

Conduct Complaint Management System

2008 Year-End Report

April 17, 2009

Report Summary

From the time of the release of the Conduct Complaint Management System (CCMS) in October 2006 the system has recorded a total of 500 conduct complaint entries. The information provided throughout the remainder of this report represents complaint experience from system go-live in October of 2006 through December of 2008. This report does not focus on Equal Employment Opportunity (EEO) Complaints investigated by the City EEO Officer, as separate reports are provided to the City Council detailing EEO complaints. In addition, this report distinguishes between test complaint records and duplicate complaint records from valid complaint entries. During the report period from October 2006 to December 2008, 457 complaint records were created, of which 361 were valid conduct complaint records, 51 were EEO complaint records, 27 were duplicate complaint entries and 18 were entries made for testing purposes.

While detailed information on complaint experience is provided below, generally, the number of complaints received in 2008 was significantly lower than the number of complaints received in 2007. For both 2007 and 2008 the largest numbers of complaints were submitted against the Police Department. The City has received very few complaints for departments outside of Police, Public Works, and Tacoma Public Utilities (TPU). While specific complaint information for Police and Public Works will be provided later in this report, this information is not included for TPU, as TPU complaints are forwarded to the Director's Office for resolution. The most frequent allegation across complaints for all departments is misconduct. Very few complaints regarding ethics violations, whistleblower, or workplace violence have been received over the past two years. It is noteworthy that in 2008 the administration of the CCMS transitioned to a different employee in the City Manager's Office and that the process for responding to complaints against employees of the Tacoma Police Department was adjusted slightly to include increased documentation of the investigation accompanied by a cover memorandum from the City Manager to the complainant. During this transition year, the time for referral and final complaint closure increased slightly, but closure times improved for some individual departments and the percentage of total complaints in the system that have been resolved also increased. Most commonly, over both 2007 and 2008 investigations have returned findings of unfounded or exonerated, meaning respectively that the allegation(s) in question did not occur or that the allegations in question were substantially correct but the conduct of the employee was proper given the circumstance. A more detailed report of complaint experience is included below.

Summary of Complaints

From the period of October 2006 through December 2008, there were a total of 461 complaints submitted in the CCMS. Upon receipt, complaint records are reviewed in order to refer the complaint to the correct investigating authority within the City of Tacoma. In this review the complaint type and the department against which the complaint is being made are verified for accuracy. Of the 461 complaint records created, 18 were found to be entries to test the capability of the system and 27 were found to be verbatim duplicates of existing complaint records. Although complainants receive a receipt acknowledging that their complaint has been received, the website interface has led to a number of users entering one complaint multiple times and some other technical errors have resulted in duplicate complaints. In addition, EEO complaints are reported separately from other complaints. From the 461 complaint records, 361 conduct complaints were received and referred for investigation. The following information summarizes the nature of the complaint types, departments against which complaints have been made, and the outcomes of complaint investigations. Because of the large number of complaints received by both the Police Department and Public Works Department, additional analysis is provided for each of those departments beginning on pages 8 and 12 respectively.

Complaints by Type

As was previously stated in the report summary, the most common complaints received in the CCMS are allegations of misconduct. Through 2008, there were 187 allegations of misconduct across all departments. The next most common classification is complaints designated as “unsure,” and it is important to note that while most complaints initially submitted as “unsure” are designated through the referral process, service complaints are also currently classified under the “unsure” heading. Chart 1 below and Table 1 on the following page outline the distribution of complaint types.

Chart 1. Complaints by Type 2006-2008

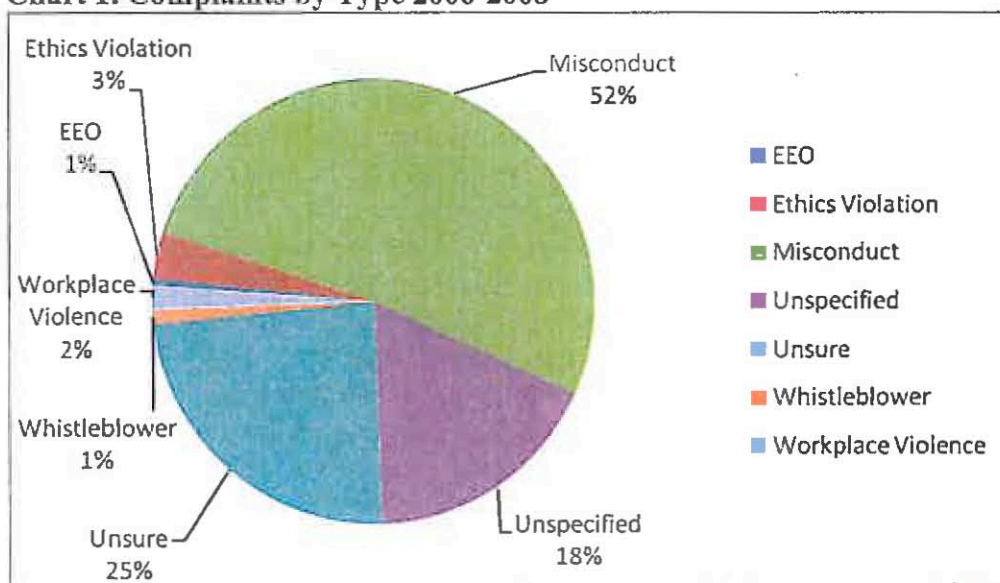


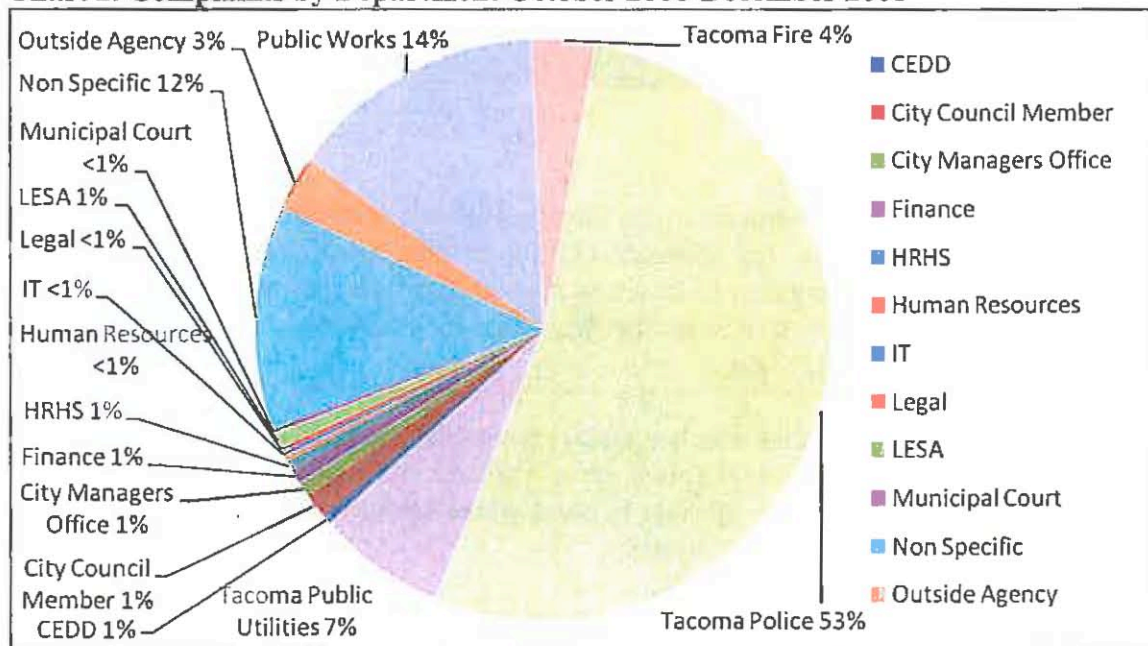
Table 1. Complaints by Type 2006-2008

Complaint Type	2006	2007	2008	Total
EEO	16	21	14	51
Ethics Violation	2	5	5	12
Misconduct	30	92	65	187
Unspecified	4	33	27	64
Unsure	10	49	27	86
Whistleblower	0	2	2	4
Workplace Violence	0	6	0	6
City-Wide Total	47	188	126	361

Complaints by Department

The complaints in this period received by Police, Public Works and Tacoma Public Utilities constituted nearly 75% of complaints. Chart 2 below and Table 2 on the following page provide a complete breakdown of the total complaints by department and the number of complaints resolved, under investigation, and pending assignment.

Chart 2. Complaints by Department October 2006-December 2008



Department	Total Complaints Received	Complaints Resolved	Complaints Under Investigation	Complaints Pending Assignment
CEDD	2	2	0	0
City Council Member	5	3	2	0
City Manager's Office	3	3	0	0
Finance	3	2	1	0
Fire	13	10	3	0
HRHS	2	0	2	0
Human Resources	1	1	0	0
IT	1	1	0	0
Legal	1	0	1	0
LESA	3	3	0	0
Municipal Court	1	0	1	0
Non Specific	45	42	3	0
Outside Agency	11	11	0	0
Police	192	169	23	0
Public Works	52	44	7	1
Tacoma Public Utilities	26	20	6	0
City-Wide Total	361	311	49	1

Timeliness of Complaint Resolution

This report also addresses three components in the timeliness in which complaints are resolved in the CCMS: the time that it takes the City Manager's Office to refer complaints to the appropriate department for investigation; the time that it takes departments to close the complaint in the system and, last, the time that it takes for the City Manager's Office to post the final outcome of the complaint for public view.

In 2007, it was reported that the median number of days from the time the City receives a complaint to its referral for investigation was two days. This number slightly increased in 2008 to a median of three days for complaint referral. In cases where referral does not happen as quickly it is often for one of the following reasons:

- There is not enough identifying information for a referral and additional clarification is needed from the complainant or through another source of information
- It is not referred to a department because it is forwarded immediately as a service request outside the system
- It is not referred to a department because the issue is for a separate organization or government

After complaints are referred to departments, appropriate investigations take place and a department representative enters the departmental resolution into the system for review by the City Manager's Office. After each departmental resolution, the City Manager's Office reviews

the resolution text for readability, any included identities, or components that are unclear. After any questions, or re-drafting, a final complaint resolution is posted to the City Web site through the CCMS. Because very few complaints are received for departments other than Police, Public Works, and the Fire Department it is difficult to provide analysis of complaint closure times for each department given the unique nature of each complaint received. In addition, many complaints are general in nature and not assigned a specific departmental investigation and therefore investigated and resolved by the City Manager's Office.

As a result, an analysis of the timeliness for departmental and final complaint resolutions is provided below for only the City Manager's Office, Fire, Police, and Public Works. By comparison, departments resolved complaints more quickly in 2007 than in 2008. Table 3 outlines how quickly these departmental resolutions were entered in the CCMS. As shown in Table 4, the median days from submission to final posting City-wide increased from 73 days to 88 days. This overall posting timeline is influenced by the median timelines in both Police and Public Works, which take longer to investigate thoroughly due to the sensitive nature of complaints. For Tacoma Police Department complaints, there is an intermediary review of complaint outcomes by the City Manager, Police Chief, Internal Affairs Lieutenant, and CCMS Administrator. After each participant is comfortable with the response, a letter to the complainant is sent prior to posting on CCMS. This process was also adjusted in 2008 to include with the letter additional documentation of the investigation along with a separate cover letter from the City Manager.

Table 3. Complaint Record Closed by Department		
Median Days from Complaint Submission to Departmental Resolution in CCMS		
Department	2007	2008
City Manager's Office	4	19
Fire	45	34
Police	60	96
Public Works	96	68
City-Wide Median	40	58

Table 4. Final Complaint Record Closed by City Manager's Office		
Median Days from Complaint Submission to Final Resolution Closure in CCMS		
Department	2007	2008
City Manager's Office	5	9
Fire	48	82
Police	129.5	132
Public Works	165.5	150
City-Wide Median	73	88

City-Wide Complaint Resolution

Of the 361 complaint records referred for investigation since October 2006 to December 2008, 311, or 86% have been resolved. By comparison, at the conclusion of 2007, 66% of complaints had been resolved. The outcomes of these complaints are summarized below. As noted in the 2007 Year-End Report, early problems with entering resolution data in the CCMS left some department resolutions incomplete within the system. To the extent possible, these errors have been resolved, but a number of complaint resolutions within the system remain incomplete or unspecific. In addition, as the City has resolved complaints, the resolution outcomes have been customized to reflect experience while providing the greatest consistency possible.

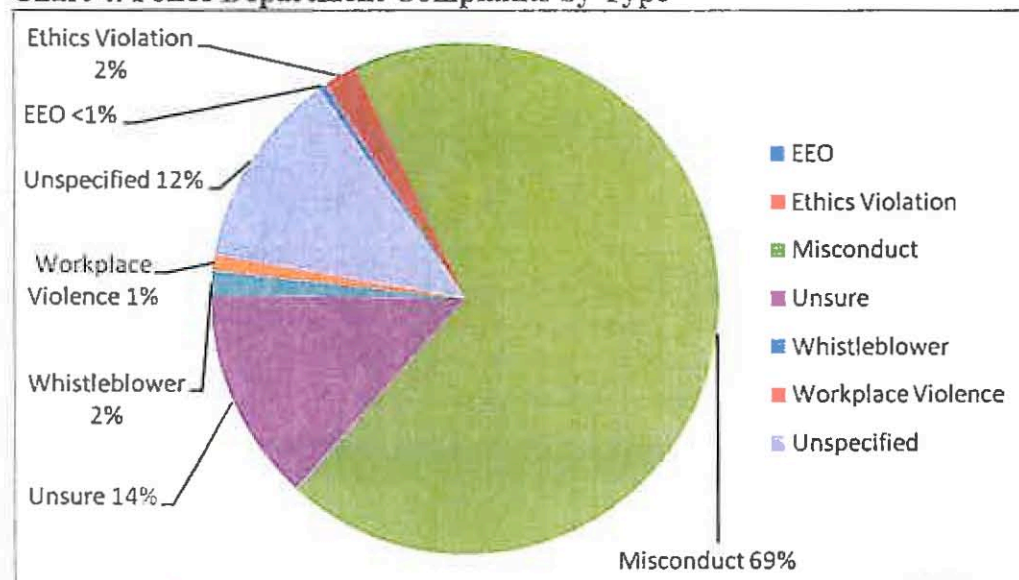
As was identified in the report summary, most commonly investigations have returned findings of unfounded or exonerated. Exonerated is defined as the facts or actions alleged were

Table 5. Summary of City-Wide Complaint Resolutions				
Resolution Type	2006	2007	2008	Total
Closed without further action	0	0	3	3
Complainant Not Responsive	0	2	0	2
Compliment Received	0	1	0	1
Department Resolution	9	17	3	29
Employee Grievance	0	1	0	1
Exonerated	10	41	10	61
Incomplete Information for Investigation	1	6	6	13
Information Only	0	6	4	10
Inquiry	0	0	1	1
None	1	7	1	9
Not Sustained	3	4	12	19
Partially Sustained	0	1	3	4
Referred in Error	0	0	1	1
Referred to Outside Agency	3	3	3	9
Referred to Private Organization	0	1	0	1
Referred to Separate Government Agency	0	1	1	2
Referred to Tacoma Public Utilities	1	5	0	6
Service Complaint was Referred	7	25	23	55
Sustained	3	4	3	10
Unfounded	7	36	30	73
Unfounded / Not Sustained	0	0	1	1
City-Wide Total	45	161	105	311

Police Department Complaints

The Tacoma Police Department received 192 complaints from October of 2006 to December of 2008. Of the 192 complaints received, 169 (88%) have been resolved and 23 (12%) are currently under investigation. Chart 4 and Table 6 summarize the complaint types for the Police Department. It is interesting to note that the number of complaints is significantly lower in 2008 than 2007, due only in part to the high volume of complaints (27) in 2007 related to the Port of Tacoma protests. Police Department complaint types are also consistent with the City-wide trends in that the majority of complaints are related to misconduct and very few of the other complaint types have been recorded.

Chart 4. Police Department Complaints by Type



Complaint Type	2006	2007	2008	Total
EEO	0	1	0	1
Ethics Violation	0	1	3	4
Misconduct	20	66	46	132
Unspecified	3	18	5	26
Unsure	0	2	1	3
Whistleblower	0	2	0	2
Workplace Violence	1	11	12	24
Total	24	101	67	192

Currently, the investigations of 169 of the 192 Police Department complaints have been completed. The outcomes displayed in Chart 5 and Table 7 below show that the majority of complaints are resolved as unfounded or exonerated, with the next largest resolution type being not-sustained. It is interesting to note that resolution types have remained relatively consistent from year to year with the exception of exonerated and not sustained. From 2007 to 2008 the percentage of complaints resolved as exonerated decreased while the percentage of a complaints identified as not sustained increased.

Chart 5. Police Department Complaint Resolutions

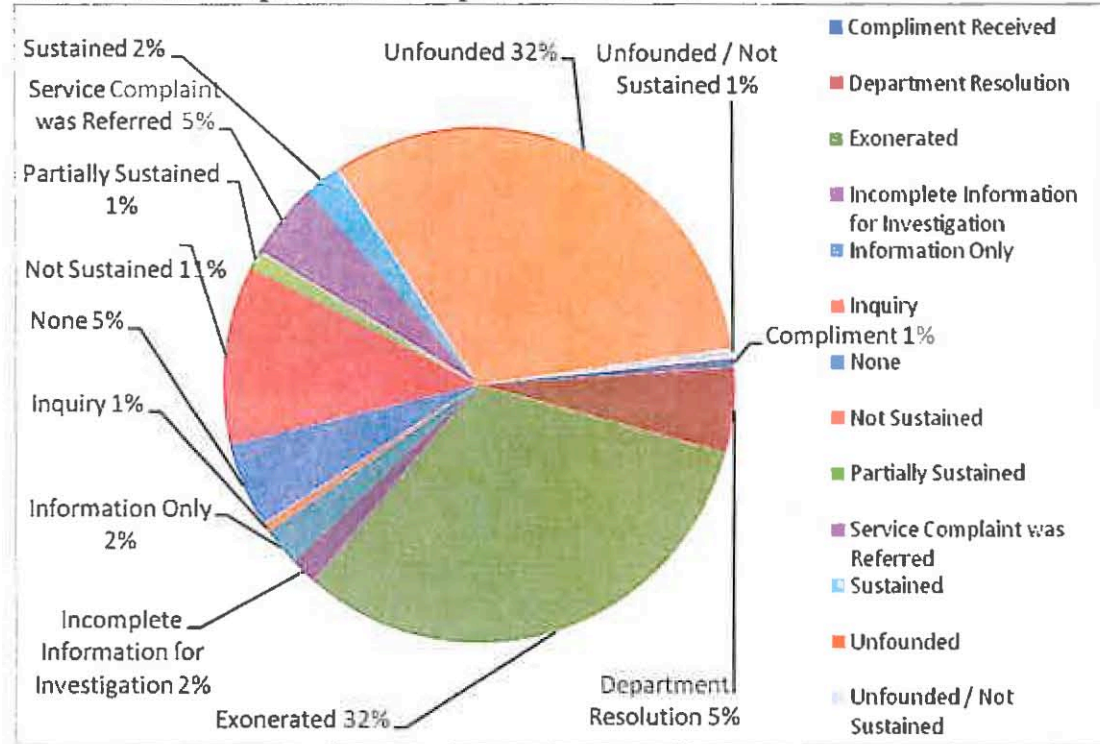


Table 7. Police Complaint Resolutions

Resolution Type	2006	2007	2008	Total
Compliment Received	0	1	0	1
Department Resolution	3	6	0	9
Exonerated	8	38	8	54
Incomplete Information for Investigation	0	0	3	3
Information Only	0	2	2	4
Inquiry	0	0	1	1
None	2	7	1	9
Not Sustained	3	4	12	19
Partially Sustained	0	0	2	2
Service Complaint was Referred	2	5	1	8
Sustained	1	2	1	4
Unfounded	5	26	23	54
Unfounded / Not Sustained	0	0	1	1
Total	24	91	55	169

The CCMS tracks only a high level designation for each complaint. At the request of the Citizen Review Panel, City Staff is collecting additional data to designate under which section of the Police Department's Manual of Rules and Procedures (MRP) each complaint alleges violation. Because in many cases a single complaint alleges violation of multiple MRP sections, the 169 unique complaints comprise 334 different complaint sub-types based on MRP designations. Tables 8 and 9 provide additional detail for complaint type and resolutions based on MRP designations.

Table 8. Police Complaint Resolutions by Manual of Rules and Procedures		
Complaint Type	Number of Occurrences	Finding
Unsatisfactory Performance	105	53 – Exonerated 32 – Unfounded 9 – Not Sustained 2 – No Finding (Amber Alert Issue) 2 – No Finding Anonymous 2 – Withdrawn 2 – NFI Uncooperative 1 – NFI Necessary Detail is Unavailable 1 – Information Only 1 – Unknown
Unbecoming Conduct	68	32 – Exonerated 21 – Unfounded 4 – Not Sustained 4 – NFI Uncooperative 4 – Sustained 1 – NFI Necessary Detail is Unavailable 1 – No Finding 1 – Not a City of Tacoma Employee
Courtesy	64	26 – Exonerated 15 – Unfounded 14 – Not Sustained 4 – NFI Uncooperative 3 – Sustained 1 – NFI Necessary detail is unavailable 1 – Withdrawn by Complainant
Use of Force	29	22 – Exonerated 5 – Unfounded 2 – Not Sustained
Biased Base Policing	12	7 – Unfounded 2 – Exonerated 1 – Not-Sustained 1 – No Finding Anonymous
Vehicle Operations	4	2 – Exonerated 1 – Unfounded 1 – Not-Sustained
Truthfulness	3	2 – Unfounded

Complaint Type	Number of Occurrences	Finding
		1 – Exonerated
Conformance to Laws	2	2 – Unfounded
Identification	4	3 – Not-Sustained 1 – Unfounded
Abuse of Process	1	1 – NFI Uncooperative
Electronic Communication	1	1 – Sustained
Falsifying a Report	1	1 – Not-Sustained
Leaving Duty Post	1	1 – Exonerated
Mishandling of Property	1	1 – Exonerated
Retaliation	1	1 – Unfounded
Unlawful Arrest	1	1 – Unfounded
Unreasonable Search and Seizure	1	1 – Exonerated
Compliment	1	1 – Compliment
Total	334	

Finding	Total
Exonerated	143
Unfounded	90
Not-Sustained	37
Duplicate	27
NFI-uncooperative	11
Sustained	8
NFI-necessary detail is unavailable	3
No finding anonymous	3
Withdrawn by Complainant	3
No finding (Amber Alert Issue)	2
Inquiry	2
Compliment	1
Information Only	1
No finding	1
Not a City of Tacoma Employee	1
Total	334

Public Works Complaints

The Public Works department has received 52 total complaints. Of the 52 complaints received, 44 (84%) have been resolved, 8 (15%) are currently under investigation and 1(1%) is pending assignment. As shown in Chart 5 and Table 10, the majority of complaints were categorized as misconduct, with several that were unsure or unspecified and a small number of the other complaint types. The complaint types also appear to be consistent from year to year.

Chart 5. Public Works Complaints by Type

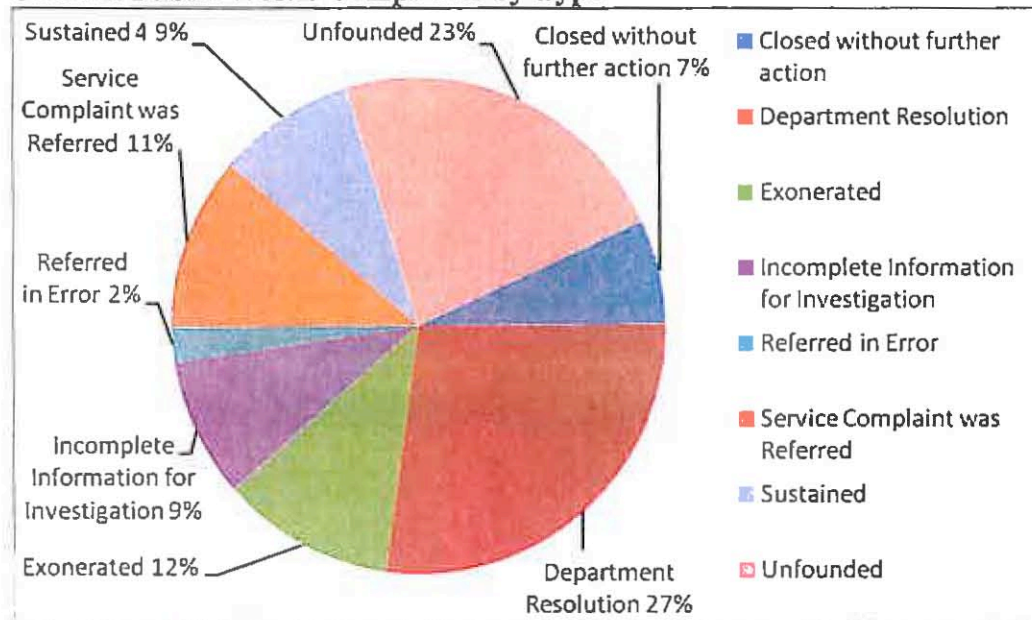
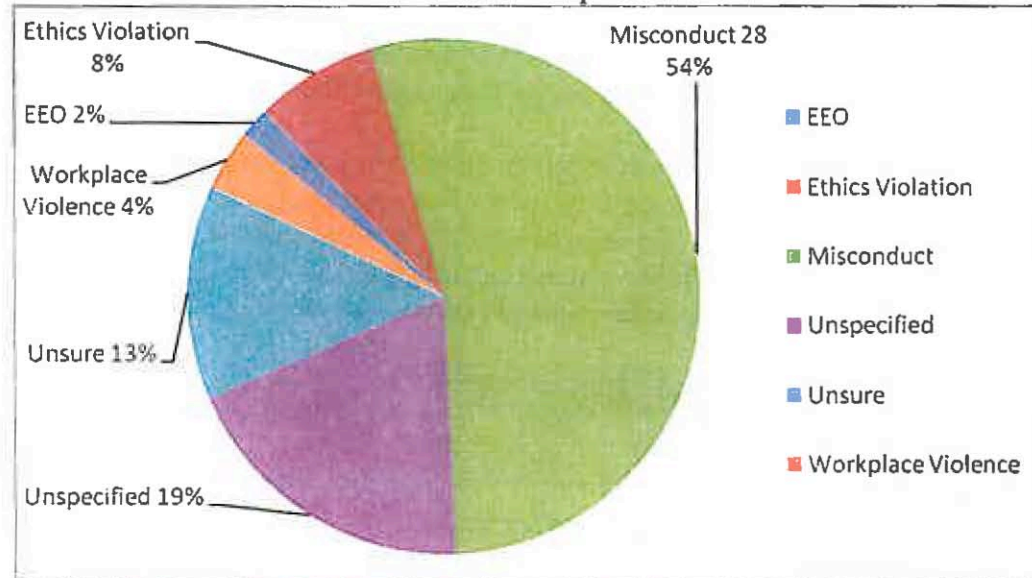


Table 10. Public Works Complaints by Type 2006-2008

Complaint Type	2006	2007	2008	Total
EEO	1	0	0	1
Ethics Violation	1	2	1	4
Misconduct	7	9	12	28
Unspecified	0	5	5	10
Unsure	1	4	2	7
Whistleblower	0	0	0	0
Workplace Violence	0	2	0	2
Total	10	22	20	52

Currently, the investigations of 44 of the 52 Public Works complaints have been completed. The outcomes displayed in Chart 6 and Table 11 below demonstrate a balanced resolution history. Resolution types have also remained relatively consistent from year to year with the exception of a number of "Department Resolution" designations that were entered into the system by error in 2006.

Chart 6. Resolution of Public Works Complaints



Resolution Type	2006	2007	2008	Total
Closed without further action	0	0	3	3
Department Resolution	6	4	2	12
Exonerated	1	2	2	5
Incomplete Information for Investigation	1	3	0	4
Referred in Error	0	0	1	1
Service Complaint was Referred	1	2	2	5
Sustained	1	2	1	4
Unfounded	0	5	5	10
Total	10	18	16	44

Public Utilization

Though the number of complaints submitted to the CCMS has been moderate, there seems to be considerable interest in the system. In 2008, there were slightly more than 800 visits to the page in which individuals can log a complaint, a decrease from 1,000 in 2007. There have been more visits, however, to view the outcomes of complaints that are posted on the website. There were nearly 700 visits with over 3,400 individual page views to the lists with the complaint outcomes in 2008, but this is only half the number of individual page views experienced in 2007.

In addition, below is a table that compares a sub-set of public utilization based on complaint submittals by month from 2006 to 2008. The number of complaints submitted in 2007 was significantly higher than that of 2008. The largest number of complaints by month occurred in February and March of 2007 resulting from a high volume of complaints related to the Port of Tacoma protests. Other monthly trends appear to be relatively consistent over time.

Table 7. Comparison of Complaints by Month: 2006 to 2007

Month	2006	2007	2008
January		17	18
February		26	10
March		37	16
April		14	12
May		16	24
June		16	9
July		21	10
August		14	11
September	3	22	19
October	29	23	19
November	26	15	4
December	11	8	7
Total	69	229	159

Ongoing CCMS Development

Over its life the CCMS has been an effective tool for receiving complaints from the community and referring complaints to the appropriate departments. It appears also that there is interest in viewing complaint and resolution summaries online. However, the referral and data analysis aspects of the system remain limited and the system is not integrated with other City applications. Because the system was developed internally, its maintenance is problematic.

For these reasons, in 2007 staff submitted a request to the Enterprise Applications Support Division to transfer and integrate the CCMS into the City's SAP system and to provide additional system capability. The request was added to the Division's work plan. However, the request received a low priority ranking by the City's Business Process Committee. As a result, increased focus is being given to the opportunities to include the needs under the CCMS into a team effort currently underway to develop recommendations for a Citizen Relationship Management program for the City of Tacoma. Recommendations from this team are scheduled to come forward in 2010. In the mean time, the CCMS will continue to be an adequate tool receiving complaints from the community and referring complaints to the appropriate departments while some adjustments are made to enhance the ability of the public to view complaint and resolution summaries online.

Glossary of Complaint Type Definitions

Equal Employment Opportunity: Discrimination against City employees based on race, color, sex, age, or other non-merit factors.

Ethics: Actions that use a City position or other power in a conflict of interest for personal gain.

Misconduct: Lack of respect for professional responsibilities and professionally acceptable behavior.

Unsure: Complainant unable to clearly identify their complaint within the complaint types available.

Whistleblower: Illegal activity, abuse of authority, gross waste of public funds, or dangerous activity.

Workplace Violence: Physical or verbal abuse, threats, harassment, or intimidation directed at City employees.

Glossary of Complaint Resolution Definitions

Complaint Withdrawn: When contacted to obtain additional information during the investigation process, the complainant requested to withdraw the complaint.

Compliment Received: Although the Conduct Complaint Management System does not have a “compliment” category for selection, the text in the complaint log was used to express a compliment, not a complaint.

Duplicate Complaint: An exact duplicate of an existing complaint in the system. Complaint is submitted by the same individual with no additional issues or concerns. Duplicate complaints are closed and reference is made to the original complaint.

Employee Grievance – Referral Made: The nature of the complaint is subject to an existing labor contract for City employees. The appropriate means for addressing the complaint is the grievance process under the labor contract and was referred appropriately.

Exonerated: Investigation of the complaint revealed that the facts or actions alleged were substantially correct but that the conduct of the employee was proper given the circumstances.

Information Only: The information included in the complaint entry neither constitutes a complaint about the conduct or behavior of a City employee nor makes a service request, but rather uses the system to communicate general information related to City business.

Insufficient Information for Investigation: The complaint is general or vague in nature to the extent that investigators are unable to follow up on the concerns. Anonymous complaints or complainants that fail to respond to additional requests for information do not allow clarification or further follow up.

Inquiry: The complaint is a question or inquiry regarding city services or policy and not a complaint about the conduct of a City employee.

No jurisdiction: The complaint received is outside the authority or jurisdiction of the City of Tacoma. The City has no authority to take action on the behavior or problem described.

Not Sustained: The investigation of the complaint is unable to substantiate whether or not misconduct or violation of rules, regulations, or procedures occurred.

Partially Sustained: Investigation of the complaint confirms that the facts or actions alleged were in part correct and that while some of the employee conduct described was inappropriate, other actions described were deemed appropriate given the circumstances.

Referred to Private Organization: The concern expressed in the complaint falls within the jurisdiction and authority of a private organization and was appropriately referred.

Referred to Separate Government Agency: The concern expressed in the complaint falls within the jurisdiction and authority of another government agency and was appropriately referred.

Referred to TPU: The concern expressed in the complaint falls within the jurisdiction and authority of Tacoma Public Utilities and was referred to the Office of the Director of Utilities.

Service Request – Referral Made: The Conduct Complaint Management System is designed specifically to receive concerns about employee conduct and behavior. A distinct system is used to record requests for service. System entries that do not allege misconduct of a City employee, but instead make a request related to services provided by City employees are referred to the service request system at www.tacomaservices.org.

Sustained: Investigation of the complaint confirms that the facts or actions alleged were substantially correct and that the conduct of the employee was not appropriate.

Test complaint: The complaint was entered in order to test the functionality of the Conduct Complaint Management System. For no reason are complaint entries ever removed from the system, and therefore trial entries appear in the summary of complaints and are closed as test complaints.

Unfounded: Investigation of the complaint demonstrates that the facts or actions alleged did not occur. The employee(s) followed established procedures according to department policy.