

*Santa Ana Police Department:
Independent Review of Allegations and
Operational Assessment of the Major
Enforcement Team (MET)*

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Introduction & Background

In the midst of internal tensions and increasing expectations regarding transparency and accountability for law enforcement, related allegations of misconduct involving Santa Ana Police Department (SAPD) officers emerged in 2022 and received public and internet attention. These concerns were in two different categories, both of which were connected to the Department's Major Enforcement Team ("MET").

The first related to two separate and specific incidents involving potential off-duty policy violations. These were investigated by the Department, and ultimately no allegations were sustained in light of the available evidence. This outcome was questioned in some circles and helped prompt City officials to request an independent review as to the legitimacy of the SAPD investigative efforts in these matters.

That review was conducted by OIR Group, a team of police practices experts that is led by Michael Gennaco. Mr. Gennaco is a former federal prosecutor and a nationally recognized figure in the field of civilian oversight of law enforcement. Since 2001, OIR Group has provided a range of services related to the external review of police agencies; it works in jurisdictions throughout California and in several other states.¹ As explained below, OIR Group had full access to both completed investigations and was able to make informed judgments about their adequacy; the findings listed below are accompanied by systemic recommendations for improving SAPD administrative processes in the future.

The second category of concern related to a series of claims alleging a problematic culture within MET, which is one of the Department's specialized units. This group was developed in 2020 and has 8 members. The goal of the unit is crime suppression, and it relies on a combination of tactics to pro-actively address criminal activity in the city through high visibility and energetic engagement in "high crime" areas. Given his role in the original push to create MET, and his concern about the divisive nature of the claims that were circulating, the Chief of Police asked for an independent assessment of the unit's operational practices and its culture.

Some of the controversies connected to the group arose in context of an online publication that referred to specific officers and included off-duty photographs that

¹ More information about OIR Group and its members is available at its website, www.oirgroup.com.

raised different questions. There was specific focus on tattoos belonging to team members, poses that featured apparent hand signs, and a group "challenge coin" with a provocative motto in Latin. These different issues were, in the eyes of some observers, symptoms of an approach that was not commensurate with the Department's ideals and public expectations. And the situation furthered an internal divide: some Department personnel – including the members of MET itself – found the portrayal to be willfully distorting of their integrity and commitment, while for others it reinforced resentments and skepticism about MET's approach. And for former and current members of MET, it was particularly concerning that the challenges and criticism may have come from colleagues within the organization – and in particular the leadership of the agency's labor association.

As MET personnel themselves acknowledged, the group has been divisive within SAPD since its inception. While some of this is attributed to MET's autonomy and perceived detachment from regular patrol responsibility, others attribute it more simply to animus against the Chief, which is projected on to MET because of the Chief's role in the unit's creation as well as his ongoing support. Moreover, the two Internal Affairs investigations cited above (and discussed below) allegedly involved current or former MET personnel in their off-duty capacity, which contributed to the rumors and tensions the team was generating.

Against this backdrop, OIR Group was asked to interview the members of MET in order to learn more about their perspective, and then to offer independent insight into some of the controversy associated with the group. That assessment comprises the second part of this Report.²

We found the MET members to be candid, thoughtful, appropriately self-critical, and sincere in their dedication to the mission of a safe Santa Ana. There seems to be some legitimacy to their assertions that reputational attacks against them are unwarranted – and in direct conflict with their own high standards for compliance with law and policy in doing their work. They offer their version of events regarding some of the specific

² The Report does *not* cover all the different SAPD allegations that have gained public attention in recent months. One of the issues that we do discuss was specifically presented to the City by the Santa Ana Police Officers' Association; at the same time, the POA made a series of other claims that were not reviewed and are not the subject of this report. In addition, there has been a published internet report of a Santa Ana Police Officer who alleged harassment and intimidation by the Chief and the MET team. Those allegations by a now former officer of the Police Department are also not the subject of this report.

elements of controversy they faced last year, and in doing so make persuasive points in their own defense. At the same time – and to their credit – the unit's individual members acknowledge that they unwittingly provided critics with material that was eventually used against them in public, and that they should have done a better job of anticipating the negative perceptions that arose.

We discuss these specific issues. More importantly, we place them in a larger context that we urge SAPD and the greater Santa Ana community to consider at a time when specialized enforcement units like MET are under scrutiny throughout the country. Too often, crime suppression teams have taken their mandate to address dangerous behavior as a license to engage in harassment and excessive force toward targeted groups – often without proper supervision and accountability.

We do not have reason to believe this is true in Santa Ana. But we do consider it more important than ever for these teams and their leadership to be conscious of and responsive to the concerns of people who worry about the pitfalls inherent in an "us against them" enforcement mindset, a paradigm that is inconsistent with philosophies of modern-day policing.

Case One: Allegations of Off-Duty Assaults

Factual Background

On the date in question, two Santa Ana Police Department patrol sergeants received a complaint from a Santa Ana City elected official that he had witnessed a physical altercation between two off-duty Santa Ana police officers and an unknown female. The City official further claimed that he himself was assaulted by one of the officers. One of the sergeants interviewed the City official at the scene, which was recorded on the sergeant's body-worn camera. According to the City official, there was a cell phone video of the incident that could serve as additional evidence.

A review of the body-worn camera footage taken by one of the two patrol sergeants begins with video of the City official on a speaker cell phone call with the Chief of Police. The official then tells the sergeant that two off-duty Santa Ana officers had assaulted a female in the parking lot. The official said that the two officers were grabbing the woman's breasts and hips and asking her to "hang out". He added that the female was telling the men to stop but the officers were telling the female to "chill" and "shut up."

The official said the female yelled "help", that he told the men to leave the female alone, and that they had replied by saying "f*** you". The official asked the men what they were doing, and they allegedly both told him to "mind your f***ing business".

The official said that the incident was on video and pointed to a man that was standing next to him. This male began showing a snippet of the video on his phone to the sergeant.

The official said that he recognized the officers and that they had confirmed to him that they worked for the City. The City official said that he then identified himself to the men and indicated his status in City government, at which time both men let go of the female. She then left the area. The official said that the two men then walked away in separate directions.³

³ Published internet reports indicated that the public official reported that the man who walked away was an off-duty Santa Ana MET detective. According to the published internet report, the official indicated that he was first advised by the Chief that the man was retired, but later stated that the detective was not retired but due to retire soon. However, as detailed below, the

The official said that he followed one of the officers, and the officer proceeded to push him. The official said he then called the Chief of Police to report the incident. The official said that while he was on the phone, the man who pushed him told the Chief not to vote for the City official. The official said that the man was intoxicated and refused to provide him his badge number but identified himself with a last name.

One of the on-scene sergeants interviewed several witnesses on the night of the incident. The manager of a nearby restaurant told the sergeant that he had seen an off-duty police officer who was with a wife or girlfriend who appeared to be extremely angry and another female who was yelling and screaming but eventually left. The off-duty officer was trying to calm his girlfriend down. The manager said he did not see the incident between the female, the City official, and two males.

The sergeant also interviewed the restaurant's security officer. That man said that two females were verbally arguing and then one "attacked" the other. Friends intervened with the aggressor female and walked away with her. The second female left with her male partner in the opposite direction. The aggressor female broke away from her friends and chased after the other female.

The second female's male partner tried to keep the women apart at which time other individuals got involved, which made the situation worse. The security officer said he approached the group to intervene, and he was struck by the aggressor female. After the females were again separated, a separate fight broke out between another group of males. The security officer said he did not see the altercation as described by the City official.

The sergeant then interviewed the head of the restaurant's security, who identified the man who was with the second female as a retired Santa Ana police officer and provided a first name.

The allegations were assigned to an internal affairs investigator from the Police Department. He contacted the City official and set up a time for a more formal interview and also requested that a copy of any videos of the incident be sent to him.

This investigator reviewed a City surveillance camera that was trained on the scene. That footage captures the City official walking through the parking structure with the individual identified by the City official as a Santa Ana police officer and another man.

investigation concluded that the man seen talking to the City official was not and had never been a Santa Ana police officer.

The official and the man he later claimed was a police officer are walking very close to each other, while the other man is in front of them. The three stop and appear to be conversing. A uniformed Santa Ana police officer appears to be contacted by the group and can be observed conversing with them for a few seconds.⁴ The purported police officer then walks away out of camera view. The City official remains with the uniformed officer, while the other man follows the alleged off-duty officer for a few steps. The video does not capture any physical contact between the man and the City official.

The investigator obtained permission from the restaurant to review surveillance cameras. During this review, he was able to identify an off-duty Santa Ana police officer and his wife.

The investigator also reviewed a video that was posted on social media. That video begins with the City official and a man arguing. The City official is accusing the man of fighting and being a police officer. The man denies fighting. The camera then shows a uniformed police officer. The official asks the uniformed officer if the man is an officer. The person recording the video says later in the video clip that the uniformed officer claims not to recognize his co-worker.

The City official informs the uniformed officer that he is on the phone with the Chief. The man who is suspected of being an officer walks away while the camera continues to film him, and the person recording the video yells a profanity at him.⁵

The investigator reinterviewed the restaurant's security personnel and obtained more detailed statements of their observations; these did not change substantively from their original statements to the field sergeant.

The investigator also unsuccessfully attempted on several occasions to contact the witness who was with the City official and the purported Santa Ana police officer at the time of the alleged assault.

⁴ One of the field sergeants prepared a report of the incident. In that report, he indicates that he saw the uniformed officer on scene. The officer told the sergeant he was assisting with the initial fight call when he was flagged down by the City official and a male with him. The sergeant said the officer advised that he did not recognize the man as a Santa Ana police officer. The investigator later assigned to this case did not formally interview this witness officer.

⁵ To his credit, the investigator traveled to the scene and made numerous efforts to locate additional surveillance cameras of the incident but was not successful.

Finally, the investigator attempted several times to interview the City official himself. At least two appointments were made but not kept. He then hand delivered a letter to the City official that advised him to contact him regarding the case within 10 days or the investigation into the allegations would not proceed. After one month of that delivery, having not received any contact, the investigator closed the case.

In his closing evaluation of the case, the investigator wrote that while a current Santa Ana police officer had been identified as being at the restaurant, with at least one witness indicating that he had been involved in trying to defuse an altercation between two women, the investigator concluded that the officer had not been involved in any of the alleged misconduct. The investigator further concluded that the other male alleged by the City official as being a Santa Ana police officer (and who allegedly assaulted him) was not so employed, with the man's true identity unknown.

Analysis of Closed Investigation

As indicated above, the initial scene investigation and subsequent investigation of this matter was consistent in many ways with industry standards. The first-level scene supervisor conducted recorded interviews of the complainant and potential witnesses. After the matter was assigned to an internal affairs investigator, he obtained additional video information of the incident and conducted more extensive interviews of security personnel at the restaurant.

However, once the City official was non-responsive to the follow up requests for an interview, SAPD determined that it was appropriate to shut down the investigation. While losing the cooperation of a complainant is challenging to any pending investigation, best investigative practices teach that law enforcement should nonetheless persevere to the extent possible. Once a law enforcement agency is "on notice" of a potentially problematic issue involving its personnel, it is incumbent upon that organization to follow up on any investigative leads – even if the original complainant is no longer interested in participating.

In this case, there were obvious leads that could (and should) have been followed. As detailed above, a uniformed officer was on-scene when the incident allegedly occurred and had apparent discussions with the City official as captured on surveillance video. Yet this officer, who had been assisting with the disturbance outside the restaurant that witnesses described above, was not interviewed by the internal investigator.

More significantly, SAPD's investigation had identified a current off-duty Santa Ana police officer as a potential witness to the apparent conflict between two females. An interview with that officer would likely have led to identification of the female he was with

and possibly the aggressor female that was described by other witnesses. SAPD could then have interviewed these two females to obtain their statements, and clarified whether one or both had been mistreated in the manner alleged by the City official. The decision to cut short the investigation resulted in SAPD not making a full inquiry into the matter. On a forward-going basis, SAPD should change its internal investigative protocols to ensure all complaints of misconduct are fully pursued, regardless of the degree of cooperation by the complainant.

RECOMMENDATION ONE: SAPD should modify its internal investigative practices in writing to ensure that all allegations of misconduct are fully investigated, even when the original complainant fails to cooperate with the subsequent investigation.

This is not to say that completing the investigative leads would have led to a different conclusion, and it should be noted that the evidence that was gathered did not seem particularly supportive of the official's version of events. In fact, the altercation between the two women that the off-duty officer tried to break up may have been entirely unrelated to the observations the City official reported. However, additional interviews would have further informed the Department on what transpired on the night of the incident and perhaps addressed some or all of the many questions it generated.

Case Two: Alleged Off-Duty Assault and Failure to Report

Factual Background

SAPD received an anonymous complaint regarding allegations of off-duty misconduct that had occurred some seven months prior at a restaurant. The complaint alleged that members of SAPD's Major Enforcement Team ("MET") were off duty at the restaurant and that one identified member touched a juvenile female on her buttocks as she walked past the group. The anonymous complaint further alleged that after 911 was called over the incident, a member of the MET team told SAPD uniformed officers who responded to the call to turn off their body-worn cameras. The complaint alleged that a member of the MET team told responding officers that he would handle the incident.

The complaint further alleged that the initial handling officers of the complaint did not collect any surveillance video from the restaurant and did not identify members of the MET team as being the focus of the complaint. The complaint provided three phone numbers of individuals purported to have knowledge about the incident.

The Original Scene Investigation

An investigation was initiated based on the anonymous complaint. That investigation revealed that there had been a 911 call made on the night of the incident and two uniformed SAPD officers had responded. A review of the body-worn camera of one of the responding officers indicated that he was first confronted by a group of individuals in the restaurant parking lot and was advised that Santa Ana PD "cops" were present and were "causing issues". A father of one of the juvenile females showed a cell phone video to the officer and said the individuals on the phone were undercover police. The officer watched the video but said nothing.

The original handling SAPD officer contacted one of the juvenile females. The juvenile told the officer that a man grabbed her buttocks. The juvenile said she did not know whether it was on purpose or by accident, but the man touched her buttocks and she felt "super uncomfortable". The juvenile said the man then removed his hand and walked away. The juvenile said the man was "Asian" and told her his group consisted of undercover officers.

A backup SAPD officer arrived on scene, and he contacted a male who told him two juvenile females in his group "got harassed". He said one of the members in the group grabbed the buttocks of one of the female juveniles. The male said that the group then left the restaurant. The officer asked the male for identification, but a crowd of individuals became belligerent, which caused him to end his interview.

No formal report was taken with regard to the call for service. Instead, the initial responding officers only prepared call notes⁶ indicating that one female juvenile was allegedly grabbed by the arm while another was touched on her buttocks while walking back to her table. The call notes further indicated that the juvenile said that she was not sure that the action was intentional. The notes indicated that there were inconsistent statements from the reporting parties and that the father of one of the juveniles told the group to stop cooperating with responding officers. The call notes conclude with the statement: "No crime". The call notes did not include any reference that the individuals alleged to have been involved in a potential assault were off-duty SAPD police officers.

⁶ Unlike a formal police report, call notes do not need to be approved by a sergeant and are not generally reviewed by a supervisor.

The Investigation After Receipt of Anonymous Complaint

The investigator assigned to the incident located and conducted a telephone interview with the juvenile complainant. The juvenile first asked why it had taken so long to contact her about the incident; the investigator did not directly answer the question. Advising the investigator that she would tell him what she could remember, the juvenile said that she was with family in the patio area of the restaurant. The juvenile said she observed several men whistling at her 16-year-old female friend. The father of her friend approached the men, who were seated at a nearby table, and this caused the men to get offended.

According to the female friend, later three males walked by her and a man slapped her on the buttocks. She said she turned around to confront the man (who was with three other men) and asked: "What's your problem?", but the man ignored her and just kept on walking.

The juvenile then told the investigator that her mother was calling and that she would call the investigator back after talking with her mother. The juvenile did not call the investigator back and did not respond to subsequent requests from the investigator to speak with him.

The investigator reviewed the 911 calls relating to the incident. In the first call, the calling party reported that her fifteen-year-old niece told her someone in the patio area of the location touched her and that security was not doing anything about it. According to dispatch notes, the caller declined to provide further information. Approximately 20 minutes later the caller again called dispatch and expressed concern that everyone was starting to leave and that the suspect would be gone soon. According to records, after the second call, uniformed officers were then dispatched to the scene and eventually seven officers responded to the call.

The investigator reviewed the body-worn cameras of the responding uniformed officers. A review of the body-worn camera footage of one of the first responding officers indicates that when he arrived, he was advised by an individual that there were cops present who were "causing issues." Another man purported to be the father of one of the underage females said that the individuals were undercover police.

The body camera footage indicated that a responding uniformed officer (who self-designated as the handling officer) arrived at the location and immediately activated his body-worn camera. The officer was approached by a male individual who said that one of the female juveniles in his group had been fondled. The officer then interviewed that juvenile who said that she was from out of town with family and sitting in the patio area

of the restaurant when a group of ten men kept telling her juvenile female friend “I love you” whenever she got up from the table. The juvenile reported that to her father who confronted the group.

The juvenile said that later she was walking toward her boyfriend when a man walked next to her, said “let’s go”, grabbed her on the buttocks and kept his hand there for approximately four seconds. The juvenile said that she did not know if it was on purpose or by accident but when the man touched her, she felt super uncomfortable.⁷ The juvenile said that he then removed his hand and walked away. The juvenile described the male as “Asian”.

The juvenile said that she later confronted the man who grabbed her buttocks, but he denied it and told her to have some respect. The juvenile described the man as in his 20’s or 30’s, 5’8”, and wearing a white shirt with bold lettering and said that he had told her that he was an undercover police officer. When asked later in the interview, the juvenile said that the act by the man felt intentional. The juvenile was then joined by her mother and responded affirmatively when the officer asked the juvenile whether she desired prosecution. The mother also suggested that the cameras of the restaurant would have captured the event if the officer was interested in following up.

The investigator interviewed the responding uniformed officers. One officer indicated that when he interviewed the juvenile on the night of the incident, she told him that she was not sure of the intent of the physical contact, which was the reason that he decided not to review the surveillance video. The officer denied being contacted by members of the MET team when he responded to the location and said that no one influenced the way he handled the call for service.

The second uniformed officer told the investigator that he made contact that night with a man alleging “sexual harassment” by an unknown man against a juvenile in his party. The officer also said he talked to a man who claimed to be the father of the juvenile, who showed him a video clip. According to the officer, he recognized two MET members in the clips, but the video only showed them walking.⁸

⁷ When the juvenile talked to the IA investigator several months after the incident, she was not equivocal about whether the slap was intentional or accidental.

⁸ The responding officer who viewed the cell phone video did not ask the witness to provide a copy of the video to him.

In order to address the allegation that the off-duty supervisor told uniformed officers to turn off their body-worn cameras, the investigator reviewed communications data for all officers who responded to the call for service and found no evidence of any communications between the supervisor and the responding officers. More significantly, the two initial responding officers (as well as other responding officers) activated their body-worn cameras as soon as they arrived at the location and exited their vehicle.

The investigator contacted the general manager of the restaurant, who advised that the business had several cameras. The general manager said that the surveillance footage was deleted every three months and was no longer available for the night in question. The general manager said he did not think that the surveillance cameras would have captured the alleged assault.

The investigator called the three phone numbers provided by the anonymous complainant, but he reported that none of the individuals he called said they were a witness to the acts in question.

The investigator interviewed two members of the MET team. In determining that there were no proven acts of misconduct by either the off-duty officers or responding uniformed officers, the investigator noted the equivocation by the juvenile about whether the alleged assault was purposeful, the denial of any misconduct by the two off-duty officers who were interviewed, and the fact that the MET team had no officers of Asian descent at the time of the alleged incident. The investigator further found that there was no evidence of any efforts by the off-duty officers to influence the response of the uniformed officers, or any contact between the two groups whatsoever.

Analysis of MET Team Response

As noted above, a SAPD supervisor was present and off-duty when an allegation was received that one of the off-duty officers he was with had either inappropriately touched or grabbed a female. However, other than asking the other officers whether they had done such a thing, the supervisor took no other action. A serious allegation of sexual battery had been made against officers under his command. Yet the supervisor did not report the allegation to his agency. Ideally, the supervisor would have called and asked for a police response immediately upon hearing the allegation. Instead, he decided to leave the scene with his colleagues.

In addition, the supervisor at no time reported the allegation to his chain of command – even after he returned to duty. As a result (and in conjunction with the handling officer's relegation of the incident to "call notes," SAPD's command staff was not formally and

contemporaneously apprised of the incident and allegations. Had that occurred, the retrieval of surveillance video from the restaurant and the pursuit of other investigative leads would obviously have been more effective. In reviewing this incident, SAPD should have considered the supervisor's lack of timely notification to have been a performance failure that merited its own accountability.

Initial Patrol Investigation

The initial investigation by uniformed personnel also had significant deficiencies. For example, the handling officer made no effort to review or retrieve the restaurant's surveillance video – evidence that could have corroborated or refuted the allegation. And as noted above, another responding uniformed officer was shown a cell phone video of MET detectives at the location, but he took no action to obtain or preserve that video evidence.

In this case, uniformed personnel had received a serious allegation of sexual misconduct and should have prepared a police report detailing their interviews and responses to the incident. The fact that the victim may have expressed some equivocation initially about the intent of the perpetrator should not have been determinative in the choice to document her and other statements in a police report. Most importantly, because the allegations involved personnel from their own agency, the handling officer should have advised a supervisor of those allegations and helped ensure that they were properly assessed. Instead, the incident was documented in a cursory fashion and did not rise to the attention of the Department's command staff. The failure of the handling officer to notify his chain of command about the allegations received was a serious misstep that also should have been considered as part of the eventual administrative investigation that did occur.

Internal Affairs Investigation

The Internal Affairs investigation was severely hampered by the time lag between the incident and the anonymous complainant's submission to the Department. As detailed above, the complaint letter was received some seven months after the incident. This meant, among other things, that any relevant video from the restaurant's camera system had been lost. Moreover, the victim had returned to her home state, and the geographic barriers complicated the process of interviewing her, accomplishing an identification of possible subjects, etc. Had an investigation been initiated more promptly, relevant evidence would have been more readily available.

Another lead that was not pursued by the Internal Affairs investigation was whether other supervisory members of SAPD were aware of the incident and the allegations prior to receipt of the anonymous later.

Finally, although the Internal Affairs investigator conducted a fairly extensive investigation, he did not interview all identified SAPD personnel who were reportedly off-duty and present during the alleged incident. Considering the seriousness of the allegation, it would have been expected that all potential SAPD witnesses to the incident would have been interviewed in the interest of due diligence. The failure to do so was a significant shortcoming of the internal investigative response.

Recommendations for Systemic Reform

The failure of SAPD to promptly and thoroughly investigate these serious allegations shows that responsive systemic reforms are warranted. First, policy should be written to instruct all personnel that any allegation of misconduct and/or criminal behavior made against them (either on or off duty) should be promptly reported to SAPD's chain of command. Second, policy should be written requiring that uniformed officers who are apprised of any allegation of potential criminal conduct by Department members should promptly notify their chain of command. Finally, policy should be written to ensure that any Internal Affairs investigation be required to interview any identified officer subjects or witnesses to any allegation of sexual misconduct.

RECOMMENDATION TWO: SAPD should write policy requiring all personnel to promptly report any allegation of misconduct and/or criminal behavior through the chain of command.

RECOMMENDATION THREE: SAPD should write policy requiring all patrol officers who receive an allegation of misconduct and/or criminal behavior against police employees to promptly report that allegation to their chain of command and/or Internal Affairs.

RECOMMENDATION FOUR: SAPD should write policy requiring that any Internal Affairs investigation should interview all identified witness and subject officers connected to the misconduct allegation.

Again, this is not to say that a timely investigation by Internal Affairs personnel would have proven the allegation to be true. But it would have allowed for an investigation to proceed when memories were fresh and video evidence was potentially available, and could have allowed for a more conclusive outcome in either direction. SAPD should prioritize changes that would help prevent a future recurrence of this lost opportunity.

SAPD's Major Enforcement Team: Operational Mission/Cultural Assessment

In the beginning of 2020, SAPD reorganized to form a new Metropolitan Division. Within that Division, the Major Enforcement Team ("MET") was created. MET was intended to be a new version of the Department's disbanded "Strike Force" model of specialized, pro-active enforcement. MET was commissioned to focus on felony violent crimes and to provide immediate support and responses to priority calls for service.

The goal was reduction of violent crime through pro-active, "in the field" enforcement. MET was focused not only on making arrests, but also staying informed and being responsive to emerging issues. And the unit was designed to be a resource for SAPD investigative units, and to have relationships with local outside entities (including the US Marshals).

As members themselves described the mission to us in recent interviews, the philosophy was one of active engagement – more time in the streets and a focus on visibility, arrests, and gun confiscation as opposed to lengthier investigations and time at the station. They explained that their normal pattern was to spread throughout the City after briefing in marked cars. They hoped to deter criminal activity through their presence, but were also intent on making contacts in the field. They were willing to make misdemeanor arrests in the context of a larger campaign of disrupting individuals and groups engaged in a pattern of criminal behavior.

Meanwhile, the connections to the predecessor "Strike Force" concept cut in different directions. That previous unit had been identified with the now-Chief, overlapped entirely with Special Weapons and Tactics ("SWAT") personnel, and had an approach that had generated friction within the agency even as it enjoyed some effectiveness in the field. The sergeant who was originally assigned to develop the MET group was a former member of the Strike Force. He and other members drew on that experience not only in an effort to replicate the attributes of that model, but with a conscious intent to avoid some of the pitfalls he had experienced. Still, some current and former members of MET believe that the sergeant's close identification with Strike Force had soured some factions within SAPD against the new team before it could even begin operations.

We spoke with the sergeant (now lieutenant) who spearheaded the formation of MET and drove the selection of its original team. He described the ways in which MET was consciously structured to be less isolated and limited than the Strike Force had been.

For example, though some original MET participants were on SWAT, it was not a prerequisite as it had been with the Strike Force. And SAPD leadership wanted MET to be more integrated and collaborative with other units in the agency, and to have clearer lines of accountability within its chain of command. The Chief described his vision of MET as a more contemporary version of the Strike Force, with the unit having a visible presence in the field.

The other "selection criteria" that the unit's original supervisor described to us ended up resonating with the ways that members described themselves and the ethos of the unit. He explained that he was looking for officers who had distinguished themselves as hard workers, who were physically fit, and who were dedicated to policing to the extent they would accept long hours and a need for schedule flexibility. He sought "great street cops" who were directly familiar with Santa Ana's pressing crime issues and would know where to dedicate the team's energies to be maximally productive. And he wanted sound decision-makers with strong tactical backgrounds. Interestingly, he also said he was looking for officers who were "humble."

In short, it sounded to us like a demanding and potentially elusive set of criteria. But he was quite proud of the original group and believed that they exemplified the attributes he was seeking.

This was an idea that was reflected in the comments from other members of the unit when we spoke to them individually. Without sounding arrogant, they described their understanding of the original expectations, their shared commitment toward focusing on the most significant crime problems in the City, their work ethic, and their high regard for other team members and unit leadership. They were also separately consistent in expressing their consciousness of the need not to alienate colleagues throughout the agency through isolation or dismissiveness or projections of perceived superiority.

The extent to which they succeeded in this last endeavor is perhaps in the eye of the beholder. MET personnel acknowledged that tensions were real and that they were aware of the criticisms that were levelled against them in different contexts. In their view, some of this resentment is an inevitable byproduct of a specialized unit's specialized status; they point out that human nature inclines toward rivalry or pushback against any select group. But they insist that the number of genuine, substantive skeptics is small, and that the biggest reason for the animosity they have encountered is political in nature. Because of perceived closeness to the Chief of Police, they believe

that they bear the brunt of "proxy" attacks that are only tangentially related to their actual work product.⁹

At the same time, the MET unit's strong sense of pride and team loyalty (with different references to their aspiring to be the "best of the best" and a close-knit "brotherhood" or "second family") struck us as being double-edged. While that mentality is conducive to excellence and is characteristic of many an admirable group achievement, it is at least slightly difficult to reconcile with an insistence that members were regularly inclusive, accessible, and collaborative with colleagues throughout the agency. And it presumably influenced some of the choices (including tattoos) that would fuel last year's allegations of a "gang" ethos.

Still, however subjective the MET version of its own situation may be, it seemed sincere and was persuasive in our conversations. Perhaps more importantly, the team was adamant in highlighting the ways that its actual performance has belied any criticisms. This is particularly true with regard to the ways in which its impressive productivity has not come at the expense of cutting corners or "pushing the envelope" with regard to law or policy in their enforcement practices.

In fact, one of the recurring themes across our discussions with individual team members was their recognition that "doing things the right way" would be pivotal to their viability. Along with wanting their enforcement activity to be legitimate for its own sake, they claimed to recognize that their actions would be given special scrutiny. This meant that from the outset of their operations, they were committed to being knowledgeable and conscientious about ensuring that their crime suppression tactics (including car stops, searches, etc.) were consistent with Fourth Amendment restrictions and with SAPD policy.

In countering the notion that they were inappropriately heavy-handed or excessive in any way, team members were quick to note that MET had been involved in no officer-involved shootings since its inception. To them, this spoke not only of member preparedness and restraint, but also the fruits of a methodical, tactically sound approach that minimizes surprise or overreaction.

⁹ This is clearly a frustrating situation for the team's members, and some of them cited it as an ironic one: while recognizing the Chief's role in the creation of the unit and his emphasis on their efforts to address serious crime issues, they maintain that he is not actively involved or directly influential with regard to their ongoing operations.

Similarly, their "use of force" totals are modest, particularly in relation to their level of activity. SAPD management provided us with statistics to support this point. As of a recent accounting, MET had 51 total force incidents in its three-plus years of operation – and used force in less than 3% of its nearly 2000 arrests in that period. Team members again point to their preparedness, the fact that they work in teams, and their physical fitness levels as factors that help preempt the need for force in the first place.

And lastly, MET points to the fact that its officers have generated minimal complaints, that their cases have been handed off to federal authorities successfully and without question or critique, and that their body-worn camera recordings are both an inherent check on conduct and an independent means of verifying their professionalism. And, importantly, they have worked to keep Santa Ana safer – removing some 150 guns from the street and directing their efforts at the specific individuals who are most prolifically dangerous in the community.

Against this backdrop, and arguably in support of the MET's team pride in its "on-duty" performance, it is noteworthy that recent controversies around the group are peripheral in nature: the two Internal Affairs cases we discuss above (which had at least a partial nexus to MET) involved allegations of off-duty misconduct. Similarly, the indicia of a supposed "gang mentality" emerged not in the context of their enforcement activity, but in their personal lives and choice of a group "challenge coin."

We addressed each of those issues with the team members, and discuss our impressions as follows:

Group Tattoo

According to an online report, a number of officers on the MET team have obtained matching tattoos, displaying a skull with an ace of spades on its forehead and the word MET below the skull. There are also numbers – associated with radio codes for SAPD and MET – included in the design of the tattoo. And members we spoke with made reference to a "tip of the spear" feature that was meant to reflect the group's acceptance of leadership roles in crime prevention efforts.

On its face, both the existence and the substance of a shared tattoo design raise legitimate questions – as several MET officers acknowledged. A group tattoo carries with it suggestions of unusual affiliation and loyalty, perhaps to the exclusion or at the expense of other associations. This would be true even if, as one MET officer wryly suggested, the design was a "teddy bear." While this is not *inherently* problematic, it does seem noteworthy in the context of a special enforcement paradigm that is already

set apart to some extent, and which works in an adversarial and dangerous enforcement environment.

This is particularly sensitive in today's context, given the public's awareness of other tattoos connected to troubled groups within other law enforcement agencies. And the design of the MET tattoo contributes to related concerns. The ace of spades has been used to symbolize death by military personnel over the years and has been used by Los Angeles County deputies who have been alleged to have been in a police "gang," and the skull has overt implications of its own. Moreover, none of these implications were assuaged when published photographs of members of the MET team members showed them flashing fingers akin to how street gangs flash signs – specifically three fingers and one finger to correspond to the SAPD "31" numeric radio designation, even though it was explained to us by team members that it was intended to be light-hearted. When the photo was obtained by the internet source, MET members acknowledged that they should have been more mindful of the potential and problematic interpretations that later arose.

While team members acknowledge the perceptions (even while pointing out that the off-duty photos were clearly "weaponized" by persons hostile to MET for other reasons, they offer several points in an effort to establish a broader context – and to provide assurances that the tattoos are not symptoms of a malevolent or "gang" oriented culture. One key point is that there is nothing "mandatory" about them. They assert that no one is pressured to get the tattoo as an entrance requirement or show of loyalty to the unit; in fact, some members do not have it. Another is that they are not visible when the officers are in uniform, and are thus clearly not intended to intimidate or send messages to the people they encounter in the streets.

While the symbolism of the tattoo can admittedly be interpreted darkly, they claim that the skull is less about a preoccupation with death or killing than it is something that simply "looks cool." They point out that many MET members come from military backgrounds in which group tattoos and aggressive symbolism are commonplace, that tattoos themselves are much more mainstream than they once were (and thus less freighted with significance), and that the voluntary bonding it represents is meant as a benign reflection of their dedication to service. Lastly, they emphasize that none of the *performance* issues under scrutiny in agencies like the Los Angeles County Sheriff's Department have been associated with MET – and that tattoos themselves are not what makes a problematic culture.

These strike us as valid claims that put the tattoos into a useful larger perspective. They do not, however, completely offset the "red flag" nature of the MET tattoo and

design. Instead, the questions arise naturally. That MET has reasonable points with which it can address concerns – and that it understands that people of goodwill can genuinely be bothered by them – are positives. But they are not entirely satisfactory in today's climate and in light of evolving public expectations.

Indeed, the California legislature has recently passed laws recognizing the problematic imagery that such tattoos create.¹⁰ While there is no evidence that MET officers have violated any of those new laws, their decision to adopt common tattoos that promote imagery of death creates an aura inconsistent with the philosophy of community policing or positive engagements with the public. This in itself is worthy of further consideration by the unit and by Department leadership.

While law enforcement agencies (like other employers) have limited options on how to regulate tattoos, officers who adorn themselves in controversial ways can undermine public confidence and create risk management concerns. For example, if an officer with such a tattoo were ever to be involved in a shooting, its presence would surely (and needlessly) complicate any defense of the incident's legitimacy.

At a minimum, SAPD personnel should be advised on the new laws and the liability risk that tattoos replete with death imagery create for officers.

Recommendation Five: SAPD should advise its members that tattoos depicting imagery of death have a deleterious impact on community trust and create risk to officers who adopt them.

Challenge Coin and Slogan

Another concern identified in an internet publication was the MET “challenge coins.” A challenge coin is a token with a specific department or unit’s name on it, typically exchanged between agencies or sub-units. It is a very commonplace feature of law

¹⁰ AB958 defined a “law enforcement gang” as a group of law enforcement officers within an agency that engage in a pattern of rogue on-duty behavior that violates the law or fundamental principles of professional policing. There are no specific allegations that MET activity consisted of any such behavior.

enforcement culture, and many officers collect them from their own work assignments and the people they encounter during their careers.¹¹

According to published reports, one side of the MET version is decorated with an ace of spades and skull while the other side reads “MET” and the Latin phrase “Oderint Dum Metuant” which translates as “Let them hate, so long as they fear.” As we said above in the tattoo context, the imagery on the challenge coin is inherently questionable. And the slogan that members chose raises additional (and somewhat overlapping) issues.

One point of initial clarification about the slogan emerged in our conversations with team members. It was that the “them” and “they” referenced in the quote’s meaning was *not* directed at colleagues within SAPD – a contention that was apparently circulating once the story was publicized and reflected the atmosphere of internal rumor and animosity that had developed. MET personnel were intent on seeking to refute any perception that they harbored such sentiments toward co-workers; nor would they wish to exacerbate any tensions by projecting such an attitude in a forum such a group coin.

Instead, the officers were consistent in saying that they were referring to the “hardcore criminals” in the City whom they had antagonized with their suppression campaign. And they were unapologetic about the mindset. On the contrary, the MET members effectively stated that they were fine with the violent, dangerous element of their community knowing who they were and being leery of them. If the pathological “top 1%” of criminals were aware and afraid of MET, they reasoned, they would be less inclined to engage in harmful behaviors – and MET would be accomplishing its goals.

The candor of the officers in this context was creditable. And it can be hard at first glance to generate considerable sympathy for a narrow cadre of violent offenders who “terrorize the rest of the community” (per one officer’s characterization). There are, however, pitfalls to such a mindset, even if (as the officers claimed) it genuinely was limited in its supposed targets. The line between a passionate sense of engagement and overzealousness can blur quickly, and it is not always easy to shift gears between those who are “deserving” of aggressive crime suppression and those who become improperly subject to its excesses.

Indeed, the challenge coin, and particularly the Latin phrase that distinguishes it, translated as: “Let them hate, so long as they fear,” seems directly contrary to the Police

¹¹ The challenge coins, which also exist among groups and professions beyond law enforcement, are usually privately commissioned.

Department's larger message of community collaboration and trust building. Ideally, *no one* in the community should either hate or fear those entrusted with providing public safety, and the meaning of the "them" intended by MET is both ambiguous on its face and slightly disquieting even on the members' preferred terms.

In advertising for applicants to the position, the Police Department advised that the MET team would "work with community members and community organizations to solve violent crime-related issues." In describing qualifications, the Police Department advised that candidates should "embrace collaboration with the community to build trust and solve violent crime problems." The MET members of today would tell you that they recognize and stand by those descriptions as directly applicable to the work they do. They speak of a deep regard for the overwhelming majority of Santa Ana residents, who wish to work and live and raise their families in the City while being safe in doing so. And they mentioned different initiatives that reflect their outreach and commitment to community service.

In contrast with these ideals and practices, the messaging displayed by MET's challenge coins will do little to build "trust" with its community. Because the challenge coins contain the MET team identification, they can and should be regulated by the Police Department. Prior to issuance and distribution, all challenge coins should be reviewed and approved by the Chief of Police.¹²

Recommendation Six: SAPD should devise policy requiring that any challenge coin must be approved by the Chief of Police prior to its manufacture and distribution.

Going Forward

In no uncertain terms, MET members staunchly rejected the notion that they saw themselves as, or behaved as, any sort of law enforcement "gang." As detailed above, they have reasons to be proud of their professionalism and accomplishments, and we reiterate that any of the controversies detailed above are distinct from allegations – or evidence – of on-duty misconduct by the unit's members.

¹² One need look no further than the United States Border Patrol, where an image of an officer on a horse whipping an immigrant created serious concerns about the impact on the community and the mindset represented by such a token.

The founding members of the team talked about their consciousness of the problems that have surrounded such units in other jurisdictions, where confronting the real problems of violent crime devolved into an "ends justify the means" paradigm, or worse. Too much autonomy, a lack of direct supervision, and a belief in their own righteousness have allowed other teams to move from "pushing the envelope for a good cause" to making their own rules and undermining police legitimacy. The MET leadership and members claim to recognize this, and can credibly cite the checks and balances – and results – that are built into the unit's structure and clear expectations. Supervision is direct and engaged, and layers of internal review appear to be appropriately in place. These are important realities.

Nonetheless, the inexcusable use of force of Tyre Nichols in Memphis resulting in multiple murder charges– at the hands of a special enforcement cadre known as "Scorpion" within the Memphis Police Department – has refocused attention on the potential perils of "get tough" responses to crime. We appreciated the willingness of the MET members to speak freely with us, and we respect their obvious dedication and positive contributions. But we still consider it important for the unit itself to engage in further and ongoing self-assessment, and for the Department's leadership to remain actively engaged in framing positive and progressive expectations for MET's philosophy and importance.¹³

Perfection is an unfair standard, and no single officer is likely to exemplify the different (and sometimes contrasting) qualities that make for excellence in law enforcement. MET members clearly seem to have praiseworthy attributes, from their work ethic and expertise to their genuine passion for addressing the most serious of crimes and criminals. As we say above, though, the line between "hard charging" and overly aggressive has proven to be thin in too many contexts to recount.¹⁴ To the extent that the controversies of the last year are, at least in part, of the unit's own making, we hope

¹³ To his credit, and consistent with the continued importance of introspection, the Chief invited a leader from the Police Executive Research Forum to facilitate a lengthy conversation with over 40 members of SAPD's specialized units – including MET– following the release of the video depicting the Tyre Nichols incident.

¹⁴ We note that no women have been members of the unit since its inception. Hopefully this will change, especially with the Chief's commitment to have at least 30% of the Department be comprised of women officers by 2030, a national campaign to which SAPD has signed on.

MET will continue the best features of its work while adapting constructively to public concerns and evolving expectations.

Moreover, the question of how a city should effectively address public safety is one that no longer can rest solely within the jurisdiction's law enforcement agency. Since the George Floyd murder, there has been increased recognition that residents and other stakeholders should be solicited and engaged in developing priorities and strategies for a safe community.

For example, the stops, searches, frisks and other more traditional enforcement activities that once were accepted without challenge are now understood in a new light as a result of both public feedback and hard evidence. There is a new recognition of the ways that certain strategies have disparately and unfairly impacted communities of color and caused a loss of trust in police. At the same time, other community members remain steadfast in their concerns about violence and their advocacy for "saturation policing" and other crime suppression measures.

Obviously, consensus is hard to come by; this in turn reflects the complexity of the societal problems at issue. What is clear, though, is that law enforcement autonomy and total control has been replaced by new expectations. As Santa Ana proceeds in charting the most effective course for public safety strategies in its City, there should be continued solicitation of the community's views, as disparate as they may be.