

# **HANDLING OF CITIZEN COMPLAINTS BY THE SAN DIEGO COUNTY SHERIFF'S DEPARTMENT, VISTA PATROL STATION**

## **SUMMARY**

The 2002-2003 Grand Jury received complaints from several citizens regarding the San Diego County Sheriff's Department, Vista Patrol Station (VPS). The complainants stated that they had been contacting the VPS for over five years about alleged illegal activities in the neighborhood, such as drug dealing, prostitution, and receiving stolen property (autos, goods, etc.) They alleged that nothing had been done to change the neighborhood conditions. They also indicated that they were frustrated with the continuing situation.

The Grand Jury finds that the methods and procedures used for handling citizen complaints by the VPS need revision. The Grand Jury's recommendations include suggestions for complaint-processing and increasing citizen participation.

## **PURPOSE OF THE STUDY**

The purpose of this study is to investigate whether the VPS has:

- adequate written policies and procedures to address and process citizen complaints;
- a process for keeping complainants informed as to the progress of the investigation of their complaints;
- personnel assigned to respond to citizen complaints.

## **BACKGROUND INFORMATION**

The City of Vista has a contract with the San Diego County Sheriff's Department to provide police protection to the citizens of Vista.<sup>1</sup> The San Diego County Sheriff's Department has a policy and a procedure for citizen complaints against officers. That Department's Internal Affairs Division handles these complaints. The San Diego County Sheriff's Department has a separate procedure for handling narcotics related complaints.

---

<sup>1</sup> *San Diego Union-Tribune*, April 15, 2003 Vista Personnel consists of: Patrol deputies: 32, traffic deputies: 9, sergeants: 11; community-oriented policing detectives: 12; 1 captain, 2 lieutenants and 7 specialty detectives.

Citizens had been complaining to the VPS about situations in their neighborhood for allegedly five years. There was insufficient follow-up to their complaints and the situation was not rectified to their satisfaction. The citizen complaints to the VPS, and subsequently to the Grand Jury, did not involve officer misconduct; however, they did allege some neighborhood drug activity.

The Grand Jury investigated what had been done by the VPS in response to several citizen complaints about perceived illegal activities in their neighborhood. The methods and procedures for complaints to the VPS involving anything other than officer misconduct and narcotics appear to be non-existent.

Upon initial contact, the Grand Jury found that the Captain-in-Charge did not provide requested information.<sup>2</sup> Specifically, a number of phone calls and written correspondence from the Grand Jury were met by obstructions that delayed and hindered the Grand Jury's investigation. After some delay and the use of a subpoena, the Grand Jury received testimony from the Captain-in-Charge of the VPS and the San Diego County Sheriff's Department Commander of the Law Enforcement Operations Northern Command.

## **PROCEDURES EMPLOYED**

The Grand Jury:

- Spoke with the following people during its investigation: the VPS Captain-in-Charge, the San Diego County Sheriff's Department legal counsel, the San Diego County Sheriff, the San Diego County Assistant Sheriff, the San Diego County Sheriff's Department Commander of Law Enforcement Operations Northern Command, and a VPS Sergeant of the Community Outreach Procedures and Problem Solving (C.O.P.P.S.) division.
- Interviewed three of the complainants.
- Requested and received copies of written documentation of the VPS investigations in the neighborhood in question during the period of November 2001 to December 2002.
- Inspected VPS citizen complaint forms.
- Inspected citizen complaint forms used by other law enforcement agencies in San Diego County.

---

<sup>2</sup> Since Vista has more than one Captain assigned to that station, Captain-in-Charge is used throughout this report to refer to the official with overall command for the station.

## FACTS AND FINDINGS

- A. The San Diego County Sheriff's Department has a written policy that states, "we will respond to the needs of the public".<sup>3</sup>
- B. The Grand Jury finds the complainants never utilized any of the written complaint procedures available to them through the VPS because their complaints did not concern an officer or officer misconduct.
- C. The VPS has no written policy or procedure for receiving and processing citizen complaints other than for reporting narcotics activity and officer misconduct.
1. When a citizen makes a complaint, it must be specific as to the crime that s/he is reporting. If it is a narcotics complaint or a complaint of officer misconduct, a specific form must be completed.
  2. Often complainants have no method of tracking the acknowledgement or progress of the investigation related to a complaint.
  3. Citizen complaints are handled by the VPS Captain-in-Charge according to his/her own style of community relations and the particular situation; for example, if the complaint relates to traffic s/he refers it to a traffic officer. A VPS spokesman stated that they will "address the problem and try to resolve it . . . it depends on the situation and depends on the type of complaint." The VPS Captain-in-Charge stated that he has confidence in his officers; he maintains a log to ensure that nothing falls through the cracks. Other options cited by the VPS's Captain-in-Charge as to how citizens might handle problems and complaints were the following:
    - Ask to speak to the Commanding Officer of the Station.
    - Go to the Code Compliance Officer of the City of Vista and request an inspection of the area.
    - Assist the officers by writing down license plate numbers, makes of cars around the neighborhood, and descriptions of people entering and leaving the area.
  4. A significant number of the VPS service calls involve the use of controlled substances. The VPS Captain-in-Charge of the VPS does not receive briefings for every on-going investigation in his station. He claims that the number of investigations is too overwhelming for that.
- D. The Grand Jury was able to establish that the first recorded complaint the VPS received, for the neighborhood in question, was dated December 2001. In

---

<sup>3</sup> According to testimony before the Grand Jury.

addition, a specific complaint about narcotics was received in March 2002 and was referred to a detective with the Street Narcotics Unit.

- E. Since the VPS records are not retained permanently, records of citizen complaints may no longer exist to assist the tracking of complaints. Specific record retention schedules specify:
1. Two years for patrol logs, arrest reports, and Computer Aided Dispatch System records; premise histories, i.e., repeated calls to a particular residence, are retained.
  2. Five years for crime reports.
  3. An unspecified term for citizen complaints.
- F. A complainant who submits a narcotics related complaint completes a VPS Confidential Narcotics Complaint Form. The completed form is assigned a NIN (Narcotics Information Network) number and is processed by the State Department of Justice. This network was established to facilitate the coordination of narcotics investigative efforts among multiple law enforcement agencies.
- G. In the particular incident investigated by the Grand Jury, the VPS's Street Narcotics Unit received multiple complaints about a neighborhood residence in March 2002. As a result a surveillance team established a presence in the neighborhood to determine if there was any illegal narcotics activity.<sup>4</sup> The VPS made two narcotics dog checks of a residence in the neighborhood.
1. Narcotics investigations can be particularly frustrating for citizens because they take a long time and citizens would not normally be made aware of on-going investigations by keeping citizens advised of each step along the way.
  2. There is no indication that either the Captain-in-Charge of the VPS, or any other high-ranking officer, has met with the complainants.
- H. The San Diego County Sheriff's Department has a Public Affairs Division that is responsible for addressing citizen communication issues countywide. The VPS Captain-in-Charge has access to the Public Affairs Division if assistance is needed for dealing with citizen complaints.
- I. At the time of the Grand Jury investigation there were twelve C.O.P.P.S. officers contracted by the City of Vista to help deal with VPS community-related problems such as establishing Neighborhood Watch programs in specific

---

<sup>4</sup> The Grand Jury learned narcotics investigators do not necessarily document every piece of their conversations with complainants but they do keep progress notes which give them running histories of what is happening with each residence. Progress notes have been kept in this case. "Usually investigators try to get in, make a purchase, serve a search warrant, put the person in jail and go on to the next one".

neighborhoods. The VPS Captain-in-Charge was unaware of the existence of officers who could perform a public relations function in the VPS when he testified before the Grand Jury; he didn't identify the C.O.P.P.S. program as a part of a public affairs resource that was available to address and process citizen complaints.<sup>5</sup>

- J. Some law enforcement agencies in the County of San Diego have standardized programs and procedures in place that (a) provide information for complainants in filing, tracking, and establishing timeline estimates for possible resolution of the complaint (b) provide appropriate information to complainants for each type of complaint (c) require supervisory personnel to communicate with the complainants in a timely manner about the complaint and the issues involved; and (d) direct C.O.P.P.S. personnel (or other Community Service officers) to become involved from the outset of the receipt of a citizen complaint.

## **RECOMMENDATIONS**

### **The San Diego County Grand Jury recommends that the San Diego County Sheriff :**

- 03-52:** Study and improve the liaison between the VPS and the City of Vista Code Compliance Department, and any other involved City agencies, to facilitate resolution of citizen complaints.
- 03-53:** Contact other San Diego County local law enforcement agencies and study the programs, policies, and procedures they have in place for dealing with citizen complaints and community relations. Particular emphasis should be placed on studying and adapting the forms that these agencies provide for their citizens.
- 03-54:** Post bilingual instructions describing procedures for filing a citizen complaint in a highly visible location in each station. Such instructions should include: (a) how to file a complaint, (b) what form to use, and (c) approximately how long the complainant should expect to wait for a response from an officer.
- 03-55:** Amend its system(s) for processing citizen complaints to provide a standardized follow-up procedure to ensure that citizens are kept informed of progress related to the investigation of their complaint. When the disclosure of information might compromise an investigation, officers should explain this to the complainant.
- 03-56:** Coordinate more effectively with Vista C.O.P.P.S. personnel in cases involving multiple citizen complaints addressing a specific neighborhood

---

<sup>5</sup> The Grand Jury interviewed the VPS Captain-in-Charge in November 2002. He assumed command of the San Diego County VPS on June 1, 2002, after completing a previous assignment with the San Diego County Sheriff's Department.

problem. (For example: on-site visits by high-ranking Sheriff's Department personnel might be considered when appropriate.)

- 03-57:** Increase the role of the Vista C.O.P.P.S. officers to include greater face-to-face communications with complainants. Officers should be responsible for informing citizens as to the processing and disposition of their complaints and how citizens might help with an investigation.
- 03-58:** Increase public awareness of, and expand citizen involvement in, programs such as C.O.P.P.S. and Neighborhood Watch.
- 03-59:** Provide a bilingual information pamphlet informing complainants of what they can do to assist the VPS with its investigations. Possible actions include recording license plate numbers and makes of cars, constructing time logs, and describing people entering and leaving the area of suspicious activity.

## **REQUIREMENTS AND INSTRUCTIONS**

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
  - (3)
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.

- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
  - (5)
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it when applicable. This time frame shall not exceed six months from the date of has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required by the date indicated from:

<b><u>RESPONDING AGENCY</u></b>	<b><u>RECOMMENDATIONS</u></b>	<b><u>DATE</u></b>
<b>SAN DIEGO COUNTY SHERIFF'S DEPARTMENT</b>	<b>03-52 through 03-59</b>	<b>07/07/03</b>