

# East Bay Regional Park District Police Department



## 2015 Internal Affairs Statistical Report

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**Introduction:**

**East Bay Regional Park District Police Department  
2015 Internal Affairs Statistics**

**Introduction:** The Department of Public Safety conducts annual statistical summaries of internal affairs investigations that are made available to the public and agency employees. By providing this information we believe we are demonstrating that the East Bay Regional Park District holds its personnel accountable for their actions.

These findings are published annually and are posted on the East Bay Regional Park District's website. <http://www.ebparks.org/about/police/stats>. They are also available for review at Public Safety Headquarters, 17930 Lake Chabot Road, Castro Valley, CA 94546

**Annual Statistical Summary:**

The Police Department budget consists of 64 authorized sworn positions, and 30 authorized civilian staff.

The East Bay Regional Park District's Department of Public Safety conducted six (6) internal affairs investigation in the year 2015, one (1) was citizen initiated and five (5) investigations of misconduct were conducted by the Office of the Chief.

During 2015 there were 8,960 calls for service 3,853 citations issued, 405 arrests and 3,534 Field Interviews (contacts without arrests). The amount of contacts and incidents our officers were involved in compared to the ratio of Internal Affairs investigations show no significant areas of concern. A review of the amount and nature of the statistics found no trends or need for training.

**Conclusion of Fact:** A conclusion of fact was made for each investigation into alleged misconduct. All involved parties were notified via letter of the results of each investigation. Below is a description of the types of findings that can be determined from an internal affairs investigation.

**UNFOUNDED:** The investigation shows the alleged act (s) did not occur.

**EXONERATED:** The investigation concluded that the Officer's actions were lawful and proper.

**NOT-SUSTAINED:** The investigation was unable to prove or disprove yours or the officer's version of the incident

**SUSTAINED:** The allegations made in the complaint are supported by the investigation.

It is the responsibility of the Chief of Police to administer the internal affairs process. Complaints against the East Bay Regional Park District's Police Department are received

in one of two ways. Citizen initiated complaints (CC's) are the result of a complaint from a member or members of the public. Department initiated investigations (IA's) are the result of Department personnel alleging a violation of our policy manual and or misconduct against another member of the Department. In the Year 2015, 17% of complaints (total of 1) were citizen initiated, while 83% were Department initiated investigations (total of 5).

Incident	Division	Complaint	Finding
CC 15-01	Police	<ol style="list-style-type: none"> <li>1) Violation of Policy Manual section 350.3.5(h) Knowingly making false, misleading or malicious statements</li> <li>2) Violation of Policy Manual section 340.3.6(e) Any personal action contributing to involvement in a preventable traffic collision or other unsafe or improper driving habits or actions in the course of employment</li> </ol>	<ol style="list-style-type: none"> <li>1) Unfounded</li> <li>2) Unfounded</li> </ol>
IA 15-01	Police	<ol style="list-style-type: none"> <li>1) Violation of Policy Manual section 350.3.5(d) Concealing, attempting to conceal, removing or destroying defective or incompetent work</li> <li>2) Violation of Policy Manual section 340.3.5(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document</li> </ol>	<ol style="list-style-type: none"> <li>1) Not Sustained</li> <li>2) Not Sustained</li> </ol>

IA 15-02	Police	<p>1) Violation of Policy Manual Section 340.3.5(q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures</p>	<p>2) Not Sustained</p>
IA 15-03	Police	<p>1) Violation of Policy Manual 340.3.5(p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation</p> <p>2) Violation of Policy Manual 340.3.5(u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.</p>	<p>1) Unfounded</p> <p>2) Unfounded</p>
IA 15-04	Police	<p>2) 340.3.2 (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.</p> <p>3) 340.3.5 (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor person in a position of authority.</p>	<p>1 ) Not Sustained</p> <p>2) Not Sustained</p>

IA 15-05	Police	<p>1) 340.5.8 (b) Falsification of any work-related records, making misleading entries or statements with the Intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.</p> <p>2) 340.5.5 (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without a reasonable excuse.</p> <p>3) Violation of PA MOU 9.1 B Failure to abide by policies, procedures, rules and regulations the District.</p>	<p>1) Not Sustained</p> <p>2) Sustained</p> <p>3) Sustained</p>
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### Internal Affairs Investigations by Year

	2013		2014		2015	
	# of Complaints	# of Allegations	# of Complaints	# of Allegations	# of Complaints	# of Allegations
Department Initiated	1	1	2	3	5	10
Citizen Initiated	1	2	4	5	1	2
<b>Total:</b>	<b>2</b>	<b>3*</b>	<b>6</b>	<b>8*</b>	<b>6</b>	<b>12*</b>

\*Reflects the number of allegations within complaints. There were a total of 2 complaint investigations in 2013, 6 complaint investigations in 2014 and 6 complaint investigations in 2015.

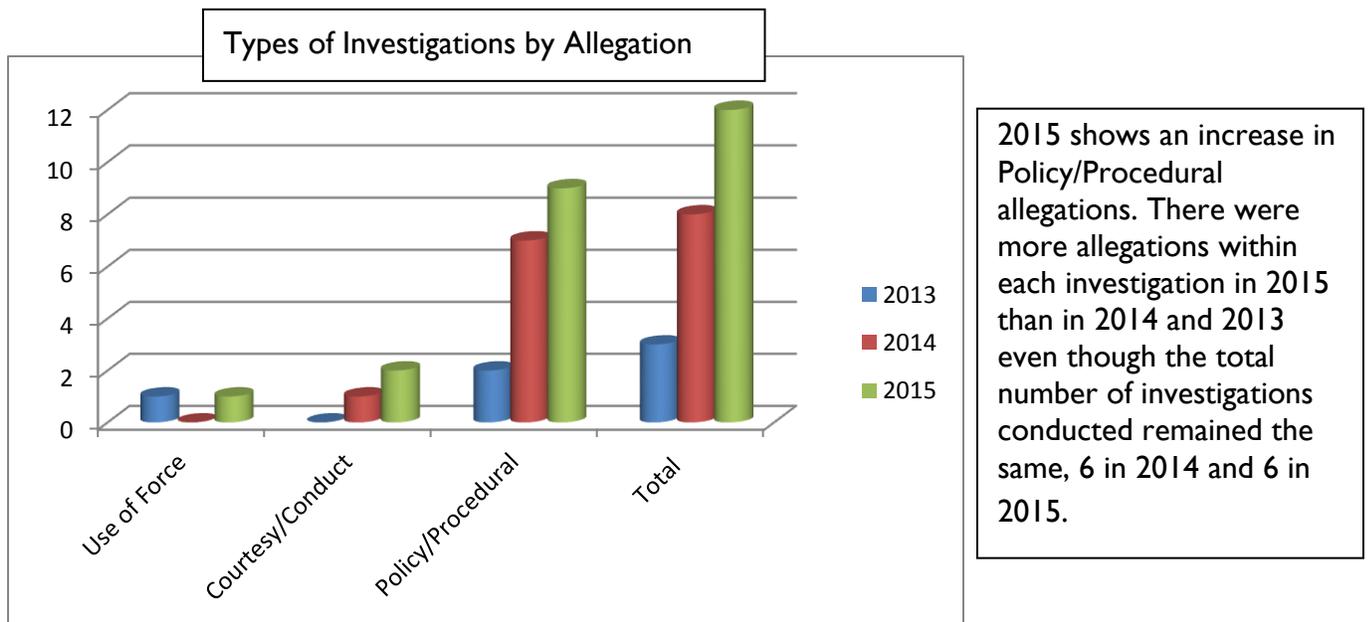
The above numbers show that in 2013 (2) formal complaints were received; compared to (6) formal complaints received in 2014 and (6) formal complaints received in 2015. There was an increase in complaints from 2013 to 2014 but of the complaints received, none of the investigations resulted in sustained findings. From 2014 to 2015 the number of complaints remained the same; however there was an increase in the Department initiated investigations when compared to subsequent years 2014 and 2013.

## Types of Investigations by Allegation

Type of Allegation	Year			% of Investigations by Type		
	2013	2014	2015	2013	2014	2015
Use of Force	1	0	1	34	0	8.33
Courtesy/Conduct	0	1	2	0	12.5	16.67
Policy/Procedural	2	7	9	66	87.5	75
Total:	3	8	12	100	100	100

The Use of Force application is defined by our policy manual as:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of an EMDT or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, belly chains, or wrap.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) Resulted in a K9 bite.
- (j) Any type of chemical agent was used.
- (k) Any type of impact weapon was used.
- (l) The Carotid Control was used.
- (m) Any method of take down was used which has the potential to have caused physical injury.
- (n) An individual alleges any of the above has occurred.



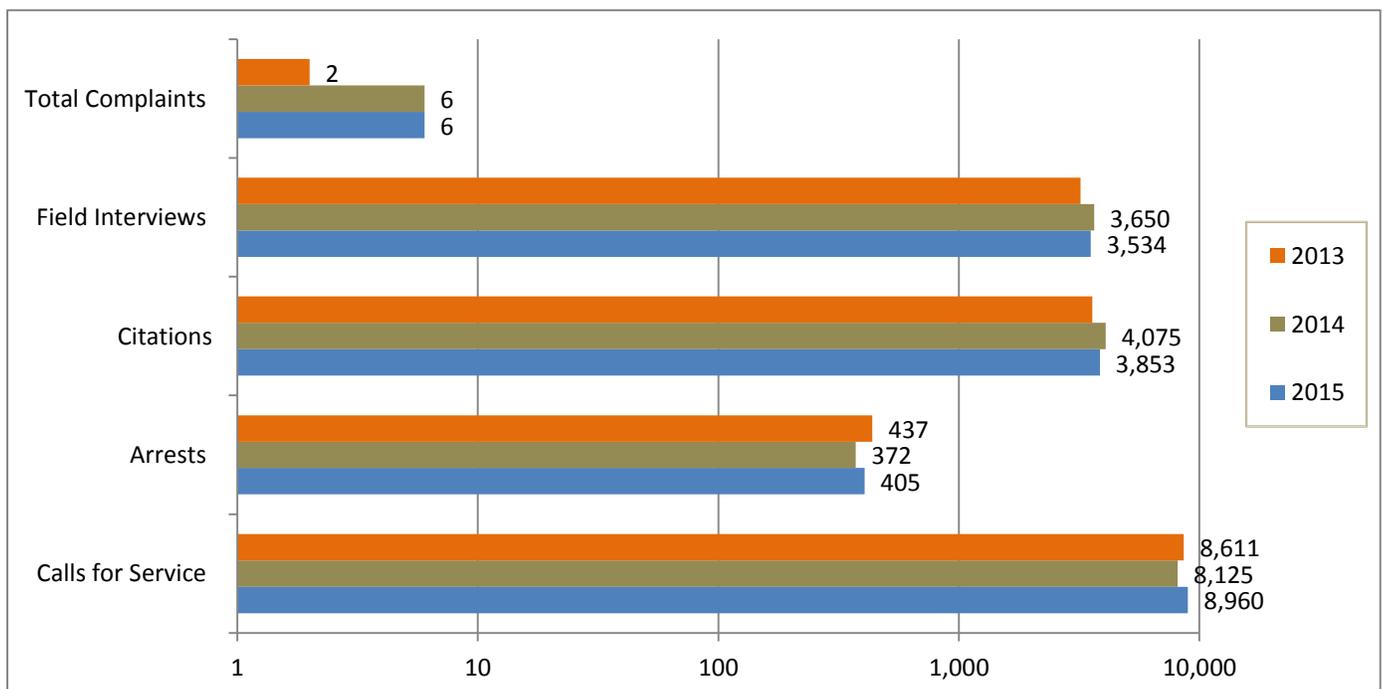
## Disposition of Closed Cases

Disposition	Year			% of Dispositions by Type		
	2013	2014	2015	2013	2014	2015
Sustained	2	0	2	67%	0	17%
Not Sustained	0	3	6	0	38%	50%
Exonerated	1	0	0	33%	0	0
Unfounded	0	4	4	0	50%	33%
Allegations Pending	0	0	0	0	0%	0
No Findings/Case Withdrawn	0	1	0	0	12%	0
Total:	3	8	12	100%	100%	100%

2015 Department Activity			
Calls for Service	Arrests	Citations	Field Interviews
8,960	405	3,853	3,534

The table to the left & graph below depicts a comparison of overall department activity vs. complaints against our agency. The purpose of this data is to show the intensity of department workload compared to the number of complaints received. No trends were identified.

## Department Activity vs. Complaints 2013-2015



Upon reviewing all complaints submitted for 2015, for patterns or trends that could be predictive or could indicate training needs and/or policy modification needs, it has been determined that no changes need to be made. Over a three year period from 2013-2015 our department has not seen a significant change in the amount of complaints received despite the number of contacts made each year. The investigative files are confidential per Ca. Penal Code 832.7 and are maintained in a secure file in the Office of the Chief of Police.

The Department's purge criterion is five years for Citizen's Complaints and two years for Internal Affairs Investigations. Files are purged to comply with this criterion.