Ad Hoc Committee to Study Police Oversight

February 11, 2004

The Ad Hoc Committee to Study Police Oversight met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on February 11, 2004 at 4:10 p.m.

COMMITTEE PRESENT	COMMITTEE ABSENT	STAFF PRESENT
Dennis Kavanaugh, Chairman	Kevin Kotsur	Mike Hutchinson
Lynda Bailey		Chief Dennis Donna
Mike Campbell		Eric Norenberg
Henry Castillo, Jr.		Mary Berumen
Sharon Corea		
Linda Flick		
Graciela Herrera		
Michael Hughes		
Phil Lowry		
Patrick Pomeroy		
Ken Salas		
Mary Lou St. Cyr		
Janie Thom		
Claudia Walters		

1. Approval of Minutes of Previous Meetings:

   a. December 2, 2003 (previously distributed)
   b. January 14, 2004
   c. January 28, 2004

   It was moved by Committeemember Thom, seconded by Committeemember St. Cyr, that the minutes from the December 2, 2003 and January 14 and 28, 2004 meetings be approved.

   Chairman Kavanaugh declared the motion carried unanimously by those present.

2. Hear and discuss presentations on Internal Affairs investigations.

Police Chief Dennis Donna welcomed the members of the Committee to the meeting and stated that the presentation would focus on investigations conducted by the Police Department's Internal Affairs Section. He explained that such investigations arise out of action initiated internally by the Department against a member or members, or from complaints received from the public. Chief Donna noted that the presentation would also address the internal complaint process and the manner in which a complaint is adjudicated. He introduced Commander Mike Dvorak and Lieutenant Greg Hargis who would be providing the information.

Commander Dvorak reported that the Internal Affairs Section is composed of one Lieutenant, three Sergeants and two polygraph examiners, all of whom are appointed by and report directly to the Chief of Police. He explained that it is the philosophy of the Department to investigate any complaint filed by a citizen against an employee, but noted that it is not unusual once an individual receives an explanation as to why certain actions were taken by an officer, that the filing of a complaint is no longer necessary. Commander Dvorak commented that when a citizen does file a complaint against an officer, however, the individual receives a brochure (in English or Spanish) entitled "A Guide To the Citizen Complaint Process," which outlines the complaint procedure in a step-by-step manner.

Commander Dvorak provided the following statistical data: that the Mesa Police Department has 1,329 members (819 Sworn and 510 civilian); that in 2003, the Police Communications Center received 1.5 million calls, of which Patrol responded to 400,000 calls; that the agency makes an estimated 2.5 million contacts per year; that of the approximately 22,000 arrests per year, an average of seven lawsuits are filed against the Department; and that in 2003, the Internal Affairs Section investigated 189 complaints, 72% of which were generated in-house and 28% were citizen complaints.

Commander Dvorak informed the Committee that with regard to the administrative investigation process, the Chief of Police assigns cases to the Internal Affairs Section for investigation. He explained that upon completion of its investigation, Internal Affairs makes a recommendation regarding the disposition of the case. Commander Dvorak advised that if a case is sustained (i.e., there is substantial evidence to prove the allegation), the employee is given the opportunity to rebut the charges and respond to the allegations in written form. He stated that subsequent to completion of the rebuttal process, the case is reviewed and recommendations are made through the chain of command, including the officer's immediate supervisor (Sergeant), Lieutenant, Commander, Assistant Chief and the Chief of Police (in major cases). He added that at the conclusion of the review process, the employee has a right to a hearing prior to a final determination being made by the Chief of Police.

Commander Dvorak reported that the Chief of Police has various options available to him relative to the administrative investigation process. He explained that the options include a Board of Inquiry, which reviews the case in place of the Internal Affairs Section; a Training Review Board, comprised of training experts, that examines the incident and offers suggestions with regard to improvements to the agency's or an individual's training; and a Disciplinary Review Board, which is utilized instead of the chain of command and independently investigates the incident and makes a recommendation to the Chief of Police.

In response to a question from Chairman Kavanaugh regarding the frequency with which the Department used the three boards in 2003, Chief Donna clarified that no Boards of Inquiry were convened; the Training Review Board has become somewhat of a standing board in that most cases are reviewed in an attempt to implement the necessary training adjustments; and that the Disciplinary Review Board was assembled on three or four occasions.

Additional information was provided to the Committee relative to the type of cases that are investigated by the Internal Affairs Section including those directed by the Chief of Police; referrals from the accused member's Division Commander due to the complexity of the investigation; when members of more than one division stand accused of misconduct in the complaint; when any person died or was injured to the extent that medical attention was required or requested and an allegation of excessive force was made; when there is an administrative investigation of a complaint alleging criminal violations; and when there are administrative investigations of departmental shooting incidents. It was noted that the accused officer, witnesses and the complainant are interviewed, and that the investigation is generally completed within 30 working days. Criminal investigations are completed prior to any Internal Affairs investigation, and a member may be placed on administrative suspension to protect the Department and/or the member during the investigative process.

Chairman Kavanaugh requested that staff provide the Committeemembers with copies of the citizen complaint process brochure to be included as part of their backup materials.

Further discussion ensued relative to the definitions of administrative leave, administrative suspension and administrative reassignment; the history of Garrity warnings; the fact that Garrity warnings are issued to an officer who is the subject of a complaint, and any information obtained from that individual cannot be used in a criminal proceeding except for false reporting or obstruction of justice; that during the Internal Affairs investigation, the officer is permitted to have a representative present as long as there is no conflict of interest or interference in the process.

Commander Dvorak highlighted the following disposition categories:

- Unfounded/Exonerated. The allegation is false or the incident occurred, but was lawful and proper.
- Not sustained. There is sufficient evidence to prove or disprove the allegation.
- Sustained. There is substantial evidence to prove the allegation.
- Policy Failure. The allegation is true, but the officer's actions were consistent with Department orders.
- Administratively Closed. The employee resigns his/her position of employment prior to completion of investigation.

Additional information was provided relative to the various forms of disciplinary action (verbal reprimand, written reprimand, disciplinary probation, suspension, demotion and dismissal); the fact that an officer has the ability to file criminal or civil charges against a complainant, depending on the circumstances; and the means by which a citizen can forward a complaint to the City (i.e., telephone calls, letters, e-mails, the City's website, and to members of the Council).

Chairman Kavanaugh suggested that with regard to the citizen complaint process, a page be created for the City's website that would provide an individual with the step-by-step procedure in order to file a complaint with the Mesa Police Department. He also questioned whether the City provides the same type of information to citizens in attendance at block meetings and community policing events.

Discussion ensued among the Committeemembers relative to whether it is the obligation of City government to advertise and encourage citizen complaints, particularly with the Police Department's primary objective to ensure the safety of the community's citizens; the procedure whereby the complainant is apprised of the ongoing investigation and disposition of the case; the manner in which the Department deals with citizens who chronically file complaints against its officers; and the appeal process afforded to an officer subsequent to the disposition of his/her case.

Chairman Kavanaugh expressed appreciation to staff for the comprehensive and informative presentation.

3. Discuss and consider plans for citizen input.

Special Assistant to the City Manager Eric Norenberg addressed the members of the Committee relative to this agenda item. He reported that the Committemembers have been provided with three documents including an outline for the upcoming Town Hall meetings, proposed questions to be utilized at the public forums, and a Committeemember Volunteer Information sheet. (See Attachment.) Mr. Norenberg advised that the locations for the Town Hall meetings have been finalized. He stated that the February 24th and February 28th meetings, which are resident focused, will take place at the Mesa Centennial Center and the Red Mountain Multigenerational Center respectively, and the March 10th meeting, wherein members of the Police Department could meet with the Committee, will be held at the Mesa Centennial Center as well. He requested that the Committeemembers indicate which of the Town Hall meetings they would be able to attend and also advise if they are willing to serve as a facilitator or recorder during the roundtable discussions.

Karen Kurtz, a consultant for the City, provided a brief overview of the Town Hall meeting process and also discussed the list of questions that will be used during the roundtable discussions at the public forums.

Discussion ensued relative to the fact that the purpose of the public forums is to gather data regarding Police/community relations and to recommend actions to strengthen the relationship between Mesa residents and the Police; that the questions used at the public forums will also be available via the City's website for those citizens who are unable to attend the meetings so they can complete the survey and offer their input; that it may be necessary to provide the Committeemembers with training if they are asked to participate in the role of facilitator or recorder; that the City's Marketing and Communications staff will conduct outreach (in English and Spanish) relative to the upcoming Town Halls; the importance of obtaining a well-balanced response from the community relative to Police/community relations; that it may be appropriate to modify some of the questions to make them more personalized and user friendly; that because of budget constraints, the City was unable to televise the Committee's meetings to the public; and that simultaneous translation and bilingual facilitators will be available at the Town Hall meetings.

Chairman Kavanaugh thanked everyone for the presentation.

4. Items from citizens present.

Sheila Mitton, 1615 W. Pueblo Avenue, addressed the Committeemembers and expressed concerns regarding being a resident in one of Mesa's aging neighborhoods. She commented that such neighborhoods are sometimes a prime location for criminal activity and that long-time residents often feel more vulnerable. Ms. Mitton expressed appreciation, however, to Chief Donna for improved Police service in her area in recent months.

Kemp Farnsworth, 331 E. Harmony Avenue, voiced support for the formation of the Ad Hoc Committee to Study Police Oversight and stated that he looks forward to participating in the upcoming Town Hall meetings.

Joseph D. Shelley, 4447 E. Broadway, #105, President of the Mesa Police Association, addressed the members of the Committee. He briefly highlighted a series of reasons why, in his opinion, it is important for a police officer who has been involved in an incident regarding officer involved use of excessive force to obtain legal counsel.

Mr. Norenberg invited any Committeemembers who are interested in participating in a ride-along with a member of the Mesa Police Department to contact him and he will make the necessary arrangements.

5. Adjournment.

Without objection, the Ad Hoc Committee to Study Police Oversight Meeting adjourned at 5:45 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Ad Hoc Committee to Study Police Oversight meeting of the City of Mesa, Arizona, held on the 11th day of February 2004. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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Attachment

Ad Hoc Committee to Study Police Oversight
Outline for Town Hall Meetings

Town Hall Meetings:

Tuesday, February 24, 2004 7 pm - 9 pm
Centennial Center (community wide)

Saturday, February 28, 2004 10 am - 12 pm
Red Mountain Center (community wide)

Wednesday, March 10, 2004 4pm - 6 pm
Centennial Center (police department members only)

Meeting Outline (times for the first meeting):

6:30 -7 pm Participant sign in

7:00 Introduction and Overview - Chairperson Dennis Kavanaugh

- Purpose of Meeting
- Why the Ad Hoc Study Committee was formed (refer to handout)
- How the results of tonight's meeting will be used in the process.
- How to get a copy of the results (cards for mailing and website).

7:10 How tonight's discussion will be conducted -Karen Kurtz

- Discussion ground rules.
- Explain comment sheets.

7:15 Participant Discussion Begins - Facilitator will signal the beginning of each round.

7:15 Round One - Questions 1 and 2 (nine minutes each)

7:30 Round Two - Questions 3 and 4 (nine minutes each)

7:48 Round Three - Question 5 (ten minutes)

7:58 Round Four - Questions 6 and 7 (nine minutes each)

8:16 Round Five - Questions 8 and 9 (eight and ten minutes, respectively)

8:34 Round Six - Questions 10 and 11 (15 and ten minutes, respectively)

8:59 Adjourn Meeting

Ad Hoc Committee to Study Police Oversight
Questions for Public Forums

Meeting Purpose: Gather feedback on police-community relations and recommend actions to strengthen the relationship between residents and police.

Observation Level:

1. From your viewpoint or experience, what words or phrases describe the current relationship between the police and the community?

2. What stories or comments have you heard about how things are going between the police and the community?

Reflective Level:

3. In what ways are people happy with the police department's interaction with the community?

4. In what ways are people unhappy?

Interpretative Level:

5. From what you have heard, what topics related to how the police do their job do you (the public) need to understand or know more about?

6. In terms of the Police Department's interaction with the community, what relational qualities would you like to see more of? In other words, what's working in the relationship?

7. In terms of the Police Department's interaction with the community, what relational qualities would you like to see less of? What's not working in the relationship?

8. How would you sum up the issues that most need to be addressed?

9. What role should the public play in helping address the issues mentioned?

Action Level:

10. What concrete actions would you recommend to address the issues mentioned above?

11. What questions would you like to have answered about any of the recommendations in order to evaluate their effectiveness or appropriateness?

Ad Hoc Committee to Study Police Oversight
Town Hall Meetings

Committee Member Volunteer Information

I can volunteer to attend the following Town Hall meetings to assist in facilitating small group discussions:

YES

_____Tuesday, February 24, 2004 7 pm - 9 pm
Centennial Center (community wide)

_____Saturday, February 28, 2004 10 am - 12 pm
Red Mountain Center (community wide)

_____Wednesday, March 10, 2004 4pm - 6 pm
Centennial Center (police department members only)

Name:

Thanks!