POLICE DEPARTMENT

CITY OF PALO ALTO

275 Forest Avenue
Palo Alto, CA 94301
650.329.2406

September 24, 2013

VIA U.S. Mail and FAX

Honorable Brian C. Walsh
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

Re: Civil Grand Jury Report — "Law Enforcement Public Complaint Procedures" (June 24, 2013)

Presiding Judge,

Attached please find the City of Palo Alto's response to the Santa Clara County Civil Grand Jury's Final Report entitled "Law Enforcement Public Complaint Procedures" (dated June 24, 2013) as required by California Penal Code §§ 933(c) & 933.05 (a) & (b).

Should you have any questions or concerns regarding the enclosed document, please feel free to call me at (650) 329-2103.

Sincerely,

Dennis Burns
Police Chief

Enclosure

Palo Alto Police Department Response to Grand Jury Findings and Recommendations Pertaining to the City of Palo Alto

Finding 17: "The Palo Alto Police Department does not make their complaint materials freely available in hard copy in their lobby."

The City agrees with Finding 17.

Recommendation 17: "The Palo Alto Police Department should make their complaint materials freely available in hard copy in their lobby."

The City has implemented Recommendation 17.

Response: On June 26, 2013, the Palo Alto Police Department implemented this recommendation. Complaint materials are now freely available in hard copy in the police department lobby.

Finding 18: "The Palo Alto Police Department does not make multilingual complaint materials freely available in hard copy form in their lobby."

The City agrees with Finding 18.

Recommendation 18: "The Palo Alto Police Department should make multilingual complaint materials freely available in hard copy form in their lobby."

The City has implemented Recommendation 18.

Response: On June 26, 2013, the Palo Alto Police Department implemented this recommendation. Multilingual complaint materials are now freely available in hard copy form in the Police Department lobby.

City of Palo Alto
City Council Staff Report

(ID # 4085)

Report Type: Action Items **Meeting Date: 9/23/2013**

Summary Title: Response to Grand Jury Report

Title: Approval of Response to Grand Jury Report on Law Enforcement Public Complaint Procedures

From: City Manager

Lead Department: Police

Recommendation

Staff recommends that Council review, provide input, and approve the following response to the 2012-2013 Santa Clara County Civil Grand Jury Report entitled, "Law Enforcement Public Complaint Procedures" ("Grand Jury Report"). A copy of the response is included as Attachment A.

Background

On June 18, 2013, the Civil Grand Jury of Santa Clara County released the Grand Jury Report which surveyed various municipal law enforcement jurisdictions in Santa Clara County to determine their respective complaint procedures. The report was released publicly on June 24, 2013.

A copy of the Grand Jury Report is included as Attachment B.

Discussion

The Grand Jury Report culminates in thirty (30) findings and recommendations (see pages 9 through 15 of the Report). Two (2) of those recommendations related to law enforcement complaint practices of the Palo Alto Police Department. The following discussion responds to the recommendations.

Recommendation 17 – "The Palo Alto Police Department should make their complaint materials freely available in hard copy in their lobby."

Response: Agree. On June 26, 2013, the Palo Alto Police Department adopted this change. Complaint materials are now freely available in hard copy in the police department lobby.

Recommendation 18 – "The Palo Alto Police Department should make multilingual complaint materials freely available in hard copy form in their lobby."

Response: Agree. On June 26, 2013, the Palo Alto Police Department adopted this change. Multilingual complaint materials are now freely available in hard copy form in the police department lobby.

Resource Impact

There is no immediate fiscal impact resulting from this report.

Policy Implications

This report is consistent with Council policy to ensure the Palo Alto Police Department's complaint procedure is both accessible and transparent.

Environmental Review

There is no environmental review required for this report.

Attachments:

- ATTACHMENT A - Response Letter to Grand Jury (PDF)
- ATTACHMENT B - Grand Jury Final Report (PDF)

POLICE DEPARTMENT

CITY OF PALO ALTO

275 Forest Avenue
Palo Alto, CA 94301
650.329.2406

ATTACHMENT A

September 24, 2013

VIA U.S. Mail and FAX

Honorable Brian C. Walsh
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

Re: Civil Grand Jury Report — "Law Enforcement Public Complaint Procedures" (June 24, 2013)

Presiding Judge,

Attached please find the City of Palo Alto's response to the Santa Clara County Civil Grand Jury's Final Report entitled "Law Enforcement Public Complaint Procedures" (dated June 24, 2013) as required by California Penal Code §§ 933(c) & 933.05 (a) & (b).

Should you have any questions or concerns regarding the enclosed document, please feel free to call me at (650) 329-2103.

Sincerely,

Dennis Burns
Police Chief

Enclosure

Palo Alto Police Department Response to
Grand Jury Findings and Recommendations Pertaining to the City of Palo Alto

Finding 17: "The Palo Alto Police Department does not make their complaint materials freely available in hard copy in their lobby."

The City agrees with Finding 17.

Recommendation 17: "The Palo Alto Police Department should make their complaint materials freely available in hard copy in their lobby."

The City has implemented Recommendation 17.

Response: On June 26, 2013, the Palo Alto Police Department implemented this recommendation. Complaint materials are now freely available in hard copy in the police department lobby.

Finding 18: "The Palo Alto Police Department does not make multilingual complaint materials freely available in hard copy form in their lobby."

The City agrees with Finding 18.

Recommendation 18: "The Palo Alto Police Department should make multilingual complaint materials freely available in hard copy form in their lobby."

The City has implemented Recommendation 18.

Response: On June 26, 2013, the Palo Alto Police Department implemented this recommendation. Multilingual complaint materials are now freely available in hard copy form in the Police Department lobby.

ATTACHMENT B

2013 JUN 27 AM 11:21

RECEIVED
CITY CLERK'S OFFICE

June 24, 2013

Honorable Gregory Scharff
Mayor
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Dear Mayor Scharff and Members of the City Council:

The 2012-2013 Santa Clara County Civil Grand Jury is transmitting to you its Final Report, **Law Enforcement Public Complaint Procedures.**

California Penal Code § 933(c) requires that a governing body of the particular public agency or department which has been the subject of a Grand Jury final report shall respond within **90 days** to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. California Penal Code § 933.05 contains guidelines for responses to Grand Jury findings and recommendations and is attached to this letter.

1. **As stated in Penal Code § 933.05(a), attached, you are required to "Agree" or "Disagree" with each *APPLICABLE* Finding(s) 17 & 18. *If you disagree, in whole or part, you must include an explanation of the reasons you disagree.***

2. **As stated in Penal Code § 933.05(b), attached, you are required to respond to each *APPLICABLE* Recommendation(s) 17 & 18, *with one of four possible actions.***

Your comments are due in the office of the Honorable Brian C. Walsh, Presiding Judge, Santa Clara County Superior Court, 191 North First Street, San Jose, CA 95113, no later than **Wednesday, September 25, 2013.**

Copies of all responses shall be placed on file with the Clerk of the Court.

Sincerely,

Steven P. McPherson

STEVEN P. McPHERSON
Foreperson
2012-2013 Civil Grand Jury

SPM:dsa
Enclosures (2)

cc: Mr. James Keene, City Manager, City of Palo Alto
Chief Dennis Burns, Palo Alto Police Department

2012-2013 SANTA CLARA COUNTY
CIVIL GRAND JURY REPORT

LAW ENFORCEMENT PUBLIC COMPLAINT PROCEDURES

Summary

The Santa Clara County Civil Grand Jury (Grand Jury) reviewed and evaluated the procedures and methods utilized by local law enforcement agencies in receiving complaints from members of the public involving law enforcement agencies.

The State of California requires that each local law enforcement agency establish a procedure to investigate complaints from members of the public against their personnel and make a written description of their procedure available to the public. This report evaluates the complaint procedures employed by the Office of the Sheriff and municipal law enforcement agencies in Santa Clara County, notes differences among jurisdictions, and offers suggestions for improvement.

Background

The function of the Grand Jury is to examine aspects of county and city government and special districts' operations to ensure that the best interests of the public are being served. The Grand Jury studied the procedures employed by law enforcement agencies in accepting complaints from members of the public about their officers or deputies. California Penal Code Section 832.5 (a)(1) requires that entities that employ peace officers establish a procedure to:

- investigate complaints from the public against their personnel, and
- make a written description of the complaint procedure available to the public[1]

Law enforcement functions in the county are performed by police departments in the cities of Campbell, Gilroy, Los Altos, Milpitas, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale, the Town of Los Gatos, and by the Office of the Sheriff in the unincorporated county areas and to the contracted cities of Cupertino, Los Altos Hills, and Saratoga. The Town of Los Gatos provides law enforcement services to the City of Monte Sereno.

Two cities, Palo Alto and San Jose, have an Independent Police Auditor (IPA). IPAs provide civilian oversight of the police department. The work and functions of the IPA are beyond the scope of this report. This report focuses on the practices and procedures of the law enforcement agencies regarding the complaint procedure.

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[1] California Penal Code § 832.5

Methodology

During its investigation, the Grand Jury:

- Distributed a survey to the Office of the Sheriff and to 11 municipal law enforcement agencies within the county, with follow-up e-mail clarifications when necessary
- Compiled and analyzed survey results
- Reviewed California Penal Code Sections 148.6, 832.5, and 832.7
- Reviewed California Civil Code Section 47.5
- Reviewed on-line information available to the public relating to filing complaints
- Visited the surveyed law enforcement agencies between December 2012 and May 2013 to acquire their respective hard copy complaint materials available to the public
- Reviewed the law enforcement agencies' procedures for receiving a complaint
- Reviewed IPA Annual Reports from the cities of San Jose[2] and Palo Alto[3]

Discussion

The Complaint Procedure Overview

California Penal Code Section 832.5 (a)(1), shown in Appendix A, defines the requirements of a complaint procedure, which requires that each entity establish a procedure to investigate complaints against peace officers and make a written description of the procedure available to the public.

The Grand Jury surveyed the Office of the Sheriff and municipal law enforcement jurisdictions in the county to determine their respective complaint procedures.[4] The survey responses revealed that the complaint procedure varied by jurisdiction. Differences noted were: (a) access to materials in hard copy or on-line; (b) the existence of a complaint form; and (c) the availability of multilingual materials. (Hereafter, "complaint materials" includes complaint procedure and complaint form.) Additionally, in the course of reviewing the jurisdictions' complaint materials, the Grand Jury discovered that advisory warnings to potential complainants cited legal advisories that have been found unconstitutional by various courts.

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[2] http://www.sanjoseca.gov/index.aspx?nid=200

[3] http://www.cityofpaloalto.org/gov/depts/pol/auditor.asp

[4] Jurisdictions surveyed were: Campbell, Gilroy, Los Altos, Milpitas, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale, the Town of Los Gatos, and the Office of the Sheriff. The cities of Cupertino, Los Altos Hills, and Saratoga were not surveyed since their law enforcement duties are performed under contract to the Office of the Sheriff. The City of Monte Sereno was not surveyed since their law enforcement duties are performed under contract to the Town of Los Gatos.

Written Complaint Procedure

All jurisdictions surveyed responded that they have a procedure, as required by the Penal Code, to receive complaints from the public. Some jurisdictions make their procedures available on-line or in hard copy form. The City of Mountain View, however, does not make its written procedure available to the public, as required by the Penal Code.

Complaint Forms

Jurisdictions are not required to provide a specific complaint form. However, a complaint from the public is more likely to result in a thorough investigation if the complaint includes all relevant information. A detailed complaint form can provide guidance in this process.

The Grand Jury visited every jurisdiction's office(s), as well as their websites. Every jurisdiction, except the cities of Campbell and Santa Clara, had a specific form for a complainant to complete. In lieu of a form, the cities of Campbell and Santa Clara described in their respective procedures how and what information to include in a complaint.

The Grand Jury believes that either by the procedure or the form itself, the complainant should be clearly advised regarding what information to include in their complaint. For instance, some jurisdictions' complaint materials make it clear to the complainant that dates, badge numbers, witnesses, and other specific information are helpful to the investigation. Conversely, the complaint form of San Jose and the on-line version of Sunnyvale's complaint form provide little guidance to the complainant about what information the jurisdiction needs for its investigation.[5]

Public Access to Complaint Materials

As discussed above, all jurisdictions have a written complaint procedure, but Mountain View does not make their procedure available to the public. When the Grand Jury examined each jurisdiction's website and visited the jurisdiction's office(s), it found the following, as shown in Table 1:

- Some have a complaint form.
- Some make their complaint materials available only on their website.
- Some provide a hard copy of their complaint materials at their office.
- Some make their complaint materials available only upon request.

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[5] Notably, the San Jose IPA's complaint form is well detailed in this regard. However, a complainant might complain to the San Jose Police Department rather than the IPA.

Jurisdiction	Public Access to Complaint Procedure			Public Access to Complaint Form		
	On-line	Hard Copy		On-line	Hard Copy	
		In lobby*	On request		In lobby*	On request
Campbell	No	Yes	n/a	No	No	No
Gilroy	No	No	Yes	No	No	Yes
Los Altos	Yes	Yes	n/a	Yes	Yes	n/a
Los Gatos	Yes	No	Yes	No	No	Yes
Milpitas	Yes	No	Yes	No	No	Yes
Morgan Hill	Yes	No	Yes	Yes	No	Yes
Mountain View	No	No	No	No	No	Yes
Palo Alto	Yes	No	No	Yes	No	No
San Jose	Yes	No	Yes	Yes	No	No
City of Santa Clara	Yes	No	No	No	No	No
Office of the Sheriff	Yes	No	Yes	Yes	No	Yes
Sunnyvale	Yes	Yes	n/a	Yes	Yes	n/a

* "In lobby" means freely available *without* request in hard copy form

Table 1. Public Access to Complaint Materials

Many in the public may prefer to gain access to complaint materials via the internet rather than to physically go to the agency to secure a specific form or document. Of note, the City of Sunnyvale Department of Public Safety maintains two, independent, not mutually linked websites, www.sunnyvaledps.com/ and www.sunnyvale.ca.gov/Departments/PublicSafety.aspx. The first contains their complaint procedure; the second contains a complaint form.

For those in the public without easy internet access, using a hard copy form may be their only alternative. As set forth in Table 1 above, some jurisdictions provide hard copy complaint materials in the lobby of their office(s) and some provide the hardcopy complaint materials only upon request. In the City of Milipitas, a requested complaint form can only be obtained from the on-duty watch commander, a practice that some may find intimidating. The City of Mountain View does not make its complaint procedure available to the public in any form.

Law enforcement agencies should make complaint materials available both on their website and freely available in hard copy form in the lobby of their office(s).

Availability of Multilingual Complaint Materials

Although there is no legal requirement to do so, and considering the language diversity in Santa Clara County, providing complaint materials in English, as well as other languages representative of the demographics of the jurisdiction, would be essential to a robust complaint process. The Grand Jury survey and investigation revealed that not all jurisdictions provide multilingual complaint materials, as demonstrated in Table 2.

Jurisdiction	Multilingual Access to Complaint Procedure			Multilingual Access to Complaint Form		
	On-line	Hard Copy		On-line	Hard Copy	
		In lobby*	On request		In lobby*	On request
Campbell	No	No	No	No	No	No
Gilroy	No	No	Yes	No	No	Yes
Los Altos	Yes	Yes	n/a	Yes	Yes	n/a
Los Gatos	Yes	No	No	No	No	No
Milpitas	Yes	No	Yes	No	No	Yes
Morgan Hill	No	No	No	No	No	No
Mountain View	No	No	No	No	No	No
Palo Alto	Yes	No	No	Yes	No	No
San Jose [6]	Yes	No	No	No	No	No
City of Santa Clara	Yes	No	No	No	No	No
Office of the Sheriff	Yes	No	No	Yes	No	No
Sunnyvale	Yes	No	No	Yes	No	No

* "In lobby" means **freely available *without* request** in hard copy form

Table 2. **Multilingual Access to Complaint Materials**

During the Grand Jury's investigation, the City of Los Altos updated its complaint materials and made them available on-line and in hard copy form in English, Spanish, and Chinese, which appears to reflect the demographics of its community. The Grand Jury applauds the quick actions of the City of Los Altos to provide multilingual access to its complaint materials.

The City of Palo Alto and the Office of the Sheriff allow on-line translation of all complaint materials.

[5] The City of San Jose's IPA has complaint materials available in English, Spanish, Vietnamese, Braille, and via audio recording.

The cities of Milpitas, San Jose[7], Santa Clara, and Sunnyvale, and the Town of Los Gatos, offer some on-line translation of their complaint materials, but the Grand Jury found that the translation capability is not comprehensive because not all of their complaint materials are multilingual.

The cities of Campbell, Gilroy, Morgan Hill, and Mountain View do not offer or allow any on-line translation capability of complaint materials.

Only the City of Los Altos makes multilingual complaint materials in hard copy form freely available in the lobby of their office. The cities of Gilroy and Milipitas provide access to hard copy multilingual complaint materials only upon request. The cities of Campbell, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale, the Town of Los Gatos, and the Office of the Sheriff do not provide multilingual hard copy complaint materials.

Criminal Advisory to Complainant

California Penal Code Section 148.6 made it a misdemeanor to file a false allegation against a peace officer. Section 148.6 also required that the entity provide an "advisory" for the complainant to read and sign. That advisory specified that the complainant has a right to make the complaint and described the law enforcement agency's responsibilities regarding the handling of the complaint. In addition, the advisory admonished the complainant that:

> IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

However, in November of 2005, the Ninth Circuit Court of Appeals declared California Penal Code Section 148.6(a)(1) to be unconstitutional. Specifically, the Court held that the statute was unlawful because it only criminalized false allegations against a peace officer but did not criminalize knowingly false assertions in support of a peace officer, or made by a peace officer or witness during the course of a misconduct investigation.[8] The case was appealed to the U.S. Supreme Court, which declined to review the decision. As a result, the federal court has found California Penal Code Section 148.6(a)(1) to be unconstitutional and, thus, it cannot be enforced. Continued reference to this unenforceable code provision presents a risk that citizens will be intimidated from filing legitimate complaints. As a result, problems may go unrecognized and uncorrected.

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[7] ibid

[8] See *Chaker v. Crogan* (2005), 428 F.3d 1215. On May 15, 2006 , the United States Supreme Court denied a petition for review .

The cities of Morgan Hill, Mountain View, and Sunnyvale include the advisory language in their complaint materials indicating that it is a crime for the complainant to make false allegations against a peace officer. In light of the use of this advisory being held unconstitutional, the Grand Jury recommends the removal of the California Penal Code Section 148.6 advisory language from all complaint materials.

Civil Advisory to Complainant

Civil Code Section 47.5 was enacted to allow a peace officer to "bring an action for defamation against an individual who has filed a complaint with that officer's employing agency alleging misconduct, criminal conduct, or incompetence, if that complaint is false, the complaint was made with knowledge that it was false and that it was made with spite, hatred, or ill will. Knowledge that the complaint was false may be proved by a showing that the complainant had no reasonable grounds to believe the statement was true and that the complainant exhibited a reckless disregard for ascertaining the truth."

Unlike the criminal advisory contained in Penal Code Section 148.6, entities were never required to advise potential complainants about this statute. The California Court of Appeal, the state's intermediate appellate court, has reached conflicting conclusions regarding the constitutionality of Civil Code Section 47.5, with the most recent decision holding that the law is valid. Lower federal courts, however, have found the statute unconstitutional. The City of Morgan Hill and the Office of the Sheriff retain language in their complaint materials nearly identical to the above statute. Regardless, the civil advisory is not mandated and continued reference to this code provision of questionable enforceability presents a risk that citizens will be intimidated from filing legitimate complaints. As a result, problems may go unrecognized and uncorrected. The City of Morgan Hill and the Office of the Sheriff should remove this civil advisory from their complaint materials.

Conclusion

California Penal Code Section 832.5 requires entities that employ peace officers to establish a procedure:

- To investigate complaints from the public against their personnel
- To make a written description of the complaint procedure available to the public

The Grand Jury reviewed and assessed the procedures established by the Office of the Sheriff and the municipal law enforcement agencies within the county for receiving complaints regarding their personnel. The report was prepared using the responses of a survey addressed to and answered by 12 jurisdictions, email clarifications when necessary, a review of their websites, and on-site visits to their offices.

All law enforcement agencies surveyed have a procedure to address complaints from the public. Through agencies' responses, web searches, and on-site visits, the Grand Jury determined that the availability to the public of the complaint procedure varied by jurisidiction. Differences between agency were: (a) access to complaint materials in hard copy form or on-line; (b) the existence of a complaint form; and (c) the availability of multilingual complaint materials.

The Grand Jury recommends that agencies make their complaint materials – complaint procedure and complaint form – available on-line and freely available in hard copy form in their lobby. Additionally, the Grand Jury recommends that agencies make their complaint materials available in multiple languages reflective of their community.

The Grand Jury noted that the cities of Campbell and Santa Clara do not provide complaint forms. Complaint forms, when they exist, vary widely among agencies. With the goal of collecting all relevant complaint information, the Grand Jury recommends that all agencies make available a detailed complaint form on-line and freely available in hard copy form in their lobby.

The Grand Jury found that the complaint materials of some agencies include reference to California Penal Code Section148.6, which has been held unconstitutional and/or language similar to California Civil Code Section 47.5, which has been called into question. Continued reference to these code provisions presents a risk that citizens will be intimidated and deterred from from filing legitimate complaints. As a result, problems may go unidentifed and uncorrected.

The Grand Jury recommends that offending agencies remove reference to California Penal Code Section 148.6 and/or language similar to California Civil Code Section 47.5 from their complaint materials.

Findings and Recommendations

Finding 1

The Campbell Police Department makes their complaint procedure available only in hard copy form in their lobby.

Recommendation 1a

The Campbell Police Department should make their complaint procedure available on-line.

Recommendation 1b

The Campbell Police Department should make a complaint form available on-line and also freely available in hard copy form in their lobby.

Finding 2

The Campbell Police Department makes their complaint procedure available only in English.

Recommendation 2

The Campbell Police Department should make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 3

The Gilroy Police Department makes their complaint materials available only upon request.

Recommendation 3

The Gilroy Police Department should make their complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 4

The Gilroy Police Department makes their multilingual complaint materials available only upon request.

Recommendation 4

The Gilroy Police Department should make their multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 5

The Los Altos Police Department makes all of their multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Recommendation 5

None

Finding 6

The Los Altos Police Department complaint form includes reference to the unconstitutional California Penal Code Section 148.6 criminal advisory.

Recommendation 6

The Los Altos Police Department should remove reference to the unconstitutional California Penal Code Section 148.6 criminal advisory from their complaint form.

Finding 7

The Los Gatos/Monte Sereno Police Department does not make all of their complaint materials available on-line and also freely available in hard copy form in their lobby.

Recommendation 7

The Los Gatos/Monte Sereno Police Department should make their complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 8

The Los Gatos/Monte Sereno Police Department complaint materials are only available in English.

Recommendation 8

The Los Gatos/Monte Sereno Police Department should make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 9

The Milpitas Police Department does not make all of their complaint materials available on-line and also freely available in hard copy form in their lobby.

Recommendation 9

The Milpitas Police Department should make their complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 10

The Milpitas Police Department does not make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Recommendation 10

The Milpitas Police Department should make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 11

The Morgan Hill Police Department does not make their complaint materials freely available in hard copy form in their lobby.

Recommendation 11

The Morgan Hill Police Department should make their complaint materials freely available in hard copy form in their lobby.

Finding 12

The Morgan Hill Police Department complaint materials are available only in English.

Recommendation 12

The Morgan Hill Police Department should make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 13

The Morgan Hill Police Department complaint materials include reference to the unconstitutional California Penal Code Section 148.6 criminal advisory and language that mirrors the California Civil Code Section 47.5 civil advisory.

Recommendation 13

The Morgan Hill Police Department should remove reference to the unconstitutional California Penal Code Section 148.6 advisory and the language that mirrors the California Civil Code Section 47.5 civil advisory from their complaint materials.

Finding 14

The Mountain View Police Department does not make all of their complaint materials available on-line and also freely available in their lobby in hard copy form.

Recommendation 14

The Mountain View Police Department should make their complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 15

The Mountain View Police Department complaint materials are available only in English.

Recommendation 15

The Mountain View Police Department should make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 16

The Mountain View Police Department complaint materials include reference to the unconstitutional California Penal Code Section 148.6 criminal advisory.

Recommendation 16

The Mountain View Police Department should remove reference to the unconstitutional California Penal Code Section 148.6 criminal advisory from their complaint materials.

Finding 17

The Palo Alto Police Department does not make their complaint materials freely available in hard copy form in their lobby.

Recommendation 17

The Palo Alto Police Department should make their complaint materials freely available in hard copy form in their lobby.

Finding 18

The Palo Alto Police Department does not make multilingual complaint materials freely available in hard copy form in their lobby.

Recommendation 18

The Palo Alto Police Department should make multilingual complaint materials freely available in hard copy form in their lobby.

Finding 19

The San Jose Police Department complaint form provides little guidance to the complainant about what information is needed.

Recommendation 19

The San Jose Police Department should add content guidance to their complaint form.

Finding 20

The San Jose Police Department does not make all of their complaint materials freely available in hard copy form in all of their lobbies.

Recommendation 20

The San Jose Police Department should make their complaint materials freely available in hard copy form in all their lobbies.

Finding 21

The San Jose Police Department does not make all of their multilingual complaint materials available on-line and also freely available in hard copy form in all their lobbies.

Recommendation 21

The San Jose Police Department should make all of their multilingual complaint materials available on-line and also freely available in hard copy form in all their lobbies.

Finding 22

The Santa Clara Police Department does not make all complaint materials available on-line and also freely available in hard copy form in their lobby.

Recommendation 22

The Santa Clara Police Department should make all complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 23

The Santa Clara Police Department does not make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Recommendation 23

The Santa Clara Police Department should make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 24

The Office of the Sheriff does not make their complaint materials freely available in hard copy form in all their lobbies.

Recommendation 24

The Office of the Sheriff should make their complaint materials freely available in hard copy form in all their lobbies.

Finding 25

The Office of the Sheriff does not make multilingual complaint materials freely available in hard copy form in all their lobbies.

Recommendation 25

The Office of the Sheriff should make multilingual complaint materials freely available in hard copy form in all their lobbies.

Finding 26

The Office of the Sheriff complaint materials include language that mirrors California Civil Code Section 47.5 civil advisory.

Recommendation 26

The Office of the Sheriff should remove the language that mirrors California Civil Code Section 47.5 civil advisory from their complaint materials.

Finding 27

The Sunnyvale Department of Public Safety on-line complaint form provides little guidance to the complainant about what information is needed.

Recommendation 27

The Sunnyvale Department of Public Safety should add content guidance to their on-line complaint form.

Finding 28

The Sunnyvale Department of Public Safety does not make all of their complaint materials available in all Department of Public Safety websites operated by the City of Sunnyvale.

Recommendation 28

The Sunnyvale Department of Public Safety should make their complaint materials available in all Department of Public Safety websites operated by the City of Sunnyvale.

Finding 29

The Sunnyvale Department of Public Safety does not make multilingual complaint materials freely available in hard copy form in their lobby.

Recommendation 29

The Sunnyvale Department of Public Safety should make multilingual complaint materials freely available in hard copy form in their lobby.

Finding 30

The Sunnyvale Department of Public Safety complaint materials include reference to the unconstitutional California Penal Code Section 148.6 criminal advisory.

Recommendation 30

The Sunnyvale Department of Public Safety should remove reference to the unconstitutional California Penal Code Section 148.6 criminal advisory from their complaint materials.

Appendix A

California Penal Code Section 832.5 (a)(1)

Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and shall make a written description of the procedure available to the public.

This report was **PASSED** and **ADOPTED** with a concurrence of at least 12 grand jurors on this 4th day of June, 2013.

Steven P. McPherson
Foreperson

Lyn H. Johnson
Foreperson pro tem

Chester F. Hayes
Foreperson pro tem

Francis A. Stephens
Secretary

Santa Clara County
Civil Grand Jury
191 North First Street
San Jose, CA 95113

Honorable Gregory Scharff
Mayor
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301