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A brief discussion about 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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Trends identified and 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 determined to have occurred 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 kept, thus maintaining a record of all complaints, affording greater transparency.

Summary of Complaint: A brief summary of the allegations made by the complainant prior to an investigation being conducted by the La Mesa Police Department. This summary does not include any investigative outcomes, unless otherwise noted.

This report is for the Third Quarter of 2024. It will include information for cases which have had a change of status since the last quarterly report or remain in progress at the end of this quarter and new cases initiated in this quarter.

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

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 an officer and pulled the trigger, which due to a suspected weapon malfunction, did not fire. He then ran and one officer fired his duty weapon at the suspect resulting in the suspect's death.

IPA Observations/Comments: The IPA completed a full audit of the investigation of this officer involved shooting. Our audit and a thorough examination of all evidence gathered by the LMPD leads us to conclude the internal affairs investigation of this officer involved shooting was thorough, complete and accurate.

The officer was faced with an imminent threat of death by the suspect. The suspect posed an immediate threat to the arresting officers and the public at large during his effort to escape, while refusing the officer's lawful commands to surrender. The officer's use of force was objectively reasonable to protect themselves and the community from an immediate and deadly threat posed by the suspect against the officers and members of the community.

Allegation: Officer Involved Shooting

LMPD Finding: Officer's actions were within department policy.

IPA Finding: Officer's actions were within department policy.

Complaints & I/A's initiated in the 3rd Quarter of 2024:

LMPD Complaint No. 2024-03

Date Filed: 07-17-2024.

The officer was in the process of towing the complainant's car for a 72-hour parking violation. The complainant moved his car. The complainant alleged the officer said "Well, if you are moving your car then I am going to issue you a citation." He issued him a citation for no front plate. The complainant said there were numerous other cars on the street with no front license plate that were not issued a citation.

Allegation: Discourtesy

LMPD Finding: Unfounded
IPA Finding: Administratively Declined

LMPD Complaint No. 2024-04

Date Filed: 07-19-2024.

The officer placed the complainant on a mental health hold and transported her to Grossmont Hospital. The complainant said the handcuffs were too tight and caused physical injury (bruising). She told the officer the left cuff was too tight and was causing pain. She said she was also restrained, even though she was compliant. The complainant said she was left in handcuffs for more than 30 minutes at the hospital without having them loosened. She asked for them to be loosened "at least 4 times."

Allegation: Poor Service

LMPD Finding: Exonerated
IPA Finding: Administratively Declined

LMPD Complaint No. 2024-05

Date Filed: 09-07-2024.

Officers responded to a "man with a gun" call to an area where there was earlier a call for shots heard in the area. The officers detained all the people present. The complainant alleged the officers used "excessive force" causing her injury. However, after specific discussion about what physical actions were taken the only force she described was handcuffing. She stated the handcuffing caused her a great deal of pain because of her per-existing disability. She alleged the officer discriminated against her based on her race (Indigenous) and disability status and caused her harm by handcuffing her inappropriately.

Allegation: Discrimination and Improper Handcuffing

LMPD Finding: Unfounded

IPA Finding: Audit Pending

Complaints & I/A's initiated in the 4th Quarter of 2024:

LMPD Complaint No. 2024-06

Date Filed: 12-4-2024.

The complainant was stopped for no front license plate and tinted windows. It was determined her license was suspended. The complainant stated she was ordered out of her car and her phone was "snatched" out of her hand. She said the officer was aggressive and confrontational and violated her 4th amendment rights by taking her phone. Several officers were also yanking on her arm. **The complainant and officer were offered mediation for this matter. The officer agreed and so did the complainant. The complainant later changed her mind and declined mediation.

Allegation: Unreasonable use of force, exceeding lawful authority and unlawful seizure of the complainant's property.

LMPD Finding: Pending
IPA Finding: Audit Pending

LMPD Complaint No. 2024-07

Date Filed: 07-12-2024.

The complainant called the police department and complained about noise, parking, and traffic issues at the Charcoal House, which is a rental party space. He stated the officer who responded did not take any action and was defensive when the actions he should have taken were pointed out to him. The officer did not write a citation for a vehicle parked in a disabled spot and stated he did not have his BWC activated when checking the property for violations. The complainant called the officer's supervisor who responded and wrote a citation for the illegally parked car. The complainant complained that the officer failed to perform his duty and failed to have his BWC activated during a call for service.

Allegation: Neglect of duty and failure to follow the body worn camera policy

LMPD Finding: Pending
IPA Finding: Administratively Declined

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

During this quarter the department completed an investigation of an officer involved shooting which occurred in 2023 and resulted in the fatality of the suspect. These sorts of incidents can be emotionally charged for a variety of individuals, including the involved officers, the friends and family of the decedent and members of the community who may have witnessed the incident. The loss of life demands an extensive, detailed investigation in pursuit of the facts and truth in the matter.

Body worn camera recordings from the involved officers were instrumental during this investigation in helping to establish facts in the case. Those recordings supported detailed statements from the officers to investigators. The investigation concluded the involved officers acted in accordance with the law and department policies governing the use of deadly force. After an extensive audit of the case, the IPA concurred the officers' actions were within department policy.

The department had another successful year in reducing the number of citizen complaints of officer misconduct. By the end of the 2024 calendar year, the LMPD achieved a 53% reduction in IA's for 2024 from 2023 (7 for 2024 versus 15 for 2023).

RECOMMENDATIONS

1. While a case almost made it to mediation, it fell through at the last minute when the complainant decided not to participate in the mediation process. The IPA recommends the City and the department continue with its efforts to promote mediation as a useful and viable alternative to the formal complaint process.