

Independent Review of Anaheim Police Department's Major Incident, Use of Force, and Internal Affairs Investigations

Report and Presentation to the
City of Anaheim Public Safety Board
July 2016
(Covering cases closed in the first quarter 2016)



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Introduction

In its several years of providing oversight of the Anaheim Police Department (“APD”), OIR Group has seen the Department evolve in its attitudes towards public engagement, transparency, and best practices for the review of critical incidents and allegations of misconduct. That evolution continues today. In fact, in recent months we have seen a surge in positive changes to APD’s internal review systems, bringing further refinement to solid foundations APD has established. This Report focuses on the status and effects of those transitions in the context of the individual cases and investigations we assess here.

The Report stems from OIR Group’s contract with the City of Anaheim to audit APD on behalf of the Public Safety Board, which was created in 2014. We are happy to note that the APD management team has continued its practice of providing us with open access to information as we conduct our evaluations. Individual executives and supervisors continue to be generous with their time and forthcoming with their observations over the course of regular meetings and informal discussions.

The Report’s contents come primarily from a range of internal reviews that APD completed in the first quarter of 2016. These include the following:

- 3 Major Incident Review Team (“MIRT”) reports on critical incidents (an in-custody medical death and two officer-involved shootings)
- 9 Internal Affairs investigations into allegations of officer-misconduct
- 8 uses of force that were entered into APD’s “Force Analysis System” (“FAS”).

As in our two prior reports to the Public Safety Board (April and October of 2015), the goal is not to opine on the outcomes of individual cases. Instead, it is to use the specific examples as a vehicle for assessing the strengths and weaknesses of the Department’s review processes. We also offer recommendations for APD’s consideration regarding adjustments to policy or practice.

The review processes at issue are, in some respects, a “moving target.” For example, the adoption of body-worn cameras has affected the Department in significant

ways, but it is still relatively new technology (adopted in early 2015). One of the two shootings we discuss here preceded APD's acquisition of cameras, whereas multiple officers at the scene recorded the other. Accordingly, our assessments in this Report straddle different phases in the Department's evolution in policy and procedure – a phenomenon that occurs in other subject areas as well.

This reality influences our responses in various ways, as we balance the issues we spot and recommendations we make against our awareness of relevant changes that are complete or in process. We might notice room for improvement in an investigation from a few months ago, for instance, only to learn that a responsive recommendation has already been adopted as APD continues to refine its own approaches.

Recent changes in policy or procedure have addressed broader systemic concerns as well – or soon will. One instance of this involves the Department's force review process, which is awaiting the introduction of a new database that has been in development for months. When implemented, it should facilitate the gathering and processing of a greater range of information about individual cases and collective trends.

If the database fulfills its potential, it will eliminate some of the shortcomings that we originally raised in October and repeat here. Obviously, though, we can only speculate at this point, and urge the Department to remain focused on completing the planned reforms as soon as is practicable.

This phenomenon of encouraging but incomplete progress reflects our overall experience in the past few years of monitoring the Department. It also reflects the unifying theme of this Report: While APD has made noteworthy and commendable strides in improving its internal review systems, there continues to be room for growth.

Major Incidents

Officer-involved shootings continue to play a central role in the national conversation about law enforcement. The importance of these events as an exercise of police power has been obvious for many decades; what is new is the heightened scrutiny that officers face, heightened concerns about the influence of bias in deadly force encounters, and heightened expectations that law enforcement agencies will emphasize a reverence for life in their tactics, training, and assessment of shooting incidents.

In the last few years, APD has developed and refined review systems that increasingly reflect best practices for rigorous and comprehensive internal evaluation of critical incidents. OIR Group has had the opportunity to observe and participate in this process.

We now receive notification in the immediate aftermath of an officer-involved shooting, and roll out to the scene to observe the initial investigative steps and receive preliminary information about what occurred. We also attend the “Major Incident Review Team” (“MIRT”) presentation to the Chief’s Executive Committee that occurs within days of a shooting and provides a detailed summary of the incident.¹

The depth and quality of these presentations – which now include a review of available body-worn camera footage as well as photographs, radio traffic, witness statements, and other documentary evidence – is extremely impressive from a technical perspective. Just as important, though, is the mindset of thoughtful, comprehensive analysis that drives the related discussion. The Chief, his command staff, and the subject matter experts that attend the presentation have become increasingly comfortable with – and adept at – taking a critical look at the event. In a shooting case, this includes an evaluation of what precipitated the deadly force, the circumstances of the force itself, and

¹ This process is separate from the formal criminal review of the *legality* of the involved officers’ actions. That investigation is led by the District Attorney’s Office as a precursor to the D.A. decision about whether deadly force was justified, which routinely takes several months to be finalized.

the effectiveness of the Department's response in the immediate aftermath. Issues of policy, planning, tactics, training, and equipment all receive consideration as needed.

The goal at this early stage of the investigation is to identify "Department-wide Improvement Opportunities." This process provides direction to MIRT investigators regarding issues that require further study or investigation. Additionally, "action items" can emerge in response to perceived gaps in training or protocol.

In the last several months (but subsequent to the incidents that were completed in time for this Report), we have noticed a significant evolution in the Executive Committee's willingness to scrutinize these events broadly and with a critical eye. Most recently, that evolution has moved into seemingly new territory – the performance of individual officers from an accountability perspective.

Apart from the narrow (though obviously important) question of the legal justification for deadly force, shooting incidents also frequently involve issues of tactical decision-making and policy compliance. All of these merit attention, but many agencies are hesitant to take a hard and formal look at such matters out of deference to the extreme and sometimes traumatic nature of shooting incidents, and attendant sympathy toward involved personnel. There is a place for those sensitivities, of course, but rigorous performance analysis (and remediation if necessary) is rarely more vital than in the context of deadly force. It can also be done in a constructive way. APD's increasing willingness to recognize these realities is a welcome development, and should have positive implications for further reviews.

The two shooting cases we cover here are older (though the MIRT report was only finalized this year – a time lag that we address below). They show some but not all of these structural and substantive improvements.

Officer-Involved Shooting #1

This officer-involved shooting case resulted in the death of the 21-year-old suspect, who had initially engaged Probation Department officers with gunfire as he ran from them on the afternoon in question. APD officers responded to the call for assistance, established a perimeter, and conducted a search that brought them to a narrow backyard patio area. The suspect shot and wounded an APD K-9 that had discovered his hiding place, and then fired additional rounds at the officers themselves. Three APD officers fired a total of 27 rounds in response. The suspect was struck multiple times and was pronounced dead at the scene.

The District Attorney's Office issued its opinion letter about the case some eight months later; it was notably unequivocal about the officers' justification. Physical

evidence from the scene corroborated the voluntary statements of the officers, who described the suspect firing at the police dog and then at them from his position of concealment inside a plastic outdoor trash bin. Accordingly, the D.A. letter asserted, “If this is not a case of self-defense, no case ever will be.”

The resultant MIRT investigation into potential administrative issues emerged with two recommendations that prompted responsive actions. One related to the positioning of the command post, which was determined to be less than ideal in terms of proximity and available space. This prompted APD to develop a new checklist and to emphasize key principles in training. The other related to mindfulness about early notification and “staging” of emergency medical responders to facilitate more prompt provision of aid. (Though the suspect’s injuries in this case were too grave for the timing to have been relevant, the issue spotting was nonetheless worthwhile).

Though these action items were worthwhile, the review as a whole seemed to have a fairly narrow scope. A number of tactical questions (including, for example, the positioning of officers in the narrow patio as they searched for an armed and dangerous suspect, field of fire, the number of rounds fired, the engagement by a supervisor as a shooter, and other potential concerns) were seemingly not covered and might have been worth pursuing – to reinforce what was effective as well as look for improvement opportunities.

The shooting review for this case predated the command staff-driven review process that we speak of in our introductory remarks.² Therefore, unlike the second shooting discussed below, the review of this case did not feature the sort of initial evaluation and issue identification that have recently made a positive impression. This could well have contributed to the narrow focus and relatively limited scope of the additional investigation.³

The case also appears to have languished at the executive level for several months before final completion. The MIRT investigation report was itself finalized within four months of the D.A. notification, and it appears that action items were substantively addressed at around the same time. However, the final “closeout” (in the form of

² Our more recent experiences – and interactions with involved APD personnel – suggest that the same fact set would undergo a wider-ranging evaluation in today’s model. We look forward to evaluating the MIRT reports that emerge from this new paradigm.

³ Some of this is necessarily speculation. Unlike all subsequent officer-involved shooting and critical incident reviews, we were not invited to attend any in-person review of this shooting that may have occurred. Instead, we base our assessment on the MIRT investigation report, which touches on several worthwhile points – including some tactical decision making – but leaves gaps as well (at least in terms of documentation).

Captain-level input and approval) did not occur for another year – almost two full years after the shooting itself. This is less than ideal in a few ways.

It should be noted that the Department now “frontloads” its process in an effort to ensure prompt identification of issues requiring remediation. This new approach (which we have observed in the most recent shooting cases) helps achieve some of the goals and benefits associated with a timely response. But even if this reality makes the official closing less momentous, reaching that point within a reasonable timeframe still sends a message of commitment that is worth preserving.

Recommendation 1: *The Department should look for additional ways to structure its MIRT process to ensure a comprehensive, holistic review of critical incidents. One consideration would be to expand its limited approach to administrative interviews/questioning of involved-personnel regarding the range of performance, training, and risk management issues that such incidents often implicate.*

Recommendation 2: *The Department should prioritize the timely finalization of pending cases that emerge from its MIRT process.*

We also note that several days passed before the shooting officers provided voluntary statements to the District Attorney investigators,⁴ and take this opportunity to reiterate our concerns about this dynamic. In its May 5, 2015 response to OIR Group’s April 2015 report, APD made clear its support of the “48 hour” timeline before officers are expected to submit to an interview in an aftermath of a deadly force event. We acknowledge the reasoning behind the APD position, and recognize the limited control that it has over the protocols and scheduling decisions of the D.A. as lead investigative agency. Still, we continue to respectfully disagree for previously articulated reasons. (See OIR Group’s April 2015 Report to the Public Safety Board).

Moreover, when 48 hours lapses into a delay of a week or more, the rationales in favor of waiting seem even less compelling; on the other hand, the concerns about statements being undermined by a variety of potential interferences seem more so.

We continue to maintain that the ideal paradigm would be to obtain statements from the officers on the date of the incident. Short of that change, though, we urge the Department to work with its personnel and with District Attorney management to promote as timely and efficient a process of participant interviews as possible.

Recommendation 3: *The Department should continue to evaluate best practices regarding the timing of subject interviews after critical incidents, and put*

⁴ For two of the officers, it was six days; for the third, eleven.

more emphasis on shrinking the current gap between a shooting event and the interview process.

In-Custody Death

APD officers responded to a medical aid call and found an unconscious man in an alley behind a business establishment. Paramedics transported the man to the hospital, and officers discovered he had an outstanding misdemeanor warrant. He spent eight hours in the hospital before staff medically cleared him to be taken into custody just past midnight the next morning. His intake screening at the jail revealed a number of prior health issues, and APD personnel recognized he should be transported to the Orange County Jail, which has on-site medical staff. He was set to be sent with the next available transport. He was housed in a cell by himself, and jail staff completed all required welfare checks without noting any concerns. Around two hours later, a correctional officer heard strange sounds through the intercom in the man's cell and responded to find him suffering an apparent seizure. Paramedics responded to the call and transported him to a different hospital. APD released him from custody and re-activated the misdemeanor warrant. The individual passed away nine days later.

The MIRT investigation and review was timely and thorough, and included all of the deceased individual's relevant medical records. Investigators should be commended for this, as it is an issue we have seen neglected by investigators for a variety of other agencies.

The MIRT review evaluated all the relevant information and concluded that there were no policy violations and identified no training or tactical issues of concern. We agree with this assessment.

Officer-Involved Shooting #2

At around 3:30 in the afternoon on the date of the incident, APD received a call requesting a welfare check on the caller's sister, who had a history of mental health issues and was reportedly looking for a gun. Officers went to her residence, but did not find her home, so cleared the call. Two hours later, other officers responded to a call of a woman who had assaulted another woman with a knife in the same vicinity. A witness identified the subject and directed officers to her apartment, which was the same residence as from the earlier welfare check call. While the Communications Bureau made the connection between the two calls, all of the relevant information regarding her mental health history and desire to obtain a gun was not conveyed to responding officers.

Initially, five officers responded to the subject's apartment and engaged her through the front door. When the lead officer requested that she come out to talk to them,

she replied that she wanted them to kill her. They backed away from the door and the lead officer requested a Tactical Negotiator to respond and assist. Two other officers and a sergeant ultimately arrived on scene. Officers remained about 20 feet from the subject's door and created a barrier of sorts out of rolling plastic garbage cans. Officers also deployed a ballistic shield. Six of the officers grouped behind the trash cans, while one officer positioned himself to the side of the subject's apartment door. The sergeant remained behind the group of six officers. Three officers assumed the role of less lethal weapons operators – one with a Taser and two with weapons that fire less lethal projectile rounds – while the remaining officers were armed with their handguns.

The lead officer continued speaking to the subject, asking her to come out of her apartment with her hands empty. About 15 minutes after officers arrived, and before the Tactical Negotiator reached the scene, the subject emerged from her apartment with a knife in each hand and her arms raised. She walked quickly towards the officers, ignoring commands to stop. Three officers fired lethal rounds and one fired less lethal projectiles, and the subject immediately fell to the ground. Officers moved quickly to handcuff her, and cleared the scene for paramedics to approach and provide medical assistance within about three minutes. Paramedics transported her to the hospital, where she was soon pronounced deceased. She suffered 12 gunshot wounds.

The District Attorney's Office concluded, nearly six months later, the use of deadly force was reasonable and legally justified by the officers' need to protect themselves and the other officers. The D.A.'s investigation was anchored by interviews with the involved officers conducted between five and 15 days following the incident. The non-shooting officers were interviewed the day of the shooting. The MIRT administrative review was completed two weeks following the issuance of the D.A.'s conclusion letter. That investigation largely relied on the interviews conducted by the D.A. investigators and included just two interviews – one shooting officer and the supervising sergeant.

This incident was presented to the Chief's Executive Committee by the MIRT team two and a half weeks after the shooting. In addition to APD's Command Staff, an APD tactical expert, representatives from the City Attorney's office and the City's Risk Management Group, and OIR Group attended. The seven action items identified by the MIRT review were substantially completed and the final report was closed four months later, around 11 months after the incident.

The MIRT investigation and review resulted in a number of significant action items. The Training Detail was critical of the tactics officers employed in confronting the subject, suggesting it would have been wiser for them to maintain a greater distance between themselves and the subject's front door. Doing so would have given them more time to react when she came out of the apartment, providing an opportunity for the less-

lethal weapons to be effective while at the same time still containing the subject. As it was, the officers were so close to the subject when she emerged with knives that they immediately felt sufficiently threatened to justify the use of deadly force. Training also noted that the officer who positioned himself to the side of the apartment door created a dangerous backdrop issue with the potential that the officer could have struck or been struck by other officers in a crossfire scenario.

These and other tactical shortcomings provided good material for future training exercises, particularly given the availability of body-worn camera videos from the incident and the clarity with which those videos depict the officer positioning and distance issues. Creating a training curriculum to address these tactical issues was the first action item identified during the MIRT review. This action item was completed, and the administrative file shows that the training was presented in Department-wide sessions beginning two months after the shooting. The Department deserves credit for creating such a thorough and timely feedback loop to ensure its post-shooting action items are completed and documented.

The review also produced six other action items across a range of subjects, showing the type of thoughtful holistic analysis that we have long advocated. These included creation of a bulletin relating to the management of body-worn camera recordings, and a bulletin to Communications personnel to reinforce issues relating to subject backgrounds and prior calls for service and communicating that information to field officers. Another action item was direction to the Training Detail to research and train personnel on “suicide by cop”⁵ encounters. These were all worthwhile and responsive endeavors, and the Department’s attention to each was documented in a timely way. With respect to the recommendation to create a training curriculum to address so-called “suicide by cop” scenarios, that action item was pending when APD personnel were involved in another shooting with a subject in mental health crisis. From the MIRT following that second incident came the recognition that personnel needed broader training regarding encounters with mentally ill subjects, and all sworn employees were directed to view a series of video-based trainings on this issue.

While the MIRT review appropriately identified and addressed a number of tactical and other concerns, reviewers nonetheless neglected to formally address two

⁵ This term is frequently used to describe a situation in which an individual apparently provokes an officer into firing with the intent of having the officer kill him or her. We strongly disfavor the use of this term because it suggests there was nothing the police could do to avoid the use of deadly force or prevent the individual’s death but instead were forced to shoot the subject, creating a temptation or tendency to be less rigorous in the analysis of the officers’ performance and less likely to develop training regimens designed to defeat the subject’s intended outcome.

important issues that emerged from our review of the incident – the provision of medical care to the subject and the sergeant’s supervisory control of the scene.

Medical Care

Following the shooting, officers on scene quickly handcuffed the subject and secured the scene by searching her apartment, rendering it safe for paramedics to approach and provide treatment within several minutes. However, none of the officers provided emergency first aid to the subject, despite the fact they had brought a medical bag on scene. Instead, the sergeant and officers seemed overly focused on securing the subject’s dog and identifying which officers fired which weapons. While it was vital to secure the scene and separate the shooter officers, and officers should be commended for doing so very quickly here, the officers should have placed a higher priority on having someone immediately monitor and tend to the subject’s medical needs. This issue was raised informally during discussions following the MIRT meeting. While it did not lead to a documented action item, training on the importance of providing timely medical attention to downed subjects has subsequently been included in regular Department-wide training curricula since this incident.

Supervisory Control

A field sergeant who had initially responded to the scene of the assault call arrived at the apartment courtyard scene about eight minutes before the shooting. He identified the need for an additional less-lethal weapon operator, but did not otherwise provide officers direction on tactical positioning or other scene management issues. Often, officers are called on to act independently and respond to difficult situations without a supervisor present. They are trained to handle these scenarios, with a lead officer taking charge of planning and coordination. However, when the Department is fortunate enough to have a sergeant at the scene of a tactical incident, it should count on that supervisor to take command of the incident and direct resources appropriately. A supervisor who arrives on scene to find the officers well-positioned with all necessary resources engaged is wise to let officers continue to handle the incident while providing supervisory control. Here, however, the sergeant was in a good position to have a big picture view of the entire tactical setup and had the time to direct officers to positions of greater safety and effectiveness, consistent with the tactical concerns subsequently identified by the MIRT analysis.

Because this issue was not formally raised during the MIRT review, the sergeant was not interviewed about whether he recognized the officers’ poor tactical positioning. Information from the sergeant on this issue could have helped the Department recognize the importance of a strong incident command and led to additional training to field supervisors reinforcing the expectation that they assess officer deployment and positioning when arriving at a tactical scene.

Recommendation 4: *The Department should ensure that the MIRT review considers and assesses supervisory tactical decisions and that any such decision making by sergeants is thoroughly examined during the administrative interviews.*

Recommendation 5: *The Department should assess the effectiveness of its training for field supervisors to ensure that the curriculum adequately instructs sergeants to take command of tactical incidents by directing resources and delegating assignments.*

Recommendation 6: *When sergeants fail to adhere to the Department's training, standards, and expectations for management and control of tactical situations, the Department should hold them accountable for those shortcomings through briefing, training, or discipline.*

Body-Worn Cameras

This incident was the first APD officer-involved shooting captured on body-worn camera (BWC). It demonstrates the potential for what the Department and the public can learn about critical incidents through BWC footage, but also reveals some limitations of the technology. The most obvious of these is its dependence on the cameras' human operators. In this incident, two of the eight involved personnel did not activate their cameras. Department executives found these failures to activate their cameras reasonably justified by the officers' explanations, but directed a Law Enforcement Bulletin be prepared reinforcing policy and expectations regarding BWC recordings. In addition, as a result of this and some subsequent incidents in which officers failed to activate their cameras when they arrived on scene – either because they forgot or became too quickly engaged with a pressing threat – OIR Group has encouraged the Department to modify its policy to require officers to activate their BWCs whenever they initiate a “code 3” response (with lights and sirens activated). The Department is working on an updated body-worn camera policy, and we recommend that it include this requirement.

Recommendation 7: *The Department should modify its current body-worn camera policy to include a requirement that officers activate their cameras whenever they initiate a code 3 response.*

A significant limitation of BWCs evidenced by this shooting relates to their positioning on an officer's uniform. Most APD officers wear them on their chest, attached to the placket of their uniform shirts. This allows them to most closely capture their perspective on a routine interaction, but when they raise their guns into shooting position, their arms and firearm may block the camera's view. In this incident, none of the officers positioned in front of the subject's apartment captured a view of her coming out and toward them because they all immediately raised their weapons. Only the officer

stationed to the side of the apartment door had meaningful video footage of the shooting on his BWC. Similarly, in a force incident we reviewed during this review period, officers chased a suspect. Their BWCs were activated, but the recordings were difficult to watch because the cameras bounced around as they ran and, when they caught up to the suspect, the cameras provided nothing but a muffled view of the close quarter struggle. There are no easy or realistic ways to overcome this limitation.⁶ Nonetheless, the BWC videos of this shooting incident are valuable for their depiction of events leading up to the shooting and the post-shooting response, as well as the audio account of the shooting itself. The public should be aware, however, that BWCs are not a panacea. Unsteadiness, obstructions, and limitations in perspective can all factor into the completeness and reliability with which tactical events are captured on video.

⁶ Some manufacturers make a camera designed to be worn on an officer's glasses or hat brim that provides a good perspective on what the officer actually sees, but this design comes with different sorts of limitations.

Use of Force

Law enforcement officers need the authority to use force in order to protect themselves and others, but this authority comes with a significant responsibility to use force judiciously and only when reasonably necessary. Accordingly, it is essential that a law enforcement agency critically review and evaluate each force incident in order to determine whether the use of force complies with Department expectations as set out by policy.

In addition, the most forward-thinking departments will also examine each force incident through various other lenses to determine whether there are teachable moments with regard to performance, training, tactics, equipment, policy, or supervision. This process requires a thorough and objective collection of facts followed by a dispassionate and multi-faceted review. Ideally, the results will increase the tactical and decision-making capabilities of officers and leave them more confident and with better options to address tomorrow's challenges – the goal of any progressive law enforcement organization.

Our impression from dealing with APD is that they recognize and agree in principle with the foregoing ideas. Department executives recognize the role force plays in officer safety, community perception, and effective law enforcement, and have willingly engaged with us in topics related to force policy and the review process.

In our October 2015 report to the Public Safety Board, we discussed numerous ways the APD could improve the manner in which it investigates and reviews force incidents. We made 19 recommendations relating to force investigative protocols, tracking mechanisms, and the review and analysis of force events for purposes of accountability and systemic improvement. The Department agreed with many of those recommendations, disagreed with some, and cited its ongoing development of a new force-tracking database as the answer to many of the critiques we offered in that report.

Meanwhile, the Department remains actively engaged in finding new and better ways to train and deploy their personnel in keeping with the latest thinking and research.⁷ It also has begun to utilize a commendable referral process that brings many individual force incidents to the attention of a training cadre. Subject matter experts review tactics critically and meet with officers directly to discuss options and techniques – a feedback loop that seems progressive and constructive in many good ways, and which we discuss in more detail below.

Against this dynamic backdrop, and as described in the Introduction to this report, the timing for useful assessment of this quarter’s cases is slightly awkward. The transitional nature of the Department’s administrative processes and philosophy, coupled with the still pending switch to the improved database, makes it difficult for us to meaningfully assess incidents from this interim period.

We remain committed to our October recommendations – and will touch upon our rationale for continuing to support those ideas that the Department has yet to embrace. However, rather than re-hash each prior recommendation, we focus on those areas where there is still the most apparent need for improvement, as evidenced by the eight specific incidents we evaluated from this review period.

In the larger sense, we continue to encourage the Department to consolidate the individual initiatives it is pursuing into a separate, stand-alone force review process. This would ensure that APD captures relevant reporting and other data, provides some level of analysis and decision making, and includes a specific reference to further actions that may be needed or beneficial. It would close gaps that we noted in some of these cases, enhance accountability and risk management, and improve efficiency. Importantly, it would also require very little additional work – the Department is already accomplishing many of these functions, often in thoughtful and effective ways.

Force Reporting, Documentation, and Investigation

An account of an APD officer’s use of force is contained in a general offense report prepared in connection with a suspect’s arrest. The main purpose of that report is to document the circumstances surrounding an arrest so that the prosecuting agency can determine whether to prosecute the suspect, and for which crimes. Nonetheless, APD policy requires officers to completely and accurately document their uses of force, and to articulate why the officer believed the use of force was reasonable. Officers generally

⁷ The last several months, for example, have featured intensive training on the implications of a new “platform-based” philosophy of force that asks officers to evaluate the legal and ethical foundations of their confrontational encounters with the public.

describe their force used in good detail, with descriptive rather than conclusory terms, and with appropriate explanation of the factors that led to the decision to use force.

Still, we often found pieces that we consider to be important to a full and accurate accounting of force missing from APD reports. For example, policy does not require officers who witness force to report what they saw. This was the subject of a recommendation from our October 2015 report. (“**Recommendation Two: APD should make clear through policy and training that officers who witness fellow officers use force should be required to timely report the force and document the observation of such force in a supplemental report.**”) APD has not embraced this recommendation, and we reiterate its importance here.

We also found situations where officers who used a minor amount of force in the context of a broader incident did not write reports documenting their actions. While other officers’ reports mention those minor uses of force so that the force is generally accounted for, best practice requires each officer to document his or her own uses of force. In addition, because officers who use even minor amounts of force during a broader encounter also have witnessed others’ uses of force, those officers should be writing reports documenting what they saw, consistent with our prior recommendation.

Perhaps the most significant gap we found in force documentation in the incidents we reviewed for this report is the lack of a consistent practice for interviewing (or documenting an attempt to interview) a subject on whom officers have used force as well as any non-officer witnesses. APD’s practice is to have the officer preparing the general offense report attempt to interview the suspect, mainly for the purpose of getting a statement about the underlying crime. This officer is usually one of the officers who used force during the arrest. In these circumstances, suspects are understandably hesitant to talk, as everything they say will go to the prosecuting authority. APD policy contemplates circumstances in which a supervisor should interview a subject on whom force was used, but we did not see that universally applied in the cases we reviewed. In fact, the use of interviews in these cases – of both suspects and witnesses – was sporadic and inconsistent. For example:

- In a case that involved both a Taser application and a carotid control hold, there is no apparent documentation regarding attempts by *anyone* to interview the suspect. However, a *witness* interview that supported the officers’ actions was included in the supplemental reporting.
- In a case that resulted in a suspect’s fractured orbital, a family member observed the whole incident and was apparently agitated about the way officers were handling his brother’s erratic behavior and physical resistance. However, no formal statement from him appeared in the paperwork.

- In another incident, a sergeant who used force himself in helping to subdue the suspect also had responsibility for preparing the database summary.⁸ Though another officer used five elbow strikes to the head – a significant use of force – there is no documentation of an interview of the suspect.
- In a different case, two officers pursued a suspect who was riding a bicycle. Those officers’ written reports contained differing descriptions of how the suspect was removed from his bike. Because the officers had not activated their body-worn cameras, a statement from the suspect may have been the only way to resolve this significant discrepancy. Unfortunately, there is no documentation of any attempt to interview him.

As we noted in our October 2015 report, best practice is to have an uninvolved supervisor interview the suspect. (**“Recommendation Six: APD should modify its force investigation protocols to require a supervisor who was not involved in the force incident to interview the person upon whom force was used.”**) This interview should be conducted separate from any effort to gather information about the crime he is alleged to have committed, and should be recorded and documented apart from the materials sent to the prosecutor.

Many of these significant shortcomings could be remedied by adoption of a separate force reporting mechanism. Having force documented only in the crime report creates confusion, obscures the force report, and makes it difficult for supervisors to identify gaps in reporting by officers who used or witnessed force (so that even if the intent is to have all officers report what they saw or did, it is not always easy to evaluate if this is the case).

This confusion was particularly evident in one incident we reviewed, in which multiple individuals were involved and multiple potential criminal charges were considered. The entire crime report was over 300 pages long, and interspersed throughout those pages were some brief descriptions of relatively minor uses of force by APD officers. If a Department executive wished to review the force issues surrounding that incident, it would be impossible to do so without wading through a great deal of material not relevant to his or her particular interest in the force.

⁸ We see inherent problems with this dynamic, to the extent that it is difficult for an involved force user to opine objectively about his and his subordinates’ actions. Our understanding is that practical realities have generally taken precedence, and that resource issues preclude the involvement of a separate sergeant to handle paper except in unusual situations. We urge the Department to re-visit this assessment as it continues to enhance its force analysis systems.

Here we see a specific example of how a coherent and stand-alone force reporting protocol would be beneficial. Department policy establishing such a report should specifically set out the Department's expectations for what is to be included in a complete force investigation. With all of the information gathered in one place, it will be easy for reviewing supervisors to see if something is missing.

As we have discussed previously, the Department is currently testing a new database that it expects will address this recommendation, along with many of the concerns we cited in both this and our October 2015 reports, by providing a more complete and detailed repository for information relating to individual force incidents.⁹ As we stated in our prior report, we look forward to reviewing that database to evaluate the extent to which it fulfills that promise.

Recommendation 8: *The Department should create a separate force reporting and review mechanism so that all reports, documents, recordings, and other evidence pertaining to a particular force incident are collected in one distinct package, and that the supervisory review process is clear and well documented.*

Reviewing Uses of Force

Many of the 19 force-related recommendations in our prior report addressed the Department's limited process for reviewing force incidents that do not rise to the level of a "major incident." In contrast, and as noted elsewhere in this Report, APD's review of major incidents such as officer-involved shootings could form a model for similarly sized agencies regarding the care, speed, and critical eye toward which these incidents are reviewed and critiqued.

Every force incident should be reviewed to determine whether the evidence established sufficient justification for the officer to use force consistent with Department policy. The APD's current process answers this question, in the form of a notation by a sergeant on a Force Review Memorandum that is reviewed by no one other than the watch commander. A thorough force review process goes well beyond that determination, however, to also question whether the force used was consistent with Department training, whether the tactical decision making leading up to the force was appropriate, and whether there were other options that could have avoided the use of force. These questions may be answered at the first level by a sergeant or lieutenant but also should require engagement of higher-ranking Department executives. In our review

⁹ We were informed last year that this new database would be in place by the end of 2015. While we understand that delays are often unavoidable in rolling out new systems, we urge the Department to make implementation of this reform a priority.

of cases for this report, we found little has changed from our last review regarding the Department's officially documented approach to this critical task.

However, the Department has made significant progress in a manner that is, by design, not documented in any official way. The Department's Force Instruction Unit now looks at every significant use of force to evaluate how it can be used as a learning tool. Each incident is assigned to an instructor, who is tasked with reviewing the written reports and any video of the event and then meeting with the officer or officers who used force to discuss the incident. That meeting is an informal, voluntary, and non-punitive occurrence in which the instructor seeks to learn about the incident and provide the officer with constructive feedback about the things he or she did well, and any ways the officer's performance could have been better. Instructors then bring each incident to a monthly meeting of the entire unit to discuss the necessity for any follow up. Instructors may decide to use the incident as a basis for a Department-wide briefing or new training curriculum, or may determine that the individual officers involved need specific remedial training. While this process of review by the Force Instruction Unit has not generated any formal Department-wide training bulletins, the group has presented a number of short training segments at patrol briefings based on incidents it has reviewed. For these trainings, the instructors often show BWC video footage of the incident, demonstrating another valuable use of that new technology.

The officers' voluntary participation in this review process is critical, and the Department has determined that the best way to ensure that participation is by maintaining its undocumented and informal status. We understand this decision, and believe that the Force Instruction Unit's role in the force review process is important and worth preserving.

However, the informal nature of this training review limits its value at answering the broader points we discussed in our prior report. It is generally Force Instruction Unit personnel at the rank of officer who conduct the post-force briefings and, without documentation, there is no way for Department executives – or us – to know whether the content of those briefings is consistent with larger Department objectives.

In addition, training's post-force meetings with officers, as they have been described to us, are largely limited to specific force techniques. The instructors may sometimes discuss pre-force tactics with officers, but generally do not look at the bigger picture. As we understand it, these meetings are more likely to address, for example, why a suspect was able to slip out of the officer's rear wrist lock than why the officer made the decision to initiate a foot pursuit. While the first question is undoubtedly an important one, the second type of question is vital to a holistic review process.

So, while the Force Instruction Unit's involvement is an important piece of the review puzzle, it alone is not sufficient. The APD should develop additional force review mechanisms to identify ways in which the tactics, force application, supervision, post-incident handling, and investigation could be improved. A formal expansion beyond narrow questions of accountability and discipline will help ensure that the Department makes full use of the incident as a learning tool.

We also encourage Department executives to engage more directly and regularly in the force review process. Currently, no one higher than the rank of lieutenant will review a low-level force incident that does not generate publicity or give rise to a MIRT response. Though delegation and confidence in subject matter experts has its place, this dynamic represents a lost opportunity for executives to learn of evolving trends and patterns. A separate, centralized system of force reporting and review will streamline the review process and allow the Department to be creative in the ways it can engage executives in that process.

Recommendation 9: *The Department should explore ways to engage Department executives in the force review process to ensure that force incidents are reviewed holistically, with evaluation of any ways in which the tactics, supervision, application of force, post-incident handling, and investigative process could be improved.*

Internal Affairs Investigations

OIR Group's auditing of APD Internal Affairs investigations dates back to 2007. Over the years, it has led to a number of adopted recommendations and refinements in the Department's process. Our specific focus here is on nine cases that were completed in the first quarter of 2016 and that fell within pre-established sorting criteria. However, we also allude to our impressions from other recent cases that APD made available to us from the recent past, and that we have not previously evaluated or discussed.

APD's case files collectively show a process that is well organized and structurally sound in its basic standards. Many investigations feature recordings and transcripts of key interviews as well as other types of relevant evidence and documentation. When sustained allegations are established, the files feature prior officer history so that decision makers can consider relevant information for purposes of remediation. (A "second offense" for the same policy violation, for example, might indicate the need for enhanced discipline in the pending case.) Case summaries provide a sound overview of the investigation and of key evidence, and the analysis tends to be thoughtful and persuasive.

That said, we do note a range of effectiveness within the limited number of cases we evaluate here. As discussed below, the same qualities that were impressive in some investigations were disappointingly absent in others. Accordingly, we encourage the Department to replicate its best, most thorough work in as consistent a way as possible.

Holding Supervisors Accountable

The existence of a "double standard" that treats rank and file officers more rigorously than management is a common concern about law enforcement agencies in general. Certainly, the perception contributes to public skepticism and can be internally divisive as well. In recognition of this dynamic, we have the chance to review all cases involving supervisors as subjects as part of our regular audit criteria.

We have seen APD show a willingness to explore allegations of misconduct at the supervisor level, and to discipline subjects as needed. One relevant case involved a

traffic collision investigated by APD in which one of the drivers was an off-duty APD supervisor; the other driver filed the complaint over how he was treated by responding APD officers. Recordings and other evidence established a lack of courtesy and sound judgment by multiple subjects – including a sergeant – and appropriate discipline ensued.

“Inquiry Only”

There are some complaint cases that APD resolves as requiring no further action, based on an initial evaluation of the charge as patently meritless. This can be because of deficiencies in the allegation itself (such as a lack of workable information, or the articulation of conduct that is not a policy violation even if true) or because available evidence (such as recordings) clearly shows the complainant to be mistaken or disingenuous.

There are several arguments in favor of this approach. We know that other agencies have a similar screening system for evaluation and processing of complaints from the public – a percentage of which are indeed frivolous or misguided for a variety of reasons. The availability of the “Inquiry Only” designation helps APD allocate investigative resources in a reasonable way, and decisions are vetted up the chain of command to promote accountability.

Still, any time a lesser process is available, there is a temptation to choose it in “gray area” cases for simple workload reasons. More problematically, it can truncate scrutiny of allegations that might prove to have additional substance if given more of a chance. It is important, then, for APD to be careful about how it deploys this investigative option, and to provide details in support of each decision where possible.

In one example from this period, a written complaint from a woman claimed that she was being followed by helicopters and discriminated against (without specific detail). The complaint itself was short, lacking in coherence and specifics, and submitted several weeks after the alleged incident. In other words, it was clearly a candidate for the abbreviated review that it eventually received. That said, the APD efforts were so minimal as to be slightly disappointing. It took several months for *any* action to be taken, and there was no indication that a useful exchange with the complainant (who was homeless) had occurred at the time of intake to maximize the available facts.

Recommendation 10: *The Department should consider ways to formalize its criteria for evaluating complaints and giving an “Inquiry Only” designation, and should ensure that an appropriate level of due diligence is reflected in the accompanying documentation.*

Timeliness

This importance of the timely resolution of cases is a recurring theme in our reviews of APD's administrative investigations. Most importantly, the one-year statute of limitations for disciplining officers creates a structural need to meet deadlines. However, the advantages of prompt adjudication extend beyond mere legal compliance. It helps assure complainants that the Department is engaged and taking feedback seriously, helps witness memories remain relatively fresh and accurate, and helps involved personnel receive necessary interventions when they are most meaningful and beneficial.¹⁰

In spite of these advantages, we have seen multiple examples of cases bumping up against the twelve-month mark (though not spilling over). The delays seem to occur for a variety of reasons not necessarily related to the complexity or scope of the individual investigations. Instead, months occasionally pass with no apparent activity between or within phases of the case. Sometimes this is at the outset of the case, sometimes during the investigation, and sometimes during the executive review process.

One citizen complaint review about a January 2015 incident was not finalized until within a week of the statutory limit – though four officers received “sustained” findings of policy violations. In another case involving a citizen complaint of discourtesy and excessive force, some six months passed between the initial interview of the complainant and the first interviews of APD personnel. As mentioned above, an “Inquiry Only” took months to close out, though no formal investigation even occurred.

It is important to note that this time lag is not universal. The Department completes many cases in a timely way. Moreover, we certainly do not wish to encourage haste at the expense of thorough evidence gathering and thoughtful evaluation. Nonetheless, we take this opportunity to re-emphasize the role of timeliness in an effective administrative process.

Recommendation 11: *The Department should develop internal deadlines for completion of Internal Affairs investigations that will ensure cases are completed substantially earlier than the one year statutory deadline.*

Identification of Issues and Scope of Review

Ideally, any administrative review process helps to *improve* an agency by identifying problems and promoting constructive solutions, either at the level of individual performance or broader policy and procedure. With this philosophy in mind, we take the position that administrative investigations are best when they take a wide-

¹⁰ It also minimizes the time employees spend in the limbo of uncertainty related to pending cases, which can weigh on morale and stall career development.

angle approach to the incident or allegations at issue in the case, rather than imposing restrictions on content or ignoring collateral matters that may emerge.

The citizen complaint context is a good example. Where some agencies might respond defensively and limit their response to the parameters of the stated complaint, the most productive responses treat the complaint as an opportunity for self-evaluation and positive change.

APD's cases show a range of effectiveness in this regard. In one positive example from a recent quarter, allegations that contaminated money evidence had been mishandled led to the identification of three different systems improvements apart from the alleged personnel lapses. APD also routinely adds deficiencies in officer recordings (such as the failure to meet activation requirements per policy) to the main allegations in a given case.

The aforementioned traffic collision case offers another commendable example. Although the complainant's focus was on the on-duty personnel (which had included a sergeant), the investigation also looked at the underlying driving conduct of the off-duty supervisor who had gotten in the accident with the complainant. (There had been an apparent undercurrent of "road rage" to the incident.) The Department further expanded its investigation into whether that same supervisor had done anything inappropriate to influence the response by his colleagues, and persuasively found that he had not.

Less effective – because more blinkered – was a complaint investigation involving a woman who had been arrested in her front yard after a confrontation with APD officers. She accused one of discourtesy, and said that two officers had used excessive force in taking her to the ground and putting her in handcuffs.

While reviewing the body camera recordings in the case, we noted that it was the *second* officer who had arguably behaved in a more questionable way regarding his language and professionalism. His statements (and profanities), though, were not pursued in the investigation – apparently because the complainant had not specifically singled them out. Moreover, it appeared that he did not write a report in conjunction with his involvement in the arrest – including the minor force that he used. This seeming violation of APD reporting policy was also not addressed.

We acknowledge the fine line that exists between comprehensive identification of issues and the sort of nit-picking "fishing expedition" that incurs the resentment of the rank and file. Every allegation, no matter how limited or peripheral, need not be treated as the camel's nose that allows and encourages management to proactively scrutinize the "tent" of an entire shift, looking for problems. But there is a happy medium. We endorse the smart, more thorough approach to pursuing significant collateral items that APD has taken in several of these cases.

Recommendation 12: *The Department should strive for completeness in its review of potential policy violations and systemic issues, even if such matters extend beyond the specific allegations in the originating complaint.*

Thoroughness/Witness Interviews

At its best, APD is capable of excellent, thorough investigative work in the administrative context. One of the benchmarks of this is the extent to which relevant witnesses are identified and appropriately questioned. Again, we saw a range of effectiveness here.

The Department was fairly consistent in getting statements from its own personnel, even if they were not subjects in the case. Obviously, though, it has less control over the availability of civilian witnesses (some of whom may be hostile to the police for one or more reasons). Their perspective – either as objective neutral parties or aggrieved subjects – has obvious importance, though. Accordingly, the Department should devote appropriate energy toward obtaining their statements. Moreover, if those efforts are unsuccessful but reflect reasonable diligence on APD’s part, it should provide documentation whenever possible.

In one positive instance, for example, there were several witnesses to a use of force that was challenged as excessive by the subject. APD made appropriate but unsuccessful efforts to contact them, and even sent certified letters when phone calls went unreturned. A similar pattern was followed in a second case in which there were two parties who were upset over a jaywalking stop. Though one was interviewed, the other did not respond but was sent a follow-up contact letter. This impulse toward due diligence— and awareness of the value of “showing your work” – reflected well on the investigations.

This conscientious evidence gathering is particularly important when it comes to complainants themselves. As for the interviews with complainants that did occur, we found that investigators were often thoughtful and patient in eliciting complainants’ perspectives. We were less impressed, though, with those occasions when the Department “settled” for telephonic interviews rather than making the effort to meet in person. Depending on the case, of course, an in-person interview can facilitate physical demonstrations or the use of diagrams to add clarity and completeness to a witness statement. And demeanor and body language can be significant as well; there’s a reason why trial witnesses are normally expected to testify in court rather than remotely or in a written report.

This decision to interview telephonically or in-person apparently is made on a “case by case” basis. Efficiency and practicality inform the choices in ways that are

understandable, but in our view the preference should be in favor of a face-to-face encounter. This practice reflects well on the Department's commitment and accessibility, and theoretically leads to a more complete and effective dialogue.

We also saw a couple of gaps in the Department's files in this regard. In one case, the complainant turned out to be in the custody of another jurisdiction on an unrelated matter. The Department seemed to view this as unavailability, but in our view nothing precluded it from attempting to contact the person in jail. Similarly, in a case initiated by three related complaints about different aspects of the same incident, the investigator interviewed just one of the three complainants with no explanation for why he did not interview the others. All of the numerous officers involved were interviewed.

Recommendation 13: *The Department should consider moving toward in-person witness interviews as a "default" practice in its administrative investigations. Though deviations from this standard are sometimes reasonable and/or necessary, the rationale for doing so should be documented in the investigation file.*

Use of Recordings

APD has used different kinds of recording devices for several years, and moved into a new phase in 2015 as early adopters of body-worn camera technology. The Department's efforts in this regard are very much on the front edge of law enforcement and deserve commendation.

It is also understandable to think that adjustments and evolutions in its policies and practices will continue based on its experiences with the new technology. With regard to administrative cases from this period, we make the following observations for further consideration.

First, we noted that one allegation of discourtesy occurred when the complainant was in the back of a radio car. She claimed that the officer called her a disparaging and obscene name; the officer denied it. The officer was equipped with a body-worn camera, but was not recording at the time. Therefore, the complaint was "not sustained" because the Department could not definitively determine whether the officer had used the disparaging term.

Policy did not require the officer to be recording at that point; in fact, limited battery and storage capacity currently militate against leaving the cameras on during routine patrol driving, for example. On the other hand, transport of resistant and belligerent subjects seems like an obvious potential "battleground" for which audio recordings would have significant value. Accordingly, we encourage the Department to explore practical ways to increase its coverage in this situation.

Recommendation 14: *The Department should pursue practical ways to extend its recording policies and technology to ensure that transport of subjects is captured through audio or video or both.*

Second, in at least one of the administrative cases we reviewed, the available body-worn camera footage seems to have been under-utilized as an investigative tool. Though subjects apparently get the opportunity to review their own camera footage prior to their administrative interviews, and in one instance reviewed the video again during the interview so that the officer could refresh her recollection, there does not seem to be systematic protocol for incorporating the video evidence into the process or using it for purposes of questioning or clarification.

Again, while the dictates of individual cases may vary, a default standard for using the video has obvious appeal. Here, for example, such a practice would presumably have given the relevant officer an opportunity to account for the additional problematic statements and actions mentioned above.

Recommendation 15: *The Department should consider ways to standardize its use of recorded evidence during the interview and investigations process of an administrative case.*

APD: Cumulative Data

In keeping with recently established practice, APD has provided us with statistics in several categories that have particular bearing on public confidence and transparency. The act of counting alone has some significance – there were national headlines last year about the difficulty in compiling even rudimentary information about the total number of police shootings in the United States over a given period of time. Sharing those numbers with the public also constitutes a step forward.

The gathering and disseminating of data accomplishes important things in that it requires a law enforcement agency both to know what’s happening and to be accountable for it. In some ways, though, the numbers are most useful when analyzed over time, so that comparisons can be made, trends identified, and adjustments considered. We will continue to track these numbers, as well as the expanded capabilities that the new force database should bring. We look forward to working with APD in exploring ways to make the best and most progressive use of these important statistics.

	2016 (Jan-Apr)	2015	2014	2013	2012
Number of Officer Involved Shootings	3	4	3	1	9
Number of in-custody deaths	1	0	1	1	1
Number of administrative investigations in which the subject employee holds the rank of sergeant or higher *	4	3	7	7	14
Number of administrative investigations *	23	88	126	100	124
Number of complaints #	12	41	55	58	46
Number of use of force (all force) Triggering the FAS system	35	108	131	138	146
Use of force complaints	1	8	12	16	8

*includes accident investigations, internally generated investigations, and externally generated investigations

**includes internally generated complaints, and externally generated complaints

Data gathered from APD’s Force collection and analysis system
 Threshold into reporting into AIMS or existing force - Any visible injury, complaint of pain, use of any implement or device, render the person unconscious, carotid restraint, any unusual circumstances.

Conclusion

In early June, APD invited us to a formal “debrief” that it hosted for a range of its own personnel as well as representatives from numerous other local agencies. The topic was APD’s security operation for the Donald Trump Presidential campaign rally in May at the Anaheim Convention Center.

In spite of the large crowds that were passionate in either support or protest of Mr. Trump’s candidacy, and the logistical challenges of a large-scale, mid-week event, crowd control for the rally went smoothly for the most part. There were 21 arrests, and few significant issues from a security perspective.

Nonetheless, the Department committed to a full evaluation of the strengths and weaknesses of its operation. The debrief, which occurred within a couple of weeks of the rally, covered everything from preliminary planning to the adequacy of parking for the hundreds of law enforcement vehicles that lent support. It got input from city officials, the CHP, and participants from other assisting agencies. There were many successful elements that it wanted to reinforce, and several “lessons learned” (including, for example, the kinds of equipment that were most helpful and sometimes in short supply, or the need for more effective communication between the helicopter units and ground officers responding to conditions in the street).

These specific insights and adaptations – as well as the open communication with local partners – are likely to pay significant dividends for future events involving large-scale crowd security. But in a larger sense, the meeting was just as important as a reflection of APD’s mindset. This type of critical, constructive self-assessment requires time and energy and resources; many agencies, even with the best of intentions, are simply not sufficiently invested or equipped to make such a process a reality. In recent years, APD has increasingly shown its willingness to be. It is a positive trend that we hope will continue.

Recommendations

- 1:** The Department should look for additional ways to structure its MIRT process to ensure a comprehensive, holistic review of critical incidents. One consideration would be to expand its limited approach to administrative interviews/questioning of involved-personnel regarding the range of performance, training, and risk management issues that such incidents often implicate.
- 2:** The Department should prioritize the timely finalization of pending cases that emerge from its MIRT process.
- 3:** The Department should continue to evaluate best practices regarding the timing of subject interviews after critical incidents, and put more emphasis on shrinking the current gap between a shooting event and the interview process.
- 4:** The Department should ensure that the MIRT review considers and assesses supervisory tactical decisions and that any such decision making by sergeants is thoroughly examined during the administrative interviews.
- 5:** The Department should assess the effectiveness of its training for field supervisors to ensure that the curriculum adequately instructs sergeants to take command of tactical incidents by directing resources and delegating assignments.
- 6:** When sergeants fail to adhere to the Department's training, standards, and expectations for management and control of tactical situations, the Department should hold them accountable for those shortcomings through briefing, training, or discipline.
- 7:** The Department should modify its current body-worn camera policy to include a requirement that officers activate their cameras whenever they initiate a code 3 response.

- 8:** The Department should create a separate force reporting and review mechanism so that all reports, documents, recordings, and other evidence pertaining to a particular force incident are collected in one distinct package, and that the supervisory review process is clear and well documented.
- 9:** The Department should explore ways to engage Department executives in the force review process to ensure that force incidents are reviewed holistically, with evaluation of any ways in which the tactics, supervision, application of force, post-incident handling, and investigative process could be improved.
- 10:** The Department should consider ways to formalize its criteria for evaluating complaints and giving an “Inquiry Only” designation, and should ensure that an appropriate level of due diligence is reflected in the accompanying documentation.
- 11:** The Department should develop internal deadlines for completion of Internal Affairs investigations that will ensure cases are completed substantially earlier than the one year statutory deadline.
- 12:** The Department should strive for completeness in its review of potential policy violations and systemic issues, even if such matters extend beyond the specific allegations in the originating complaint.
- 13:** The Department should consider moving toward in-person witness interviews as more of a “default” practice in its administrative investigations. Though deviations from this standard are sometimes reasonable and/or necessary, the rationale for doing so should be documented in the investigation file.
- 14:** The Department should pursue practical ways to extend its recording policies and technology to ensure that transport of subjects is captured through audio or video or both.
- 15:** The Department should consider ways to standardize its use of recorded evidence during the interview and investigations process of an administrative case.