



REVISED AGENDA

CITIZEN PUBLIC SAFETY OVERSIGHT TASK FORCE

A Regular Meeting via Teleconference

Wednesday, November 18, 2020 at 5:00 p.m.

La Mesa Police Department Community Room
8085 University Avenue, La Mesa, California

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic.

The public may view the meeting live using the following remote options:

Teleconference Meeting Webinar

<https://zoom.us/j/97224926357>

Telephone (Audio only)

(669) 900-6833 or (253) 215-8782 | Webinar ID: 972 2492 6357

Public Comments for Items non on the Agenda

Members of the public who wish to make public comments may submit their comments by email to be read aloud at the Citizen Public Safety Oversight Task Force meeting by staff. Email comments must be submitted to Comments@cityoflamesa.us by 3:00 p.m. the day of the Task Force meeting and be no more than 300 words. Any language beyond the 300 words shall not be read during the Task Force meeting. The counting of words, for the purposes of public comment submissions, shall follow the same standards as set forth in Elections Code § 9 (*see Attachment A*). Please note in your email subject line that this is for "PUBLIC COMMENT". All email comments shall be subject to the same rules as would otherwise govern speaker comments at the Task Force meeting.

Public Comments for Items on the Agenda

Members of the public who wish to make comments on items on the agenda may submit their comments by email to be read aloud at the Citizen Public Safety Oversight Task Force meeting by staff. Email comments will be accepted prior to the Task Force meeting and up until the time that the Chair announces that public comment is closed for that item. Email comments must be submitted to Comments@cityoflamesa.us and be no more than 300 words. Any language beyond the 300 words shall not be read during the Task Force meeting. The counting of words, for the purposes of public comment submissions, shall follow the same standards as set forth in Elections Code § 9 (*see Attachment A*). Please note in your email subject line the agenda item number related to the comment. All email comments shall be subject to the same rules as would otherwise govern speaker comments at the Task Force meeting.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

NOTE: Members of the public may address the Task Force on subjects within the jurisdiction of the Task Force. Unless such subjects are contained within this agenda, there can be no discussion or action by the Task Force until a subsequent, publicly noticed meeting.

CURRENT BUSINESS

1. **DISCUSSION REGARDING COMMENTS AND RECOMMENDATIONS REGARDING THE SELECTION AND HIRING OF THE NEXT POLICE CHIEF FOR THE CITY OF LA MESA**
2. **REVIEW AND POSSIBLE APPROVAL OF DRAFT OPINION PIECE FOR PUBLICATION IN LOCAL NEWSPAPERS**
3. **REVIEW AND POSSIBLE APPROVAL OF COMPLAINT OF POLICE MISCONDUCT HANDBOOK AND FORM**
4. **REVIEW AND POSSIBLE APPROVAL OF DRAFT SURVEY FORM AND DISTRIBUTION OF DRAFT SURVEY FORM**
5. **DISCUSSION OF SAMPLE REQUESTS FOR PROPOSALS FOR AN INDEPENDENT POLICE AUDITOR**
6. **DISCUSSION OF SAMPLE BYLAWS FOR THE COMMUNITY POLICE OVERSIGHT BOARD**
7. **STAFF AND TASK FORCE MEMBER ANNOUNCEMENTS**

ADJOURNMENT to the Regular meeting of Wednesday, December 16, 2020 at 5:00 p.m. in the La Mesa Police Department Community Room, 8085 University Avenue.

Materials related to an item on this agenda submitted to the Task Force after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 8130 Allison Avenue, during normal business hours.

Copies of the Task Force Agenda are posted for public review on the lobby door of the La Mesa Police Department and the announcement boards located near the entrance to City Hall and the entrance to the Council Chambers, 8130 Allison Avenue, La Mesa, California, no less than seventy-two (72) hours prior to a meeting of the Task Force

The City of La Mesa encourages the participation of disabled individuals in the services, activities and programs provided by the City. Individuals with disabilities, who require reasonable accommodation in order to participate in Task Force meetings, should contact the City's Americans with Disabilities Act (ADA) Coordinator, Rida Freeman, Director of Administrative Services, 48 hours prior to the meeting at 619.667.1175, fax 619.667.1163, or rfreeman@cityoflamesa.us.

State of California**ELECTIONS CODE****Section 9**

9. (a) Counting of words, for purposes of this code, shall be as follows:
- (1) Punctuation is not counted.
 - (2) Each word shall be counted as one word except as specified in this section.
 - (3) All proper nouns, including geographical names, shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
 - (4) Each abbreviation for a word, phrase, or expression shall be counted as one word.
 - (5) Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
 - (6) Dates shall be counted as one word.
 - (7) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.
 - (8) Telephone numbers shall be counted as one word.
 - (9) Internet Web site addresses shall be counted as one word.
- (b) This section shall not apply to counting words for ballot designations under Section 13107.

(Amended by Stats. 2014, Ch. 697, Sec. 3. (SB 1253) Effective January 1, 2015.)

At Last, Police Oversight

Currently, if you have a complaint about an experience with the La Mesa Police Department, your only option is to file that complaint with the police department itself. After years of work by citizens of La Mesa, that is about to change. You will soon be able to file that complaint with an independent third party, namely, the Community Police Oversight Board (CPOB).

We, the citizen members of La Mesa's Citizen Public Safety Oversight Task Force, have volunteered countless hours researching, consulting and crafting a plan for police oversight because we believe it will make La Mesa a stronger, safer, more welcoming place for everyone who lives in and visits our beautiful city. We believe that La Mesa will become an example to medium-sized cities across the state for our approach to police oversight.

Why Oversight?

In 2016, a grand jury recommended the establishment of community oversight of police in cities across San Diego County. Recent events have shown that have highlighted the urgency of the need to address policing. Our Task Force meetings have been flooded with comments in support of the creation of an oversight board. Data from the La Mesa PD shows that Black people account for 21% of arrests, but make up less than eight percent of our population. Black people are three and half times as likely to be arrested for a felony as white people in our community. And Black people are more than three times as likely to be stopped by our police officers for a field interview.

Behind these numbers are painful stories. Task Force member Patricia Dillard described watching three police officers simultaneously descend over her fence and come running down her backyard embankment into a group of terrified young teenagers enjoying her child's 13th birthday party. It was broad daylight, right here in La Mesa. There was no knock on the door or warning of any kind. It shocked Patricia and her husband. It traumatized the children. All for a neighbor's complaint about noise. And it's not an isolated incident.

Clearly, we have work to do. Our city must show that we are actively addressing these issues - not just with talk, but with action. We support the La Mesa Police Department and the many incredible officers who serve our community. But we cannot continue to assume perfection among the conduct of every officer. If we are going to keep our community and our officers safe, we cannot afford to allow a law enforcement culture to exist that looks the other way when unprofessional and unethical conduct occurs.

Thankfully, change is coming. Establishing a community police oversight board will be a powerful step toward justice in La Mesa.

What will the Community Police Oversight Board do?

The CPOB will be a group of diverse, volunteer citizens from across La Mesa. They will review the policies and practices of the La Mesa Police Department and make recommendations that will move La Mesa toward a safer, more welcoming community for all people. When complaints are made against officers - either to the police department or the board itself - the

board will review those complaints. If necessary, the board will work with a professional auditor to audit the LMPD's investigations of those complaints and then recommend further action when needed. The CPOB will serve as a liaison between the LMPD and the people of La Mesa and will increase the transparency of the LMPD's policies, investigations and practices. This increase in transparency will benefit all. Furthermore, the board will review and make recommendations on police training, including training related to race relations, sensitivity and de-escalation. In short, the board will be a place where our community and our officers can turn for an independent eye on justice in our city.

It's critical to understand that the oversight board will be of benefit to everyone who lives, works in and visits La Mesa - and that includes police officers. People are angry. We've seen unprecedented numbers of people marching in our streets. We have serious concerns about what another incident with police could spark in our community and we want to keep our officers safe.

Now is the time for action

Right now, we stand at the precipice of a real opportunity. This is our community's chance to make La Mesa a shining light on the hill - an example for other cities in our state and country to follow on the path to justice for all. The success of this endeavour depends upon the people of La Mesa.

The City of La Mesa is currently accepting applications for positions on the CPOB. They are looking for people from all walks of life. These are volunteer positions. Experience with investigations and the justice system is not a requirement (that's the job of the auditor). What matters is that you are dedicated to our community. The deadline to submit is Tuesday, December 1. We look forward to seeing you serve.

The Citizen Members of the Citizen Public Safety Oversight Task Force

Jamal McRae, Chair

Andy Trimlett

Robert Duff

Dr. Janet Castaños, Vice Chair

Susan Wayne

Caitlin Tiffany

Patricia Dillard

Reverend Frank Willey

Joshua David Morse

Kathie Taylor

Online Brochure

How to File a Complaint About Police Conduct in the City of La Mesa

INTRODUCTION

The Community Police Oversight Board (CPOB) is committed to ensuring that the complaint process is accessible to all community members. An open and reliable complaint process fosters community confidence, trust, understanding, and respect. To this end, the CPOB, together with the Independent Police Auditor (IPA), receive all complaints filed against the La Mesa Police Department (LMPD). The CPOB is also empowered to initiate independent audits of police investigations and practices and to make recommendations to the Police Chief regarding LMPD policies, procedures, and programs.

THE PROCESS OF FILING A COMPLAINT

Community complaints made through an open and responsive process can foster community confidence in the police. Such confidence can only help to increase officers' effectiveness in helping to ensure public safety.

Any individual citizen or group of citizens has the right to file a complaint against any officer of the LMPD. Among other things, such complaints can provide the LMPD and CPOB with helpful information that may be used:

- To hold officers accountable when they violate Department or City policies, procedures, rules and/or regulations, or other applicable law.
- To improve police services through the refinement of policies, procedures and training.
- To identify points of friction between officers and the community which can, in turn, inform the development of more effective community outreach and education.

A complaint concerning misconduct by any LMPD officer may be made directly to the CPOB or Independent Police Monitor (IPA). Note that complaints may be made anonymously by a person not directly involved in an incident. All complaints submitted to the CPOB or IPA will be forwarded to the LMPD for investigation.

The CPOB Complaint Form is available at **City Hall** and [online](#), and may be filed in a variety of ways:

- By online submission to the CPOB
<https://www.cityoflamesa.us/DocumentCenter/View/16322/Complaint-Form?bidId=>
- By email to the IPA (add email address)
- By mail to the CPOB (add address)
- By submission to the CPOB public dropbox (add address)

Complaints concerning officer misconduct may also be made directly to the LMPD. All complaints submitted to the LMPD will be forwarded to the IPA, who may share the complaints with the CPOB. The CPOB may receive a redacted version of the complaints hiding certain confidential information to be compliant with state law. A complaint may be filed with LMPD in a variety of ways:

- In person at LMPD 8085 University Ave, La Mesa, CA 91942

- By telephone to the LMPD 619-667-1400
- By mail to LMPD, 8085 University Ave, La Mesa, CA 91942
- By fax 619-667-7519
- On the LMPD website ([add website URL](#))
- To any supervisor at the scene of an incident

Whether submitted to the CPOB, the IPA, or the LMPD, once received by the LMPD, a complaint will be:

1. Forwarded to the appropriate LMPD Division Commander, who will assign the complaint an internal affairs number, provide a copy of the complaint to the Chief of Police, and assign the investigation to a staff member;
2. Forwarded to the IPA, if directly received by the LMPD;
3. Investigated pursuant to the LMPD's Disciplinary Policy, and returned to the Division Commander upon completion of the investigation. The Division Commander then recommends the proposed disciplinary action (if applicable) and forwards the complaint to the Chief of Police, who may approve the proposed discipline or request that it be amended or modified; Returned to the Division Commander, who notifies the officer of the disposition of the investigation and proposed discipline, where applicable. If discipline is recommended, the officer is advised of the right to respond, orally or in writing, to the Chief;
4. Returned to the Chief of Police for final approval of findings and disciplinary action, and disciplinary action is imposed, if applicable;

All complaints, regardless of disposition, shall have each page dated and initialed by the concerned employee and recorded in the annual complaint file in the office of the Chief of Police. A copy of all sustained complaints is also filed in the concerned officer's file maintained in the office of the Chief of Police.

Upon completion of the investigation, a complainant will receive written notification from the LMPD that the complaint has been thoroughly investigated, and whether departmental action has been taken.

Note: the average time it takes to fully process and investigate a complaint can be between 3 and 6 months.

FINDINGS: A complainant will receive written notification of the findings of any formal complaint.

The possible findings are:

- a. Unfounded –The investigation clearly established that the allegation is not true.
- b. Not Sustained –The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.
- c. Sustained –The investigation disclosed sufficient evidence to prove the truth of allegation in the complaint by the preponderance of evidence.
- d. Exonerated –The investigation clearly established that the actions of the personnel that formed the basis of the complaint are not a violation of law or agency policy.
- e. Frivolous –Means totally and completely without merit or for the sole purpose of harassing an opposing party.
- f. Alternative Conflict Resolution –The complaint is resolved in accordance with the ACR Program.

If the complaint is sustained, meaning there was wrong doing, the Police Chief will determine whether the employee will be disciplined and/or receive additional training. Discipline may include: reprimand, suspension, demotion or termination. State law does not allow the release of the specific action taken against a public safety employee.

Although we cannot guarantee you will be satisfied with the results of the investigation, we do guarantee that your complaint will be investigated thoroughly and fairly.

INITIATING AN AUDIT

After the Police Department completes its investigation of the complaint, the CBOB may initiate an audit of the investigation by the IPA, if not automatic and deemed necessary. Upon completion of an audit, the CPOB will send complainant(s) a letter confirming that both an investigation and an audit of that investigation have been conducted and informing the complainant of the conclusions of the auditor as to the objectivity, thoroughness, and appropriateness of the investigation and its disposition.

The CPOB receives, registers, and delivers **all** of the complaints it receives to the LMPD for investigation.

However, the CPOB only **automatically** initiates audits of investigations and dispositions of incidents of use of force involving the following:

1. Accidental discharge of weapons;
2. Officer-involved shootings;
3. Officer-involved deaths;
4. Officer-involved interactions resulting in serious bodily injury.

The CPOB may also, **at its discretion**, initiate audits involving other types of allegations, including, but not limited to:

1. False arrests;
2. Criminal conduct;
3. Racial or identity profiling;
4. Use of discriminatory slurs;
5. Excessive force;
6. Poor service
7. Discourtesy
8. Failure to follow any LMPD or City policy, procedure, rule, or regulation
9. Conduct unbecoming an officer

The primary goal of the CPOB is to ensure that all complaints are thoroughly and fairly investigated with equal consideration given to all parties involved.

WHAT TO INCLUDE IN A COMPLAINT

The more detail you can include in your complaint, the better. Please include as much of the following as possible.

- Identify the officer's name and description, badge number, and vehicle number, if obtained.
- Report any witnesses' names, home mailing addresses, email addresses, and telephone numbers.
- Include any other evidence you feel may be important such as copies of citations, photographs, video recordings, etc.
- File your complaint as soon as possible, especially if you are injured so that photographs can be taken and medical records obtained.

Anyone who files a complaint may check on their status by contacting a representative at the email listed below.

(City of La Mesa should provide CPOB an email address for follow-up complaints or other concerns. service@CPOB.org)

Complaint of Police Misconduct in the City of La Mesa

Have you had an experience with the La Mesa Police Department that you'd like to report? Fill out the attached form and the Community Police Oversight Board and the La Mesa Police Department will review your complaint and take any necessary action. Members of the Oversight Board are volunteers appointed by the Mayor and City Council and are independent from the police department.

A complaint concerning misconduct by any La Mesa PD officer may be made in person or anonymously in a variety of ways:

To the Community Police Oversight Board

- (Web Form)
- (Email)
- (Mailing Address)
- (Phone Number)

To the Independent Police Auditor, or

- (Web Form)
- (Email)
- (Mailing Address)
- (Phone Number)

Directly to the La Mesa Police Department.

- In person or by mail to La Mesa PD 8085 University Ave, La Mesa, CA 91942
- Online – (website address)
- Phone: 619-667-1400
- Fax: 619-667-7519
- To any supervisor at the scene of an incident

Complaint of Police Misconduct in the City of La Mesa

Information of person making the complaint

First _____ MI _____

Last _____

Personal phone # _____ Work phone # _____

Address _____ City _____

Email _____

- I give permission to the La Mesa PD to contact me for more information
- I give permission to the auditor to contact me for more information

Information about the incident

Location of occurrence/incident

Date of Incident _____ Time of Incident _____

Incident Number (if you have it): _____

Do you know the name(s), badge number, or description of officer(s) involved?

Brief description of the incident (if you provide contact information, either a representative from the La Mesa PD and/or the auditor will follow up with you for more details):

Were there any **witnesses** to the incident? If so, please include their names and contact information:

Do you have any of the following (if you provide contact information, either a representative from the La Mesa PD and/or the auditor will follow up with you to get these):

- Photos
- Video
- Documents
- Other: _____

I hereby affirm that the information I just entered is true and complete to the best of my knowledge and belief.

Signature

Date

What happens next

After you fill out this form, a representative from the La Mesa PD will follow up with you to ask for more details on the incident.

The La Mesa PD will review every complaint. The oversight board will determine if an investigation by the independent auditor is necessary. If the auditor conducts an investigation, the oversight board may make recommendations to the police chief. If the police chief determines that an employee violated department policies or procedures, appropriate corrective action is taken. The police chief's review will also include looking for ways to improve policies, procedures, training, and service.

You will receive written notification of the findings of any formal complaint. The possible findings are:

- **Unfounded:** The alleged act did not occur.
- **Exonerated:** The alleged act occurred, but was justified.
- **Not Sustained:** The investigation produced insufficient evidence.
- **Sustained:** The accused employee committed all or part of the alleged conduct.

If the complaint is sustained, meaning there was wrong doing, the police chief will determine whether the employee will be disciplined and/or receive additional training. Discipline may include: reprimand, suspension, demotion or termination. State law does not allow the release of the specific action taken against a public safety employee.

Although we cannot guarantee you will be satisfied with the results of the investigation, we do guarantee that your complaint will be investigated thoroughly and fairly.

La Mesa Citizen’s Public Safety Oversight Task Force –
Police Review **Questionnaire**

For the statements below, please place an X in the box that best represents your response.

	Strongly Disagree	Disagree	Somewhat Disagree	Somewhat Agree	Agree	Strongly Agree	N/A
1. In general, I believe La Mesa police officers listen to all residents equitably.							
2. In general, I believe La Mesa police officers treat everyone with respect.							
3a. I felt satisfied with the La Mesa Police Department prior to the May 30 incident.							
3b. I have felt satisfied with the La Mesa Police Department following the May 30 incident.							
4. I believe most officers in La Mesa will react appropriately to a situation.							
5. I believe that all citizens will be treated fairly by the law enforcement system.							
6a. I believe most officers in La Mesa view me negatively because of my identity.							
6b. I believe most officers in La Mesa will treat people equitably regardless of their identity.							
7. I believe that in La Mesa, police officers are held accountable for their actions if they do something wrong.							
8. I know where and how to file a complaint with the La Mesa Police Dept.							
9. I believe that if my friends or I made a serious complaint about the La Mesa Police Dept. it would be addressed fairly and in accordance with the law.							
	Strongly Disagree	Disagree	Somewhat Disagree	Somewhat Agree	Agree	Strongly Agree	N/A

Only for statistical purposes, please check or fill in the following information:

Your Age: 20 or younger ___ 21-35 ___ 36-50 ___ 51-64 ___ 65 and older ___

Zip Code of residence: _____ **Resident of City of La Mesa** ___yes ___no

Sex: Female ___ Male ___ Non-Binary ___ Other ___ Decline to state ___

Do you identify as Person of Color? Yes ___ No ___

Shelter Status: Renter ___ Homeowner ___ Unhoused individual ___

Annual income: \$0-\$24,999 ___ \$25,000-\$74,999 ___ \$75,000-\$124,999 ___
\$125,000-\$174,999 ___ \$175,000-above ___ decline to state ___

Is English your primary language? Yes ___ No ___