

East Bay Regional Park District Police Department



2016 Internal Affairs Statistical Report

Timothy M. Anderson
Chief of Police

East Bay Regional Park District
Department of Public Safety

Introduction:

**East Bay Regional Park District Police Department
2016 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 67 authorized sworn positions, and 31 authorized civilian staff.

The East Bay Regional Park District's Department of Public Safety conducted seven (7) internal affairs investigation in the year 2016, one (1) was citizen initiated and six (6) investigations of misconduct were conducted by the Office of the Chief.

During 2016 there were 9,847 calls for service 4,648 citations issued, 448 arrests and 3,950 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 16-01 | Police | 1) Violation of Policy Manual section: 340.5.9(m) Any other on or off-duty conduct which any member reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members. | 1) Unfounded |
| IA 16-01 | Police | 1) Violation of Policy Manual section: 340.5.9(g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform | 1) Sustained |

| | | | |
|----------|--------|--|---|
| IA 16-02 | Police | <p>1) Violation of Policy Manual section: 318.9(g) When off-duty, the canine shall be in a kennel provided by the District at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.</p> | 1) Sustained |
| IA 16-03 | Police | <p>1) Violation of EBRPD Policy Manual section: 314.2.1(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors</p> <p>2) Violation of EBRPD Policy Manual section: 314.2.1(i) Vehicle Speeds</p> | <p>1) Sustained</p> <p>2) Sustained</p> |
| IA 16-04 | Police | <p>1) Violation of Policy Manual section: 340.5.7 (a) Neglect of Duty</p> <p>2) Violation of Policy Manual section: 340.5.7 (d) Unauthorized sleeping during on-duty time or assignments</p> | <p>1) Sustained</p> <p>2) Not Sustained</p> |

| | | | |
|----------|--------|---|---|
| IA 16-05 | Police | <p>1) Violation of Policy Manual section: 340.5.10 (f) Unsafe or improper driving habits or actions in the course of employment or appointment</p> <p>2) Violation of Policy Manual section: 340.5.10(g) Any personal action contributing to a preventable traffic collision.</p> <p>3) Violation of Policy Manual section: 340.5.9(h) Knowingly making false, misleading or malicious statement that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members hereof.</p> <p>4) Violation of PA MOU section 9.1 B Willful misuse of District property</p> <p>5) Violation of PA MOU section 9.1 B Dishonesty</p> | <p>1) Sustained</p> <p>2) Sustained</p> <p>3) Not Sustained</p> <p>4) Sustained</p> <p>5) Unfounded</p> |
| IA 16-06 | Police | <p>1) Violation of Policy Manual section 340.5.9(f) Discourteous, disrespectful or discriminatory treatment of any member of the public of any member of this department or District</p> <p>2) Violation of Policy Manual section 340.5.9(f) Discourteous, disrespectful or discriminatory treatment of any member of the public of any member of this department or District</p> <p>3) Violation of Policy Manual section 340.5.9(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform</p> <p>4) Violation of Policy Manual section 340.5.9(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform</p> | <p>6) Sustained</p> <p>1) Sustained</p> <p>2) Sustained</p> <p>3) Sustained</p> |

Internal Affairs Investigations by Year

| | 2015 | 2016 | 2015 | 2016 |
|----------------------|------|------|------|------|
| Department Initiated | 5 | 6 | 10 | 15 |
| Citizen Initiated | 1 | 1 | 2 | 1 |
| Total: | 6 | 7 | 12* | 16* |

*Reflects the number of allegations within complaints. There were a total of 6 complaint investigations in 2015 and 7 complaint investigations in 2016.

The above numbers show that in 2016 (7) formal complaints were received; compared to (6) formal complaints received in 2015. There was an increase in complaints from 2015 to 2016. Overall there was one more formal complaint received in 2016 than in 2015, and an increase in the amount of allegations within the complaints from 12 to 16 allegations.

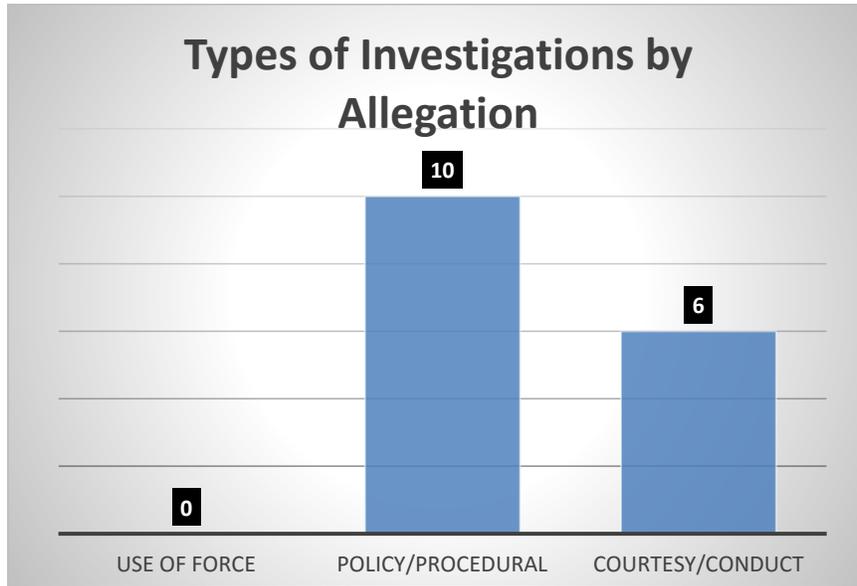
Types of Investigations by Allegation

| | Type of Allegation | | % of Investigations by Type | |
|-------------------|--------------------|------|-----------------------------|------|
| | 2015 | 2016 | 2015 | 2016 |
| Use of Force | 1 | 0 | 8.33 | 0 |
| Courtesy/Conduct | 2 | 6 | 16.67 | 38 |
| Policy/Procedural | 9 | 10 | 75 | 62 |
| Total: | 12 | 16 | 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.

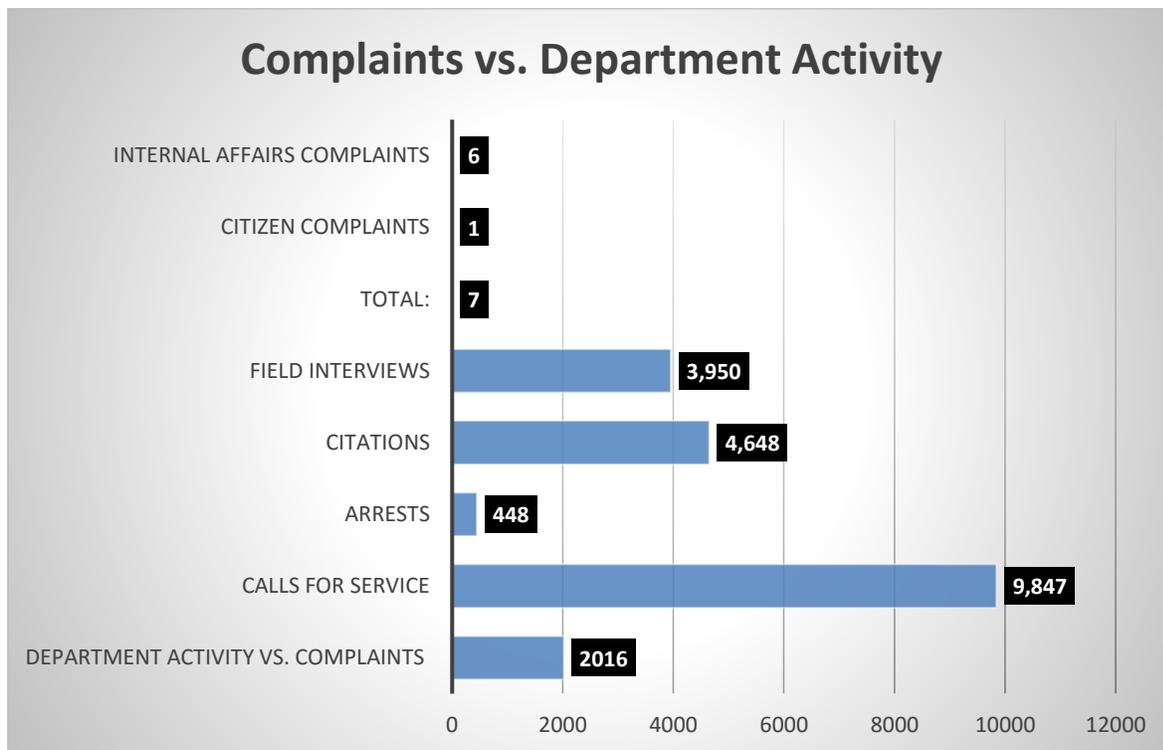


Disposition of Closed Cases

| Disposition | Year | | % of Dispositions by Type | |
|----------------------------|-----------|-----------|---------------------------|-------------|
| | 2015 | 2016 | 2015 | 2016 |
| Sustained | 2 | 12 | 17% | 75% |
| Not Sustained | 6 | 2 | 50% | 12.5% |
| Exonerated | 0 | 0 | 0 | 0 |
| Unfounded | 4 | 2 | 33% | 12.5% |
| Allegations Pending | 0 | 0 | 0 | 0 |
| No Findings/Case Withdrawn | 0 | 0 | 0 | 0 |
| Total: | 12 | 16 | 100% | 100% |

| 2016 Department Activity | | | |
|--------------------------|---------|-----------|------------------|
| Calls for Service | Arrests | Citations | Field Interviews |
| 9,847 | 448 | 4,648 | 3,950 |

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.



Recommendations/Conclusions:

Upon reviewing all complaints submitted for 2016, 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. 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.

Of note: since the Department started using body-worn-camera technology when a citizen's complaint is received, the Chief of Police requests an initial command-level review of the police contact. This review is done without initiating any formal interviews with witnesses or the subject of the complaint (which would require the invocation of the California Peace Officer's Procedural Bill of Rights). In many cases, it is determined that the actions of the police officer(s) were legal, proper, and well within applicable standards and guidelines. In such cases these complaints are deemed frivolous and are not reflected in this report, which contain only those cases in which a formal investigation occurred.