



AGENDA

COMMUNITY POLICE OVERSIGHT BOARD

A Regular Meeting via Teleconference

Wednesday, June 2, 2021 at 4:00 p.m.

City Council Chambers, La Mesa City Hall
8130 Allison 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/96376721420>

Telephone (Audio only)

(669) 900-6833 or (253) 215-8782 | Webinar ID: 963 7672 1420

Copy and paste the webinar link into your internet browser if the webinar link does not work directly from the agenda.

Public Comments for Items not 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 Community Police Oversight Board (“CPOB”) meeting by staff. Email comments must be submitted to Comments@cityoflamesa.us by **2:00 p.m.** the day of the CPOB meeting and be no more than 300 words. Any language beyond the 300 words shall not be read during the Board 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 CPOB meeting. Form correspondence of identical content signed by different individuals shall be read aloud only once during the comment period. Immediately prior to the reading of such correspondence, the name of each signatory shall be stated aloud.

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 CPOB meeting by staff. Email comments will be accepted prior to the CPOB 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 CPOB 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 CPOB meeting.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

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

CURRENT BUSINESS

1. **APPROVAL OF THE MINUTES FOR THE COMMUNITY POLICE OVERSIGHT BOARD REGULAR MEETING HELD WEDNESDAY, MAY 19, 2021**
2. **LA MESA POLICE DEPARTMENT UPDATE**
3. **PRESENTATION FROM DR. TIM MCLARNEY REGARDING THE 2021 COMMUNITY SURVEY**
4. **PRESENTATION FROM GENERAL COUNSEL REGARDING CONFIDENTIALITY**
5. **REVIEW AND POSSIBLE APPROVAL OF THE DRAFT COMPLAINT PROCESS HANDBOOK**

STAFF AND BOARD MEMBER ANNOUNCEMENTS

ADJOURNMENT

Materials related to an item on this agenda submitted to the CPOB 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 CPOB 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 CPOB.

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 CPOB 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.)



**Minutes of a Regular Meeting of the City of La Mesa
Community Police Oversight Board
May 19, 2021 at 4:00 p.m.
City Council Chambers, 8130 Allison Avenue, La Mesa, California**

This meeting was 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.

CALL TO ORDER

Chair Castaños called the meeting to order at 4:05 p.m.

ROLL CALL (X indicates present)

Chair Castaños	X
Vice Chair Dillard	X
Board Member Darby	X
Board Member Davis	X
Board Member Duff	X
Board Member Fuentes	X
Board Member Johnson	X
Board Member Kertson	X
Board Member McWilliams	X
Board Member Sylvester	X
Board Member Tiffany	X

Others present: Assistant City Manager Tomaino; Lieutenant Bell; City Clerk Wiegelman; General Counsel Larson.

PLEDGE OF ALLEGIANCE

Board Member Tiffany led the Pledge of Allegiance.

PUBLIC COMMENTS

There were no public comments.

CURRENT BUSINESS

- 1. APPROVAL OF THE MINUTES FOR THE COMMUNITY POLICE OVERSIGHT BOARD REGULAR MEETINGS HELD WEDNESDAY, APRIL 21 AND MAY 5, 2021**

ACTION: Motioned by Board Member Darby and seconded by Vice Chair Dillard to approve the minutes for the Community Police Oversight Board (“CPOB”) Regular meeting held Wednesday, April 21, 2021.

Vote: 11-0

Yes: Chair Castaños, Vice Chair Dillard, Board Members Darby, Davis, Duff, Fuentes, Johnson, Kertson, McWilliams, Sylvester, and Tiffany

No: None

Abstained: None

Absent: None

Motion passed.

ACTION: Motioned by Board Member Darby and seconded by Board Member McWilliams to approve the minutes for the CPOB Regular meeting held Wednesday, May 5, 2021.

Vote: 11-0

Yes: Chair Castaños, Vice Chair Dillard, Board Members Darby, Davis, Duff, Fuentes, Johnson, Kertson, McWilliams, Sylvester, and Tiffany

No: None

Abstained: None

Absent: None

Motion passed.

2. LA MESA POLICE DEPARTMENT UPDATE

Lieutenant Bell provided an update on the Complaint Handbook and Form Ad Hoc Subcommittee proceedings, the quarterly meeting between the La Mesa Police Department (LMPD) leadership and the La Mesa faith community leadership, and LMPD’s scheduled meet and greet walks.

Following Board questions and comments, no action was taken.

3. REVIEW AND POSSIBLE APPROVAL OF THE DRAFT ANNUAL COMMUNITY POLICE OVERSIGHT BOARD WORK PLAN

Chair Castaños explained the resolutions to the concerns that were raised at the previous CPOB meeting in regards to the CPOB Work Plan.

A discussion ensued between the CPOB Board Members and staff regarding updates and changes to the CPOB Work Plan.

ACTION: Motioned by Board Member Darby and seconded by Board Member McWilliams to approve the Annual CPOB Work Plan, as amended, to add: (1) a statement that the legal retainer for legal representation with Strumwasser & Woocher LLP would be updated to indicate that the Strumwasser & Woocher legal team would serve as general counsel to the CPOB; (2) an organizational membership to National Association for Civilian Citizens Oversight of Law Enforcement (“NACOLE”) for all members of the CPOB; and (3) the word ‘training’ to Item 8,

Goal 2 of the Work Plan to have it read as “make recommendations to LMPD regarding policies, strategies, and training.”

Vote: 11-0

Yes: Chair Castaños, Vice Chair Dillard, Board Members Darby, Davis, Duff, Fuentes, Johnson, Kertson, McWilliams, Sylvester, and Tiffany

No: None

Abstained: None

Absent: None

Motion passed.

4. PRESENTATION FROM SAN DIEGO STATE UNIVERSITY PROFESSOR DR. JOSHUA CHANIN REGARDING RESEARCH METHODS AND DATA COLLECTION RELATED TO TRAFFIC STOPS AND POLICE FIELD INTERVIEWS.

Dr. Joshua Chanin, San Diego State University School of Public Affairs Associate Professor, held an open-ended discussion with the CPOB regarding research methods and data collection related to traffic stops and police field interviews.

City Clerk Wiegelman read aloud the first 300 words of the emailed public comments submitted the day of the CPOB meeting.

David Myers submitted a comment thanking Dr. Joshua Chanin for his presentation and recommended the CPOB request City leaders to fund an initial review of police data to allow the CPOB to prepare evidence-based police policy and funding recommendations on an on-going basis.

Andy Trimlett submitted a comment regarding the available data from LMPD and encouraged the CPOB to monitor the LMPD ‘use of force’ data.

Following CPOB questions and comments, no action was taken.

STAFF AND BOARD MEMBER ANNOUNCEMENTS

Assistant City Manager Tomaino provided an update on the Request for Proposals for an Independent Police Auditor.

Chair Castaños, Vice Chair Dillard, Board Member Darby, and Board Member Davis attended a National Association for the Advancement of Colored People (“NAACP”) workshop and shared some of their takeaways from the workshop.

ADJOURNMENT

Chair Castaños adjourned the meeting at 5:24 p.m.

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 (CPOB), together with La Mesa Police Department (LMPD), has articulated a robust process for submitting complaints and for overseeing the investigation and disposition of all complaints by an Independent Police Auditor (IPA) as an agent of the CPOB. 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 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,
- 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 misconduct by any officer of the LMPD or regarding any policy or procedure of the LMPD. A complaint may be made by a person or persons, directly or not directly 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 LMPD. It is also available online at the LMPD and CPOB websites. Complaints can be submitted in person at the LMPD and at City Hall, or filed online through the LMPD and CPOB websites. A complaint can also be initiated by calling the LMPD 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 LMPD for investigation, with copies provided to the CPOB and the IPA. The CPOB 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,
- 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 may be taken and medical records can be obtained.

Anyone who files a complaint may check the status of their complaint by contacting a Watch Commander at the LMPD in person or by calling the LMPD.

THE COMPLAINT INVESTIGATION PROCESS

Regardless of how a complaint is submitted, once it is received by the LMPD, it 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 a staff member to perform the investigation,
2. Forwarded to the IPA for awareness and review,
3. Investigated pursuant to the LMPD's Disciplinary Policy and returned to the Division Commander upon completion of the investigation with a recommendation of 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. If sustained, the Division Commander then recommends any proposed disciplinary action and forwards the complaint and recommendation to the Chief of Police, who may approve the proposed disciplinary action or request that it be amended or modified,
5. The complaint is then returned to the Division Commander, who 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,
6. The Chief of Police then makes the final decision regarding approval of findings and disciplinary action and ensures that any disciplinary action is imposed. Disciplinary actions may include reprimand, suspension, demotion or termination,
7. Upon completion of the investigation, the complainant will receive written notification from the LMPD that the investigation has been completed, the findings of the investigation and whether departmental action has been taken, although California State Law does not allow the release of the specific action taken against a public safety employee.

Although LMPD policy calls for the initial investigation to be completed within 30 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 LMPD.

INITIATING AN AUDIT

After the investigation is complete, the CBOB or the IPA may initiate an audit of the investigation. An audit is automatically performed by the IPA 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 CPOB 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 LMPD or City policy, procedure, rule, or regulation
- Conduct unbecoming an officer.

After receiving the results of the audit from the IPA, the CPOB will send the complainant a letter confirming that both an investigation and an audit of that investigation have been conducted and inform the complainant of the auditor's conclusions regarding the objectivity, thoroughness, and appropriateness of the investigation and its disposition.

The goal of the CPOB is to ensure that all complaints of police misconduct are thoroughly and fairly investigated with equal consideration given to all parties involved. If you feel that your complaint has not been fairly investigated, please feel free to contact members of the CPOB with your concerns.

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:** ??

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:**

Community Police Oversight Board (CPOB)

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

Independent Police Auditor (IPA)

- **Email:**

Get Complaint Form

- CPOB- website
- City Hall
- LMPD- website, police station

Submit Form to LMPD or City Hall (online, by phone, or in-person-see contact details on page 2)

Your complaint will be received by:

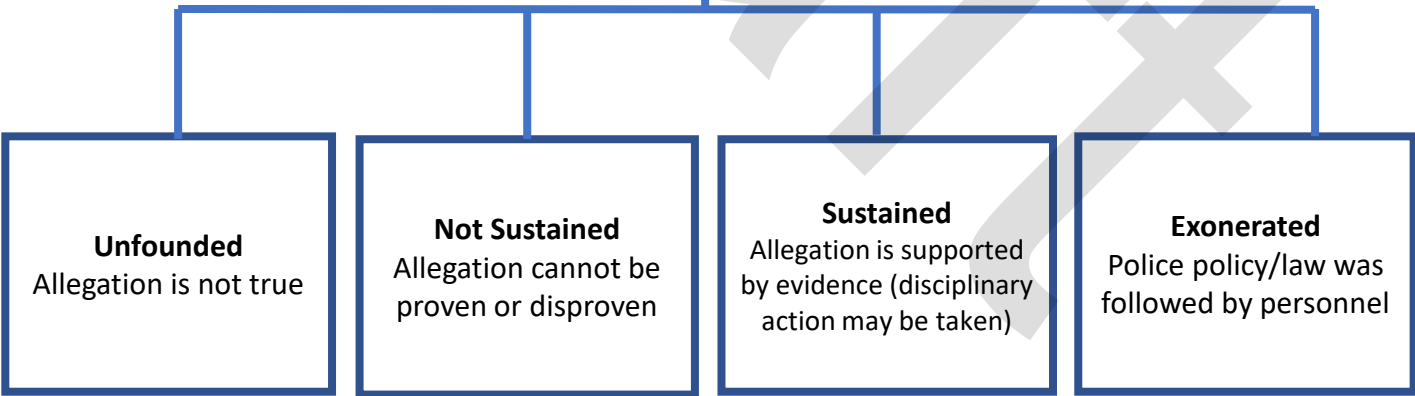
La Mesa Police Department (LMPD)

Community Police Oversight Board (CPOB)

Independent Police Auditor (IPA)

LMPD Investigates (30-60 days)

LMPD Findings



The IPA or CPOB may initiate an audit of the investigation

The CPOB and the IPA make recommendations to the LMPD