



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

**M E M O R A N D U M**

**DATE:** November 4, 2020

**TO:** Citizens' Police Task Force

**FROM:** City Staff

**SUBJECT: PRELIMINARY TASK FORCE RECOMMENDATIONS**

At the October 28, 2020 Task Force meeting, members were charged with sending their preliminary recommendations to City staff. All recommendations submitted by Task Force members are attached in their original format.

# Suggestions regarding Complaint Intake Process

Note that the department's policies and this complaint (or feedback) intake process is designed to continuously improve the department by building trust between police and citizens and defining a fair and uniform process of review with respect to both the officer and complainant.

## 1. *Category: Principles of a good complaint intake process*

- 1.1. **Recommend** the department define and publish department principles (of the complaint process) to build trust in the process. Details left to the department but suggested principles from DOJ Building Trust Between Police and the Citizens They Serve :
  - Comprehensive investigation
  - Public and accessible process for filing complaints
  - Fair and Thorough investigation: unbiased and impartial
  - Transparent process with reportingMore specific recommendations to implement the principles follow below.

## 2. *Category: Comprehensive investigations*

- 2.1. **Recommend:** Document and track status of all complaints (currently four times: informat, formal, incomplete, and exceptional clearance) currently, informal complaints have no record of the # (these are dealt with to the satisfaction of filer) - perhaps find a way to record these: even if its only recording **date**, **topic**, and **note** - "citizen did not file formal complaint"
- 2.2. **Recommend:** We want to track calls to the non-emergency # and asking about how to file a complaint? So we can determine if we are discouraging the filing of complaints.
- 2.3. **Recommend:** the department to regularly publish statistics about all complaints (demonstrating they are all investigated to the extent possible): include what?( month, topic, resolution?)
- 2.4. **Question:** What do want to do about tracking officer/badge numbers? Can we make this anonymous?

## 3. *Category: Accessible, easy, safe and inviting of feedback*

### **Accessible and Confidential:**

- 3.1. **Recommend** the department policy and intake forms include a statement on the protection of personal information except as necessary to resolve the complaint. Note, This likely should include a notice that the information is subject to the State's public disclosure laws.
- 3.2. **Recommend:** policy and forms should note that even anonymous complaints will be investigated, though subject to the limits of evidence collection.
- 3.3. **Recommend** the department discuss, identify and remove other discouragements and barriers to filing a complaint -[ such as fear of retribution]
- 3.4. **Recommend** the department lower barriers to filing: specifically: avoid language that requires signing under penalty of perjury (though evidence taken later might require that)

### **Community Outreach and trust building**

- 3.5. **Recommend:** the department seek feedback from more everyday police-citizen interactions (for example: hand out postage-free form on traffic stops)
- 3.6. **#Recommend:** the department consider a community survey (publish information about complaints/feedback process) #outside TF scope?

## **Accessible and easy to get a form and to file a form:**

- 3.7. **Recommend:** Provide a mechanism to use an online web-form for intake
  - 3.8. **Recommend:** Investigate feasibility and options to use a community-based mobile app for intake such as Omnigo?
  - 3.9. **Recommend:** Make paper forms widely available: online, City Hall and Police offices, and public places such as the Libraries.
  - 3.10. **Recommend:** complaint intake forms (printed and online) should be in top 4 languages common to Los Altos. (Multiple Languages: provide the form in many languages for the community)
  - 3.11. **Recommend:** Any officer and office should be trained to accept a complaint (they carry forms in their police vehicle)
  - 3.12. **Recommend:** provide a means for people to provide Anonymous feedback (not filing a complaint for follow-up) - how to input and record? Look at <https://my90.com/>
4. ***Trust (fairness with thorough followup) perception of fair and independent action***
- 4.1. **Recommend** the department make available a means to submit a form to a department outside of the Police Department. And publicise the fact that this goes to an independent review board.
  - 4.2. **Recommend:** Learn about Palo Alto Office of Independent Review as an OIR for intake and investigation oversight.
    - 4.2.1. OIR Group is also working with Santa Clara County OCLEM - OIR is not appropriate for investigations - they can provide oversight of the investigation.

## **5. Transparency**

### **Public, widely available information on complaint/feedback intake**

- 5.1. **Recommend:** Publish information about how complaints are processed ([policy 1020](#)) [For both officers and citizens, every investigation should be processed fairly and uniformly: try to describe each step of the investigation so all know what to expect.]
- 5.2. **Recommend:** Prominently display of information on the complaints procedure in all police premises, particularly in custody areas
- 5.3. **Recommend:** Provide written information to all persons detained on how to make a complaint after release
- 5.4. **Recommend:** Information on complaints procedure to be carried by police on duty - to be given to members of the public who express dissatisfaction
- 5.5. **Recommend:** Display of information in non-police public spaces: city hall, community center, library

### **Recording and reporting of events**

- 5.6. **Recommend:** Record all complaint events - even when complainant opts for a different path
- 5.7. **Recommend:** Reports should include department-initiated complaints (that are found to be valid)
- 5.8. **Recommend:** Report on testing of procedures - Typically an independent audit
- 5.9. **Recommend:** Annual report to City Council of complaints/commendations/feedback intake and resolution in the last time frame. [at least annually]

### **Feedback to complainant:**

- 5.10. **Recommend:** Provide feedback to complainant within a defined time-frame of filing: 30 days, 90 days?
- 5.11. **Recommend:** Notify the complainant within a defined time-frame of beginning of investigation? (likely duplicate given the one above)
- 5.12. **Recommend:** Close complaint within 180 days (unless it's complicated) [CA law says one -year for feedback]
- 5.13. **Recommend:** Notify complainant within one week of conclusion

## Information about my90

My90 is an independent company that provides solutions for police and cities to receive anonymous feedback to a trusted 3rd party. They have multiple solutions that you can choose from and cater to your needs, including: police post-contact or post-service call feedback gathering, feedback after community events, general surveys open to the public, internal anonymous surveys for officers. I asked them for more information about police post-contact or post-service call feedback gathering, here is what I found out.

### What is the feedback process?

1. The police officer on scene or the dispatcher receiving a service call can ask for permission to send an independent survey link at an appropriate time
2. Email address/phone number is taken
3. Link is sent (can be sent in multiple languages)
4. Person receiving the link can only take the survey once
5. At the end of the survey, they can also add a link to the official commendation/complaint form

They can also provide a button/link for the city/police website to go to their feedback form. Again, what you are paying for is not really the form, it's the increase in perception of trust by having the feedback go to a 3rd party.

They have a survey library of templates, most cities end up using their templates 99% of the time.

They are being used by San Jose, Santa Clara, Stockton (limited pilot), Austin, Hawthorne, East Palo Alto.

### Pricing:

1. Initial setup cost is between \$2500-\$5000
2. Then \$10K-\$15K annually for their lowest tier of service which is what she would recommend for Los Altos since we have such low volume (pricing is based on volume)

**From:** [Curtis Cole](#)  
**To:** [Jon Maginot](#); [Angel Rodriguez](#)  
**Subject:** Police SRO recommendation suggestions  
**Date:** Sunday, November 1, 2020 8:12:00 PM

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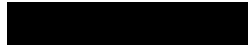
Jon and Angel,  
My list of suggestions for the SRO program has only just started.  
I'm looking forward to hearing from the MVLA administration and the student survey.

Here's all I have at this time.

1.  
Recommend the police department and MVLA write down goals for SRO@LAHS, including what measurements to make (data to collect)
2.  
Recommend the department meet with school staff to review the program annually (mid-year?) - to reinforce positive or suggest improvements. Perhaps review data collected and statistics, goals of both sides, major interactions.
3.  
Recommend that the department and MVLA include students as part of SRO Program review
4. Recommend that the SRO candidates be Interviewed by LAHS staff and two LAHS Junior/Seniors for feedback before selection by the department.

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- Curtis Cole



*Think Green. Please print this email only when necessary*

## **Citizen's Police Task Force**

November 1st, 2020

Toni Moos -- Interim Recommendations for Complaint Intake Process and School Resource Officer pending further information.

### **Complaint Intake Process:**

- Recommend third party reporting entity such as Office of Independent Review (OIR) that is utilized by Palo Alto
  - Fair and non-intimidating
- Implementation of my90
  - Publicize and educate Los Altos residents regarding its existence and use
- Webforms for better tracking of complaints
- Include Informal Complaints in the police personal files so that these too can be evaluated and used to assess police behavior.

### **School Resource Officer (SRO):**

- Recommend cessation of current SRO program
  - Only 13.4 % of time was SRO involved in events (65 of 486 incidents)
  - Most were non-SRO officers

- Per Captain Krauss “Juvenile crime is not a huge issue in Los Altos.”
- No data/evidence that the initial objective of the program is being met.
  - No hard data
- If continue with SRO program, institute these changes:
  - Mandate body cam with all interactions with students for disciplinary/calls/investigations/possible criminal activity
  - Mandated education for students regarding their rights regarding SROs.
  - Mandated policy by LAHS to notify parents of interactions with SROs.
  - School must institute distinct policies for when an SRO/officer should be called for assistance.
  - For mental health calls/welfare checks, SRO to work with school counselor/psychologist to approach and interact with student.

# SROs

## Shifting Responsibilities

- Medical/mental health calls should be redirected to trained medical professionals
- Someone else should be mediating verbal fights between students (teachers)?
  - Teachers/volunteer staff can be trained in youth development/behavior or culturally relevant training
- In general, teachers should be trained more to alleviate some of the roles that SROs are currently responsible for

## Defining SRO role

- No guns on campus (especially when casually interacting with students) (for all officers, not just SROs)
  - Captain Krauss said "it's a lot of hassle to take off their guns every time they step off campus"
  - But as we heard in the testimonials, officers being armed is severely intimidating to students
- Patrol checks during and after school hours shouldn't have guns
  - Especially when just checking on kids drinking on campus
- Redefining "going around at lunch to say hi to students"
  - Although it is a good intention to use that time to form good relationships with students, it is clear from student testimonials that students do not feel that they have a good relationship
  - Instead, a constant police presence can be intimidating, as we've heard with testimonials
  - If LAPD wants to build a better relationship with students, it needs to be in a more meaningful way than hovering around campus and intimidating students
- When SROs are teaching classes, no guns, no uniforms
- Clear definition of expected officer behavior when on campus and interacting with students
- Educate students and parents on their rights when interacting with police
- Additional psychiatric screening
- More community involvement in hiring/selection of SRO
- Feedback yearly from community/students, not just admin

## Implicit Bias Training

- Shorter, more frequent trainings with proven tangible results
  - [It is](#) shown that some implicit bias trainings don't influence behavior, only shift mindset
  - Some possible supplemental training to make implicit bias training more effective:



- Procedural justice training - usually a one-day training - proof of positive results [here](#)
- Training in [neuro-developmentally sensitive techniques](#) (positive proof [here](#): "markedly decreased teen arrests and improved police-teen interactions")
- Behavior management training
  - Rigorously measure the effects of all training

### **Data/Records**

- Metrics on if the SROs are meeting their goals of "improving relationships with students" or other SRO goals
- Track for all interactions with students:
  - What was the initial interaction for
  - Race/gender
  - Result
  - Who else was involved

## **Complaint Intake**

### **Documentation**

- An annual report published of all of the complaints received ([like San Jose](#))
  - Should include department and community-initiated complaints
- Document all complaints, including informal (can just be basic information such as when which officer was involved, and what was the situation)
- Someone should keep track of the number of complaints/type of complaints per officer
  - This should be publicly accessible information
  - Doesn't have to link to the actual name of the officer, but some way to identify a pattern of many complaints relating to one officer
- Track number of requests on how to make a complaint

### **Logistics**

- Online complaint form
- If it is logistically possible, complaints can be received through the city clerk's office
  - City clerks should be trained to:
    - Field initial call
    - Guide through informal + formal process
- If that is too big of a lift for city clerks, complaints can be also received by OIR group
- It should be made clear on the city website that there is a way to report complaints to a 3rd party/not the police

- Display clearly on the city website the complaint process with a flow chart of all of the steps involved in different circumstances
  - Examples:
  - <https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=27283>
  - <https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=27285>
- Revise the language of the complaint information to make it clear what complaints WILL be investigated, what complaints WILL have results, make it clear the reporter will not be penalized for filing a report
- Anonymous general feedback form
- At every traffic stop, officers give information about how to file a complaint
- Clearly explain when first receiving the call the difference between informal and formal complaint, while being careful to not push the person towards one option or the other

**From:** [John Fennell](#)  
**To:** [Jon Maginot](#)  
**Cc:** [Angel Rodriguez](#)  
**Subject:** Police Task Force: Recommendations  
**Date:** Monday, November 2, 2020 9:23:38 AM

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Hello Jon: Here are my recommendations.

**SRO**

Recommend that the school administration select a student, who has expressed an interest in possibly pursuing a career in law enforcement, to serve as a member of the panel that interviews candidates for the School Resource Officer position.

**Feedback Intake Process**

Recommend creating an on-line web based function to provided an additional option for filing police personnel commendations and complaints.

Recommend that an administrative function be established within the City Manager's office as an additional option for filing police personnel commendations and complaints.

- John Fennell

**From:** [ladoris cordell](#)  
**To:** [Jon Maginot](#); [Angel Rodriguez](#)  
**Subject:** Recommendations for consideration by Citizens" Police Task Force  
**Date:** Monday, November 2, 2020 11:28:53 AM

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Hola, Jon and Angel. What follows are a few suggestions for our Task Force to consider for its list of recommendations (not in order of priority):— judge c.

### **School Resource Officers**

1. Utilize outside trainers/professionals for bias and implicit bias trainings

**Rationale:** LAPD utilizes its own officers to give bias and implicit bias trainings. Because this is a highly specialized area in which professionals have spent years studying and working, having someone with an expertise in this to give these trainings is preferable to an officer who does not have such expertise.

3. Include comments from students, faculty and staff at Los Altos High School in the annual SRO evaluations.

**Rationale:** Feedback from the individuals who actually interact with the SRO is important to a thorough evaluation of the SRO's performance.

4. Include a Los Altos High School representative (staff or faculty or student) on the oral board that assesses candidates for the SRO position.

**Rationale:** It is important to include the perspective of those on the high school's campus when considering who will best serve as the SRO.

5. Maintain data on how contacts with the SRO are initiated (self-initiated/call for service).

**Rationale:** Currently data is maintained about the number and nature of contacts that SROs have on the high school campus. Adding how those contacts are initiated is relevant and brings additional transparency to the SROs function.

6. Consider an alternative to the SRO, such as a School Resource Team (SRT) that would include a mental health person, a social worker, and a person

trained in CPR and other medical skills who are on call to respond to student concerns on the high school campus.

**Rationale:** There is clearly a divide among those who are supportive of the SRO program and those who are not. Some have had positive interactions with the SROs. And there are those, in the main, students of color (and their parents) who have felt racially profiled or otherwise unsafe when interacting with the SROs. It may be that there are only two options: (1) maintain the SRO program or (2) try a different approach. If the Task Force were to recommend an alternative, a school resource team could be considered. The fiscal feasibility of implementing such an alternative will have to be determined.

### **Complaint Intake Process**

1. Require Los Altos Police Department to produce an annual report that describes, in detail, the complaints (public and department-initiated) that were submitted annually, the specific facts of each complaint, and the findings of each complaint. The report should be presented to the City Council and available to the public, online.

**Rationale:** Transparency is critical to public trust in the complaint process. An annual report that gives specific information about how complaints are handled will bring more transparency to the complaint process.

2. Proactively conduct outreach to those who live and work in Los Altos about the complaint process and make complaint forms easily available to individuals.

**Rationale:** In order for the complaint process to be meaningful, people have to know about it. Vigorous outreach by the city is imperative to let people know that they can bring complaints and how they can do so. Public service announcements in the Town Crier, postings on the city's website, and using social media could be utilized to spread the word.

3. Provide a neutral place for the submission of complaints, such as the Clerk's Office.

**Rationale:** It can be intimidating for civilians if they must submit complaints about the police, directly to the police department or to a police officer. A neutral place, such as the Clerk's office would eliminate the intimidation factor.

4. Consider contracting with My90 to provide real time feedback about civilians' attitudes about the police.

**Rationale:** MY90 is a mobile app that can gauge how the community feels about their interactions with the police. They have worked successfully with the San Jose Police Department and several other departments within and outside of California. The fiscal impact of contracting with MY90 will have to be determined. The website is <https://my90.com>.

**From:** [Aradhana Sinha](#)  
**To:** [Jon Maginot](#)  
**Subject:** Re: Preliminary Recommendations due today  
**Date:** Monday, November 2, 2020 11:46:31 AM

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I was particularly disturbed by the testimony from the ex-student that described being interrogated over an event that happened weeks ago, that too allegedly. Technically, if an arrest is not made, I believe you have the right to walk out at any time. Most adults are not aware of this, and children certainly would not be.

Based on this, my recommendations:

- For interrogations, students must be informed prior to the interrogation starting that they have the right to walk out if they are not legally mandated to be there/the school does not require it of them
- If they are required to be in the room with an SRO, they should have an adult of their choosing also present in the room with them (parent, teacher, etc )
- All students must be made to sign a form with their parents at the start of the school year that informs them about the SRO program, how to file a complaint should they have one, and how to contact them for help, should they need it

Also, it strikes me that there is a vast divide between the SRO goals and what they actually accomplish:

- The school should have annual evaluations of their SRO program, and determine whether key objectives were met. The results should be proactively sent out to students and parents. If objectives are not met, steps should be proposed to address the gap.

On Mon, Nov 2, 2020 at 11:33 AM Jon Maginot <[JMaginot@losaltosca.gov](mailto:JMaginot@losaltosca.gov)> wrote:

Good morning all,

Just a reminder to get your preliminary recommendations to Angel and myself today by 12:00 p.m. Thanks

Jon Maginot  
Deputy City Manager  
City of Los Altos



SRO Possible Actions - This is a comprehensive list of possible outcomes, not sure what I support yet as I want to wait to hear from MVLA admin.

Changes that would be implemented by LAPD

1. Recommend additional policies that the SRO and any officer on LAHS campus must follow. Could include but not limited to the following:
  - a. SROs & police must be unarmed on campus unless they are responding to a violent crime in progress
  - b. Establishing a clear hierarchy of actions so that police/SRO's are only called as a last resort when other methods have failed or in case of immediate harm.
2. Recommend additional training for SRO (TBD)
3. Recommend additional training for all police officers since there is a high percentage of non-SRO responses to calls for service on campus. Including but not limited to:
  - a. Mental health training
  - b. Crisis response
  - c. Dealing with teens/children (I don't remember the exact training)
4. Recommend diverting of mental health crisis calls from LAHS to the Mobile Crisis Response teams
5. Recommend additional data gathering and analysis that LAPD must implement to evaluate success of the SRO program.
6. Recommend elimination of the SRO program
  - a. Recommend that school district research and fund alternatives - Restorative Justice Practitioner on campus, Positive Behavioral Intervention & Supports (PBIS) methods.

Since the SRO Program is so tied to MVLA, I additionally feel that a recommendation on SROs must include some commitments from MVLA to implement items that are critical to the success of the program and to ensuring that ALL students at LAHS feel safe. If we cannot get these commitments, then in my view, that would jeopardize the SRO program altogether.

7. Recommend additional training for all MVLA faculty and staff. Including but not limited to
  - a. Implicit Bias ( i.e. in disciplining)
  - b. Crisis response
  - c. Mediation & De-escalation
8. Recommend creation of an MOU between MVLA and LAPD so all parties understand the responsibilities of each.
9. Ensure that the goals and operations of the SRO program are clearly communicated to faculty, staff, students and parents of LAHS.
10. Ensure that the rights of students regarding SRO and police operations are clearly communicated to students and parents of LAHS.
11. Commit to gathering feedback about the SRO program and policing on campus from students, faculty and staff and making that feedback publicly available.

12. Recommend a clear process to informing faculty, staff, students and parents when a serious crime has occurred on campus
13. Recommend that MVLA invest in alternatives to SROs - more mental health counselors/crisis response, restorative justice practitioners, PBIS.



**From:** [J. Corrigan](#)  
**To:** [Jon Maginot](#); [Angel Rodriguez](#)  
**Subject:** Preliminary Recommendations  
**Date:** Monday, November 2, 2020 1:06:22 PM

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Dear Jon and Angel,  
Here is my input for the preliminary recommendations.  
Thank you for all your help,  
Janet

#### School Resource Officer

1. Deliver information/education about the School Resource Officer program -- along with an introduction to our past and current SROs -- to LAHS students, parents, staff and faculty in 3 separate sessions allowing for Q&A.

#### Intake Process

1. Deliver information/education about the existing complaint process to LAHS students, parents, staff and faculty. This would be in 3 separate sessions for each audience.