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## SUMMARY

The seven-member Citizen's Task Force on Civilian Review submits the following report and recommendations for consideration by the City Council's designee, the City Manager of the City of Chula Vista.

On May 29, 2001, the City Council requested a Citizen Task Force be formed to review the subject of Civilian-Police Review Boards. The Citizen Task Force was asked to determine whether the City of Chula Vista should establish a Citizen Police Review Board to review police practices and policies and investigate citizen complaints of police misconduct.

**Recommendation:** After careful review of the police department's existing policies, procedures, and practices, and consideration of community input on this subject, the Citizen Task Force finds there is no demonstrated need for a Civilian Police Review Board.

### **Additional Recommendations:**

1. In lieu of a Civilian Police Review Board, the Citizen Task Force strongly recommends the formation of an Advisory Citizen Board on Police Practices and Procedures. The purpose and scope of an advisory board would be to work in partnership with the Chief of Police on matters related to public safety and community-related issues. An advisory board would advise and consult with the Chief of Police concerning police department policies and procedures that involve the department's interaction with the public. The advisory board would meet regularly with the Chief of Police to discuss relevant public safety and community-related issues.

This board was formed but apparently does not function, nor meet as often as recommended. See pp16,17 &18.

2. The Citizen Task Force recommends the citizen complaint form be revised to make it user-friendly. In addition, it is recommended a police officer liaison be assigned for all citizen-police complaints. One officer should be designated to contact and relay information to citizen-complainants concerning the process, and the approximate time it will take to review and resolve a complaint.

The complaint form is still not on line p. 18 and there is no liaison officer yet p19.

3. The Citizen Task Force proposes an Annual Community Public Safety Meeting between the Police Department and community members. The purpose would be to increase citizen familiarity with police services and programs and provide an additional opportunity for citizens and the police department to interact in a positive manner. An Advisory Board would be instrumental in assisting the police department in developing its first annual community public safety meeting.

The police do attend community meetings, whether this specific meeting is regularly held is uncertain.

This is the police department website: [http://www.chulavistaca.gov/City\\_Services/Public\\_Safety/Police\\_Department/default.asp](http://www.chulavistaca.gov/City_Services/Public_Safety/Police_Department/default.asp). It has some interesting information, but nothing about complaints. p18

4. Chula Vista Police Department's Web Site should include a description of the citizen complaint process that would provide information how, where, and to whom a complaint may be made, and the name and phone number of the person to contact within the department for further information about the complaint process.

The report contains a discussion of materials and community comments considered by the Task Force members in reaching their recommendations.

The Task Force commends the City Council for authorizing the City Manager, David Rowlands Jr. to form a Citizen Task Force to study and address the issue of a Citizen Review Board. The Citizen Task Force appreciates the openness and willingness of Chief Rick Emerson and his staff to readily provide material on police policies, procedures and other information requested by the Citizen Task Force which it needed to prepare its report and recommendations. The Citizen Task Force also thanks Josie Calderon, who in her capacity as a consultant and facilitator greatly assisted the Task Force in obtaining, compiling and sorting the required information and material for preparation of this report.

Dated: December 4, 2001, at Chula Vista, California

Respectfully submitted,

Lilia E. Garcia  
Chairperson  
Citizen Task Force  
on Civilian Review

## **BACKGROUND**

At the City Council meeting on May 29, 2001, some community members proposed that the council create a citizen board to review police practices and procedures concerning citizen complaints of police misconduct. The City Council authorized a citizen task force be formed to review and make findings on the subject of Citizen-Police Review Boards.

## **TASK FORCE MEMBERS**

The following seven (7) members were invited by the City Manager, and agreed, to serve on the Citizen Task Force:

Greg Alabado	Council of Philippine American Organizations (COPAO)
Chuck Hamilton	Bonita Business and Professional Association
Doug Harrell	Chula Vista Elementary School District
Lilia Garcia	Mexican American Business and Professional Association
Ben Richardson	Chula Vista Chamber of Commerce
Yolanda Salcido	South Bay Forum
Barbara Worth	Lutheran Social Services - Shared Housing Project

At its first meeting, the members of the CTF selected Lilia Garcia to serve as their Chairperson.

## **PROCESS USED TO SELECT TASK FORCE MEMBERS**

In an effort to involve the community, the City retained Josie Calderon of JLC Consultants to help facilitate the formation of the Citizen Task Force (CTF). Ms. Calderon assisted the City Manager in selecting the Task Force Members.

In order to obtain maximum community input and diverse representation, the City contacted over twenty community organizations and invited them to nominate a member to serve on the CTF. From this pool of nominees a seven-member task force was formed. Each member lives and/or works in Chula Vista and represents an active community stakeholder organization, i.e., business, civic, ethnic, senior citizen, or youth groups. By involving community advocates nominated by their participating organization the City gained the added experience and historical value that each member brought to the task force. CTF members shared pertinent information provided by their respective group members with the Task Force. CTF members also relayed activities of the task force to their organizations such as the planning of the public meeting.

## **METHODOLOGY AND DATA COLLECTION**

### **Meetings**

The CTF met eight times over a four-month period commencing on August 29, and ending on November 28, 2001. Based on an aggressive time schedule and an enormous amount of information to review, the Task Force chose to keep its working meetings closed and to schedule a public meeting for citizen input on October 30, 2001.

The Task Force members also spent a considerable amount of individual time on tasks relative to the CTF such as review of printed materials, viewing videos, reading reports, and conducting interviews of community members and of representatives of police groups, including the Police Officer's Association and Latino Peace Officers Association. In addition, several CTF members attended the Citizen's Academy and participated in ride-alongs with Chula Vista police officers. An estimated collective total of 656-plus hours were volunteered by the CTF members.

### **The CTF Reviewed and Considered the following information and materials:**

1. Reviewed Chula Vista Police Department's historical statistics on the types of citizen complaints.
2. Reviewed CVPD's current policies and procedures used to investigate and resolve citizen complaints of police misconduct
3. Reviewed the nature and purpose of civilian review boards and examined favorable and unfavorable characteristics and results of civilian review boards.
4. Reviewed Citizen Opinion Survey of CVPD by SANDAG in 2000
5. Conducted Individual Review of each of fourteen (14) citizen formal complaints filed with the CVPD within last 12 months
6. Reviewed process for filing a citizen complaint
7. Reviewed Police academy and in-service training on ethics and police conduct

8. Reviewed Policies, Procedures, Programs, Equipment and Organizational Safeguards Currently in Place in the CVPD
9. Participated in Citizen's Academy and in ride-alongs with officers
10. Viewed Video Tape of Council Meeting of May 29, 2001, item 17.
11. Conducted a Public Hearing and Took Public Comment
12. Solicited and obtained comments and input from police group organizations

### **The CTF Considered Four Types of Civilian Review Boards;**

1. **Civilian Investigators:** Civilians investigate complaints against the Police Department and make recommendations to the Chief of Police
2. **Civilian Reviewers:** Police investigate complaints and make findings; civilians review police findings and recommend acceptance or rejection of those findings
3. **Citizens Appeals Board:** Complainants may appeal police findings to the civilian review board
4. **Civilian Auditors:** an independent auditor investigates the process used by police to investigate citizen complaints and the auditor reports on the thoroughness and fairness of process to department and public

In addition to the various types of Civilian Review Boards (CRBs), the CTF reviewed the advantages and disadvantages of CRBs, the cost of CRBs, the types of citizen complaints that qualify for investigation by a CRB, and the reasons cities establish them. For example citizen complaints that would qualify for civilian review and investigation typically involve allegations involving serious police misconduct such as use of excessive force or other egregious conduct.

### **The CTF Viewed the Videotape of Item #17 of City Council Meeting of May 29, 2001**

A copy of the above video tape was provided to each member of the Task Force and reviewed in its entirety by CTF members. The viewing of the video tape was considered important since several citizens proposed the creation of a citizen-police review board. After viewing the tape, the CTF members discussed the statements made on the tape and considered public comments made at May 29<sup>th</sup> meeting as part of their review. The CTF members found the public comments on May 29<sup>th</sup> to be too general to provide a fair

assessment of police conduct. For this reason, the CTF invited the individuals who had provided public comment and/or letters to the City Council to attend the CTF Community Public Meeting to support their earlier comments to the City Council with specific examples and experiences, if any, with the CVPD.

### **Review of Citizen Complaint Process**

The CTF was given a detailed presentation describing the Citizen Complaint process. The presentation included the type of complaints received, the investigation and review process [on average a citizen complaint is resolved within 2.5 months], information about disciplinary action, safeguards to ensure reliability of the complaint resolution process, and progressive policing.

The Task Force found the CVPD's policies and procedures related to the investigation and disposition of citizen complaints to be clear and consistent in their application. The Task Force found no evidence of a disproportionate number of individuals and/or groups being targeted.

### **Departmental and Citizen Complaints**

There are two types of complaints: departmental complaints which in 2000 comprised 74% of all complaints and citizen complaints which comprised 26% of all complaints. Departmental complaints are those initiated by a department employee based on personal observation or knowledge of misconduct or policy violation, or information received from another department employee. The Task Force found the departmental complaint process to be consistently and fairly applied. The success of the departmental complaint process is attributable in part to team policing which provides for improved supervision and greater accountability of officers' conduct. The Task Force's conclusions the departmental procedures in place afford reliable fact-finding and resolution of internal complaints and that implementation of team policing has resulted in greater supervision is supported by the comments and opinions received from members of the Chula Vista Police Officers Association and the Latino Peace Officers Association.

Citizen complaints are of two types: formal and informal. A formal complaint is one that is initiated by a citizen. Complaints are submitted by telephone, field contact, speaking directly with a supervisor, or completing a complaint form and submitting it at the front desk of the police station. A complaint can also be made by a written letter, anonymously, or by a third party. A documented investigation is made and a finding is recommended. If the complaint is sustained a report remains in the officer's file for five years as required by law. Discipline imposed for a sustained finding of misconduct ranges from a reprimand letter to termination. The complainant is advised by letter of the disposition of the complaint.

An informal citizen complaint does not rise to the level of a formal complaint and is often an inquiry that can be resolved with an explanation of policy or procedure. A supervisor who is responding to an informal complaint may determine the complaint should become a formal one, in which case, the procedures for investigating and resolving the complaint will apply. The types of citizen inquiries or complaints that do not become formal complaints are not logged or tracked by the CVPD.

### **The Task Force Conducted An Independent Review Of All Fourteen (14) Citizen Complaints Filed Within 12 Months.**

Pursuant to the CTF request, copies of the fourteen citizen formal complaints filed with the CVPD during the last 12 months were provided to the Task Force. The names of the citizen and police officer were whited-out to protect their privacy. The CTF was interested only in reviewing the type of complaint, the time it took to resolve it, how it was resolved, what the final disposition was, and if there was a true finding of misconduct what type of disciplinary action, if any, was imposed on the officer.

The Task Force determined that on the average complaints took about 2.5 months to resolve. The police department's targeted goal is to resolve citizen complaints within 30 days. Of the fourteen citizen complaints, eleven involved alleged rude behavior by an officer during a traffic stop, illegal parking, and other traffic violations. Two complaints involved alleged racism and a third alleged sexual misconduct.

Only three of the fourteen citizen complaints reviewed would have risen to the category for a civilian review investigation under the rules and guidelines set for local civilian review boards. In comparison, the County of San Diego Civilian Review Board investigates an average of 45 to 55 complaints a month that qualify as complaints requiring a civilian review investigation.

The Task Force also reviewed the number of claims (250) filed against the City/Police Department, from a risk-management perspective. Most of the complaints related to vehicle impounds. Of these, forty-one became lawsuits. The court dismissed twenty-six, and six required payment by the City. The greatest amount paid out was \$12,000 involving a traffic accident. The sole claim involving an allegation of excessive force resulted in a settlement of \$1,500.

### **PUBLIC MEETING OF OCTOBER 30, 2001**

On October 30, 2001, the Task Force held a noticed-meeting at Lauderbach Community Center on Oxford Street in Chula Vista from 5:30 to 8:30 p.m. The purpose of the public meeting was to obtain input from Chula Vista residents on how they



perceive their contacts with the CVPD based on their personal experiences, and to obtain their opinion whether the CVPD has a fair and effective means of registering and resolving citizen complaints against its officers.

Timely notice of the meeting was provided to the community through press releases which were sent to seventeen (17) newspapers announcing the time and place of the meeting and inviting public comment on the subject of citizen review boards. See Appendix A. Notification was also given to business, educational, youth recreations centers, homeowner associations, community service centers, libraries and other stakeholder organizations interested in public safety. The public meeting announcement was also posted in various City departments. Also, individual letters of invitation were sent, and/or phone calls made to those individuals who had provided comments at the City Council Meeting of May 29, 2001.

In response to the notification of the public meeting, one community organization (the Chicano Federation) that had provided comments to the City Council on May 29<sup>th</sup>, responded that they did not have any information of police conduct relevant to the CVPD. Three individuals who had provided earlier comments to the City Council, and who also addressed the CTF at the public meeting, failed to provide material evidence of police misconduct and/or examples of their own personal experience with the CVPD.

Approximately fifty local residents, as well as students from colleges and high school government classes attended the meeting. Diverse cultures, age groups and backgrounds were represented. The public meeting was taped and the comments of the speakers who addressed the Task Force are available for review.

Of those in attendance, eleven individuals addressed the Task Force:

- 6 individuals supported establishing some type of citizen review board;
- 5 individuals opposed establishing a citizen review board.

- 3 of the 6 individuals supporting a citizen review board did not provide any personal unfavorable experience with the CVPD.

- Four of the speakers also addressed the meeting in their capacity as a representative of a stakeholder organization:

  - 1 reported the members of their organization were in favor of the establishment of a citizen review board, and

  - 3 reported the members of their organization were in opposition to the establishment of a citizen review board.

Of the 6 individuals who spoke in support of establishing a citizen review board:

1 person reported experiences involving a towing incident two years ago;

1 person reported experiencing repeated parking citations one and one-half years ago;

1 person reported receiving repeated harassment by the CVPD after an incident in which he had pleaded guilty and filed a lawsuit against the CVPD, which was settled in favor of the CVPD;

1 person reported a number of different incidents. He reported that his information of these incidents was based on newspaper articles and not on personal experience. He related the following:

One incident occurred two years ago where a pregnant woman and some children were reportedly mistreated by police officers during a search of their home;

One incident in 1987, which he believed was a fatal shooting at Palomar St and 3<sup>rd</sup> Avenue by CVPD officers;

One incident occurred some years ago where a man was hit and killed by a police vehicle; and

One incident occurred six months ago, where an African-American male was shot at Naples and L Streets. There was a discrepancy as to whether the shooting in this incident involved the CVPD. One member of the task force recalled the shooting involved the SDPD.

1 person stated while he has not had a negative experience with law enforcement officers in Chula Vista in over thirty years, in principle he supports a Civilian Review Board as a deterrent to bad policing.

The Task Force members engaged in an informal dialogue with several individuals and speakers during and after the meeting. With the exception of one of the speakers, all of the speakers agreed the City of Chula Vista has a very good police department and that it is perceived the CVPD is doing a good job. However, most speakers wanted a process where the community could provide input into decisions by the police department that affect the public. There was general consensus that an advisory group comprised of community members to advise the police department would be beneficial to the community and would continue to promote confidence and trust in the CVPD. There also appeared to be a lack of understanding by several individuals of how to file a police complaint and the process used by the police department to address and resolve complaints, particularly in those cases where use of force is an issue. Several individuals expressed frustration in not being contacted in a timely manner by anyone in CVPD after they had filed a request for

information and/or a complaint. One individual went to the police station to file a complaint only to be told that the Sergeant in charge of taking the complaint was not available. That individual left without filing a complaint.

### **Comments from Police Officer Groups**

The CTF also invited and received comments from police officer association groups. A representative of the Latino Peace Officer's Association addressed the CTF and commented on the internal, i.e., departmental, and external, i.e., citizen complaint policies and procedures from the perspective of an experienced officer. In particular, the LPOA representative provided positive comments regarding the recent implementation of team policing and its effect on the improved morale of the officers.

Representatives of the Chula Vista Police Officers Association also provided the CTF with comments on the departmental and citizen complaint processes. The CVPOA opined that the existing internal investigation process of reviewing police misconduct was fairly and consistently applied.

The Chula Vista Police Officers Association opposes the creation of a civilian review board. Comments made to the Task Force included, "CRB's can lead to conflict between officers and the oversight board. The establishment of a CRB would likely polarize the two entities."

However, both the LPOA and CVPOA were open to the creation of an advisory citizen board that would act in advisory capacity to the Chief of Police on issues relating to public safety and community relations.

### **Other Information Considered by The CTF**

The Task Force also considered comments from individuals actively involved with existing citizen review boards. Specifically, the three individuals who provided comments concerning their experiences with civilian review boards were of the opinion that the City of Chula Vista did not need a civilian review board. The specific reason cited was that there was no evidence the CVPD was viewed by distrust by the community. On the contrary, the CVPD enjoys a reputation as a police department that has maintained positive community relations. Another reason cited was that the City of Chula Vista has up to this point in time been fortunate not to have had a history of cases involving high profile police brutality or excessive force cases which have been perceived by the community as not having been properly addressed or investigated.

## **Review of the Chula Vista Police Department and Facilities**

To obtain a baseline knowledge of how the police department operates and to become familiar with the police services, programs, policies and practices, the Task Force members reviewed the CVPD's history, mission statement, organizational description (344 authorized law-enforcement and civilian workforce) and its thirty-one million annual budget.

The CTF's review revealed that seeking community input is not new to the CVPD. The department is currently in the middle of a five-year strategic plan period, 1999-2003, that has set goals, objectives and strategies to guide budgetary, operational, and organizational decisions throughout the five-year plan period. This plan was the result of an eleven-month community partnership planning process. The planning process identified and evaluated in-depth strategic priorities, i.e., those issues of the greatest concern to the police department and the community of Chula Vista.

This joint planning process afforded the department with unique opportunities to work with the community to address community concerns. This resulted in new and enhanced programs such as the Citizen Academy and programs which targeted specific issues such as graffiti reduction, anti-speeding initiatives, and residential burglary prevention that have enhanced community partnerships for crime prevention, problem solving, and community education.

Also in response to the strategic plan, the CVPD created the Community Relations Unit (CRU) to work closely with the city's residents. The CRU is primarily responsible for improving dialogue between the community and the department. An important role of the CRU is soliciting and receiving citizen input through community meetings, surveys, and personal contacts. Other successful programs and partnerships that have been implemented include the School Resource Officer Program and volunteer programs such as the Citizen's Adversity Support Team, the Senior Volunteer Patrol, the Reserve Officers and Mounted Reserve Officers Program, and the Cadet and Explorer Scouts Program.

The CVPD's strategic plan also initiated the planning phase for a new police facility. The \$60 million project is expected to be ready by February of 2004.

The Task Force toured the police department facility and received demonstrations of the CVPD's state-of-the-art evidence tracking system, its communication system that integrates the County of San Diego Regional Communications system, and its new mobile substation, which is fully equipped and self-sufficient.

## **Review and Analysis of Resident Opinion Survey**

One of the initial activities undertaken by the Task Force was a review and analysis of the Resident Opinion Survey of the Chula Vista Police Department conducted by SANDAG in 2000. As an independent third party, SANDAG randomly surveyed a sample of 3000 households in Chula Vista. Of those that responded to the survey, 9 out of 10 residents were satisfied with the police department personnel and the delivery of services. Respondents rated their experience with the police department as excellent (47%) or good (34%). More than 85% of the survey participants agreed police officers responded in a reasonable amount of time and were knowledgeable, professional, respectful, pleasant, courteous, fair, helpful, and caring. The survey revealed that speeding continues to be of most concern, followed by burglary and graffiti.

The data gathered from the citizen survey provided the Task Force with an information base from which to determine what components needed further review. For example, while the survey of 3000 households in Chula Vista produced a response of 39%, Hispanic residents were under-represented in the survey. This prompted the Task Force's decision to site its Community Public Meeting in South Chula Vista, (West of I-805), an area known to be heavily populated by Latino residents.

## **Review of Policies, Procedures, Programs, Equipment and Organizational Safeguards Currently In Place in the CVPD**

The CTF found that the CVPD spends a significant amount of time evaluating their own programs and searching for best practices. Greater accountability of police conduct has resulted from the implementation of team policing. Management and line officers both told the CTF that team policing has resulted in more effective supervision, and has placed a greater emphasis on training and professional development.

The Task Force concluded that intensive and on-going training is provided to police recruits and on duty officers. Police recruits attend a 27-week program at the Police Academy that includes ethics training, communication skills, diversity training, and force-options simulators. Upon completion of the Academy, recruits participate in a 16-week program of field training.

All officers receive 10 hours of training per month (120 hours per year - this is 5 times greater than the 24 hours per year recommended by the California Peace Officer Standards Training (POST).)

Recent training sessions have included the following topics: Use of Force Options; Defensive Tactics, and Driving Simulations. Training sessions that are scheduled for this Spring include Interpersonal Skills and Police Ethics. Officers

receive additional training that is specific to their duty assignment, as well as the training given at daily roll calls.

The CVPD has a clear "Use of Force" Policy. Any use of force by an officer must be documented and then signed off and reviewed by three (3) supervisors:

- Watch Commander - the lieutenant on duty at the time
- Report Reviewer - the direct supervisor of the officer
- Use of Force Coordinator - the Professional Standards Unit Sergeant

Micro cassette recorders are issued to all officers and a 24-hour audio-video recording of holding and detention areas is used to upgrade and increase self-policing.

Officers are issued less lethal equipment to use when necessary. All patrol vehicles in the field are equipped with an Advanced Air Taser and all officers have received training on the use of less lethal equipment. In addition to the 46 Advanced Air Tasers, the CVPD has purchased shotguns and rifles capable of shooting "bean bag" rounds and "sponge" rounds. Pepper spray, nunchakus, and batons are also issued to officers, and training in their use is also provided.

Also, currently 7 patrol cars vehicles are equipped with in-car video cameras. As budget allows, the CVPD adds equipment such as in-car video cameras to police cars.

### **Citizen's Academy**

The CVPD created the Citizen's Academy to bridge communication and increase awareness of the role of the police department within the community. During an eleven-week program citizens learn about a police officer's job and are given a unique opportunity to see first-hand the inner workings of the police department, the intricacies of responding to police calls, preventing crime, and investigating criminal activity. Topics covered in the Citizen's Academy include: Recruitment and Training, Defensive Tactics and Firearms; Community Oriented Policing; Traffic Procedures; Pursuit Driving; Code-3 Operations; Ethics; the Complaint Process; and Criminal Investigations.

Three members of the Task Force participated in the Citizen's Academy and ride-along program. Those members shared their experiences and observations with the other members of the CTF. Each of the three members found their participation in the program to be worthwhile in that it provided a greater understanding of police practices. The members who participated in the academy found the training officers to be excellent and enthusiastically recommend participation in this program.

## FINDINGS AND RECOMMENDATIONS:

1. The Task Force members *unanimously* agreed there is no demonstrated need for a civilian police review board.

### Reasons:

1. There is no history of mistrust of the Chula Vista Police Department; to date, no high profile incidents of misconduct by police has occurred which would warrant citizen oversight.
2. Police officers receive on-going training to improve and upgrade their education and skills. CVPD officers receive 10 hours of training per month (120 hours a year - 5 times the required training by POST.) Team policing has resulted in *greater* supervision of officers and allows for better self-policing of officer conduct.
3. The Chula Vista Police Department has established clear guidelines and uses a process that appropriately and fairly evaluates and resolves internal, i.e., departmental complaints of police misconduct. 94% of departmental complaints are sustained.
4. The average time to investigate and resolve citizen complaints is two and one-half months, which the Task Force found to be reasonable.
5. The rate of citizen complaints is low. During the last 12 months, 14 citizen formal complaints were received by the police department. The city of Chula Vista averages 13.4 formal citizen complaints per year, an extremely low number considering that each year CVPD officers average more than 75,000 official contacts with the public and arrest nearly 5,000 individuals.

In comparison, in a four-year period between 1996 and 2000, 2,684 citizen complaints were filed with the San Diego Police Department, an average of 671 citizen complaints a year. In contrast, in a five-year period between 1996-2001, only 67 citizen complaints were filed with the CVPD, an average of 13.4 complaints.

6. The citizen complaints filed with the CVPD have not involved egregious conduct, such as allegations of police brutality or high-profile incidents of excessive force. Typically, citizens who filed complaints have alleged rudeness or unprofessional demeanor by an officer, or complained about an officer's failure to take a police report.
7. The cost of funding a civilian review board was not a factor - The Task Force agreed that the cost of creating a civilian review board was not relevant to its decision whether to recommend a civilian review board. The CTF members agreed that if there had been a demonstrated need for a civilian review board, cost would not be a valid reason for

not creating a civilian review board.

The Task Force also considered and compared the existence or non-existence of the following factors in concluding that the City of Chula Vista would not benefit from a Civilian Review Board:

**Reasons cited by CRB Cities**

**Current Status of Chula Vista**

History of problems

No history of community-relations problems

High-profile incidents of misconduct

No high profile incidents of misconduct

Perception of unfair treatment

87% of people surveyed in 2000 that had contact with CVPD said they were treated fairly

Perceived lack of internal controls

Clear policies and officer training on use of force and alternate less lethal force

Perceived or actual difficulties in filing complaints

CVPD publishes brochure on how to file complaints [filing procedure could use improvement]

Lack of trust

92% of citizens surveyed in 2000 were satisfied with CVPD

**ADDITIONAL FINDINGS AND RECOMMENDATIONS:**

**1. A CITIZEN ADVISORY BOARD ON POLICE PRACTICES AND PROCEDURES SHOULD BE ESTABLISHED**

The purpose of an advisory board would be to work in partnership with the police department on matters related to civilian and public issues. The scope of the advisory board's power would be to advise, consult with, and review policies and procedures that involve the police department's interaction with the public. It would not include review of individual citizen police complaints, but would include review of, and proposals for improving the process and procedures relating to citizen complaints. Because an advisory board would be knowledgeable of, and



familiar with police practices and policies, should circumstances change, it would be available to revisit the issue of a citizen review board.

An advisory board would also serve to provide advisory input concerning the police department's hiring, recruitment, promotion and retention policies. Those policies have a direct effect on community relations.

#### **Reasons and Observations Supporting an Advisory Board:**

1. The steady growth of the city makes it imperative for the city and the police department to take a proactive approach by involving the public. Forecasts for population growth for Chula Vista shows an above average increase compared to other jurisdictions in the county.

2. A Citizen Advisory Board would accomplish the primary goal of a civilian review board in a positive and non-adversarial role by providing an ongoing process for civilian and/or community input and comment on police policies and procedures.

3. A Citizen Advisory Board would be an independent and unbiased group which would serve to enhance the image of, and promote confidence in the police department.

4. Citizen Advisory Board members would serve as volunteers. Therefore, the costs involved in creating a Citizen Advisory Board would be minimal.

5. Community input through an Advisory Board is consistent with the CVPD's strategic planning goals to develop outreach and community partnerships. In forming its five-year strategic plan the CVPD solicited and obtained community input and recommendations. By working in partnership with a Citizen Advisory Board the CVPD would continue to proactively address community needs and involve citizens positively in public safety and crime prevention issues.

6. As one of the task force members aptly stated as a reason for forming an advisory board, "The public needs to have confidence in the police and thankfully we have seen statistics that show the public does have confidence in our police department. A pro-active approach to keep the public informed, offering user friendly public response, and engaging in community activities at the grass roots level on an ongoing basis would further help in fostering the positive relationship which the police department is striving for, and which the public is deserving of."

7. A Citizen Advisory Board would be supported by CVPDA and LPOA. Both police associations observed that an Advisory Board, unlike a Review Board, would be in a partnership role versus an adversarial role to the police department. Thus, an advisory board can potentially be more effective in enhancing community/police relations.

8. A Citizen Advisory Board would provide constructive comment and input and increase communication between the public and the police department

The Advisory Board would hold public meetings throughout sectors of community to take citizen input concerning the police department. Conducting public forums may provide an opportunity to obtain input from under-represented segments of the community that did not respond or participate in the SANDAG survey of 2000.

The Advisory Board would meet on a regular and scheduled basis with the Police Chief and also work closely with the Community Relations Unit.

#### 9. Selection Process for the Citizen Advisory Board

The Citizen Advisory Board should be selected in a similar process as the Citizen Task Force. The advisory board should reflect the diversity of the community and be comprised of community stakeholders. Community organizations should be solicited for nominations.

In order to instill the public's confidence in the selection of the board members, appointments should be made by the City Manager with the assistance of an independent consultant to assist in identifying potential nominees. In order to avoid the appearance of political appointments, and maintain an unbiased and independent advisory board, the CTF recommends the City Council should not appoint the Advisory Board members.

**Number:** The number of Advisory Board members should be an odd number, no less than 7, no more than 11.

**Term:** in order to provide continuity and an adequate time to see implementation of recommended proposals a term of no less than two years, and no more than four years, is recommended. An optimum term would be three years. Staggered terms is also recommended to allow a balance of new and seasoned board members.

## **B. THE INITIAL FILING PROCESS FOR CITIZEN COMPLAINTS NEEDS REVISION AND IMPROVEMENT**

While the CVPD's investigations of citizen complaints appear to be fairly and efficiently reviewed and resolved, the part of the citizen complaint process that needs fine tuning is the *initial filing* of the complaint. This includes information about how to file a complaint. The CTF recognizes the CVPD is making concerted efforts in this area and is currently revising brochures and information about how to file a citizen complaint. However, what needs revision is the *current complaint form* that a citizen fills out at the police station. The complaint form, which is attached as appendix B to this report, is not user friendly and is intimidating. A significant portion of the complaint form is devoted to the language in Penal Code section 148.6b, which advises the complainant that a false complaint will be prosecuted. The CTF suggests the manner in which the statutory language is emphasized and highlighted be revised so that it does not overwhelm the complaint form. In addition, the input received at the community meeting revealed that the current citizen complaint process is not clearly understood. To address these issues the Task Force recommends:

1. **The citizen complaint form should be revised to make it user-friendly.** While the law requires a complainant to be advised per the language of per Penal Code section 148.6b, the advisement should not take half a page of the complaint form. The manner in which *current advisement* is placed on the complaint has a potential to intimidate a citizen from filing a valid complaint. See, Appendix B. Not all law-enforcement agencies citizen-complaint forms contain this advisement in the complaint form or highlight the language of the advisement in such a prominent manner. The citizen complaint form used by the San Diego Police Department, attached as Appendix C, is an example of a format that may be considered in revising the current citizen complaint form. It should be noted that the validity of this advisement has been challenged. Recently one appellate court found the language in penal code section 1408.6b unconstitutional. See *People vs. Stanistreet*, filed 10/31/01, 2001 D.A.R. 11563.

2. **Improve the CVPD Web Site.** The web site should include information explaining the process of filing a citizen complaint and printing a complaint form, which is now only available at the front desk of the police station. At this time the CTF does not propose any changes in the process of filing of a citizen complaint which currently requires personal contact, i.e., the complaint must be filed in person or in writing at the police station, or by a telephone call to the police station. The CTF recognizes the CVPD does consider and investigate anonymous and third party complaints. Further study on the feasibility of allowing citizens to file complaints by using the CVPD web site is needed.

On a positive note, the web site could provide an excellent opportunity for public commendations, comments, and/or suggestions for improving police relations with the department. An improved web site with readily accessible information about the complaint process would greatly complement the information process already in place. In addition, the CTF report and recommendations on civilian-police review may be a suitable subject to include in the web site.

**3. Develop and implement a tracking system to monitor informal citizen inquiries that do not rise to the level of formal complaints.**

Currently, the only tracking that is done is for formal citizen complaints. However, there is no tracking of informal inquiries or complaints that do not rise to the level of formal complaints. There are occasions when a citizen contacts the police department about a particular incident, officer, or simply to ask for clarification about a police practice or policy. These public contacts with the police department are not tracked by the CVPD in a manner that identifies the caller, the nature or purpose of the inquiry or how the question or inquiry was resolved. This is one area where a Citizen Advisory Board could assist the CVPD in formulating a protocol and implementing an informal tracking process that balances both the public's and police officer's interests. The benefit of logging these informal type of public inquiries would allow the CVPD to make needed changes before issues become problems. In other words, monitoring and logging informal inquiries would allow the CVPD to be proactive in heading off potential problems.

**4. Police Liaison.** The CVPD should designate one police officer as a liaison to respond to complaints. He or she would not investigate complaints. Instead the liaison officer would personally contact complainants by phone or letter to inform them their complaint has been received and is being reviewed, to explain the complaint process if needed, and advise the complainant of the approximate time it will take to review and resolve the complaint. This would be in addition to what is already currently done to notify the complainant of the disposition of the complaint. This is simply a recommendation for a courtesy letter or phone call after the complaint has been filed to let the complainant know that the complaint is being reviewed.

**3. COMMUNITY RELATIONS**

**1. The CFT commends the Chula Vista Police Department for creating a Community Relations Unit.** The CRU has a great potential for promoting greater involvement by the CVPD with all segments of the community. An Advisory Board and the CRU would complement each other.

**2. Annual Community Public Safety Meeting** by the CVPD would be an excellent opportunity to provide the public with information about its services and programs and enhance public relations. In particular those sectors of the community that traditionally do not seek on their own initiative the services and programs of the police department would greatly benefit from such a program. It would provide citizens an opportunity to interact with the police department in a positive manner. An agenda describing topics discussed at a Public Safety Meeting recently sponsored by the San Diego Police Department with members of the Asian and Pacific Islander Communities is attached as Appendix D.

**3. Increase presence and positive interaction by the CVPD at community activities and events.** Two members of the Task Force observed that in their personal experience too often officers attending community events and activities do not take the opportunity to talk with and relate to citizens. Friendly exchanges, initiated by police officers, with citizens at community events would promote positive community relations and allow an officer to connect in a positive and favorable manner with citizens.