or) the allegation(s) were resolved to the complainant's satisfaction and the complainant requests no further action.

Unfounded: The allegations were without basis.

Closed (Special Circumstances): The employee subject to an Internal Affairs Investigation resigns prior to completion of the investigation. Must be authorized by the Chief of Police.

Open: The investigation is either ongoing, or has concluded but still under review.

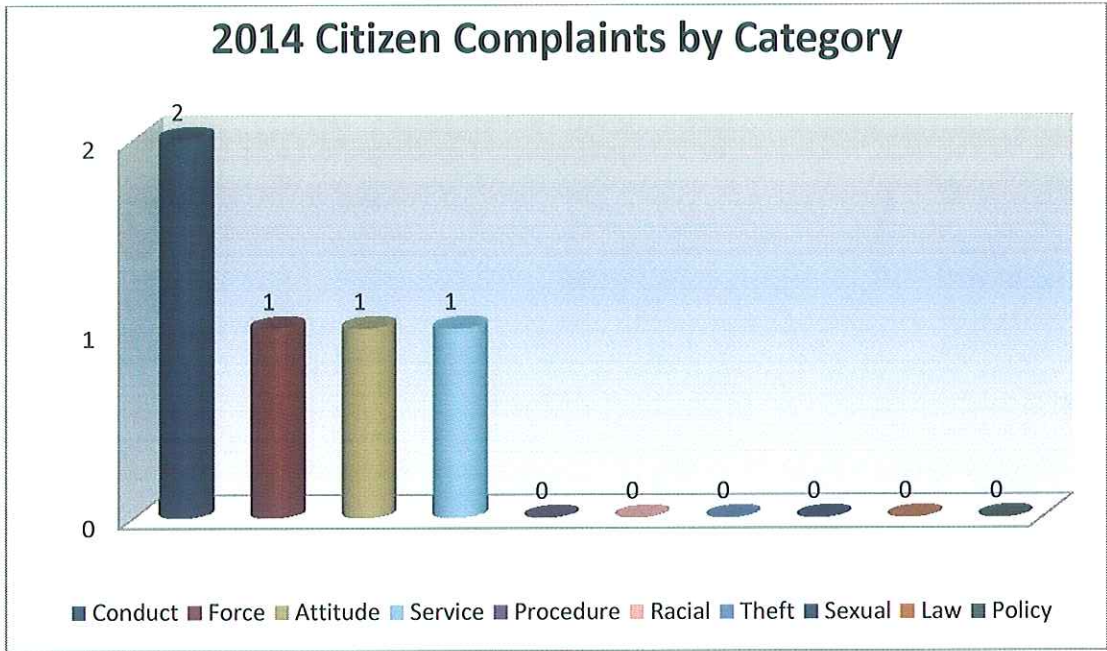
III. INVESTIGATION TOTALS

In 2014, there were a total of **8** Internal Affairs investigations. **5** of those were external (citizen) complaints. **3** were internally generated investigations. Division Supervisors investigated 5 cases, and 3 cases were investigated by an external investigator.

Citizen complaints were made in the following complaint categories with the following dispositions:

	Sustained	Not Sustained	Unfounded	Exonerated	Closed	Open	Total
Conduct	2	0	0	0	0	0	2
Force	0	0	1	0	0	0	1
Attitude	1	0	0	0	0	0	1
Service	0	0	1	0	0	0	1
Procedure	0	0	0	0	0	0	0
Racial	0	0	0	0	0	0	0
Theft	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0
Law	0	0	0	0	0	0	0
Policy	0	0	0	0	0	0	0
Total	3	0	2	0	0	0	5

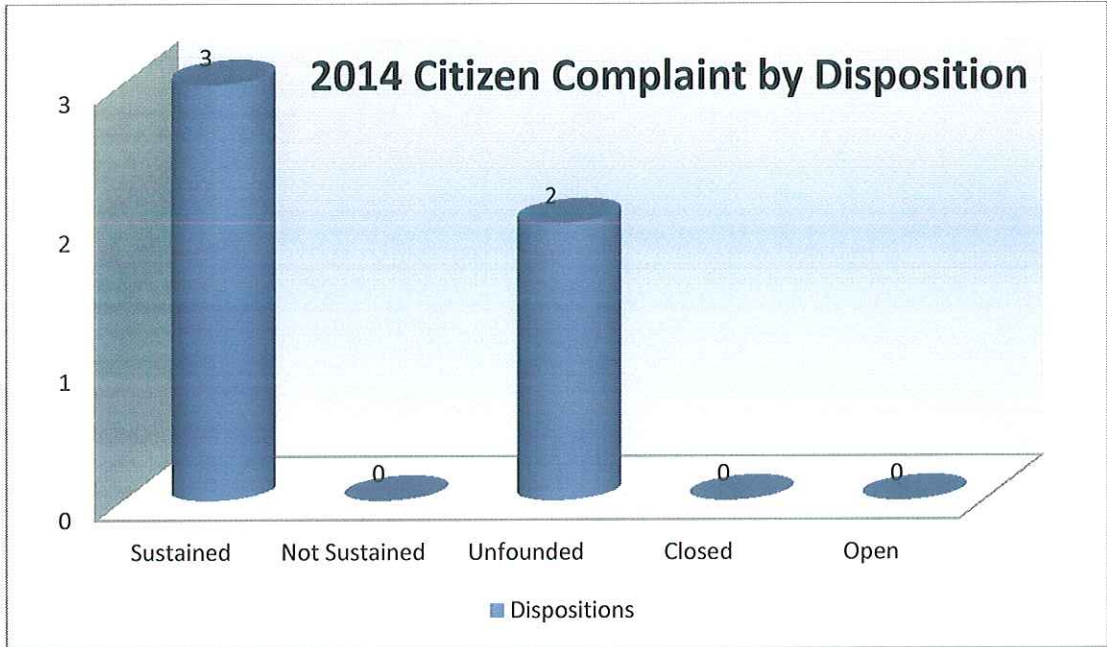
2014 Citizen Complaints by Category



Citizen Complaint Dispositions:

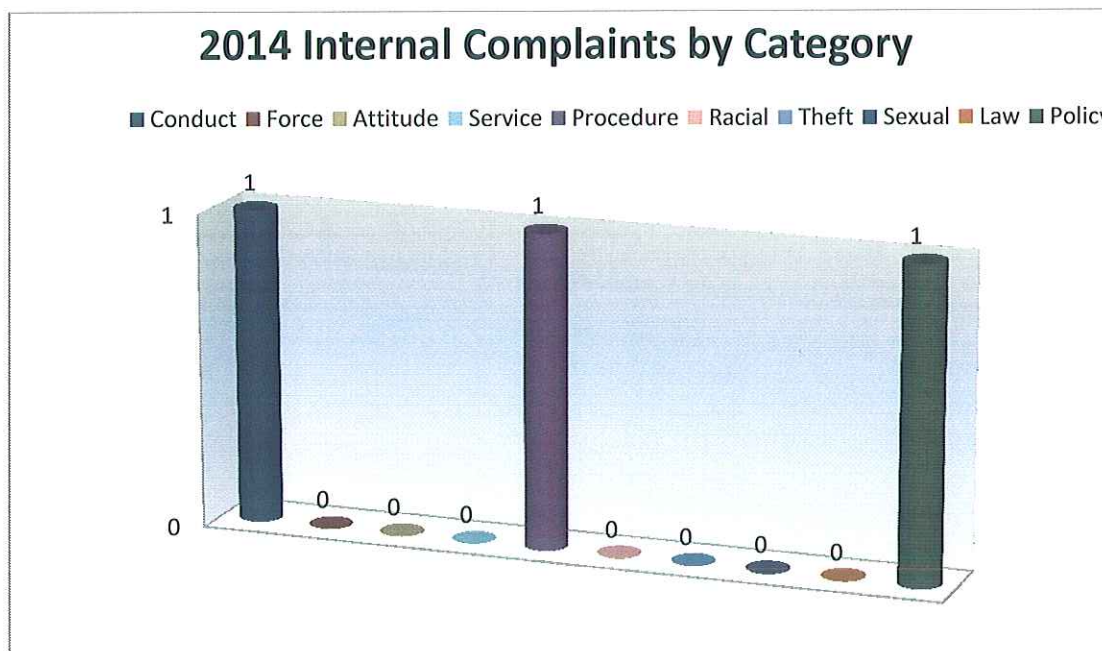
Sustained	3	or	60%
Not Sustained	0	or	0%
Unfounded	2	or	40%
Exonerated	0	or	0%
Closed	0	or	0%
Open	0	or	0%

2014 Citizen Complaint by Disposition



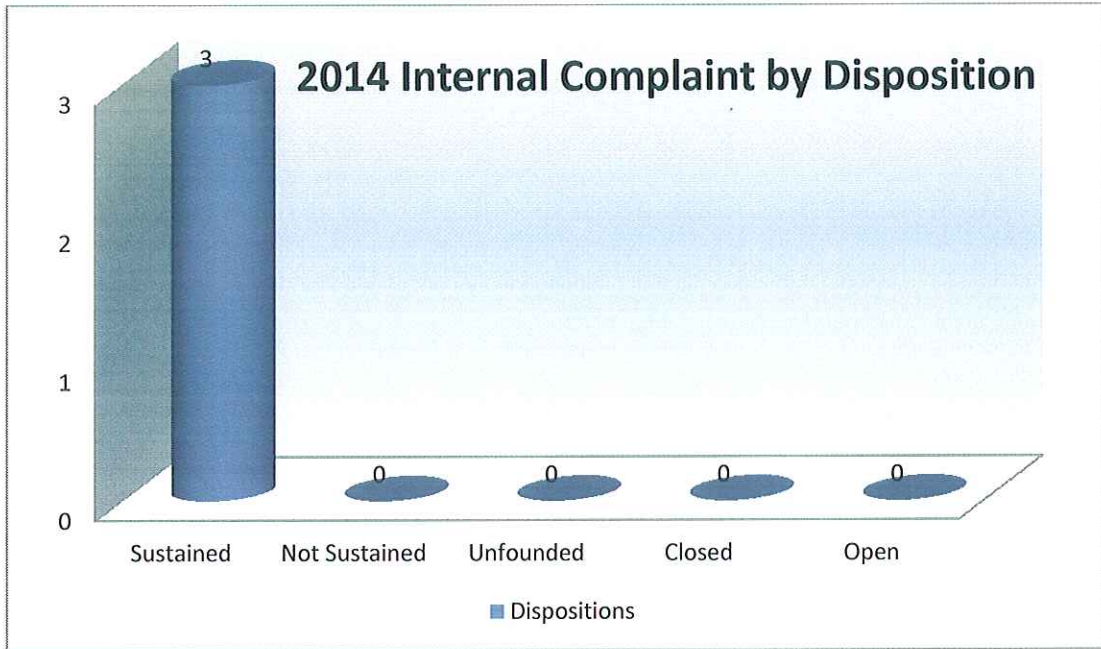
Internally generated complaints were made in the following complaint categories with the following dispositions:

	Sustained	Not Sustained	Unfounded	Exonerated	Closed	Open	Total
Conduct	1	0	0	0	0	0	1
Force	0	0	0	0	0	0	0
Attitude	0	0	0	0	0	0	0
Service	0	0	0	0	0	0	0
Procedure	1	0	0	0	0	0	1
Racial	0	0	0	0	0	0	0
Theft	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0
Law	0	0	0	0	0	0	0
Policy	1	0	0	0	0	0	1
Total	3	0	0	0	0	0	3

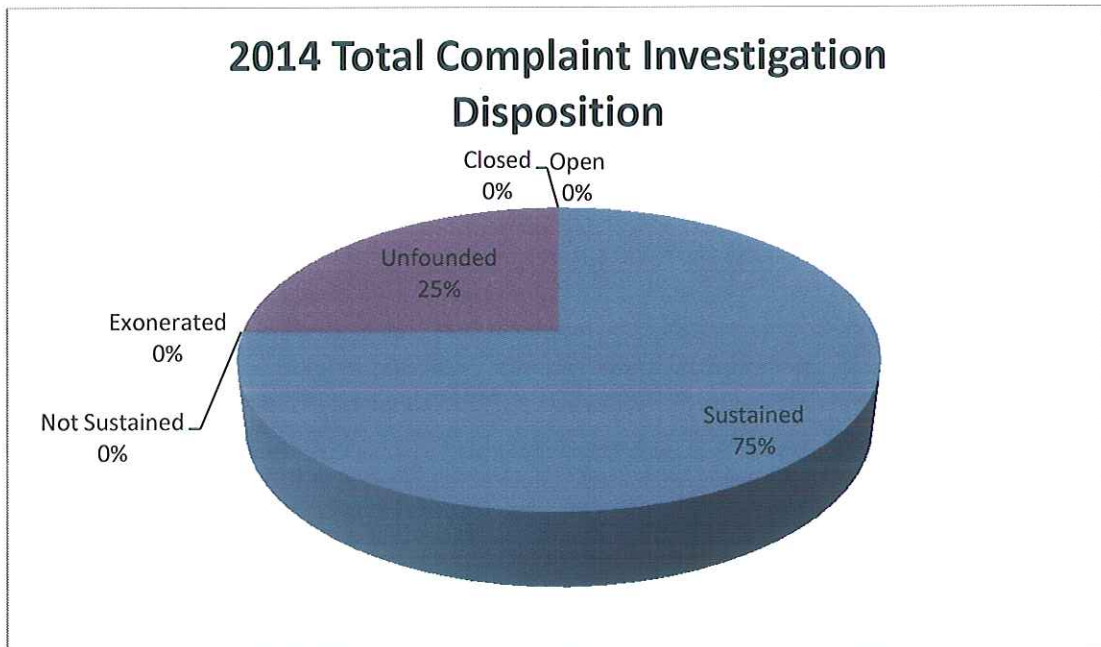


Internally Generated Complaint Dispositions:

Sustained	3	or	100%
Not Sustained	0	or	0%
Unfounded	0	or	0%
Exonerated	0	or	0%
Closed	0	or	0%
Open	0	or	0%



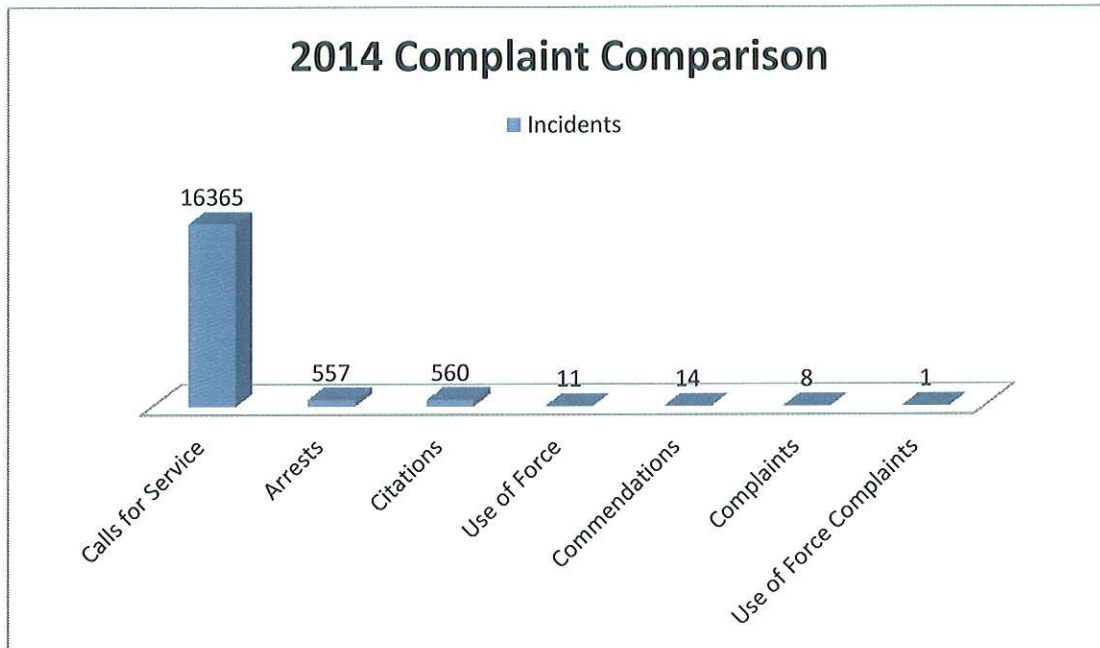
Of the 8 total Internal Affairs Investigations, 5 external and 3 internal, the disposition percentages are as follows:



IV. COMPLAINT COMPARISONS

The below is 2014 statistical data, which includes case numbers, arrests, citations, use of force, commendations, complaints and use of force complaints.

Total calls for service:	16,365
Total arrests:	557
Total citations:	560
Use of force:	11
Documented commendations:	14
External & Internal complaints:	8
Use of force complaints:	1



- When compared to 16,365 police contacts (CFS) in 2014:
 - A complaint was made .05% of the time.
 - A commendation was made .09% of the time.
 - Force was used .07% of the time.
- When compared to 557 arrests made in 2014:
 - A citizen complaint was made 1.4% of the time.
 - A commendation was made 2.5% of the time.
 - Force was used 2% of the time.
- When compared to 560 citations issued in 2014:
 - A citizen complaint was made 1.4% of the time.
 - A commendation was made 2.5% of the time.

- Force was used 2% of the time.
- Of the 11 uses of force in 2014:
 - 9% resulted in a citizen complaint for excessive force.
 - In other words, of the 16,365 police contacts in 2014, force was used .07% of the time and a complaint regarding force occurred just .006% of the total police contacts in the city. Conversely, citizens commended police action .09% of the time.

V. OTHER INVESTIGATIONS

- There were 5 Intentional Firearms Discharges in 2014, all 5 involved the dispatching of injured animals (deer).

The following audits and inventories were completed in 2014:

- Property and Evidence Facility Audit.
- Use of Force Analysis
- Pursuit Analysis
- IA Investigations Summary
- POST Training Audit
- Fleet Inventory

VI. SUMMARY

During 2014, there were a total of 8 formal complaint investigations. 5 were the result of citizen initiated complaints, and 3 were initiated internally by the Placerville Police Department. Of the 8 total complaints investigated as internal affairs investigations 6 were sustained and 2 were unfounded.

There were 18 additional administrative reviews of operational events including uses of force, vehicle pursuits, and intentional firearms discharges. These are standard reviews to ensure compliance with departmental policies and to meet required reporting mandates.

The Placerville Police Department completed the 2014 Annual Report of Citizens Complaints Against Peace Officers to the State of California Department of Justice indicating the number of citizen complaints reported as non-criminal, criminal (felony), and criminal (misdemeanor), number unfounded, and number sustained based upon data extracted from this report.