

WEST VALLEY-MISSION COMMUNITY
COLLEGE DISTRICT POLICE
DEPARTMENT:

“AN OPEN AND SHUT CASE”



2019-2020 Civil Grand Jury
of Santa Clara County

October 26, 2020

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GLOSSARY AND ABBREVIATIONS

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|---------------------------|---|
| ARMS | Automated Report Management System – software program used by WVMCCDPD to manage police reports |
| CLEARED REPORT | ARMS report for which an arrest has been made. Cleared reports may or may not require additional work |
| CLERY REPORT | The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, signed in 1990, is a federal statute that requires an annual report of campus crimes to be prepared by every college and university in the United States receiving federal funding |
| CLOSED REPORT | ARMS report where no arrest has been made and all work is complete |
| INACTIVE REPORT | ARMS report for which all investigative options have been completed, but the WVMCCDPD is not ready to close |
| MOU | Memoranda of Understanding between the West Valley-Mission College Community District and both the County of Santa Clara Sheriff's Office for the West Valley campus, and the City of Santa Clara Police Department for the Mission College campus, for joint policing |
| OPEN REPORT | ARMS report where no arrest has been made and more work needs to be performed on the case |
| SWORN OFFICER | A patrol officer who has completed Peace Officer Standards and Training (POST) in an accredited Police Academy |
| TRANSFERRED REPORT | ARMS report that has been transferred to another police agency or the County of Santa Clara District Attorney's Office |
| WVMCCDPD | West Valley-Mission Community College District Police Department |

SUMMARY

West Valley College in Saratoga and Mission College in Santa Clara are known as the West Valley-Mission Community College District (District). The two colleges are patrolled and protected by the West Valley-Mission Community College District Police Department (District Police Department), which is one of the smaller full-service police forces in the County of Santa Clara. The District Police Department began as a unit controlled by West Valley College at its founding in 1963 and added responsibility for the Mission College campus in 1977 when that campus opened. These police officers are empowered to perform police protective services by California Penal Code section 830 et. seq. and California Education Code section 72330 et. seq.

The mission of the District Police Department is to protect and serve the students, faculty, and visitors for both campuses. The staff is comprised of ten sworn officer positions, three clerical positions, and four ancillary positions. At its maximum staff strength, the department was authorized to employ 12 sworn officers, but that number has been reduced to ten over the past several years due to budgetary constraints. These limitations were accepted despite the growing responsibilities of the department and the increased number of students -- currently more than 15,000 -- and faculty using the campuses daily. Of the ten sworn officer positions, there is currently a lieutenant vacancy, which occurred when the new chief was elevated from within the department in July 2019. An additional vacancy is due to a five-year administrative leave for a full-time sworn officer.

The District has Memorandums of Understanding (MOU) with both the County of Santa Clara Sheriff's Office and the City of Santa Clara Police Department, whose officers cover the assigned campus areas between 2 am and 6 am each day. All officers are on call for any emergency.

The department patrols the two campuses, both on foot and in patrol cars, responds to calls for assistance, and produces a variety of reports ranging from traffic violations to violent offenses. During the period from November 2014 to November 2019, 1,004 police reports were written.

The Santa Clara County Civil Grand Jury (CGJ) concluded that due to a lack of a full complement of sworn officers, deficiencies in supervisory actions, deficiencies in officer training, and an outdated procedures manual, the District Police Department is at a disadvantage for completing police reports in a timely manner. The District Police Department uses an Automated Report Management System (ARMS) to organize reports but use of this system has been incomplete and/or inconsistent.

BACKGROUND

After receiving a complaint, the CGJ decided to start an investigation of the District Police Department in order to understand why there was a substantial backlog of open cases that had not been addressed by the department.

It immediately became clear that a significant percentage of reports issued since 2014 remained in “open” status, meaning that more work was required on them. This lack of completed reports created unease in the minds of the CGJ as to whether there could be an impact on the District’s ability to report accurate statistics for the annual Clery Reports as mandated under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990.

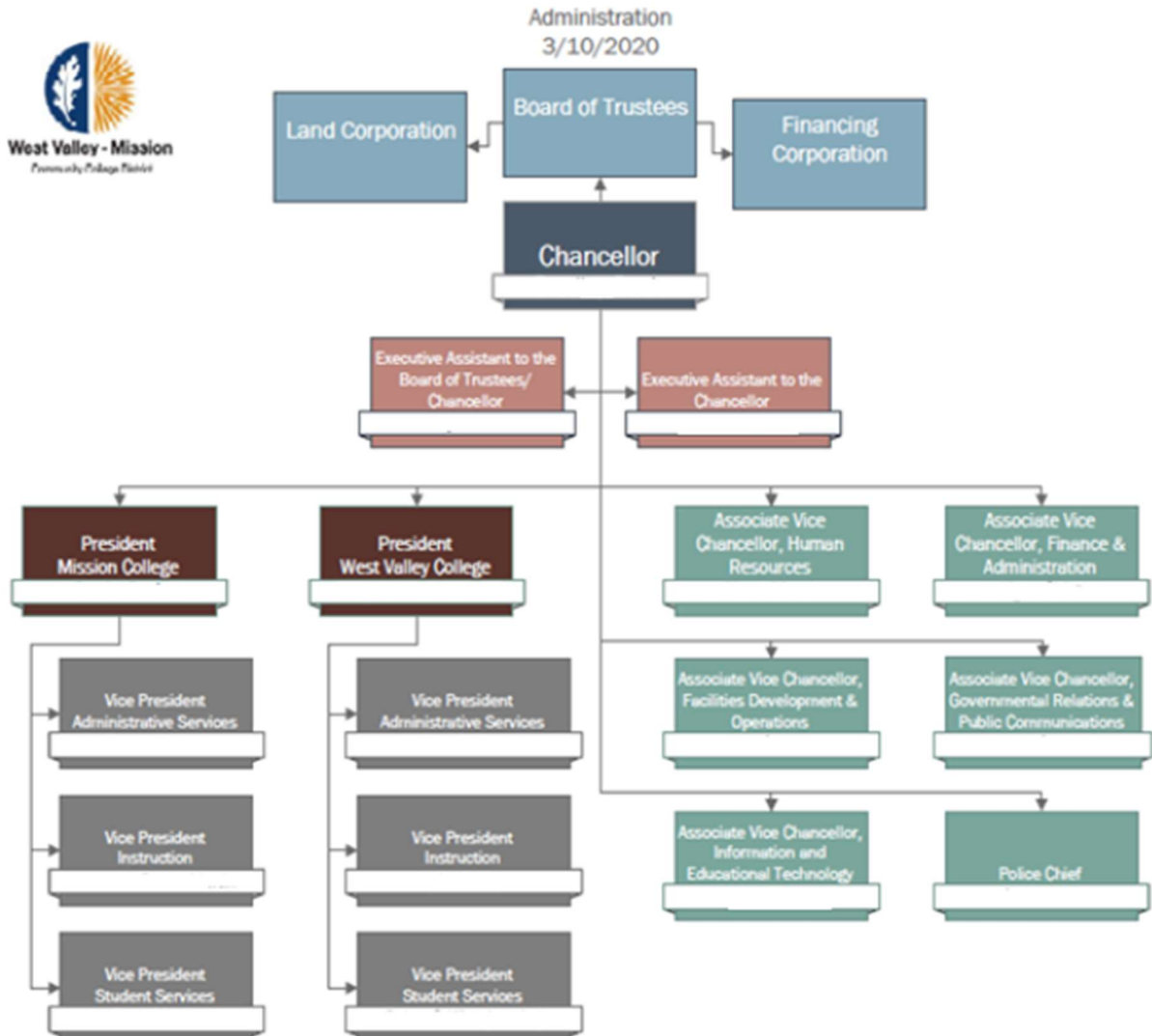
The Clery Report system was instituted on a national basis in 1990 and is meant to account for individual crime statistics by each college and university in the USA. These reports are filed annually with the United States Department of Education by all colleges and universities that accept federal funding. The Clery Reports can also be used by prospective students and parents to determine if a safe environment exists on individual campuses. The crimes to be reported are:

- Murder
- Manslaughter
- Aggravated/Simple assault
- Sexual assault, both forcible and statutory
- Stalking
- Domestic violence
- Dating violence
- Intimidation
- Burglary
- Robbery
- Theft of property
- Motor vehicle theft
- Arson
- Destruction/damage/vandalism of property
- Liquor law offenses
- Drug abuse offenses
- Weapons law offenses
- Bomb threats

The CGJ chose to review all open and recently closed or cleared cases and review their status with department management.

The organizational chart in Figure 1, below, shows the chain of command for the department and the District. As of March 2020, the police chief reports directly to the chancellor. In prior years, the chief reported to one of the vice chancellors.

Figure 1. West Valley-Mission Community College District Organizational Chart, March 2020.



METHODOLOGY

The CGJ interviewed several members of the District Police Department.

District Police Department management, after consultation with the chancellor's office, provided to the CGJ lists of open, closed, cleared, and transferred police reports. These lists were generated by ARMS, which is the official tool used by the department to capture and house police records.

The CGJ examined five years of the official District Clery Reports. Reviewing more than 200 police reports, the CGJ compared the police reports to the published Clery Reports to confirm that the District Police Department accurately reported all incidents required.

The District Police Department management has cooperated with the CGJ investigation and provided all requested information on a timely basis.

DISCUSSION

Police departments large and small have many important functions including report writing, entering data into a case management system, and updating the investigation results for each case. Managing these activities well is an important part of policing to ensure accurate results are recorded in ongoing and solved cases.

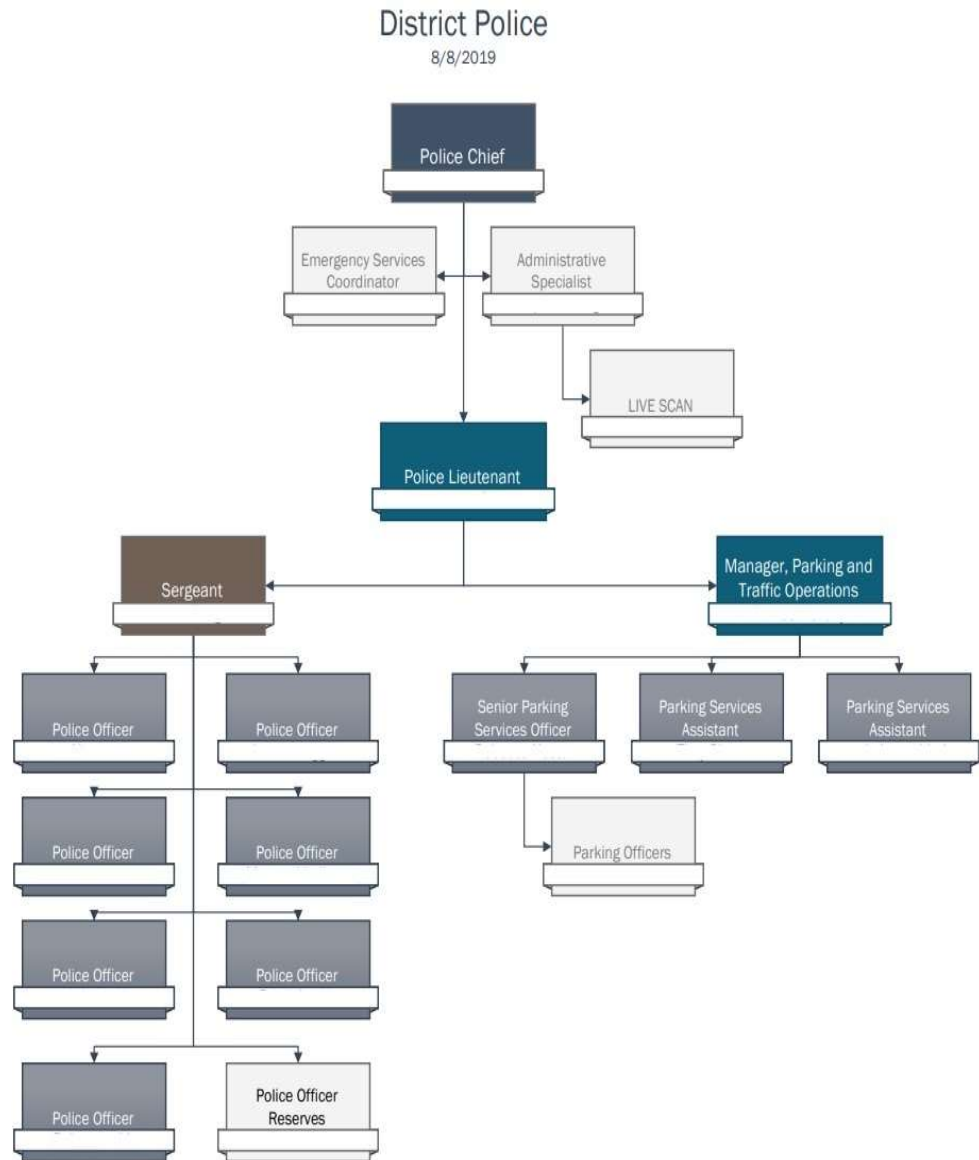
Staffing

With two out of ten positions in the sworn officer staff vacant, the CGJ concluded that the District Police Department was operating at a disadvantage that impacted the department's ability to manage the ARMS reports in a timely manner.

As a positive step towards improvement, the District Police Administration has published the job opening for the lieutenant position. They are seeking a candidate with both administrative and technical training and expertise. The department is unable to fill the other open sworn officer position since the administrative leave is being handled according to applicable policies and procedures of the District.

The organizational chart in Figure 2, below, shows the chain of command for the West Valley-Mission Community College District Police Department.

Figure 2. West Valley-Mission Community College District Police Department Organizational Chart, August 2019.



Full Use of ARMS

ARMS, which is sold and serviced by End2End Corporation, has been used by the District Police Department for report management for many years. According to several interviewees, training on the system has been lax for several years and not a priority for the department. Management is exploring the potential use of an updated form of ARMS called ARMS Mobile. The plan is to transition to ARMS Mobile, which promises to provide more accuracy, quicker updates of police reports, and access to a countywide database, rather than relying solely on the current District

Police Department local database. The department will need to train all personnel in the proper and timely use of the ARMS Mobile software.

Report Status and Stagnation

On October 18, 2019, the CGJ requested that the District Police Department Administration send a list of all open police report cases that were produced by any and all officers during the past five years. The department responded on November 18, 2019, with a list of 76 cases, and explained the use of ARMS for recordkeeping and report compilations. The CGJ at that point asked the department to list any cases whose status was changed from open to any other status including closed or cleared between October 18, 2019 and November 18, 2019.

The ARMS open case report showed a total of 126 cases as of October 18, 2019, which was then reduced to 76 cases as of November 18, 2019. Of these 126 cases, 115 were open reports, and 11 were closed but pending a supervisor's approval. The 115 open reports included six reports from 2014.

As of November 19, 2019, the 11 pending reports received a supervisor's approval, and an additional 39 reports were closed or cleared. Although the cases had been open for a long time, the District Police Department closed or cleared 50 reports within one month after the CGJ requested the list of open reports.

The fact that the 50 cases were dealt with so quickly leads the CGJ to conclude that these functions could have been performed much earlier if prioritized. Many of the open cases retained their open status after their initial review because of a lack of supervisor approval. To prevent stagnation, a supervisor should have changed status of each case regularly to ensure that whenever a case moved from open to closed or cleared, the case status was updated in the system.

Open reports may include cases that should be referred to the County of Santa Clara District Attorney's Office (DA). If the case remains open due to supervisor inaction, then the case cannot be referred to the DA, which could lead to a lack of confidence in the District Police Department's attention to their duties.

Although many reports remained in open status, the CGJ found that the District Police Department's compliance with the Clery Act reporting process was complete and accurate and included all police report information in the system regardless of a report's listed status. Further, the CGJ found that even if a reportable Clery Act incident comes to the attention of the District Police Department but no police report is filed, it is still included in the Clery Report statistics. Some victims or witnesses may be unwilling to go on record about an event. For example, a rape

victim who is adamant about not making a police report may reveal to a close friend the details of their ordeal, and make the friend promise never to mention them as the victim. However, the victim may allow the friend to inform the department about the rape provided the friend does not mention the victim's name or provide any personal identifying information. The CGJ confirmed that such an incident would be documented in the Clery Report even though an official police report was never filed.

Training and Procedures

The District Police Department acknowledges that training on ARMS usage is out-of-date, current procedures regarding ARMS usage need to be updated, and training for all ARMS users should become a standard training item. The lack of current procedures for regular and timely supervisory review of each open police report's status has led to the backlog of reports that need attention. Management of the ARMS police reports has not been viewed as a priority.

The District Police Department management recognized early in the investigation that their ARMS case management process needs improvement.

FINDINGS AND RECOMMENDATIONS

Finding 1

Because police reports are not being completed, submitted, and reviewed by management in a timely manner, the District Police Department has a large backlog of incomplete reports. This backlog undermines confidence in the District Police Department.

Recommendation 1

The District Police Department should prioritize police report completion and supervisory review. The District Police Department should assign specific staff to manage the reporting process on an ongoing basis. This recommendation should be implemented by May 2021.

Finding 2

Police officers rely on ARMS software to perform vital recordkeeping of police reports. The CGJ found that ARMS software is not regularly evaluated for effectiveness. Additionally, training is insufficient for new and existing police officers.

Recommendation 2

All staff should be trained or retrained on all aspects of ARMS or ARMS Mobile in use, including any software upgrades, as the upgrades are installed and implemented. Management should ensure that ARMS software is meeting the department's needs and that substantive training takes place. Training sessions should be an ongoing activity that should be implemented by May 2021.

Finding 3

The CGJ found that the District Police Department procedures manual related to incident reporting is outdated and does not sufficiently support department personnel in executing their incident reporting and supervisory review duties.

Recommendation 3

The District Police Department should update the procedures manual related to incident reporting. The department should initiate this review by January 2021, with subsequent actions scheduled for completion by May 2021.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Civil Grand Jury requests responses from the following agency:

| Responding Agency | Finding | Recommendation |
|--|----------------|-----------------------|
| West Valley-Mission Community College District Board of Trustees | 1,2,3 | 1,2,3 |


APPENDIX

JEANNE CLERY REPORTS

The Clery Reports for West Valley-Mission College District from 2014 through 2019 may be found in three volumes cited here on the college website:

<http://wvm.edu/services/police/clery/pages/default.aspx>

This report was **ADOPTED** by the 2019-2020 Santa Clara County Civil Grand Jury on this 26th day of October, 2020.

A handwritten signature in cursive script that reads "Karla Fukushima". The signature is written in black ink and is positioned above a horizontal line.

Ms. Karla Fukushima

Foreperson