



DISCUSSION ITEMS

Agenda Item # 9

AGENDA REPORT SUMMARY

Meeting Date: November 24, 2020

Subject: Policing Task Force Final Report and Recommendations

Prepared by: Jon Maginot, Deputy City Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Recommendations from Citizens' Police Task Force
2. School Resource Officer description

Initiated by:

City Council

Previous Council Consideration:

July 28, 2020 – Police Town Hall

September 8, 2020

September 22, 2020

October 13, 2020 – Appointment of Task Force Members

November 10, 2020

Fiscal Impact:

None at this time. Should Council wish to implement any of the recommendations of the Task Force, there may be additional costs to the City

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to implement any of the recommendations of the Citizens' Police Task Force?

Summary:

- The Citizens' Police Task Force began meeting on October 14, 2020 to look at two topics: 1) the role of the School Resource Officer at Los Altos High School and 2) the City's intake process for complaints and feedback of Police Officers.
- The Citizens' Police Task Force held its final meeting on November 21, 2020.

Reviewed By:

City Manager

CJ

City Attorney

JH

Finance Director

SE



Subject: Policing Task Force Final Report and Recommendations

Staff Recommendation:

Receive the final recommendations from the Citizens' Police Task Force and discuss next steps to further Task Force members, stakeholders and the community in analyzing the recommendations



Subject: Policing Task Force Final Report and Recommendations

Purpose

To receive the final update of the Citizens' Police Task Force

Background

On September 22, 2020, the City Council created an ad hoc Citizens' Police Task Force (PTF) with the goal of looking at two topics: 1) the role of the School Resource Officer at Los Altos High School and 2) the City's intake process for complaints and feedback of Police Officers. On October 13, 2020, the City Council appointed nine community members to serve on the Task Force, plus one alternate member.

The PTF began meeting on October 14, 2020. Meetings were held virtually and were open to the public. PTF meetings were facilitated by Judge LaDoris Cordell and attended by City staff.

Discussion/Analysis

On November 10, 2020, the City Council received a preliminary update on the progress of the PTF. Following the final meeting of the PTF, any recommendations developed by the PTF will be distributed for consideration by the City Council.

Materials provided and considered by the Task Force can be found at the following links:

October 14 <https://www.losaltosca.gov/citycouncil/page/citizens-police-task-force>
October 21 <https://www.losaltosca.gov/citycouncil/page/citizens-police-task-force-0>
October 28 <https://www.losaltosca.gov/citycouncil/page/citizens-police-task-force-1>
November 4 <https://www.losaltosca.gov/citycouncil/page/citizens-police-task-force-2>
November 16 <https://www.losaltosca.gov/citycouncil/page/citizens-police-task-force-3>
November 18 <https://www.losaltosca.gov/citycouncil/page/citizens-police-task-force-4>
November 20 <https://www.losaltosca.gov/citycouncil/page/citizens-police-task-force-5>

Options

1. Adopt all or a portion of the recommendations of the Citizens' Police Task Force and direct staff to begin implementation
2. Defer decision on any of the recommendations to following the seating of the new City Council
3. Take no action on any of the recommendations

Recommendation

The staff recommends the City Council receive the recommendations from the Citizens' Police Task Force and discuss next steps to further Task Force members, stakeholders and the community in analyzing the recommendations



1 North San Antonio Road
Los Altos, California 94022-3087

MEMORANDUM

DATE: November 24, 2020

TO: City Council

FROM: Citizens' Police Task Force

SUBJECT: TASK FORCE RECOMMENDATIONS ON POLICE OFFICER COMPLAINT/COMMENDATION INTAKE AND FEEDBACK PROCESS AND SCHOOL RESOURCE OFFICER PROGRAM AT LOS ALTOS HIGH SCHOOL

The objectives of the Citizens' Police Task Force are to develop recommendations to the City Council regarding the City's Police Officer complaint/commendation intake process and the School Resource Officer Program at Los Altos High School. Below are the Task Force's recommendations.

Police Officer Feedback Process

It should be noted that these recommendations are not in any prioritized order and are only numbered for ease of reference during discussion.

Additional options for submission

1. *Recommendation: Implement an online complaint/commendation submission form, submitted to both Police Department and an independent third-party auditor*
2. *Recommendation: In addition to the Police Department, submissions of hard-copy, online complaints and phone calls may be made to an independent third-party auditor. Police Department and independent third-party auditor will immediately (within one or two business days) share complaints received with the other*

Tracking of complaints

1. *Recommendation: An independent third-party auditor will be retained by the City to do intake for informal and formal complaints about Los Altos Police Officers. The independent third-party auditor will share all informal and formal complaints received with the Police Department within one or two business days and will also receive informal and formal complaints that are initiated at the Police Department. This third party auditor will track all informal and formal complaints*. All formal complaints shall not exceed one-year from the submission date. The independent third-party auditor will receive copies of all reports from the Police Department of the results of their investigation, and produce an annual report of informal and formal complaints to the City Council and available online that will include demographic information. The Police Department will collect additional data about the complainants and the nature of their complaints.*

*A list of those items to be tracked is attached

Outreach

1. Recommendation: Consider modifications to the complaint brochure
 - a. Recommend that the City Attorney and police department review the language in the "Civilian Complaint & Commendation Procedure" brochure to determine whether or not it is appropriate to change "may" to "will" in the following sentences under the heading "The Complaint Procedure":
 - i. "An investigator will be assigned to investigate the complaint."
 - ii. "If the investigation proves that the employee violated any laws or policy of the Los Altos Police Department, he/she **may** (will?) be subject to the Department's discipline process*. In addition, investigations that disclose potential criminal activity **may** (will?) be referred to the District Attorney for criminal prosecution." (*explanation of why behavior would not be subject to discipline)
2. Recommendation: Provide outreach education to the community on how to file a complaint and prominently display information on how to file a complaint
 - a. Deliver information/education about the existing complaint process to LAHS students, parents, staff and faculty
 - b. Prominently display of information on the complaints procedure in all police premises, particularly in custody areas
 - c. Display of information in non-police public spaces: city hall, community center, library, high school
 - d. Display clearly on the city website the complaint process with a flow chart of all of the steps involved in different circumstances (Attached)
 - e. At every traffic stop and pedestrian stop, officers give information about how to file a complaint/commendation on a business card and/or brochure, unless the officer is unable to do so

SRO PROGRAM AT LAHS

Elimination of SRO Program at Los Altos High School

1. Recommendation: Eliminate the SRO program at Los Altos High School and the City encourage MVLA to investigate and implement other non-police models to foster overall student well-being and create a safe and equitable environment

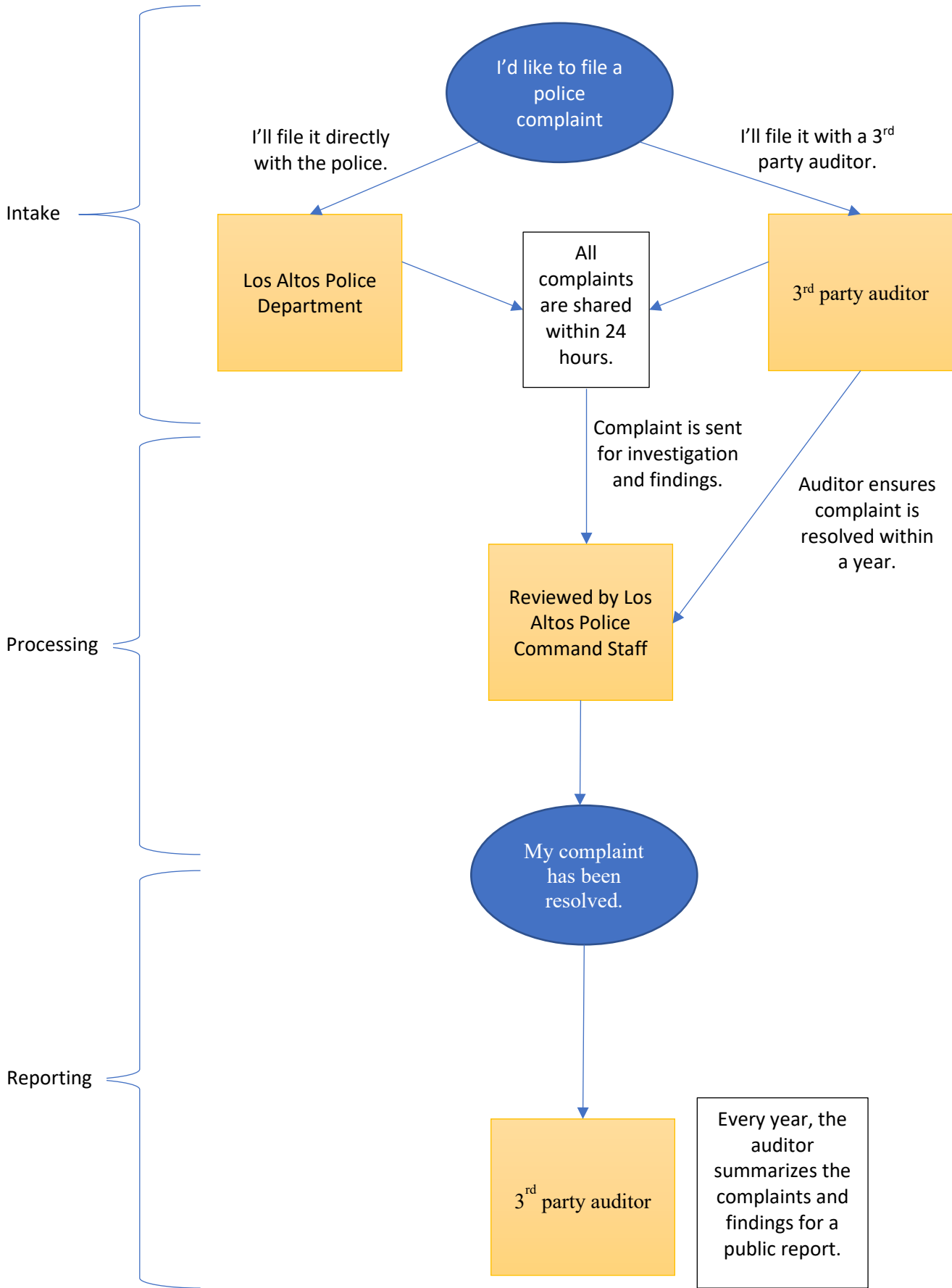
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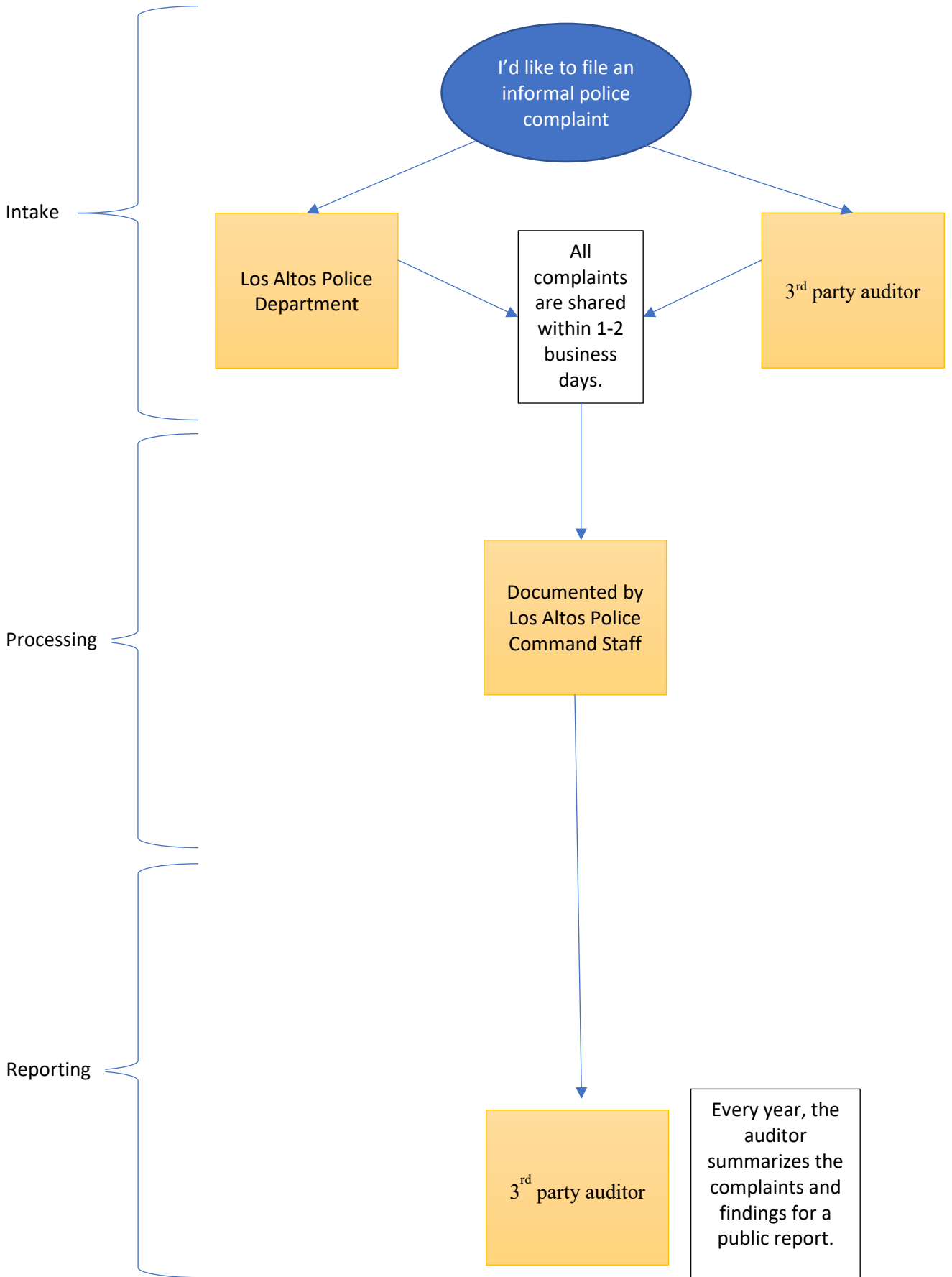
1. List of information to be tracked for complaints
2. Draft complaint process flow charts for City website

Complaint Information to be tracked

1. Ethnicity of complainants
2. Gender of complainants
3. Age of complainants
4. Whether complainants are residents or non-residents
5. Types of complaints (force, procedure, courtesy, search & seizure, arrest & detention, conduct unbecoming, neglect of duty, and bias-based policing)
6. Gender of subject officers
7. Years of experience of subject officers
8. Discipline imposed on subject officers by the Department
9. Force complaints: type of force used, level of injuries, location of force applied
10. Number of complaints previously received against subject officers
11. Dispositions of all complaints (sustained, not sustained, exonerated, unfounded)
12. Ethnicity of subject officers
13. If an Informal Complaint is escalated to a Formal Complaint or otherwise assigned by PD to an Investigation, record who made the decision to escalate and record the date that decision was made. Include a reference in the tracking for the informal complaint to the subsequent formal investigation and continue to track as a formal complaint
14. Name and contact information of complainant*
15. Name and badge number of subject officer(s)*
16. Format in which Complaint was submitted; e.g., online, webform, paper copy, emergency call, non-emergency call, in person.
17. Whether the complaint was submitted to PD or to 3rd party auditor
18. Name(s) of assigned investigating personnel and whether they are internal to PD or an outside (contracted) entity
19. Annotate if the complaint is escalated to the District Attorney (DA) for further processing.
20. Record these process milestones (doing so insures the 3rd party auditor is staying atop the task of timely resolution of complaints/investigations):
 - a. Date of complaint submission to PD and/or 3rd party Auditor
 - b. Date complaint shared between PD and 3rd party Auditor
 - c. Date complaint assigned to investigative personnel
 - d. All Date(s) the 3rd party auditor contacts PD for status of ongoing complaint
 - e. Date complaint resolved
 - f. Date complainant is informed and given copy of resolution
 - g. If applicable, record the date the complaint is escalated to the DA

*NOTE: Neither names and/or badge numbers of Complainants and Subject Officers shall be included in the Annual Report generated by the 3rd party auditor.





Note: At any time, an informal complaint can become a formal complaint



SCHOOL RESOURCE OFFICER POSITION DESCRIPTION

The School Resource Officer (SRO) serves as a liaison position between local schools and the police department. The SRO functions as a police officer in the school setting, developing a positive relationship with the schools, students, parents, and the community.

The SRO balances the role of a law enforcement officer with that of a counselor and an educator and is also trained as a certified D.A.R.E. instructor to handle public speaking events. The SRO is also highly trained in internet predator safety and cyber bullying.

The goals of the SRO are to:

- Develop positive relationships with schools, students, parents, and community
- Serve as a resource, counselor, and educator
- Deliver D.A.R.E. (Drug Abuse Resistance Education)
- Deliver education on cyber bullying prevention
- To divert students from entering the criminal justice system by providing alternative options
- To intervene in crisis situations so students are, e.g., transported to mental health facilities and not juvenile hall
- To train school staff on campus threat response

The SRO serves for a period of three-years.