

El Cajon Police Abuse Complaint Summary 24 May 2015

1 Introduction

It is clear that the city of El Cajon does not have or is not willing to supply either the raw or summary records of police misconduct or police abuse of power complaints. A summary of this type of complaint provided is listed in Table 2-1. All of these complaints preceded 2006.

It is clear that the city is not following any procedure that summarizes police misconduct complaints even though it has developed some sort of procedure for doing so. The most recent "Report of Concern" , chain Email format is particularly obtuse, perhaps intentionally so.

It is obvious that the City of El Cajon has no will to provide the police misconduct records to the Citizen's Oversight El Cajon Police Misconduct Project and is simply adopting an "information jamming" technique to create the impression that it has provided this information.

1.1 Record Keeping Rules

The state and city of El Cajon have stated procedures for dealing with complaints, particularly those that result in a legal suit and resulting settlement payments. These procedures are overlapping and contradictory. It seems that none of these procedures are being followed.

There is reference to a Microsoft Access data base (see paragraph 1.1.2) of the complaints, but again, this may no longer exist. If it does exist it may prove useful since it could be sorted.

1.1.1 State Rules

All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910. (Ord. 4855 § 1, 2006.)

1.1.2 El Cajon City Rules

If the individual desires to file a complaint in person or by telephone, the City Manager's staff will record the complaint on the three part Citizen's Complaint Form, CM-3-91. Filing a complaint requires the identification of the complainant and a statement describing the complaint. If the complainant does not desire to make a written statement, the staff member will notify the appropriate department of the pertinent information.

Copies two and three of the completed "Citizen's Complaint" Form will be forwarded to the appropriate Department for investigation with one copy remaining on file in the City Manager's Office. The findings and corrective action, if any, shall be reported to the City Manager's Office within ten working days.

Written complaints received by a department shall be responded to by the department in writing within ten working days of receipt. A copy of the complaint and the response shall be maintained by the department.

Complaint Investigations may be assigned to Division Managers or supervisors. When a City employee is investigating a complaint, the identity of the complainant shall not be disclosed.

At the conclusion of the investigation, the Department Director or designee shall notify the complainant that the investigation has been completed and if action has been, or will be, taken to remedy the complaint.

The City Manager's Office shall be responsible for maintaining a central index of all complaints from the public concerning City services. The City Manager's staff shall maintain a numerical file of all complaints recorded on complaint forms; shall notify departments and coordinate departmental responses to complaints; and shall review complaints and responses to identify recurring problems or developing patterns which may require corrective action.

When a claim is received from the City Clerk's Office, a new file folder is made listing the claimant's last name followed by first name and middle name or initial. Enter claim data into Access database: Click on start; click on programs; click on MS Office; click on Microsoft Access; click on H:\ACCESS\claimsop; click on OK; click on OPEN. Enter information according to heading title. NOTE: You will not be entering something for every category. Many items are entered as claim process proceeds. (See Attachment B-1 for Claim type codes and department codes.) The original claim form is filed in this folder with a claim cost form on top and the copy is clipped to the outside of the folder with a memo to the appropriate department requesting a report (see Attachment B). It is then given to the Assistant City Manager for review and signature.

For complaints on sworn police officers, the complaint package must include a POBR (SB-90) time accounting sheet. If after review, the Chief of Police or his/her designee believes there are sufficient grounds for a formal investigation, a copy of the complaint will be assigned to the appropriate staff for investigation. The original “Personnel Complaint” will then be forwarded to the IA Division where a case/tracking number will be assigned.


Investigations shall be completed and returned to the Chief of Police via chain of command within 45 days of assignment. Only the Chief of Police may authorize requests for time extensions. Completed investigations of complaints are forwarded to the Chief of Police and the City Manager for review. A complaint may be classified as Unfounded, Exonerated, Not Sustained, Partially Sustained, Sustained, and Misconduct Not Based On The Complaint. In those cases having Sustained, Partially Sustained, or Misconduct Not Based On The Complaint, disciplinary or corrective action is implemented under the authority of the Chief of Police. At the conclusion of the investigation the Chief of Police notifies the complainant that the investigation has been completed.

1.1.2.1 Report a Concern Format (Adopted ???)

This format is an unindexed list of chain Emails seems to be useless. Significantly, it does not list any police misconduct or abuse of power complaints

From: "REPORT A CONCERN" <rnorsen@brinkster.net>
To: "T. Yale" <tyale@ci.el-cajon.ca.us>
CC: "T. Bussey" <tbussey@ci.el-cajon.ca.us>, "T. Yale" <tyale@ci.el-cajon.ca...>
Date: 3/25/2010 7:09 PM
Subject: REPORT A CONCERN FORM SUBMISSION

-----NEW EMAIL FROM REPORT A CONCERN FORM-----

Concern Type: Other
 Concern Address: 
 Concern Address2:
 Concern City: El Cajon
 Description: Mr. Mayor

2 Complaints Summary

The only police misconduct complaints provided by the El Cajon Cty May 2015 submittal are listed in Table 2-1

Table 2-1 El Cajon Police Abuse Complaints Summary
 (Unknown Form Type)

	Complaint Number/Date	Complaint Category	Summary	Cost (k\$)	Remarks
1	20070013/ 02/05/2005	Police Misconduct	Sexual Assault, 1000 Block Broadway	80	Insurance reimburse 16.6K\$
2	20060019/ 09/12/2005	Police Misconduct	Sexual Battery, unknown parking lot	136	Insurance reimburse 13.7K\$
3	20070048/ 05/13/2005	Police Misconduct	Color of Authority, sexual battery	87	Insurance reimburse 16.7K\$
4					
5					

Table 2-2 "Records" Format Summary after 2009
 (These Unknown "records" Form Type does not provide any information)

Year	ALLEGATION	DISPOSITION
2009	Rude Behavior	Not Sustained
2009	Violation of Civil Rights; Excessive Force; Failure to Complete Thorough Investigation	#1, #2 and #3 All Unfounded
2009	Constitutional Violations	#1 Sustained
2009	Courtesy; Failure to document crime	#1 Not Sustained, #2 Sustained
2009	Use of Force, False Arrest	#1 Exonerated; #2 Exonerated
2009	Discrimination, Issued False Citation, Rudeness & Discourteous; Courtesy; Courtesy	Unfounded, #2 Other, #3 Not Sustained; #1 Unfounded; #1 Unfounded
2009	Discrimination, Intimidation	#1 and #2 Unfounded
2009	Constitutional Rights; Improper Use of Force	#1 and #2 Exonerated
2009	Courtesy	#1 Not Sustained
2009	Neglect of Duty; Courtesy	#1 Unfounded, #2 Not Sustained; #1 Sustained; #1 Unfounded
2009	Inconsiderate Actions; Judgment; Untruthfulness	#1, #2 and #3 all Unfounded
2009	Truthfulness; Neglect of Duty	#1 and #2 Unfounded
2010	Wets on wrists from handcuffs; Impounding of Complainant's vehicle by officer; Discourteous	#1 Exonerated, #2 Exonerated, #3 Not Sustained
2010	Discrimination and Constitutional Rights; Improper Use of Force	#1 and #2 Unfounded; #3 Unfounded
2010	Discrimination because of injury and made to sit on curb during contact	#1 Exonerated
2010	Courtesy; Language	#1 and #2 Unfounded

3 “Report of Concern” Reports Summary

The Reports of Concern are chain Emails that contain rambling descriptions of complaints, many animal treatment related. Significantly, none contain any that are complaints of sexual battery, police misconduct, or abuse of power.

A chain Email record does not provide a sufficient record of the complaint.

3.1 Recommendation

The City of El Cajon needs to provide a social work component that is part of the city police department that has personnel that are trained in the handling of the mentally ill, substance abuse, and other social problems. The police are not qualified to deal with these type of social service. This service would be similar to that provided by the San Diego County Health and Human Services, <http://www.sandiegocounty.gov/hhsa/> , **Health & Human Services Agency**, Nick Macchione, (619) 515-6545 and perhaps could be coordinated with this agency for complaints from residents of El Cajon.

4 Summary

It is obvious that the City of El Cajon has no will to provide its police misconduct records to the Citizen's Oversight El Cajon Police Misconduct Project and is simply adopting an “information jamming” technique that provides reams of unrelated , unindexed chain Emails. Indeed, the City itself may not have summary records of its police department misconduct complaints.

The police misconduct complaints should be dealt with separately from health and human services, animal treatment, and other city services complaints since police misconduct degrades Social Justice and interferes with “ the right of the people to be secure in their persons” , a constitutional guaranteed right.