

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

INTRODUCTION

The City of La Mesa is committed to ensuring a responsive process for filing complaints about police conduct within the community. To this end, the Community Police Oversight Board (hereafter referred to as Oversight Board), together with La Mesa Police Department (hereafter referred to as Police Department), has articulated a robust process for submitting complaints and for overseeing the investigation and disposition of all complaints by an Independent Police Auditor (hereafter referred to as Auditor), as an agent of the Oversight Board. A transparent and reliable complaint process fosters trust, understanding, and respect between the community and its police force, and helps increase police officer effectiveness in ensuring public safety. Further, a responsive complaint process provides the Police Department and Oversight Board with helpful information that may be used to:

- Hold officers accountable when they violate Police Department or City policies, procedures, rules and/or regulations, or other applicable law.
- Improve police services through the refinement of policies, procedures, and training.
- Identify points of friction between officers and the community that can lead to the development of more effective community outreach and education programs.

FILING A COMPLAINT

Any individual has the right to file a complaint regarding the conduct of an officer or concerning any Police Department policy/procedure. A complaint may be made by person(s), directly or indirectly involved in an incident. Although complaints may be submitted anonymously, providing your contact information in the complaint helps ensure the ability of investigators and auditors to gather follow-up information as necessary.

The complaint form is available at City Hall and at the Police Department. It is also available online at the Police Department website and Oversight Board website. Complaints can be submitted in person at the Police Department and at City Hall or filed online through the Police Department website or the Oversight Board website. A complaint can also be initiated by calling the Police Department or by requesting to discuss the issue with a supervisor at the scene of an incident, who can then provide additional information on submitting a formal complaint. Regardless of the submission process, all complaints will be forwarded to the Police Department for investigation, with copies provided to the Oversight Board and the Auditor. The Oversight Board may receive a redacted version of the complaint removing certain confidential information to be compliant with state law.

WHAT TO INCLUDE IN A COMPLAINT

The more detail provided in your complaint, the better understanding the investigating officer will have of the situation. Please include as much of the following information as ~~possible~~:

- Name and description of the officer(s) involved, badge number(s), and vehicle number(s), if obtained.
- Names of any witnesses, including home addresses, email addresses, and telephone numbers.

- Other evidence you feel may be important such as copies of citations, photographs, video recordings, and medical records.

File your complaint as soon as possible, especially if you are injured so that photographs can be taken and medical records can be obtained. Anyone who files a complaint may check the status of their complaint by contacting a Police Department Watch Commander either in person or by phone. Status inquiries can also be submitted through the Oversight Board website.

THE COMPLAINT INVESTIGATION PROCESS

Regardless of how a complaint is submitted, once it is received by the Police Department, it will be:

1. Forwarded to the appropriate Police Department Division Commander, who will assign the complaint an internal affairs number, provide a copy of the complaint to the Chief of Police, and assign a staff member to perform the investigation.
2. Forwarded to the Auditor.
3. Investigated pursuant to the Police Department's Disciplinary Policy and returned to the Division Commander upon completion of the investigation with a recommended finding. The possible findings are:
 - Unfounded –The investigation clearly established that the allegation is not true.
 - Not Sustained –The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.
 - 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.
 - Sustained –The investigation disclosed sufficient evidence to prove the truth of allegation in the complaint by the preponderance of evidence.
4. Returned to the Division Commander who then recommends any proposed disciplinary action for all complaints that were found "sustained".
5. Forwarded (all sustained complaints and recommendations) to the Chief of Police who may approve the proposed disciplinary action or request that it be amended or modified.
6. Returned to the Division Commander, who then notifies the officer of the disposition of the investigation and any recommended disciplinary action. If discipline is recommended, the officer is advised of the right to respond, orally or in writing, to the Chief of Police.

The Chief of Police makes the final decision regarding approval of findings and disciplinary action. The Police Chief also ensures that any disciplinary action is imposed. Disciplinary actions may include reprimand, suspension, demotion or termination.

Upon completion of the investigation, the person who filed the complaint will receive written

notification from the Police Department that the investigation has been completed, the findings of the investigation, and whether departmental action has been taken. Except in cases of certain serious incidents, the Police Department is not required by state law to publicly release information regarding the specific disciplinary action taken against a public safety employee.

Although Police Department policy calls for the initial investigation to be completed within 30 to 60 days, if there are extenuating circumstances, it is possible that a final disposition may take several months.

All complaints, regardless of disposition, will be recorded in the annual complaint file in the Office of the Chief of Police. Copies of all sustained complaints are placed in the officers' personnel files maintained by the Police Department.

INITIATING AN AUDIT

After the Police Department completes its investigation, the Oversight Board or the Auditor may initiate an audit of the investigation. An audit is automatically performed by the Auditor for certain types of incidents involving use of force, including the following:

- Accidental discharge of weapons
- Officer-involved shootings
- Officer-involved deaths
- Officer-involved interactions resulting in serious bodily injury.

The Oversight Board may also, at its discretion, initiate an audit involving other types of allegations, including, but not limited to:

- False arrests
- Criminal conduct
- Racial or identity profiling
- Use of discriminatory slurs
- Excessive force
- Poor service
- Discourtesy
- Failure to follow any Police Department or City policy, procedure, rule, or regulation
- Conduct unbecoming an officer.

After receiving the results of the audit from the Auditor, the Oversight Board will send a letter to the person who filed the complaint confirming that both an investigation and an audit of that investigation have been completed. The letter will also report the Auditor's conclusions regarding the objectivity and thoroughness of the investigation, and the appropriateness of the disposition.

The goal of the Oversight Board is to ensure that all complaints regarding police conduct are thoroughly and fairly investigated with equal consideration given to all parties involved. If you have any questions or concerns about the process - either before or after submitting a complaint - or if you feel that your complaint was not fairly investigated, please feel free to contact the Oversight Board.

CONTACT INFORMATION

La Mesa Police Department

- **Address:** 8085 University Ave, La Mesa, CA 91942
- **Telephone:** 619-667-1400
- **Fax:** 619-667-7519
- **Website:** <https://www.cityoflamesa.us/1611/Police-Department>
- **Email:** Lmpdpersonnelcomplaint@cityoflamesa.us

La Mesa City Hall

- **Address:** 8130 Allison Ave, La Mesa, CA 91942
- **Telephone:** 619-667-1400
- **Fax:** 619-667-7519
- **Website:** <https://www.cityoflamesa.us/1611/Police-Department>
- **Email:** cityclrk@cityoflamesa.us

Community Police Oversight Board

- **Website:** <https://www.cityoflamesa.us/1644/Community-PoliceOversight-Board>
- **Email:** CPOB@cityoflamesa.us

Independent Police Auditor

- **Email:** IPA@cityoflamesa.us