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A brief discussion on the terms and findings used in this report.

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A summary of complaints and findings is covered in this report.

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Recommendations set forth by the Independent Police Auditor based upon reviews and audits of La Mesa Police Department complaints and personnel investigations.

BUILDING COMMUNITY TRUST THROUGH TRANSPARENCY

COMMUNITY POLICE OVERSIGHT BOARD

The CPOB shall function as a means of community participation and oversight by directing and reviewing audits, and by reviewing and recommending policies, practices and programs designed to bring about community policing that is sensitive, effective, and responsive to the needs of the City and its residents. The CPOB shall promote and encourage open communication and cooperation between the La Mesa Police Department and residents of the City.

Explanation of findings

The following is a list of the potential findings for investigating allegations of misconduct by sworn members of the La Mesa Police Department (LMPD). When the LMPD concludes the internal affairs process, they will have reached a finding for all allegations of misconduct in each case. In those cases where an allegation(s) is still being investigated, the summary will reflect the nature of the allegation and note the investigation is pending conclusion. It is important to not draw conclusions about any pending cases until the internal affairs investigation is completed.

Sustained: The alleged act was confirmed as occurring and is a LMPD policy violation.

Exonerated: The alleged action(s) of the officer did occur and were within LMPD policy.

Unfounded: The allegation cannot be proven to have occurred or was proven to not have occurred.

Not Sustained: The allegation cannot be proven or disproven.

Not Yet Referred: The matter has not been sent to the Independent Police Auditor (IPA).

Administratively Declined: This matter does not meet IPA investigative guidelines.

Informational Documentation Only: A complaint was received by the PD, but no further investigation needed. For example, an anonymous complaint with insufficient information for follow-up. Or the reporting party refuses contact with investigators and insufficient information exists for follow-up. The original complaint information is still kept maintaining a record of all complaints.

Administratively Handled: A complaint was received by the PD but determined not to need investigation. For example, a complaint is initiated against LMPD officers, but it is subsequently determined no LMPD officers were involved in the matter, but officers/deputies from another agency. The original complaint information is still kept, thus maintaining a record of all complaints.

Summary of Complaint: A summary of the allegations made by the complainant prior to an investigation being conducted by the La Mesa Police Department.

This report is for the third quarter of 2023. It will include information for cases from 2022/2023 which have had a change of status since the last quarterly report or remain in progress at the end of this quarter.

Complaints & I/A's initiated in the 3rd quarter of 2022:

LMPD Complaint No. 2022-09

Date Filed: 09-01-2022.

Summary of Complaint: Allegation of excessive force and improper search. Complainant was stopped for a registration violation during a grant detail operation. The vehicle was eventually towed for displaying false registration tabs. Complainant alleges illegal search without consent and excessive force when an officer placed their hands on him during a pat down. He was released at the scene on a citation.

Allegations: Complainant is alleging excessive force and an improper search

LMPD Finding: Completed – Unfounded

IPA Finding: Audit Completed – Unfounded for both allegations

Complaints & I/A's initiated in the 4th quarter of 2022:

LMPD Complaint No. 2022-11

Date Filed: 10-15-2022.

Summary of Complaint: Complainant alleges that excessive force was used to affect his arrest. The arresting officer twisted his arm and placed his knee on the complainant's neck. The officer then put the handcuffs on too tight, which caused bruising per the complainant.

IPA Observations/Comments: The audit, including a review of multiple body worn cameras (BWC) demonstrated no officer knelt on the complainant's neck. The officers, as observed on the BWCs, made numerous efforts to gain the complainant's voluntary compliance to submit to a lawful arrest. He instead chose to physically resist the officers. The officers did not use excessive force to make the arrest.

Allegation: Complainant is alleging excessive force.

LMPD Finding: Completed - Unfounded

IPA Finding: Audit Completed - Exonerated

Complaints & I/A's initiated in the 1st quarter of 2023:

LMPD Complaint No. 2023-02

Date Filed: 01-30-2023.

Summary of Complaint: The complainant was involved in a traffic collision. The officer ran him for warrants, and asked to search his glove box, but did not do this with the other driver. The officer then called the owner of the vehicle to see if the complainant had permission to have the car. He believes he was discriminated against.

IPA Observations/Comments: The accused officer acted professionally and appropriately at all times with the complainant. This is supported by our review of all body worn camera recordings. The complainant refused to provide the driver of the other car with any of his information which would be needed to resolve the damages with the insurance companies. While the complainant made biased comments about the female driver of the other car, the involved officers demonstrated no bias or discrimination toward any of the parties involved. The officers had a legitimate concern for the ownership of the car the complainant was driving as he said he was not the owner, was unwilling to provide his identifying information and did not have paperwork to show who owned the car. The car also had two different license plates on it. Additionally, he did not want the true owner of the car contacted to confirm he had permission to have the car.

Allegation: Discrimination.

LMPD Finding: Completed - Unfounded
IPA Finding: Audit Completed – Unfounded

LMPD Complaint No. 2023-03

Date Filed: 02-12-2023.

Summary of Complaint: It was alleged the officer wrongfully determined cars were blocking fire lanes and egress routes and ordered them moved. The officer then mischaracterized the number of people in a building. The complainant sent a video of the incident to Chief Sweeney.

IPA Observations/Comments: During the investigation the complainant was vague about the nature of the racial discrimination he was alleging. The only information the complainant could provide to support his belief of this accusation was he is white and the officer is Hispanic. Beyond this, he had nothing else to support the allegation. With regard to the dishonesty allegation, the complainant believed the officer was dishonest as the officer's estimate of the people inside a bar differed from his estimation.

Allegation: Discrimination and Dishonesty.

LMPD Finding: Completed – Unfounded both allegations
IPA Finding: Audit Completed – Unfounded both allegations

LMPD Complaint No. 2023-05

Date Filed: 02-12-2023.

Summary of Complaint: On duty Watch Commander took a phone call from a citizen wishing to file a complaint. This citizen refused to identify themselves and wished to complain about an incident that occurred in February 2021. According to the citizen, a video of the incident is available on YouTube. It is unknown whether the complainant is the subject of the incident or a concerned citizen. Complainant alleges racial discrimination, civil rights violation and false arrest.

Allegations: False arrest, discrimination, and civil rights violation.

LMPD Finding: Completed – False arrest, Exonerated. Discrimination and civil rights violations - Unfounded

IPA Finding: Pending Audit

Complaints & I/A's initiated in the 2nd quarter of 2023:

LMPD Complaint No. 2023-06

Date Filed: 04-25-2023.

Summary of Complaint: The complainant accused multiple officers of desecrating three deceased people, at City Hall. (Complainant has a long history of making false misconduct claims to a variety of police departments). The three deceased people the Complainant claimed to have been desecrated are all alive. LMPD and the IPA both spoke with one of them who advised the Complainant (her son) suffers from a mental disorder and that the other two allegedly dead individuals are alive.

Allegation: Criminal Activity

LMPD Finding: Completed - Unfounded

IPA Finding: IPA Reviewed Case File - Administratively Declined: a thorough review indicates that the reportedly deceased individuals are alive; therefore, this complaint lacks all credibility.

Complaints & I/A's initiated in the 3rd quarter of 2023:

LMPD Complaint No. 2023-07

Date Filed: 08-02-2023.

The complainant alleged the officers were unnecessarily aggressive, threatened her by pointing a Taser at her. They left her restrained for a prolonged amount of time causing pain and possible injury and left her child with her mentally ill grandmother causing her child to be in danger. It was further alleged the officer used profanity. The complainant was placed on a 5150-hold due to her being a danger to others and she admitted she was off her medication.

Allegation: Criminal Activity

LMPD Finding: Completed – Taser display – Exonerated, Child endangerment – Unfounded, Inappropriate handcuffing – Exonerated, Profanity - Unfounded

IPA Finding: IPA Reviewed Case File - Administratively Declined due to a lack of corroborating evidence.

LMPD Complaint No. 2023-08

Date Filed: 08-06-2023.

Officers were searching for a burglary suspect who had a warrant for his arrest. They located him in an apartment complex parking lot. When they approached him, the suspect pointed a

firearm at officers. He then ran and one officer fired his duty weapon at the suspect resulting in the suspect's death.

IPA Observations/Comments: The IPA is monitoring the ongoing investigation.

Allegation: Officer Involved Shooting

LMPD Finding: Pending
IPA Finding: Pending

LMPD Complaint No. 2023-09

Date Filed: 08-02-2023.

The officer is alleged to have interfered in a traffic stop and DUI arrest of a family member by an outside police agency.

Allegation: Conduct unbecoming an officer

LMPD Finding: Pending
IPA Finding: Pending

LMPD Complaint No. 2023-10

Date Filed: 08-22-2023.

Complainant said his cell phone was taken from him during his arrest. The court dropped the charges. He spoke with the officer who told him if he provided the court documents she could release the cell phone to him. He brought the paperwork in, but the officer told him he needed a court order to get the phone released. He said she lied to him and was unprofessional.

Allegation: Dishonesty

LMPD Finding: Pending
IPA Finding: Pending

LMPD Complaint No. 2023-11

Date Filed: 08-21-2023.

Complainant's daughter was sexually assaulted. The accused officer was assigned to the case. The investigation took more than one year to complete. The complainant said the timeline was unacceptable. Additionally, the case was submitted as a misdemeanor past the expiration of the statute of limitations. During the investigation the officer privately interviewed the minor victim and was allegedly inappropriate with the victim by asking unsuitable questions regarding her clothing.

Allegation: Poor Service

LMPD Finding: Pending
IPA Finding: Pending

LMPD Complaint No. 2023-12

Date Filed: 09-19-2023.

The complainant alleged officers provided poor service and were discourteous during the call. The complainant wanted to make a formal complaint with the P. D.

Allegation: Poor Service

LMPD Finding: Pending

IPA Finding: Pending

Trends/Issues Identified and to be relayed to the Police Department

During the last quarterly report, one recommendation was made by the IPA for the LMPD. This was in regard to the timely and accurate loading of all case materials into the IA tracking software. The department has since done an exceptional job in loading complete data in a timely fashion. This allows for the IPA to meet its obligation to monitor the progress of current internal affairs investigations.

In completing an audit of internal affairs case 2022-09, the auditor noted one area for improvement:

- During this encounter several of the officers temporarily muted the audio recording capability of their body worn cameras. We are unaware of any explanation for doing so. It is important in building and maintaining community trust that such occurrences be explained whenever they happen. While we recognize there are a variety of legitimate reasons to mute the audio recording, we are left in the dark as to why this was done in this matter.

In completing an audit of internal affairs case 2022-11, the auditor noted one area for improvement:

- Two of the photographs used as evidence in this case are blurry. Care should be taken to take and submit clear photos. Also, in this case when the complainant is alleging the handcuffs were placed too tightly on him, it would be better to photograph both wrists and not just one.

RECOMMENDATIONS

1. In those instances where an officer mutes their BWC audio recording capability or video capability, the reasons should be addressed in the interview and discussed in the investigative report. We are aware that at times there may be sensitive issues where the camera should be muted, but the importance of building trust with the community dictates these instances be explained in the investigation, even if the report cannot go into detailed specifics as to why the recording was paused or muted.
2. Care should be taken to ensure all photographs submitted as evidence in a case should be clear and not blurry. Furthermore, in cases where allegations of force have been made, photographs taken of the subject should be complete, including any and all areas which may have borne any use of force or where the complaint alleges inappropriate use of force.