



Pasadena Community Police Oversight Commission

July 11, 2024

INDEPENDENT POLICE AUDITOR
CITY OF PASADENA, CALIFORNIA



**ASSESSMENT OF PASADENA POLICE DEPARTMENT
HANDLING OF MISCONDUCT COMPLAINTS**
(For Investigations Closed in 2023)

Methodology

- Reviewed 76 personnel investigations opened in 2023.
- Including 10 internally generated investigations.
- Including 66 community-initiated complaints.
- Including one officer-involved shooting investigation.
- Including 2 preventable traffic collisions.
- Including 3 cases with both external and internal allegations.
- Including six formal Professional Standards investigations (3 community-generated & 3 internal).
- Seven 2023-initiated cases excluded not having been closed prior to April 2024.

Assessment Questions

- 1) Was the investigation of the incident thorough and unbiased?
- 2) Were the conclusions reached by the PPD command staff reasonable and evidence-based?
- 3) Were the investigation and adjudication of the cases completed in a timeframe that was within the reasonable expectations of PPD officers and the community?
- 4) Were the findings of investigations adequately explained to community complainants and involved officers?

Context

Table 2. Complaints Received over the years. *

	2023	2022	2021	2020	2019	2018
Internal	4	12	18	12	12	9
External	75	74	54	50	50	41
Preventative Traffic (involving an administrative review)	2	2	1	1	1	1
OIS Investigation (completed)	1	1	0	0	2	0

*There are some inconsistencies between the number and type of cases received as reported by the PPD in 2023 and as reported in this assessment. This is because this report counts several cases as including both internal and external allegations of misconduct as opposed to the PPD's reporting, which identifies only the means by which the case was first reported to the PPD.

Sustained Rates by Case

Community-initiated (n=66)	2 sustained = 3.0%	6 counseling /training = 9.1%	Sustained rate = 12.1%
Internally Generated (n=11)*	8 sustained = 72.7%	N/A	Sustained rate = 72.7%
Overall sustained rate: (n=76)	10 sustained = 13.2%	6 counseling/tr aining = 7.9%	Total Sustained Rate = 21.1%

- Determining whether a case is community-initiated or initiated can be tricky and is subject to interpretation.
- It is not possible to compare “sustained rates” between different jurisdictions.

Sustained Rates
by Allegation or
by Case?
(Going down
the rabbit hole)

PSU Allegations investigated with findings	Allegations Sustained	Allegations Not Sustained
37	25 (67.6%)	12 (32.4%)
PSU Cases investigated with findings	Cases Sustained	Cases Not Sustained
6, including:	5 (83.3%)	1 (16.7%)
4 external	4 (100%)	0
2 internal	1 (50%)	1 (50%)

Example: Case involving sustained finding for BWC violation, but not sustained finding for discourtesy –

- Allegations, 1 sustained, 1 not sustained
- Overall Case: Sustained

Assessment Finding No. 1 – Witness Interviews

Overall, PPD's personnel investigations do not regularly include interviews of all necessary witnesses and/or the investigation or review of all allegations.

Assessment Finding No. 2 - Timeliness

Although the Department was in compliance with a mandatory one-year statute of limitations in 100% of the cases for 2023, almost one quarter of all personnel complaints could have been handled in a timelier manner.

Assessment Finding No. 3 – Video Recording

Contrary to accepted best practices, there is no video record of any interviews conducted by the PSU.

Assessment Recommendation No. 1 – Need for a Monitor/Ombudsman

The PPD would benefit from having input during the administrative process from an independent outside source. A professional and objective outsider could be used to assist the PPD in ensuring thorough and complete investigations and administrative reviews, appropriate findings, and the reasonable imposition of discipline. In the alternative, the creation of a Complaint Navigator or a Police Ombudsman position would assist the Department in more effective communication with complainants.

Assessment Recommendation No. 2 – Website Complaint Form

The Department should modify its website complaint form to make sure all introductory language is specific to the filing of a personnel complaint or commendation relating to officer conduct and include language regarding the procedures used to receive and process a complaint.

Assessment Recommendation No. 3 – Civil Claim Investigations

The Department should formalize its current practice of requiring administrative reviews of all civil claims. Such reviews assist the Department command staff in determining what, if any, allegations made in a civil claim would warrant a preliminary or formal administrative investigation.

Assessment Recommendation No. 4 – Mediation Program

The PPD and the community would benefit from the reinitiation of a community-police mediation program to address personnel complaints where appropriate.

The IPA and the PPD have agreed in concept on an updated mediation policy to reintroduce community-police mediation to Pasadena. The Department anticipates submitting a draft policy to the CPOC in the near future.

Assessment Recommendation No. 5 – Video Recording Key Interviews

The Professional Standards Unit should consider video recording key interviews in PSU case investigations.

Assessment Recommendation No. 6 – Disposition Letters

The PSU needs to improve the content of its disposition letters to complainants to include sufficient information, whenever permitted by California law, to allow an objective reviewer to understand the rationale for not-sustained findings and to assure each complainant that their complaint was the subject of an evidence-based review.

Assessment Recommendation No. 7 – Need for Project Management

The PSU Lieutenant should be required to project manage all cases to ensure thorough and timely investigations by the chain of command and the timely adjudication of complaints. Effort should be taken, in all cases, to ensure that accurate narratives are included in the IA Pro database to include all allegations made and the identification of all officers alleged to have committed misconduct.

Assessment Recommendation No. 8 – Quality Assurance

When reviewing internal investigations, in addition to making findings and recommendations regarding officer conduct, command staff needs to make findings on the quality of internal investigations, return those investigations for further investigation if inadequate, and debrief with Department personnel in cases where investigations could have been improved.

Assessment Recommendation No. 9 – Discipline Matrix

The PPD would benefit from the creation of a disciplinary matrix to assist PPD leadership in ensuring the fair and consistent imposition of discipline on PPD employees over the long term.

Assessment Recommendation No. 10 – Rationale for Findings

In all cases, command staff should document the rationale for findings and imposition of discipline.

Assessment Recommendation No. 11 – Documentation of Debriefs & Training

In all cases where an officer is ordered to be debriefed or retrained because of an allegation of misconduct, documentation should be made and returned to command staff to memorialize any actions taken in response to that order.

IPA Overall Impression

- In general, case findings and discipline imposed appeared to be reasonable and evidence based, apart from a few cases as described in the report.
- Overall, the PPD appears to conduct competent investigations related to allegations of serious misconduct.
- With respect to less serious allegations or allegations which, on their face, did not appear to allege misconduct, the PSU routinely missed opportunities to provide excellent customer service or approach complaint handling from a holistic perspective.
- Timeliness in the administrative review of some complaint investigations identified some challenges that were at times inconsistent with the excellent timeliness noted in the handling of use-of-force investigations in the assessment of those cases last year.

Department Response

- As per Government Auditing Standards, Chapter 6, Section 6.61, the PPD was given the opportunity to review and comment on draft reports and provide a written response to the final report.
- PPD decided, instead, to provide a written/oral response to be scheduled for the September 2024 CPOC meeting.

CPOC Commissioners

- Questions?
- Comments?