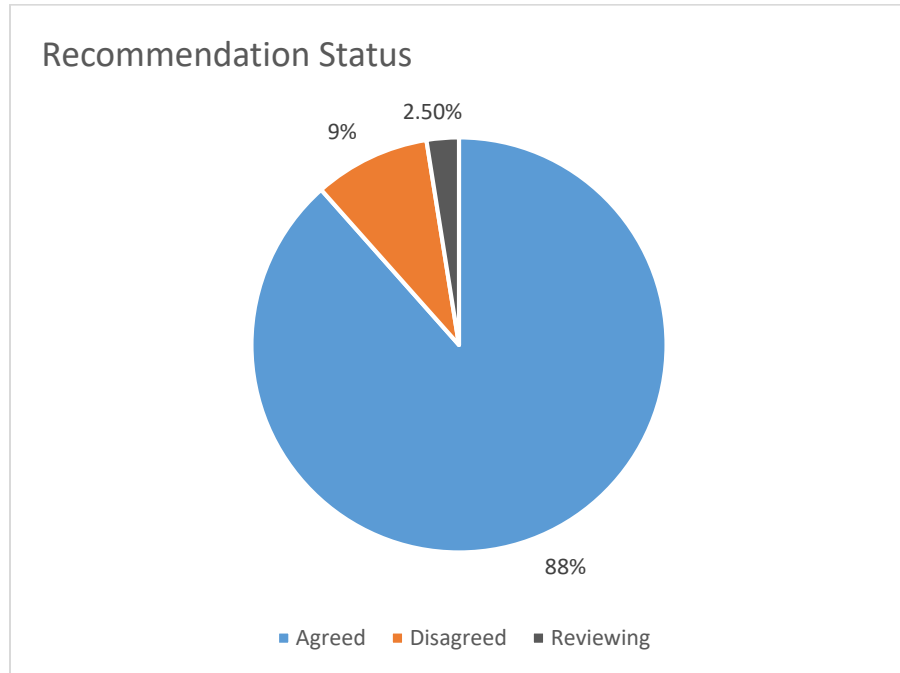


POLICE DEPARTMENT RESPONSES TO OIR GROUP RECOMMENDATIONS



#	RECOMMENDATION	STATUS
1	Anaheim Police Department should devise a rigorous foot pursuit policy that sets out with clarity whether and how to conduct foot pursuits.	AGREED
2	Anaheim Police Department should review its current firearms training that instructs its officers to continue to shoot until the threat is eliminated.	AGREED Response Below
3	Anaheim Police Department should review the definition of "imminent" threat in the deadly force policy.	AGREED
4	Anaheim Police Department's current policy is unclear about whether a head strike with a flashlight, baton, or other hard surface object constitutes deadly force.	DISAGREED Response Below

5	Anaheim Police Department policy should establish minimal requirements regarding pre-event tactical briefings.	AGREED
6	Anaheim Police Department should consider developing written policy requiring pre-notification and approval from the Bureau commander of any out of City operations.	DISAGREED Response Below
7	Anaheim Police Department should consider developing written policy requiring pre-notification and potential coordination of any planned out of City operations to the outside police agency.	AGREED
8	Anaheim Police Department 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.	AGREED
9	Anaheim Police Department should continue to stress during training the principle of police officers identifying themselves as such during tactical operations.	AGREED
10	Anaheim Police Department 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.	DISAGREED Response Below
11	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.	AGREED
12	Anaheim Police Department 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.	AGREED
13	Anaheim Police Department 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.	AGREED
14	Anaheim Police Department should ensure that witness canvasses after an officer involved shooting that are conducted by Departmental personnel are recorded	AGREED

15	Anaheim Police Department 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.	AGREED
16	Anaheim Police Department should continue to capture, review, and analyze relevant radio traffic as part of its standard internal review.	AGREED
17	Anaheim Police Department should work with its investigative partners to ensure that a diagram is prepared in all officer-involved shooting investigations.	AGREED
18	Anaheim Police Department should continue to train its officers on evidence collection techniques and the need to abide by them even under exigent circumstances.	AGREED
19	Anaheim Police Department should ensure that its new systemic review protocols are empowered to develop robust remedial action and reform.	AGREED
20	Anaheim Police Department 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.	AGREED
21	Anaheim Police Department should ensure that the review of a force incident requires the supervisor to ensure that each officer who used force timely reported his or her use of force and documented the force in a report.	AGREED
22	Anaheim Police Department policy 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.	REVIEWING Response Below
23	Anaheim Police Department should train its officers that when an officer both uses and observes other officers use force, the officer should document both the application and observation of force used.	REVIEWING Response Below
24	Anaheim Police Department should ensure that when force is observed by civilian witnesses or witnesses from another law enforcement agency, an account of those observations is obtained as part of the force investigation.	AGREED

25	Anaheim Police Department should develop force investigation protocols that instruct field supervisors to document the circumstances that prevented them from being able to respond to the scene to coordinate the force investigation.	AGREED
26	Anaheim Police Department 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.	AGREED Response Below
27	Anaheim Police Department should devise protocols that would instruct supervisors to have non-involved personnel transport the arrestee upon force is used away from the scene when such personnel are available.	DISAGREED Response Below
28	Once it becomes operable, Anaheim Police Department should monitor its new force database to ensure that the information necessary for a complete force review is captured.	AGREED
29	Anaheim Police Department should revisit the decision not to identify officers who use force in its internal tracking and force review data base	AGREED
30	Anaheim Police Department should modify its audio and body worn camera policies to instruct officers to activate the recording devices when being dispatched to a call for service or officer assistance or when activating emergency equipment.	AGREED
31	Anaheim Police Department should train its officers to include in their reports when in the sequence of events the body worn camera was activated.	AGREED
32	Anaheim Police Department should modify its force investigative policies to require that reviewers of force review any body worn camera footage of the force incident, summarize what is depicted on the footage, and use the footage in order to opine about whether the force is within policy	AGREED
33	Anaheim Police Department should ensure that its force review package contains reports related to the incident in which force was used such as vehicle pursuit reports, traffic collision reports, and canine assessment reports.	AGREED
34	Anaheim Police Department should continue to remind its officers of the need to document with precision the	AGREED

	individual's actions that formed the basis for the officer's suspicion or action.	
35	Anaheim Police Department should ensure that its supervisors review police reports to ensure that the officer sufficiently articulates the basis for using force in the report and return reports that provide insufficient articulation.	AGREED
36	Anaheim Police Department's force review process should require the reviewer to determine whether there are any potential systemic issues emanating from the force event worthy of policy and/or training review.	AGREED
37	Anaheim Police Department should consider whether it should provide training or revise policy to alert officers to the potential repercussions of using a Taser on a moving bicyclist.	AGREED
38	Anaheim Police Department's Force Review Memorandum should set out clearly the reviewer's analysis regarding whether the force was in or not within policy in every force incident.	AGREED
39	Anaheim Police Department should consider developing a protocol whereby in every use of force incident there is a feedback loop including discussion and briefing of the incident with each involved officer and supervisors.	AGREED
40	Anaheim Police Department should communicate with its decision makers about the need to not limit their decisions to the policy violations complained of but should ensure that there is accountability with regard to any potential violations of policy.	AGREED
41	When the investigation reveals no policy violations but does reveal less than optimal conduct, APD should relay that finding informally back to the impacted officer as part of its strive for continuing education and training.	AGREED
42	Anaheim Police Department should consider devising policy that would instruct its patrol officers not to shoot at vehicle tires in an attempt to disable a vehicle.	AGREED
43	Anaheim Police Department should look for additional ways to structure its MIRT [Major Incident Review Team] process to ensure a comprehensive, holistic review of critical incidents. One consideration would be to expand its limited approach to administrative	AGREED

	interviews / questions of involved-personnel regarding the range of performance, training, and risk management issues that such incidents often implicate.	
44	Anaheim Police Department should finalize the timely finalization of pending cases that emerge from its MIRT process.	AGREED
45	Anaheim Police 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.	AGREED
46	Anaheim Police 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.	AGREED
47	Anaheim Police Department should assess the effectiveness of its training for field supervisors to ensure the curriculum adequately instructs sergeants to take command of tactical incidents by directing resources & delegating assignments.	AGREED
48	When sergeants fail to adhere to the APD'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.	AGREED
49	Anaheim Police Department should modify its current body-worn camera policy to include requirement that officers activate their cameras whenever they initiate a code 3 response.	AGREED
50	Anaheim Police 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.	DISAGREED Response Below
51	Anaheim Police Department should explore ways to engage department executives in the force review process to ensure that force incidents are reviewed holistically, with evaluation of ways in which tactics, supervision, application of force, post-incident handling, and investigative process could be improved.	AGREED

52	Anaheim Police Department should consider ways to formalize its criteria for evaluating complaints & giving an "Inquiry Only" designation, & should ensure that an appropriate level of due diligence is reflected in the accompanying documentation.	AGREED
53	Anaheim Police 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.	AGREED
54	Anaheim Police 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.	AGREED
55	Anaheim Police 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.	AGREED
56	Anaheim Police Department should pursue practical ways to extend its recording policies & technology to ensure that transport of subjects is captured through audio or video or both.	AGREED
57	Anaheim Police Department should consider ways to standardize its use of recorded evidence during the interview and investigations process of an administrative case.	AGREED
58	Anaheim Police Department should prioritize the timely completion of all aspects of its review process for major incidents, in the interest of both investigative accuracy and remedial value.	AGREED
59	Anaheim Police Department should either revise its policy or issue a training bulletin advising its officers not to use a patrol vehicle as an impact weapon against fleeing bicyclists or pedestrians, unless as a last resort use of deadly force when all other tactical options are no longer available.	AGREED
60	Anaheim Police Department should continue moving toward holistic and comprehensive administrative reviews, including the standardization of administrative	AGREED

	interviews to supplement the criminal investigation as needed.	
61	Anaheim Police Department should document its (or the City's) risk management efforts in conjunction with the aftermath of a critical incident and proactively providing compensation for property damage suffered by third parties.	AGREED
62	Anaheim Police Department should make sure to incorporate a tactical "debrief" by special assignment personnel into the formal auspices of the MIRT process, if only to document the evaluations by relevant subject matter experts that regularly occurs after such operations.	AGREED
63	Anaheim Police Department should routinely consider whether additional training for involved officers is appropriate, should document that process and its results, and should provide a documented tactical debriefing for all officers involved in deadly force incidents.	AGREED
64	Anaheim Police Department should include any prior deadly force incidents involving involved officers during its MIRT reviews.	AGREED
65	Anaheim Police Department's MIRT review process should routinely evaluate how department personnel perform immediately after a critical incident, in particular with regard to ensuring timely first aid to injured subjects, and should include remedial interventions regarding these principles as needed.	AGREED
66	Anaheim Police Department should work with the City's Risk Management group to devise a program that proactively identifies and compensates uninvolved persons who suffer property loss as a result of police activity.	AGREED
67	Anaheim Police Department should consult with the Office of the Coroner in seeking ways to facilitate a more timely completion of on-scene investigation, and in considering whether the unclothing of decedents at the scene is necessary and appropriate.	DISAGREED Response Below
68	When Anaheim Police Department does an Internal Affairs investigation into a Major Incident, it should ordinarily conduct separate administrative interviews with both involved and witness officers.	AGREED

69	Anaheim Police Department should devise policy setting out explicit expectations for deployment of specific officer equipment, in particular the Department's expectations with regard to lethal and less lethal shotgun munitions.	AGREED
70	Anaheim Police Department policy should be followed regarding grievance proceedings with the following procedural protocols:	AGREED
71	When a critical incident is considered for MIRT review, the responsibility for analysis of the whole incident should be transferred to the MIRT team and process.	AGREED
72	Anaheim Police Department and the City's Independent Police Auditor should discuss the advisability of incorporating a sample of vehicle pursuits as part of its auditing program.	AGREED
73	Anaheim Police Department should adopt protocols that would require involved officers to be interviewed administratively on the date of the incident.	DISAGREED Response Below
74	Anaheim Police Department protocols should require involved officers to be interviewed about an incident prior to reviewing any recordings of the event.	DISAGREED Response Below
75	Anaheim Police Department should support the OCDA's presumption of release of video/audio evidence at the time the District Attorney releases his findings, and not lodge objections except in the rarest of circumstances.	AGREED
76	Anaheim Police Department should modify its MIRT protocols to conduct a follow up presentation to command staff after the DA's investigative report is completed and reviewed.	AGREED
77	Anaheim Police Department should adjust its force reporting requirements to promote the comprehensive gathering of all relevant evidence and documentation in a segregated and focused location.	AGREED
78	Anaheim Police Department should consider ways to advance de-escalation principles through an effective training program and should reinforce those principles in its review of and response to use of force incidents.	AGREED

79	Anaheim Police Department should examine its policy and training around the use of the carotid control hold with the goal of limiting its use to those situations in which subjects are not merely resisting but are violent, assaultive, or pose a threat of serious harm to officers or others.	AGREED Response Below
80	Anaheim Police Department should continue its ongoing efforts to clarify and reinforce policy expectations about officers' deployment of body cameras.	AGREED Response Below
81	Anaheim Police Department should work with officers and association representatives to explore technological options for ensuring the best and most useful recordings by officers wearing body cameras.	AGREED
82	Anaheim Police Department should consider revising its protocol to eliminate the current inclusion in the case file of a formal memo by Internal Affairs that contains analysis and recommendations as to outcomes in a misconduct investigation.	AGREED
83	During the interview of complainants, Department investigators should remain focused on objective intake of the testimony, and refrain from commentary or explanation that – even if true – may come across as advocacy for the involved officers.	AGREED
84	Anaheim Police Department should review its recent record of outcomes in cases where policy violations are established, and assess whether the amount of discipline matches Department goals for correcting behavior and promoting accountability.	AGREED
85	Anaheim Police Department should look for ways at all steps of the investigation and review process to promote timely completion and resolution of individual cases.	AGREED

POLICE DEPARTMENT RESPONSES

The Anaheim Police Department has agreed with 75 of 85 recommendations brought forward by the Office Independent Review (OIR). Below are responses for each recommendation that the department disagreed with (*indicated in orange*), along with responses related to two (2) recommendations the department is reviewing (*indicated in gray*). In addition, you will also find brief commentary and additional clarity on several items for which the department agreed with (*indicated in blue*).

2

OIR RECOMMENDATION

Anaheim Police Department should review its current firearms training that instructs its officers to continue to shoot until the threat is eliminated.

POLICE DEPARTMENT RESPONSE

While the Anaheim Police Department (APD) agrees with this recommendation, it is important to note that APD's firearms training emphasizes and incorporates the practice of reassessing the situation and the threat during a lethal force application. Further, APD recently acquired a state of the art scenario based training simulator which will greatly expand the department's training capabilities involving all applications of force, including the use of firearms.

4

OIR RECOMMENDATION

Anaheim Police Department's current policy is unclear about whether a head strike with a flashlight, baton, or other hard surface object constitutes deadly force. APD Disagrees with this recommendation, in part.

POLICE DEPARTMENT RESPONSE

Anaheim Police Department Policy 308.5 (below) governing the use of batons outlines areas of the body to avoid striking except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others. Regarding flashlights and "other hard surfaces," the department's use of force policy currently articulates that any force likely to cause death is considered deadly force, and all such applications mandate the same thresholds for its use and necessitate identical levels of review. Those levels of review could include a criminal investigation into the actions of the officer(s), as well as an exhaustive administrative examination conducted by the Department via the

Major Incident Review Team (MIRT) process. MIRT investigates the incident in its entirety including pre-incident planning, tactics employed and post-incident response to identify any and all areas for improvement in terms of training, tactics, policy, equipment and post-incident recovery. Therefore, the Anaheim Police Department does not support this recommendation since current policy addressing deadly force is sufficiently inclusive of all actions likely to cause death, and current policy pertaining specifically to the use of batons sufficiently outlines areas of the body to avoid unless facing imminent threat of serious bodily injury.

APD POLICY 308.5: BATON GUIDELINES

The baton (straight, side handle, collapsible, or mounted) and Orcutt Police Nunchaku is authorized for use when, based upon the circumstances perceived by the officer, such force reasonably appears justified and necessary to result in the safe control of the suspect. The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others. When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor. Officers, while in uniform and in an enforcement capacity, shall carry at least one of the Department's authorized defensive impact weapons on their duty belt.

OIR RECOMMENDATION

Anaheim Police Department should consider developing written policy requiring pre-notification and approval from the Bureau commander of any out of City operations.

POLICE DEPARTMENT RESPONSE

Anaheim Police Department does not support this recommendation. Dynamic, developing investigations often lead officers, investigators and detectives to other cities and counties at varying hours of the day and night. Regularly, it cannot be determined beforehand whether an investigation will lead officers out of the City; therefore, requiring pre-notification and approval before entering other jurisdictions is impracticable. Additionally, APD Policy §350.3 (included below) already mandates notification to a supervisor or the Watch Commander at the earliest opportunity when leaving the City, and requires prompt notification once the final location is known.

APD POLICY 350.3: ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable. Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency.

Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

APD POLICY 350.3.1: INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Anaheim Police Department shall notify his/her supervisor or the Watch Commander and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

OIR RECOMMENDATION

Anaheim Police Department 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. APD disagrees with this recommendation.

POLICE DEPARTMENT RESPONSE

The Anaheim Police Department does not support this recommendation. In the interest of seeking an independent and neutral investigation to determine whether the actions of involved officer(s) during the application of deadly force were lawful, APD requests the Orange County District Attorney (OCDA) to conduct the criminal investigation of officer involved shootings and custodial deaths. Since the OCDA may not compel a statement from an involved officer, it is in the interest of both agencies that a voluntary statement be obtained in order to assemble the best and most comprehensive evidence of the event to determine its lawfulness. Toward that end and consistent with the best practice guidelines adopted by the International Association of Chiefs of Police supported by academic research demonstrating that individuals have a more inclusive

and accurate recall of a traumatic incident after a period of rest^{1 2}, APD does not object to the involved employee waiting to provide a voluntary statement to the OCDA.

Of critical note is that regardless whether or not an officer provides a voluntary statement to the criminal investigators, APD will obtain a compelled, detailed and comprehensive administrative statement from all involved personnel within seven (7) days of the incident.

OIR RECOMMENDATION

Anaheim Police Department policy 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.

POLICE DEPARTMENT RESPONSE

The Anaheim Police Department is reviewing this recommendation, and as stated in a previous response the department’s goal is to ensure the force applied is accurately described in relevant report(s). What is not desirable are partial accounts from officers who witness only a portion of an incident in which force is applied. Further, body worn camera (BWC) policy requires the recording of these incidents via BWC. It has been our experience that the compilation of the BWC footage serves as the most accurate and best evidence in terms of what occurred.

SB 230, the companion bill to AB 392, contains the following language related reporting:

A requirement that officers report potential excessive force to a supervisor officer when present and observing and observing another officer using force that the officer believes to be beyond that which is objectively reasonable under the circumstances based on the totality of information actually known to the officer.

¹ Payne, J. D., Stickgold, R., Swanberg, K., & Kensinger, E. A. (2008). Sleep Preferentially Enhances Memory for Emotional Components of Scenes. *Psychological Science*, 19(8), 781-788. doi:10.1111/j.1467-9280.2008.02157

² Nissen, C., Kloepper, C., Feige, B., Piosczyk, H., Spiegelhalter, K., Voderholzer, U., & Riemann, D. (2011). Sleep-related memory consolidation in primary insomnia. *Journal of Sleep Research*, 20(1pt2), 129-136. doi:10.1111/j.1365-2869.2010.00872.x

APD Policy currently requires the reporting of potential excessive force, which satisfies the content of SB 230. See 300.2.1 below:

APD POLICY 300.1: USE OF FORCE - PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

APD POLICY 300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - *Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.*

Force - *The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.*

APD POLICY 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

APD POLICY 300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

Please Note: The above are specific sections of Policy 300 (Use of Force); the entire Use of Force Policy is not included herein. AB 392 does not include language with respect to force reporting requirements.

23

OIR RECOMMENDATION

Anaheim Police Department should train its officers that when an officer both uses and observes other officers use force, the officer should document both the application and observation of force used.

POLICE DEPARTMENT RESPONSE

The Anaheim Police Department is reviewing this recommendation; see the Department's response to #22 above.

26

OIR RECOMMENDATION

Anaheim Police Department 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.

POLICE DEPARTMENT RESPONSE

The Anaheim Police Department agrees with this recommendation and this is the current practice. If a sergeant involved in the incident applies force, a different / uninvolved sergeant will complete the Force Review. This process includes the interview of the person upon whom the force was applied.

27

OIR RECOMMENDATION

Anaheim Police Department should devise protocols that would instruct supervisors to have non-involved personnel transport the arrestee upon force is used away from the scene when such personnel are available. APD disagrees with this recommendation.

POLICE DEPARTMENT RESPONSE

It has not been our experience that arrestees upon whom force was used have a significantly higher proclivity of making false accusations, alleging force that didn't occur. Further, it is not our experience that the task of driving the arrestee to a location plays a factor in that tendency. Finally

and most importantly, this again would pose an undue logistical and staffing constraint upon the department, which is unnecessary with the full implementation of BWC.

OIR RECOMMENDATION

Anaheim Police 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.

POLICE DEPARTMENT RESPONSE

The Anaheim Police Department has introduced and brought on line a new database (AIM) which provides a more seamless and comprehensive system for the review and documentation of force applications. This system requires certain steps be taken by the reviewing sergeant before a case can be closed. For example, the review of all relevant body-worn camera footage must be completed and indicated prior to closure. In addition, this system allows for greatly improved access to these reviews by command staff, and generate data reports to identify trends and implement necessary training / tactics as indicated. Beyond that, the Department has an integrated Records Management System (RMS), which captures, catalogs and stores all reports (with certain exceptions). In addition, the Department's Property and Evidence Detail is responsible for the documentation and storage of all evidence. Therefore, the addition of a separate and distinct mechanism to store reports and related evidence would be redundant and unnecessary, resulting in less efficient accessibility. Equally important, the additional redundant steps require a significant time commitment on the part of supervisors and would invariably result in a reduction in their time spent supervising in the field.

Moreover, in terms of a separate reporting mechanism, the completion of a separate report for the purpose of documenting only the use of force related to an incident would require the redundant and unnecessary repeating of facts already included in the General Offense (G.O.) report. The G.O. report serves as a chronological and comprehensive account of events, observations, actions and statements. This includes all relevant components of the incident. As it relates to force, the G.O. report also includes the type of force applied, the officer(s) who applied the force and most importantly the reasoning behind it. In addition to the G.O., APD currently tracks and catalogs use of force reviews via a separate database: the Force Analysis System (FAS). This allows for the easy access to force reviews by supervisors and command staff in a location removed from the Records Management System.

OIR Group indicated in their report that one of the incidents reviewed was a complex case involving the arrest of multiple individuals for various and different crimes which generated a 300 page General Offense report. OIR stated that interspersed within the 300 pages were brief descriptions of relatively minor uses of force which created a burden for a reviewing executive to find only those portions related to the force. Without the critical context surrounding those applications of force, however, the reader is left only with a standalone snapshot of an application of force. This would undoubtedly require additional research and generate additional questions, all of which could be answered by reading the General Offense report.

OIR RECOMMENDATION

Anaheim Police Department should consult with the Office of the Coroner in seeking ways to facilitate a more timely completion of on-scene investigation, and in considering whether the unclothing of decedents at the scene is necessary and appropriate.

POLICE DEPARTMENT RESPONSE

During the investigative process involving any scene wherein the O.C. Coroner's Office is involved, the Anaheim Police Department's Homicide Detail in collaboration with the O.C.D.A.'s Office regularly consults with Coroner's Office Investigators to facilitate the processing of the scene and any evidence therein in a manner which produces the best results while minimizing contamination. Ultimately, it is the role of the Coroner to determine the methodology to follow based on science and their protocols. Any effort to expedite the collection and processing of these critical scenes or to alter the methodology employed in the interest of timeliness and / or perception would be wholly inappropriate.

It should be noted that a similar recommendation was brought forward by OIR Group in their April 2015 report. Following that, APD equipped its Forensics vehicles with screens recognizing the need for privacy and dignity while these scenes are processed.

OIR RECOMMENDATION

Anaheim Police Department should adopt protocols that would require involved officers to be interviewed administratively on the date of the incident.

POLICE DEPARTMENT RESPONSE

The Anaheim Police Department does not support this recommendation. In the interest of seeking an independent and neutral investigation to determine whether the actions of involved officer(s) during the application of deadly force were lawful, APD requests the Orange County District Attorney (OCDA) to conduct the criminal investigation of officer involved shootings and custodial deaths. Since the OCDA may not compel a statement from an involved officer, it is in the interest of both agencies that a voluntary statement be obtained in order to assemble the best and most comprehensive evidence of the event to determine its lawfulness. Toward that end and consistent with the best practice guidelines adopted by the International Association of Chiefs of Police supported by academic research demonstrating that individuals have a more inclusive and accurate recall of a traumatic incident after a period of rest , APD affords the involved employee 48 hours to provide a voluntary statement.

Of critical note is that regardless whether or not an officer provides a voluntary statement to the criminal investigators, APD will obtain a compelled, detailed and comprehensive administrative statement from all involved personnel within seven (7) days of the incident.

74

OIR RECOMMENDATION

Anaheim Police Department protocols should require involved officers to be interviewed about an incident prior to reviewing any recordings of the event.

POLICE DEPARTMENT RESPONSE

In the interest of transparency and to avoid any suggestion of investigative bias, the OCDA through mutual agreement conducts the primary investigation into deadly force applications by APD employees. As the lead and primary investigative body examining the incident to determine the legality of the officers' actions, the decision whether to allow an involved or witnessing officer to view his or her recording of the event falls to the OCDA. Following any criminal interview(s), APD conducts its own internal, administrative interviews of involved and witnessing officers. Depending on the decision of the OCDA, the officer may have already viewed the recordings prior to APD obtaining its compelled administrative statement. In the event the officer had not yet viewed his/her recording of the incident and depending upon the circumstances, APD reserves the ability internally to obtain a statement prior to the review of any recording

79

OIR RECOMMENDATION

Anaheim Police Department should examine its policy and training around the use of the carotid control hold with the goal of limiting its use to those situations in which subjects are not merely resisting but are violent, assaultive, or pose a threat of serious harm to officers or others.

POLICE DEPARTMENT RESPONSE

The Anaheim Police Department agrees that critical examination of policy related to carotid restraint is prudent. As mentioned above in response to Recommendation 21, APD's current training cycle focuses significantly on refresher training related to arrest and control techniques - specifically including carotid restraint. During the training, the learning points emphasized include not only the correct hands-on application of the technique but the factors to consider prior to applying the hold as a force option. Some of these factors include but are not limited to the proximity of the officer(s) to the subject, nature of the immediate environment, size of officer relative to the individual and ineffectiveness of other force means due to lack of pain response.

Further, the recurrent training emphasizes post-incident care and medical evaluation of the individual prior to booking.

OIR RECOMMENDATION

Anaheim Police Department should continue its ongoing efforts to clarify and reinforce policy expectations about officers' deployment of body cameras.

POLICE DEPARTMENT RESPONSE

The Anaheim Police Department agrees with and has implemented this recommendation. Body Worn Camera policy has been modified and clarified to better ensure that field and investigative activity is recorded via BWC. All uniformed and investigative personnel, including plain-clothes investigators are equipped with BWC and are required to record all enforcement, investigative and contacts related to calls for service. We have also modified policy within the past year requiring officers to activate their BWC when involved in high risk and critical incidents, including Code 3 response.