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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 first quarter of 2023. It will include information for cases from 2022 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. 2022-08

Date Filed: 07-12-2022.

Summary of Complaint: The complainant alleges he was racially profiled by officers, detained for jaywalking, and forced into a crime scene where he was arrested. The officers used force by putting a knee on his back and injuring his rib cage.

Allegations: Complainant is alleging discourtesy, discrimination, excessive force, false arrest, and poor service.

LMPD Finding: Discrimination: Not Sustained. Excessive Force: Unfounded
IPA Finding: Audit Completed

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: Pending
IPA Finding Pending

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

LMPD Complaint No. 2022-10

Date Filed: 10-15-2022.

Summary of Complaint: The complainant had been in a fight with other parties and was injured in the process. When the officers arrived, she was arrested. She felt the officers did not listen to her side of the incident and unduly arrested her. They then refused her request for medical treatment. She added the officers failed to conduct a meaningful investigation and missed important evidence.

Allegations: Complainant is alleging false arrest, failure to provide medical treatment and poor service.

LMPD Finding: Completed
IPA Finding: Administratively Declined

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.

Allegation: Complainant is alleging excessive force.

LMPD Finding: Pending

IPA Finding: Pending

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

LMPD Complaint No. 2023-01

Date Filed: 01-01-2023.

Summary of Complaint: Complainant alleges officers handcuffed him and placed him on a mental health hold against his wishes. Complainant is alleging excessive force, false arrest, poor service, search and seizure violations, and discourtesy. He would not consent to LMPD contacting him for further information.

Allegations: Excessive force, false arrest, search and seizure violations, discourtesy, and poor service.

LMPD Finding: Completed

IPA Finding: Administratively Declined

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.

Allegation: Discrimination.

LMPD Finding: Completed

IPA Finding: Audit Pending

LMPD Complaint No. 2023-03

Date Filed: 02-12-2023.

Summary of Complaint: Officer wrongfully alleged 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.

Allegation: Discrimination.

LMPD Finding: Pending

IPA Finding: Pending

LMPD Complaint No. 2023-04

Date Filed: 09-29-2022.

Summary of Complaint: Complainant alleges officers came to her residence and were intimidating and took the side of the other party. They allowed the other person to harass her.

Allegations: Discourtesy and poor service.

LMPD Finding: Pending

IPA Finding: Pending

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. The 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.

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

LMPD Finding: Pending

IPA Finding: Pending

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

In 2022, the La Mesa Police Department incorporated a state-of-the-art software system to handle the tracking of complaints, the progress of investigations, and the storage of all relevant evidence and materials in those investigations. This has had the effect of reducing the time it takes to complete investigations, and improved accountability throughout the process, in a secure manner. The LMPD has been generous with their time and assistance with the IPA by working with this office regularly to iron out inevitable issues in the startup of any new system. Once all supervisory staff responsible for internal affairs investigations become used to using the system and loading the materials in a timely manner, we believe the software system will be shown as an exceptional investment in transparency and exemplary of the LMPD’s commitment to improve trust and relationships with all members of the La Mesa community.

In completing an audit of internal affairs case 2022-08, the auditor noted several areas for improvement:

- The auditor found the case to have been well investigated, with important aspects thoroughly reviewed before reaching a finding. However, as previously mentioned in a prior quarterly report, investigators should familiarize themselves with the

appropriate findings as defined in La Mesa P. D. policy. While the investigator concluded the officer did not violate department policy, the appropriate findings were not applied, which could have potential unintended consequences when not correctly applied.

- In this case, the investigator should have availed themselves of all relevant and available evidence before conducting interviews. The investigator received the body worn camera recordings before conducting interviews of all the witness officers and the complainant, but did not review the recordings until after their interviews took place. The value of body worn camera recordings in preparation for interviews is substantial.
- The La Mesa Police Department Rules and Regulation 5.06 calls for internal affairs investigations to be completed within 15 days. It recognizes there may be instances when an investigation might extend beyond 15 days. However, if an investigation is likely to go beyond 30 days it must have approval by the Chief of Police. There is no indication in the file that such approval was sought or granted. This investigation took approximately six months to complete. This issue was raised in a previous audit.
- During various interviews, the investigator asked leading questions which can suggest an answer by the way the question is asked. The investigator would also at times finish the sentence for the interviewee.
- Upon initiating our audit, we determined 10 pages of the 77-page completed IA report were missing when we retrieved the report from LEFTA. When LMPD was contacted about this, they discovered a scanning error and very quickly uploaded the full version of the report, which was appreciated.

RECOMMENDATIONS

1. It is recommended lieutenants and sergeants completing internal affairs investigations become familiar with the appropriate definition for the findings for such investigations. LMPD R&R 5.08
2. It is recommended that investigators who will need to exceed the 30-day limit for investigations comply with the department policy to seek and obtain approval by the chief of police for such an extension. LMPD R&R 5.06
3. Investigators completing internal affairs investigations should avoid the use of leading questions and/or finishing the sentences of an interviewee. We recommend the use of open-ended questions to the greatest extent possible.
4. Investigators should review all available and relevant evidence, reports, recordings, prior to conducting interviews.
5. Ensure all materials used or relied upon for an internal affairs investigation are properly loaded into LEFTA as they are received.