



**OFFICER-INVOLVED SHOOTINGS RE
ANAHEIM POLICE DEPARTMENT:
SYSTEMIC RECOMMENDATIONS**

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I. Introduction

In modern day policing, there is probably no more potentially controversial event than an officer-involved shooting. When an officer uses deadly force that results in a fatality, it has obvious ramifications for the family of the person shot, but also impacts the officer who is involved in the shooting, the police department and city government, and the community and neighborhood where the incident occurs. The potential for controversy and concern is particularly so when it turns out that the individual who is shot and killed turns up not to be armed. Often dependent on the level of trust that the community has (or does not have) in its police department, reactions range from views that the individual was killed by “trigger happy” cops to staunch and unquestioned support for the police officer who is simply “doing his job”. Over the past several years, the nation has been consumed by this debate and virtually everyone has an opinion about the use of deadly force by police that fall somewhere within the spectrum described above.

While a district attorney and administrative review of the involved officer’s actions are integral parts of the process, more can and should be done after every use of deadly force through a systemic review of the incident. The objective of a systemic review is to examine the incident in order to learn how the police agency can better prepare itself and its officers to handle future incidents. The goal of this review is to learn from the incident and then devise and deploy remedial actions designed to train, guide, and instruct department members on strategies that will both keep officers safe and reduce the likelihood of the need to resort to deadly force.

In order to accomplish this more exacting level of review, facts need to be collected objectively and the incident needs to be thoroughly plumbed starting with the lead up decisions to the event, the decision to use deadly force, and after event responses, including the providing of medical care. This exercise requires an expanded fact collection beyond the trigger pull so that the review can examine all of the police agency’s performance and decision making with a critical eye. Once a thorough vetting of the facts are achieved, an exacting systemic review should examine how the agency and its officers responded to the incident including tactical decision making and planning, equipment issues, supervision issues, and training and policy to assess whether any of these components are in need of improvement or corrective action. This review should also examine the investigation itself to learn whether facts were collected dispassionately and thoroughly and devise remedial protocols to ensure that the next

investigation learns from and improves on any investigative deficits. Finally, and most importantly, a remedial action plan should be devised to ensure that whatever issues or performance that proved less than optimal are addressed, remedied, and the corrective actions are promulgated throughout the Department. With this type of 360 degree review, the agency is better positioned to face the next similar challenge that will keep its officers safer and be able to devise strategies that will lessen the likelihood of the need to resort to deadly force.

In the summer of 2012, attention and concern was brought to the City of Anaheim following a series of controversial shootings. Some community members were troubled about the officers' decision to use deadly force and the spike in officer-involved shooting events. Those community members made their concerns known through public protests. While the number of officer-involved shootings has since abated to lower levels in the years hence, there still remains concern in Anaheim about the use of deadly force by its officers.

The City commissioned OIR Group, individuals who each have a long history as independent reviewers of critical incidents, to review a number of officer-involved shootings and one in custody death over a nine year period that were of particular interest to community members. As a result, OIR Group reviewed twenty-three officer-involved shootings and one in-custody death.

From that review, OIR Group formulated the following recommendations for systemic reform. The recommendations are designed to improve the investigative and review process. In addition, the policy recommendations advanced are intended to provide more exacting and lasting guidance to officers so that their responsibilities are performed consistent with officer safety and so that they are less likely to place themselves in situations where they may need to use deadly force.

The recommendations are intended to ensure that Anaheim's police officers understand the emphasis on officer safety and tactics designed to ensure tactically sound decisions, insist that its officers perform their duties under these tenets, and hold them to account when they do not do so. We are hopeful that the Department consider these recommendations in this context and consistent with this overarching philosophy.

To the degree that these recommendations provide insight into those issues, such would not have been accomplished without the unfettered access provided to the review team by the Department and its command staff. In addition to the access to documents, Department leadership accommodated all requests by OIR Group and provided candid and invaluable

perspective on the issues discussed herein. Most recently, in the spirit of continued transparency and access, Department leadership has afforded the OIR Group team the ability to respond in real time to more recent officer-involved shootings and invited the Group to attend the more recent critical incident reviews of those events. The City's new Public Safety Board is intended to provide another way for additional and more formal city resident involvement in the review and consideration of these events. Anaheim's Office of the City Manager has also provided invaluable support to this review project.

In addition to detailing recommendations for systemic change, the report discusses how the Anaheim Police Department has responded as an institution since the controversial shootings that occurred in 2012. As evidenced by those reforms, APD has moved forward significantly in meaningful ways with efforts to gain the community's trust. With the progress made in those areas as well as the Department's more intensive officer-involved shooting review process, APD is well-positioned to consider strategies and reforms designed to keep its officers safer and reduce deadly force incidents in its City. It is within that spirit of reform that the systemic recommendations in this report are offered for consideration.

II. Recommendations for Systemic Reform

A. Tactical Concerns: Recommended Revisions in APD Policy

1. APD Should Devise a Robust Foot Pursuit Policy.

It has been our experience that a significant number of officer-involved shootings are predicated on a foot pursuit of an armed subject or believed to be armed subject. Foot pursuits are inherently dangerous because in order to perform one, an officer is often out in the open, tactically disadvantaged as a result of his running motion, and intent on closing distance to apprehend, making him more vulnerable to any aggressive actions by the subject. The risk of a foot pursuit rises exponentially when the subject being pursued is potentially armed with a handgun since it is relatively facile for the subject to procure the gun and fire at the oncoming officer. For those reasons, officers engaged in foot pursuits of a believed to be armed subject often consider any ambiguous move by the subject to be a reach for a weapon raising the threat level to the officer and causing the officer to feel the need to use deadly force. These "waistband" shootings sometimes reveal that the subject was armed but oftentimes not. Because of the safety risk that chasing a believed to be armed suspect creates, many Departments teach through policy that the officer should consider alternative and safer strategies designed to effectuate the arrest. Those Departments instruct that the officer immediately request assistance

from fellow officers, air support, and K-9 units and devise a plan to contain the subject so that apprehension can be achieved at less risk to the officer and subject.

Those same Departments require that if officers decide to engage in a foot pursuit, they do so in a way to ensure that the pursuit is conducted as safely as possible. For example, those Departments have devised policy that requires officers:

- not to split from partners
- to immediately radio when they go into foot pursuit and communicate basic information about their location, the subject and whether they believe him to be armed
- to terminate the pursuit if a radio broadcast cannot be effectuated
- to terminate the pursuit if they lose sight of the subject
- to not go into buildings or structures after the subject
- to not scale fences or walls

The experience from Departments that have devised a foot pursuit policy is that better and lasting guidance is provided to its officers on foot pursuits and officers can be held accountable when they perform inconsistent with the policy's dictates.¹ Because officers are taught through policy to avoid unsafe foot pursuits, they are less likely to make tactical decisions that place them in vulnerable positions requiring them to resort to deadly force.

Fairly recently, the Anaheim Police Department prepared and issued a Training Bulletin emphasizing many of the principles described here. While the Bulletin was an admirable step in the right direction, such bulletins are ephemeral. In other words, new hires will not necessarily have the exposure to the information contained in the Training Bulletin, others may forget the guidance provided in the Bulletin, and it is more difficult to hold officers accountable to standards contained in a Training Bulletin. The Department should devise a foot pursuit policy so that its officers are provided certain guidance on the expectations of APD with regard to their deployment.

Recommendation One: APD should devise a rigorous foot pursuit policy that sets out with clarity whether and how to conduct foot pursuits.

¹ An analogous situation is the conduct of vehicle pursuits, another inherently dangerous act. Most Departments, including APD, have rigorous requirements that instruct officers whether and how to engage in vehicle pursuits.

2. APD Should Review its Current Firearms Training that Instructs its Officers to Continue to Shoot Until the Threat is Eliminated.

APD teaches its officers to shoot when they are presented with a deadly threat to themselves or others and continue to shoot until the threat that they originally perceived is no longer perceived by them to be a threat. In contrast, some law enforcement agencies teach to fire in small bursts (two rounds), reassess the situation, and based on that reassessment, make an additional decision about whether there is a need to fire additional rounds. The differences in these two training approaches could have significant impact on the number of rounds an officer eventually fires. Under the APD training methodology, the officer is to essentially presume the threat exists and continue to fire until observations confirm otherwise. Because it may take some time for the suspect to go down or drop a weapon after being struck with gunfire, the confirmation that the threat has been neutralized may not occur until after numerous rounds have been fired. Under the burst and reassess training, controlled fire is the aspiration and the presumption is that the short burst of deadly force, if on target, will likely stop the threat. Without suggesting that one methodology is superior to another, police agencies should continue to share shooting training regimens and compare outcomes.

Recommendation Two: APD should review police agency shooting methodologies that teach officers to fire in short bursts and reassess and compare it to current Department deadly force training to examine the pros and cons of each training regimen.

3. The Need to Define with More Specificity an “Imminent” Threat in APD’s Deadly Force Policy.

APD’s deadly force policy states that an officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an “imminent” threat of death or serious bodily injury. Clearly, when a suspect is observed pointing a firearm at an officer or another, there is an imminent threat of death or serious bodily injury. However, APD policy does not define with particularity the intended breadth of “imminent”. For example, the policy is not clear whether it would provide authority for shooting an individual who is attempting to escape if the officer uses deadly force for fear that if the person escapes, he might do harm to others in the neighborhood. Such a broad interpretation is problematic because it could be used as justification for the use of deadly force on virtually every occasion since there is always a possibility that if a person escapes police apprehension he can do harm to others. In short, the speculative potential that a suspect might cause a future injury to unidentified others

should not, in and of itself, justify the use of deadly force.

APD should consider whether it needs to clarify what is meant by an imminent threat in its deadly force policy. The policy should make it clear to officers that an imminent threat to others means persons who are on scene and clearly identifiable as vulnerable. Speculative concern about other persons not at the shooting scene being injured by the suspect if he were to escape should constitute insufficient grounds to use deadly force.

Recommendation Three: APD should consider amending its deadly policy to more precisely define what is (and what is not) intended by an imminent threat.

4. Current APD Policy Is Unclear About Whether a Head Strike With a Flashlight, Baton, or Other Hard Surfaced Object Constitutes Deadly Force.

Many law enforcement agencies consider all intentional head strikes with an impact weapon as deadly force because of the likelihood of serious injury or death resulting. APD policy does not provide clarity to officers and reviewers of force about whether such a deployment constitutes deadly force.

Recommendation Four: APD should consider whether intentional head strikes with an impact weapon should be considered deadly force under its force policy and then should clarify in its policy whether they are so considered.

5. APD Policy Should Establish Minimal Requirements Regarding Pre-Event Tactical Briefings.

Planned tactical operations often involve a combination of uniformed patrol officers, detectives assigned to plain-clothes special units, and support units such as K-9 and Air Support. The success of such operations is heavily dependent on planning and coordination among units. APD has recognized the importance of a tactical pre-event briefing and that each participating member need be present for the briefing. The briefing is intended to provide each member an understanding of how the operation is to be conducted and sets out each officer's role. If certain members of the deployment team are not present during the tactical briefing, the likelihood of tactical missteps, poor coordination, and errors are increased significantly.

While APD should be credited for identifying this issue in the past, the Department should consider adopting policy similar to other police departments that require that multi-

disciplinary field operations require an operations plan approved by the Bureau commander and that a full member tactical debrief be conducted whenever feasible. A clear policy provides written guidance and maps out Departmental expectations to help prevent ad hoc poorly planned operations from occurring.

Recommendation Five: APD should consider instituting policy requiring that certain tactical operations require the development of a written approved operations plan and a tactical briefing and require that all officers deployed to the operation be in attendance during the briefing.

6. APD Personnel Engaged in Law Enforcement Activity Outside of City Limits Should Provide Prior Notice to Outside Agencies.

APD policy requires that officers who engage in law enforcement activities of any type outside of Anaheim shall notify a supervisor or watch commander at the earliest possible opportunity. The current policy does not address prior notification of extra jurisdictional police activity to either Department supervision or the police agency in which police activity is anticipated.

In California, peace officers have the ability to enforce laws outside of the jurisdiction in which they work. However, merely because an officer can enforce laws extra-jurisdictionally, it does not mean that there should not be other considerations in the decision on whether and how to enforce the law outside of city limits. First, a law enforcement officer will not likely be as aware of the neighborhood, streets, or services outside of his or her assigned city; making it more difficult to travel, know or broadcast his/her location as need be. Second, sometimes Department assigned radios or other equipment will not function as well outside of the area for which they are designed. Most importantly, out of City operations make any assistance response from fellow Anaheim officers or supervisors more delayed and challenging. As a result, a number of law enforcement agencies require police officers to notify and obtain approval from a supervisor prior to engaging in any out of area operation.

Conducting an out of area operation, particularly a plain clothes operation, also presents potentially significant coordination and officer safety issues for the police department in which the operation is anticipated. If the outside law enforcement agency is unaware of the planned operation, its officers could inadvertently happen upon an arrest plan by plain clothes officers from APD and either compromise the operation or worse, mistakenly interpret the officers' actions with guns drawn as hostile activity. For that reason, a number of agencies have developed protocols requiring that their officers notify the outside police agency of any planned

operation in their city. According to APD, this is now standard operating procedure; the procedure should be reduced to writing and included in the Department's policy manual.

Recommendation Six: APD should consider developing written policy requiring pre-notification and approval from the Bureau commander of any out of City operations.

Recommendation Seven: APD should consider developing written policy requiring pre-notification and potential coordination of any planned out of City operations to the outside police agency.

7. Anaheim PD Should Revise Its Policy to Require that Plain Clothes Officers' Wear Ballistic Vests During Tactical Operations.

The wearing of ballistic vests provides an additional level of safety to officers involved in a tactical operation. For that reason, APD has policy that requires all uniformed officers to wear ballistic vests while on duty. However, current policy exempts plainclothes officers from the ballistic vest requirement.

While there are times where wearing a ballistic vest may defeat the purpose of plainclothes activities, when the decision has been made that the officers are going to tactically effectuate a dynamic arrest, there is no reason whatsoever not to require plainclothes officers to don a ballistic vest before initiating the operation. In addition to the safety issue, a tactical vest worn outside plain clothes will more readily identify the individual as a police officer. For these reasons, APD's body armor policy should be modified to require plainclothes officers to don ballistic vests prior to engaging in an overt tactical operation such as a dynamic apprehension.

Recommendation Eight: APD should modify its body armor policy to require that plainclothes' officers who are about to engage in an overt tactical operation don a ballistic vest before initiating the operation.

8. The Need for Plain Clothes Officers to Identify Themselves as Police Officers.

To its credit, in 2010, APD adopted a policy regarding the identification of plainclothes officers. This policy requires officers who are assigned to plainclothes or undercover assignments and plan to contact an individual with the intent to detain or arrest him or her, must "whenever practical" don equipment specifically utilized to identify them as police officers such as visible badges on the belt, hanging from the neck, affixed to outer clothing, or ballistic vests or clothing clearly marked with the word "POLICE" on both the front and back. The policy

adopted by APD provides clear guidance to special units of the Department's expectations and will reduce any potential confusion about their law enforcement authority when engaged in an arrest operation.

When practicable, police officers should announce themselves as police officers before using deadly force. This principle is particularly relevant when the peace officers are dressed in plain clothing that does not identify them as police.

Recommendation Nine: APD should continue to stress during training the principle of police officers identifying themselves as such during tactical operations.

B. Officer-Involved Shootings: Recommended Reforms of Investigative Protocols

1. APD Should Remove the Rule from its Deadly Force Policy Which Allows the Involved Officer 48 Hours to Give a Voluntary Statement in a Criminal Investigation and Should Obtain Statements from Involved Officers on the Date of the Incident.

Current APD policy states:

Subsequent to an officer being involved in a shooting, the officer shall have 48 hours within which to give a voluntary statement, subject to questioning by investigators, regarding his/her involvement in the shooting.

As a result, in Anaheim it is usually at least two days and quite frequently significantly longer before District Attorney investigators assigned to the criminal investigation interview the officer about his actions and observations.

The delay in obtaining a statement from the involved officers is inconsistent with best investigative practices. It is apparent that investigative authorities are aware of the importance in obtaining a contemporaneous statement by the fact that both civilians and officers who witness officer-involved shootings are interviewed the night of the incident. Yet in Anaheim, per policy, officers who use deadly force are given up to 48 hours and often days longer before their account of the incident is obtained.

As a result of the delay, all of the care APD takes to segregate involved officers after the incident and chaperone them becomes of no moment. More importantly, by agreeing to the delay, the investigation foregoes the opportunity to obtain a pure statement from the shooter officer about what he did and why he did it. While the investigative machinery works hard to obtain contemporaneous and pure statements of observations from officer and civilian witnesses

alike, the investigative protocols allow the involved officer's version to be subject to contamination and recall issues as a result of the passage of time or exposure to other accounts of the incident. Moreover, to the degree that the investigation is an organic exercise, any leads or further investigation that might be derived from the involved officer's version of events is delayed for several days until the statement is acquired.

Academic police advocates have pointed to memory studies which show that memory improves after an individual has had an opportunity to de-stress, sleep, and have time to process the event before being called upon to provide a recollection as a reason to afford officers a couple days before being interviewed. Those advocates, however, undervalue the competing factors detailed above including the potential for conscious or unconscious contamination if, during the wait period, the officer is provided access to recordings of the event or other individual's accounts of the event. Moreover, because in Anaheim, the officer is often not interviewed until well past the optimal 48 to 72 hour window suggested by these advocates, any advantage to waiting some period of time is lost as a result of the additional passage of time. Finally, if police agencies were to accept this premise as paramount, it should delay police reporting or witness statement gathering of any event until at least 48 hours, which is not consistent with accepted police investigative practices.

Some have questioned whether another reason for the delay is to afford the officer the advantage of either consciously or subconsciously being able to choreograph or tailor his response with the help of external influences or exposure. In fact, in reality, the delay may not afford the officer any advantage whatsoever and may call into question the usefulness of his delayed statement because of the likelihood of memory contamination. In talking with officers involved in shootings, many have expressed their desire to timely provide their account of what occurred and have reported that any automatic delay that is afforded them may be counterproductive to their state of mind and psyche.

Consistent with normal investigative practices, APD should eliminate the 48 hour delay provision from their current policy and request involved officers to submit to interviews the date of the incident.

Recommendation Ten: APD should modify policy and protocols so that involved officers in a shooting are requested to provide voluntary statements to investigators the date of the shooting.

2. APD Should Ensure that Investigative and Review Protocols Allow for a Robust Assessment of Departmental Performance With Regard to the After-Incident Response, Particularly With Regard to Providing Medical Care.

When an officer-involved shooting occurs, a comprehensive review will ensure that sufficient facts are collected so that Department leaders can review not only the performance of its involved officers in the deadly force incident, but also the response of officers and supervisors after the incident. The post-incident review is intended to ascertain whether the post-incident response was consistent with Departmental expectations.

A crucial aspect of the post-incident response to any officer-involved shooting that should be subject to exacting review is whether timely post-incident medical care was provided to the downed individual. In order to do so, the investigative and reviewing agencies must collect and analyze post-incident radio transmissions and other communications. In addition, emergency medical personnel records need to be collected and analyzed. Using these materials, a timeline should be created to determine whether there were any unnecessary delays in providing medical treatment after the incident.

Recommendation Eleven: The investigative report should include a timeline using radio traffic, video or audio evidence, and other documentary evidence to determine when post-shooting medical care is initiated, when rescue is called after an officer-involved shooting, when the EMT team arrives at the location, and when the paramedics assume responsibility for medical care.

3. Post-Incident Handling of Decedent at Scene Is In Need of Revisiting.

In Orange County, in cases in which rescue personnel determine that a subject of an officer-involved shooting has expired at the scene, the decedent is left at the location for several hours and eventually photographed. Investigative practices also reveal that the deceased individual is eventually disrobed, the clothing is collected by the investigative agency, and the nude body is again photographed where he was downed.

The evidentiary value of such procedures and the documentation with photographs is not apparent. In some cases, bystanders and nearby residents were in sufficient proximity to the decedent that they were able to observe the body during the several hours that it remained at the scene.

Oftentimes, the community's concern about officer-involved shootings can be compounded with the way in which the subsequent investigation is handled. For example, in a

recent case, there was national outcry after it was learned that the deceased subject of an officer-involved shooting had been left out in the street for several hours.

While APD is not the lead investigative agency with regard to how the evidence is collected, it does play a significant role in the processing of the crime scene and affords the Office of the Coroner and the District Attorney's Office access to the crime scene². The Department should engage in discussions with its partners at the District Attorney's Office and the Office of the Coroner to re-examine the current processing of decedents who are pronounced at the scene. Discussion should center on whether the length of time that the decedent is kept at the scene can be shortened without undermining the evidence processing. In particular, the evidentiary value of photographing the decedent nude at the scene should be reevaluated. The use of privacy screens should also be considered during the processing of the scene so that neighborhoods are not unnecessarily traumatized by the event and out of respect for the decedent and his family.

Recommendation Twelve: APD should discuss with its investigative partners whether current protocols concerning the handling of individuals who are shot by its officers and pronounced dead at the scene can be revisited to consider countervailing concerns.

4. APD Should Ensure that There is a Recordation of Critical Incidents Such as Officer-Involved Shootings and Subsequent Witness Canvasses.

For some time, APD policy has encouraged its officers to audio record citizen contacts. More recently, APD policy was modified to ensure that, "all enforcement and investigative contacts" will be recorded. On a going forward basis and to its credit, APD now equips its officers with body cameras that will capture video and audio evidence of the event. It is incumbent upon the Department through training and enforcement mechanisms that all officers embrace APD's expectations that the lead up to critical incidents and the shootings themselves be recorded. It will take significant effort and vigilance to ensure that Departmental expectations are met.

APD is routinely asked to assist with identifying potential witnesses to an officer-involved shooting. Consistent with its recordation policy, the Department should ensure that witness canvasses following officer involved shootings are also recorded.

² This practice is County-wide and apparently spearheaded by the Office of the Coroner. As noted above, the criminal investigation of officer-involved shootings is led by the District Attorney's Office.

Recommendation Thirteen: APD should ensure that during every systemic review of future officer-involved shooting incidents that there is exploration as to whether the event was recorded and if not, determine why not.

Recommendation Fourteen: APD should ensure that witness canvasses after an officer-involved shooting that are conducted by Departmental personnel are recorded.

5. APD Should Ensure that Consent to Transport Witnesses to Officer-Involved Shooting Incidents Is Captured Through Recordings or Signed Waivers.

Oftentimes, individuals who are identified as significant witnesses to officer-involved shooting incidents are asked for their consent to be transported to the police station for a more detailed follow up interview. While APD usually documents this consent in supplemental reports, to remove all doubt on the issue, it would be helpful if Department members either had individuals sign waivers or if they audio recorded the consent.

Other police agencies have faced allegations that witnesses to officer-involved shootings were detained against their will and transported to police facilities. These allegations have resulted in litigation and payouts when those agencies were unable to definitively disprove them. With a recordation of consent or signed waiver, the potential issue evaporates.

Recommendation Fifteen: APD should develop protocols so that any witness to a critical incident is asked for consent to be transported to the police station for an interview and that either the consent is recorded or a signed waiver is obtained from the witness.

6. APD Should Ensure that Radio Traffic Is Obtained and Analyzed.

Analyzing radio communications can prove extremely helpful in establishing a timeline of events. Moreover, communications over the radio are present sense impressions of the officers and provide insight to their state of mind during important moments prior to or during the incident. Officer-involved shooting investigations conducted by other agencies recognize the potential evidence that radio traffic can provide and devote a section of their report to its analysis. APD has indicated that radio traffic is now captured, reviewed, and analyzed during its internal shooting review process. In the few shooting incidents undertaken under the new process, we have seen a focus on reviewing and analyzing the radio traffic and other communications.

Recommendation Sixteen: APD should continue to capture, review, and analyze relevant radio traffic as part of its standard internal review.

7. Scene Diagrams Provide a Helpful Investigative Aid.

Officer-involved shootings, particularly involving multiple officers, involve positioning and movement that diagrams can help assist investigators, witnesses, and reviewers interpret the actions and movement of those involved in the incident. A diagram can be used with witnesses to obtain a physical record of their vantage point, movement, and where others were positioned. Physical evidence such as shell casings, blood, and bullet strikes can also be placed on diagrams. Many investigative agencies routinely prepare diagrams of officer-involved shooting events.

Recommendation Seventeen: APD should work with its investigative partners to ensure that a diagram is prepared in all officer-involved shooting investigations.

8. Evidence Collection Must Be Consistent with Standard Crime Scene Protocols.

After an officer-involved shooting, responding officers and field supervisors have a number of responsibilities including ensuring that medical attention is being timely provided to the downed suspect, the involved officers and witness officers are identified, and prompt notifications have been made. Another critical responsibility is to ensure that a crime scene is created so that evidence is left undisturbed to the degree possible until forensic technicians can photograph, measure, and otherwise process the scene. Sometimes, in the aftermath of an officer-involved shooting, certain exigencies may require collection of certain evidence prior to the forensic evidence arrival on scene. Officers carry evidence bags which are designed to properly store evidence and reduce the likelihood that fingerprint or other forensic value of the evidence will be disturbed or contaminated. If exigency requires immediate collection of evidence, officers should do so deploying principles of evidence collection to the degree feasible.

Recommendation Eighteen: APD should continue to train its officers on evidence collection techniques and the need to abide by them even under exigent circumstances.

C. Officer-Involved Shootings: Recommendations for Reform of Administrative Review Protocols

1. APD Should Ensure that Emanating from Every Systemic Review is a Robust Remedial Action Plan.

As a result of modifications to its protocols, APD has admirably moved its initial review to within days of the incident. That shift in timing provides the Department the opportunity to almost immediately identify issues from the shooting that may call for corrective or remedial action. Thus, rather than wait until the completion of the investigation by the District Attorney

and criminal review, APD has well positioned itself to more timely address and respond to identified issues.

While OIR Group has been impressed with the swift accumulation of information presented and the identification of issues by the systemic review, it has yet to see how those issues are crystallized into robust action plans. It is incumbent upon the Department that this most important piece of the process is as robust as the issue identification that preceded it.

Recommendation Nineteen: APD should ensure that its new systemic review protocols are empowered to develop robust remedial action and reform.

2. APD Should Consider an Officer's History of Involvement in Prior Officer-Involved Shootings.

In his review of officer-involved shootings, the District Attorney regularly examines prior officer-involved shootings. As part of its systemic review, APD should similarly consider whether any of its involved officers have been involved in prior officer-involved shootings. The most recent shooting and officer performance should be evaluated in the context of the earlier shootings. The systemic review should examine whether alternative deployments or other correction action is warranted based on the issues presented from analysis of the officer's prior deadly force history. While the Department has recently paid greater attention to whether officers should be reassigned and actually reassigned officers even when there has been no finding of a violation of policy, such an assessment should be made after every officer-involved shooting.

Recommendation Twenty: APD should continue to consider and analyze an officer's prior deadly force history, if any, during its systemic review of an officer-involved shooting in determining whether and if so, what corrective or remedial action should be taken depending on the issues or concerns identified.

V. Anaheim Police Department's Reform Measures

After experiencing the level of community protests following two officer-involved shootings catalogued above, APD recognized that there existed a level of concern among many in the community. In order to use the crisis as an opportunity for improvement and self-assessment, the Department aimed at improving relationships with community members. In support of this reform effort, City Council approved the hiring of additional sworn personnel. The increase of resources allowed the Department to increase staffing of its community policing

and youth services details. The overarching goal was to collaborate with the community and engage youth to prevent crime and enhance livability.

As illustrations of increased interaction with the community, the Department noted that its members have attended numerous planned events such as “coffee with a cop” meetings, mobile public awareness through citizen education sessions, community flashlight walks, and graffiti “paint outs”. Other less formal measures include having motor officers visit schools to greet arriving students, officers attending Little League games and officers introducing themselves and conversing with residents while walking on foot through neighborhoods. In response to resident requests, APD increased the frequency of foot patrols in neighborhoods.

The Department also strove to expand its social media footprint. Using Facebook, Twitter, Instagram, and the Behind the Badge blog, APD moved to share stories, crime prevention tips, trends, and policing efforts. APD worked to provide timely updates on evolving incidents and events.

APD also established the Chief’s Neighborhood Advisory Council. The group is comprised of community members representing neighborhoods throughout the City. The Advisory Council meets with the Chief and command staff monthly and is intended to build on the Chief’s Advisory Board that has been in existence for a decade.

In a move toward increased transparency, the Department also determined to place its policies on the website. Unfortunately, too many police departments do not afford its public access to the rules governing the conduct of its members. The fact that APD has provided its public such access is a significant step forward. In addition, APD also added the ability to make anonymous complaints online via the Department’s website. Complaints now also may be submitted using Anaheim Anytime, in written form to any Chief’s Advisory Board Member or verbally to members of staff. Moreover, an informational document was created and added to the City’s website to assist the community in understanding how investigations are conducted.

APD has redesigned its website to make it easier to locate information, such as police programs, community involvement opportunities, and how to access complaint forms online. Hard copy complaint forms are available in the lobby of the police station, eliminating the need to request a form at the front counter.

As noted above, APD has recently outfitted its officers with body cameras that are intended to capture on video and audio the majority of police/citizen contacts. One issue that will require vigilance is ensuring that officers are trained to activate the body cameras prior to getting involved in a dynamic event that prevents them from activation. Thus, officers need to

be trained that they need to turn on their cameras on the way to a Code 3 response so that they are activated prior to arrival at what may be a need for an immediate tactical response.

The Department has also developed protocols intended to inform area residents of large-scale neighborhood operations, including the dissemination of informational fliers and provide a resource for residents who wish further information. Other reforms include requiring all Department members to have Mobile Field Force training and the switch of the uniforms of the Tactical Response Group from digital camouflage to green uniforms.

As noted above, the internal systemic reviews for officer-involved shootings have also undergone extensive reform. One significant change is that the bulk of the review occurs much earlier in time after the incident. The prompt debrief of the incident affords for timely decisions and implementation of improvements to training, equipment, tactics, policies and command and control issues. As we acknowledge above, we have been invited to these initial assessment reviews and have been impressed with the depth of analysis and self-criticism.

The new internal review processes also ensures a member of APD Command staff meets with the family of those involved and explains the investigative processes and timelines. Additionally, within days following an incident APD conducts outreach in the neighborhood or impacted area to respond to community members' concerns. Residents are informed about the various community resources available, including access to counselors and counseling services, as well as police services including the Community Policing Team and Cops for Kids (C4K) among others.

As noted above, another significant reform is the creation of the Public Safety Board. The initial members of the Board (all City of Anaheim residents) have recently been selected and training of the Board has begun in earnest. The Board held its first meeting in the fall of 2014. The Board is entrusted with making recommendations to the Police and Fire Departments regarding policies and procedures. The Board will liaison with OIR Group in order to learn about internal reviews conducted by the Department and form a base with which to offer recommendations.

APD has increased its focus on youth programs and services in the following ways:

- Expanding its Junior Cadet Program to include seven campuses, serving nearly 450 youth daily.
- Expanding its Gang Reduction Intervention Partnership program to twelve campuses.

- Providing the Orange County Family Justice Center Kids Creating Change program in a mobile format.
- Adding a mobile element to the Cops4Kids program and adding additional officers to the program.
- The creation of a Public Safety Career Pathway in junior high schools for students to learn about careers in public safety.
- Partnering with GOALS to offer another diversion outlet to youth who have committed low-level crimes and would be better served through opportunity rather than incarceration.

The Department has also recognized that understanding and communicating with the mentally ill population was an important skill set lacking in its officers. As a result, training has been provided to all personnel regarding dealing and interacting with the mentally ill.

It is clear from the reforms enunciated here that APD did use the crisis of the summer of 2012 to set into motion initiatives designed to improve its relationships with its communities. The willingness to consider the issues raised here and its concomitant recommendations is additional evidence of a police agency interested in moving forward.

