

# CITY OF SUNNYVALE

*The Heart of Silicon Valley*<sup>sm</sup>

456 WEST OLIVE AVENUE SUNNYVALE, CALIFORNIA 94086 (408) 730-7473

August 28, 2013

Anthony (Tony) Spitaleri  
Mayor

Jim Griffith  
Vice Mayor

Christopher R. Moylan  
Councilmember

David Whittum  
Councilmember

Pat Meyering  
Councilmember

Tara Martin-Milius  
Councilmember

Jim Davis  
Councilmember

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

Honorable Judge Walsh,

The Sunnyvale City Council received the 2012-2013 Santa Clara County Civil Grand Jury's Final Report on *Law Enforcement Public Complaint Procedures*. The following is the Council's response to the Findings and Recommendations per authority section 933.05(a) of the California Penal Code.

## Law Enforcement Public Complaint Procedures

### **Finding 27**

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

### **Response: Agreed**

The current on-line question and comment form for the Sunnyvale Department of Public Safety is a standard on-line form used by all departments within the City of Sunnyvale. This on-line format has been in use since 2007 to comply with City Policy regarding "Customer Service in a Customer-Driven Organization". The on-line form has fields for filling in your name, email, phone, location of incident, and narrative explaining your concern(s). The drop down menu on the form allows the user to select the city department to send the comments to. Once submitted by the user, the form is

**FILED**

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DAVID H. YAMASAKI  
Chief Executive Officer/Clerk,  
Superior Court of CA County of Santa Clara  
BY STEPHANIE WONG

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Presiding Judge  
Santa Clara County Superior Court

emailed to an inbox which is checked by an employee of the department Monday through Friday.

### **Recommendation 27**

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

#### **Response: implemented:**

The Sunnyvale Department of Public Safety's webpage now consists of (2) two separate on-line comment forms. The generic city comment form was preserved to comply with existing City Policy. This on-line form is available under a link titled "Generic City Comment Form".

The new link titled "Compliments and Complaints" is positioned just below the Generic City Comment Form. The new link takes you to an on-line version of the "Compliments and Complaints" form available at the Public Safety lobby. The on-line complaint form explains the investigation process, notification timelines, instructions to preserve any possible evidence and possible investigative outcomes. The on-line complaint form can be submitted electronically and will be forwarded to the Sunnyvale Department of Public Safety Internal Affairs Lieutenant.

### **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.

#### **Response: Agreed**

The Sunnyvale Department of Public Safety's first webpage was initially www.sunnyvaledps.com. A different complaint form was used on the old website prior to the implementation of the city-wide comment system in 2007. Eventually all city departments were consolidated under the new website www.sunnyvale.ca.gov. The

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old website [www.sunnyvaledps.com](http://www.sunnyvaledps.com) was never linked to the new website or removed.

### **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.

### **Response: Implemented**

The Sunnyvale Department of Public Safety has removed [www.sunnyvaledps.com](http://www.sunnyvaledps.com). Any user attempting to visit the old website will be automatically directed to the Sunnyvale Department of Public Safety's website at <http://publicsafety.insunnyvale.com>. This is the only Sunnyvale Department of Public Safety website operated by the City of Sunnyvale. The official website address to the Sunnyvale Department of Public Safety has been added to all hard copy "Compliments and Complaints" forms. In addition, all "Compliments and Complaints" forms are available for download on the Sunnyvale Department of Public Safety website in English, Chinese, Hindi and Spanish.

### **Finding 29**

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

### **Response: Agreed**

The Sunnyvale Department of Public Safety translated the "Compliments and Complaints" forms into Chinese and Spanish and made them available to the public on May 17, 2013. When the Grand Jury report was received on June 20, 2013, the Sunnyvale Department of Public Safety was in process of translating the form into Hindi as well.

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### **Recommendation 29**

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

### **Response: Implemented**

The Sunnyvale Department of Public Safety has made the "Compliments and Complaints" forms available in the front lobby in Chinese and Spanish since May 17, 2013. As of August 20, 2013, the "Compliments and Complaints" form is also being offered in Hindi in response to the large Asian-Indian population in Sunnyvale. In addition, the "Compliments and Complaints" forms are now available for download on the Sunnyvale Department of Public Safety website in English, Chinese, Spanish and Hindi.

### **Finding 30**

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

### **Response: Agreed**

The Sunnyvale Department of Public Safety removed the unconstitutional California Penal Code Section 148.6 criminal advisory from its hard copy complaint forms February 13, 2012. The new hard copy complaint forms in Chinese, Hindi and Spanish were created without the 148.6 criminal advisory.

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### **Recommendation 30**

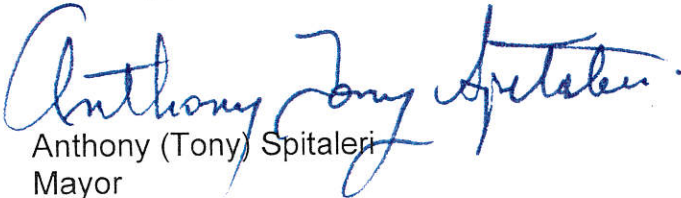
The Sunnyvale Department of Public Safety should remove the reference to the unconstitutional California Penal Code 148.6 criminal advisory from their complaint forms.

### **Response: Implemented**

After the Grand Jury report was received on June 20, 2013, old hard copy complaint forms containing the 148.6 criminal advisory were located in the front lobby. Through investigation it was determined the employee responsible for restocking the forms was using an old stack of complaint forms printed before 2012 to restock the documents rack. The old complaint forms were destroyed and the new complaint forms were given to the employee responsible for restocking. In addition, a department wide email was sent out to all Sunnyvale Department of Public Safety employees instructing them to destroy any of the old complaint forms in their possession.

If you have any comments or questions, please contact me at (408) 730-7473.

Sincerely,

  
Anthony (Tony) Spitaleri  
Mayor