

# Capitola Police Department's Citizen Complaint Procedures

## Nothing to Complain About

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### Summary

The Santa Cruz County Grand Jury investigated the Capitola Police Department's handling of citizen complaints and evaluated the department's performance for fairness, timeliness, professionalism, and willingness to improve.

Our investigation concluded the department is balancing the needs of its community for protection and service, consistently investigating citizens' complaints thoroughly, effectively, and expeditiously. We believe that with minor improvements in its complaint procedures the department could be a role model for other county law enforcement agencies.

### Background

The impact of poor policing is felt widely throughout the community and among the rank and file. Many California police agencies are acknowledged as embracing high standards in delivering professional and effective law enforcement. One of the most powerful tools in protecting a department's integrity and ensuring the confidence and respect of its community is the citizen complaint process.

Complaints should be investigated quickly and fairly, and corrective action taken if necessary. The outcome must be communicated, demonstrating the importance of proper handling of the complaint while protecting the privacy of those involved.

How we view and interact with our police departments has been affected by media coverage of provocative and disturbing events nationwide. Often it is not the events, but the manner of handling the investigations that erodes public confidence in law enforcement. Poor communication of all of the facts relevant to these events often gives an incomplete picture to the press and the people.

The Capitola Police Department is a relatively small department: It consists of 21 sworn officers and two reserves. The sworn officers are a Chief, one Captain, four Sergeants, two Detectives, and 13 Patrol Officers. Other employees include a small number of community service officers, lifeguards, parking enforcement officers, and administrative staff. Despite its size, the department sees a significant number of calls for service.

### **Capitola Police Calls for Service and Arrests 2010 - 2014**

<b>Year</b>	<b>Calls for Service</b>	<b>Felony Arrests</b>	<b>Misdemeanor Arrests</b>	<b>Total Arrests</b>
2010	19,693	156	768	924
2011	17,760	122	612	734
2012	16,142	143	477	620
2013	17,574	144	581	725
2014	19,740	172	703	875

In the interest of protecting the rights of its citizens, each law enforcement agency in California is required to have a procedure to investigate citizen complaints and to make this procedure available to the public (California Penal Code §832.5). [\[1\]](#)

The Grand Jury decided to investigate the policies and procedures of the Capitola Police Department and its adherence to these procedures, as the department sees a wide range of incidents that adequately reflect those in other parts of the county.

### **Scope**

This investigation reviewed the Capitola Police Department's complaint program. [\[2\]](#)

California Penal Code §832.5<sup>[1]</sup> requires that each law enforcement agency have a complaint program and specifies the minimum program requirements. We verified the Capitola Police Department has a complaint program that meets these requirements and that the policy and complaint forms are available to the public.

The existence of a complaint process does not itself ensure a department is meeting its legal requirements under this statute: departments may have policies, practices, or conduct that would discourage the use of their complaint program. At each step of its investigation, the Grand Jury determined whether this was the case.

We reviewed all complaints for a five year period, both external and internal. We did not investigate complaints against traffic enforcement officers or other employees of the department. We reviewed all written documentation collected by the department during its investigations. In one case we contacted witnesses and investigated some details to see how our evaluation compared to the resolution of the Capitola Police Department.

Lastly, we reviewed complaints looking for patterns such as officers not receiving counseling for repeat offenses, officers committing the same offense with impunity, or specific types of offenses being ignored.

### **Investigation**

The Grand Jury found the Capitola Police Department's *Citizen Complaint Form* [\[3\]](#) and

procedures<sup>[2]</sup> available online with a quick internet search. They are also available at the front desk at the Capitola Police Department. The complaint form was easy to understand and fill out.

The policy document is also intelligible. There are some terms that require prior knowledge or a reference search to understand, but since this document is primarily directed at the people administering the system this is acceptable. The policy meets all of the requirements set forth in California Penal Code §832.5.

Because of the sensitive nature of the complaints we were required to review them on-site. We were greeted warmly and provided with space to work without interruption or oversight. There was someone available to provide supporting documentation when required.

We discovered early in the review that internal complaints and external complaints are treated in an almost identical fashion. Internal complaints are generated by officers based on the identification of an issue with officer conduct or some other infraction. While most typically are not as serious as external complaints, that they exist and are used demonstrates a commitment to correcting deficiencies.

We found that a number of complaints were dropped at the request of the complainant. In some cases this was due to the complainant seeing a video of the incident and admitting that it looked different in hindsight. Another complainant, when contacted to discuss the issue, stated that they thought nothing would happen anyway. Lastly, at least one complaining citizen was unreachable.

Upon review of the case files we found that in each incident where it was determined that the officer had committed an infraction of department policies or state or local laws, the officer was disciplined appropriately. We did not see any indication that officers were being unfairly protected or targeted by this process.

One complaint was investigated in greater detail. An officer had been accused of making a significant mistake and of conduct that was inappropriate. We conducted interviews to understand the exact nature of the grievance. We read the police reports from a number of officers and witness statements. We then reviewed the Capitola Police Department's investigation and found they demonstrated integrity in upholding the citizen's complaint. They completed their investigation and sent a letter to the complainant within the time required by the Capitola policy.

Lastly, we reviewed the statistics on the number of cases versus the number of calls for service to get a feel for how often complaints are occurring. We could find no comparable statistics but it is the Grand Jury's opinion that the complaint rate is low considering the workload of the department.

**Capitola Police Complaints 2010 – 2014**

<b>Year</b>	<b>Calls for Service</b>	<b>Complaints</b>	<b>Investigations of Internal Complaints</b>	<b>Investigations of External Complaints</b>	<b>Complaints Per 10,000 Calls</b>
2010	19,693	6	4	2	3.05
2011	17,760	1	0	1	0.56
2012	16,142	1	0	0	0.06
2013	17,574	9	1	2	5.12
2014	19,740	9	2	1	4.56
2015*	17,000	9	5	2	5.30

**Facts**

1. The Capitola Police Department’s *Citizen Complaint Form* and policy are available online and are easily accessible.
2. The Grand Jury reviewed complaints generated both internally and externally.
3. We did not investigate complaints against parking enforcement officers or other staff.
4. A majority of complaints received between 2010 and 2015 were generated internally.
5. All internal and external complaints are treated equally.
6. When appropriate, Capitola Police Department disciplines the subject of the complaint.
7. Many complaints were dropped due to a lack of follow up by the complainant.
8. Some complaints were dropped after review of the information with the complainant.
9. Some complaints were not sustained due to lack of supporting evidence.
10. Not all aspects of a complaint are actionable offenses, e.g., "I didn’t like the officer’s attitude.”
11. Some complaints are generated due to a lack of understanding of the laws related to the perceived offense.
12. The Capitola Police Department sends the complainant a letter after the investigation, reporting whether the complaint is sustained or not.
13. Some complaints take a substantial amount of time to investigate and resolve.

## Findings

- F1. The Capitola Police Department could reduce the time needed to complete many complaint investigations.
- F2. The Capitola Police Department and citizens would benefit by having statistics related to complaints and closure of complaints available online.
- F3. The process for submitting a complaint to the Capitola Police Department is documented and is reasonable.
- F4. The Capitola Police Department policy for citizen complaints is consistent with governing laws.
- F5. The Capitola Police Department conducts its complaint program consistently with its policy.
- F6. The Capitola Police Department investigates its own officers with integrity and fairness.
- F7. The Capitola Police Department informs the submitter of their complaint resolution.
- F8. We find that the Capitola Police Department is conducting its duties in a professional manner.

## Recommendations

- R1. While the Capitola Police Department does complete its investigations within the 12-month period allotted, we believe that this could be improved upon. We recommend working to reduce the time required to process complaints. (F1)
- R2. The Capitola Police Department should consider placing statistics on closure of complaints online. This would give better visibility to the residents of Capitola on the performance of their Police Department. (F2)

## Commendations

- C1. The Grand Jury commends the excellent work by the Capitola Police Department on the way they handle their complaint process. It is an effective program that deals fairly with both the complainant and the officer involved to ensure that the people of Capitola are well served.

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond within/ Respond by</i>
Capitola City Council	F1, F2	R1, R2	90 days September 21, 2016

## Definitions

- **External Complaint:** A complaint initiated by a private citizen to the Capitola Police Department concerning officer conduct.
- **Internal Complaint:** A complaint initiated by someone within the Capitola Police Department concerning officer conduct.
- **Inquiry:** A complaint that does not actually reach the investigation phase. Usually dropped by the complainant.

## Sources

### References

1. Legislative Council, State of California. "California Penal Code §832.5." Accessed May 23, 2016  
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=830-832.18>
2. Capitola Police Department. February 2014. "Capitola Police Department Policy Manual - Policy 1020 Personnel Complaints." Accessed May 23, 2016  
[http://www.cityofcapitola.org/sites/default/files/fileattachments/police/page/2459/policy\\_1020\\_cpd\\_personnel\\_complaints.pdf](http://www.cityofcapitola.org/sites/default/files/fileattachments/police/page/2459/policy_1020_cpd_personnel_complaints.pdf)
3. Capitola Police Department. February 2016. "Capitola Police Department Citizen Complaint Form". Accessed May 23, 2016  
[http://www.cityofcapitola.org/sites/default/files/fileattachments/police/page/2459/capitola\\_police\\_department\\_citizen\\_complaint\\_form\\_updated\\_030216.pdf](http://www.cityofcapitola.org/sites/default/files/fileattachments/police/page/2459/capitola_police_department_citizen_complaint_form_updated_030216.pdf)

### Site Visits

Capitola Police Department