Force Review Board

CHIEF'S REPORT
P78F)

SEPTEMBER 30, 2021 TIME: 1004 TO 1134 HOURS

APD HEADQUARTERS - CHIEF'S CONFERENCE ROOM (VIA TELECONFERENCE)

FRB CHAIR (P78)	DCOP JJ Griego (Management Services and Support Bureau)
VOTING MEMBERS (P78)	DCOP Arturo Gonzalez (Investigative Bureau) Interim DCOP Joshua Brown (Field Services Bureau) Commander James Collins (Field Services – Foothills)
NON-VOTING MEMBERS (P78)	Judge Rod Kennedy (City Legal) – via teleconference Edward Harness (CPOA Director) – via teleconference Lieutenant [redacted] (FRB Admin Personnel/IAFD) Julie Jaramillo (COD)
REPRESENTATIVES	Commander Terysa Bowie (SOD) A/ Commander Richard Evans (IAFD) – via teleconference Sergeant [redacted] (CIU) – via teleconference A/ Lieutenant [redacted] (Training Academy) – via teleconference Sergeant [redacted] (SOD) Detective [redacted] (Policy and Procedure) – via teleconference Detective [redacted] (IAFD/Presenter) Sergeant [redacted] (SOD/Presenter) Superintendent Sylvester Stanley (Police Reform) – via teleconference DCOP Eric Garcia (Police Reform) – via teleconference Interim DCOP Cori Lowe (COD) – via teleconference Chief of Staff Cecily Barker (Chief's Office)
OBSERVERS (P78D)	A/ Commander [redacted] COD) – via teleconference Deputy Commander Ben Bourgeois (IAFD) – via teleconference Sergeant [redacted] (IAFD/FRB) [redacted] (IAFD) – via teleconference Christine Bodo (COD) – via teleconference Elizabeth Martinez (USDOJ) – via teleconference Corey Sanders (USDOJ) – via teleconference Sarah Lopez (USDOJ) – via teleconference Bill Hurlock (EFIT) – via teleconference
PREVIOUS MINUTES	September 23, 2021
UNFINISHED BUSINESS	• None

REFERRAL RESPONSE(S)					
CASE NUMBER	**MEETING DATE**	**REFERRAL**	**REFERRAL PARTY**	**ACTION TAKEN**	**STATUS**
20-0037586	5/20/2021	Deputy Chief Smathers will complete an	Commander Zakary Cottrell	Commander Cottrell advised the following via email: The case was	Closed.

		Internal Affairs Request (IAR) for the Internal Affairs Professional Standards Division (IAPS) to assess the potential policy violations from SOP 2-52-5-C and SOP 2-52-4-B, C, and D. IAPS Commander Cottrell will provide the policies investigated, findings of the investigations, and response of the findings.		completed within IAPS. It is now going through the discipline review process.	
20-0044826	8/12/2021	Lieutenant [redacted] will complete a training referral for Officer [redacted] regarding the following topics: Active listening, de-escalation, disengagement, devising an approach plan, determining lawful objectives, proper handcuffing and pat down techniques (with SOP), response to barricaded individuals, investigation, scene management and control, mental health transport, and firearm safety rules.	Commander Renae McDermott	Lt. [redacted] provided the completed Mandatory Training Form and response memo, provided to the board on September 28, 2021.	Closed.
20-0036411	9/24/2021	Deputy Chief JJ Griego will enter a job well done for Acting Sergeant [redacted]	Deputy Chief JJ Griego	Deputy Chief JJ Griego completed a job well done for Acting Sergeant [redacted] on September 27, 2021.	Closed.

(P78)	2334 HOURS
CASE PRESENTER	SERGEANT [redacted]
DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)	☐ YES ☐ NO ☒ NOT APPLICABLE
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	☐ LEAD INVESTIGATOR NO LONGER IN UNIT ☐ LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT ☐ LEAD INVESTIGATOR WAS CASE PRESENTER ☐ FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME ☐ FRB DETECTIVE PRESENTER AND LEAD INVESTIGATIVE CHAIN UNAVAILABLE ☒ NOT AN IAFD PRESENTATION
INJURIES SUSTAINED	☐ YES ☒ NO
DAMAGE TO PROPERTY	☐ YES ☒ NO
DID EACH VOTING MEMBER OF THE FORCE REVIEW BOARD REVIEW THE MATERIAL PRIOR TO THE MEETING? (IN THE EVENT A VOTING MEMBER DID NOT REVIEW THE MATERIAL THEY WILL BE NELIGIBLE TO VOTE ON THE CASE. THIS WILL RESULT IN THE BELOW QUESTION DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE " TO BE ANSWERED YES")	FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE ☐ YES ☐ NO ☒ NOT PRESENT INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT TRAINING ACADEMY REPRESENTATIVE ☐ YES ☐ NO ☒ NOT PRESENT FIELD SERVICES COMMANDER REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? (P78a)	☒ YES ☐ NO
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)	☐ YES ☒ NO
DISCUSSION	☒ YES ☐ NO
DISCUSSION TOPICS	1. REGARDING THE WARRANT, HOW DID SOD GET TO THE CORRECT WARRANT SINCE THE ADDRESS WAS NOT THE CORRECT ONE? A. THE MISTAKES ON THE WARRANT WERE REALIZED LATER AFTER THE TACTICAL ACTIVATION.

	B. THE ADDRESS SOD RESPONDED TO WAS WHERE THE DETECTIVES FOLLOWED THE TARGET INDIVIDUAL. 2. SO THERE WAS NO DOUBT FOR SOD THEY WERE AT THE CORRECT LOCATION? A. CORRECT. 3. WHEN INDIVIDUALS EXIT ON OTHERS ACTIVATIONS, ARE THOSE WARRANTS CONSIDERED "SERVED" AND FILED WITH THE COURT? A. DO NOT BELIEVE SO, THERE WOULD BE NO NEED; HOWEVER, THIS WOULD BE COMPLETED BY THE INVESTIGATIVE UNIT WHO COMPLETED THE WARRANT. 4. APPRECIATE THE REVIEW ON THE AFTER ACTION. THIS IS THE 2ND TIME MISTAKES ON A WARRANT HAVE BEEN IDENTIFIED BY SOD PERSONNEL. THIS IS BEING ADDRESSED WITHIN THE INVESTIGATIVE BUREAU. 5. DOES SOD COMPLETE AN INITIAL REVIEW OF WARRANTS ON SCENE? A. ADMINISTRATIVE PERSONNEL WITHIN SOD IDENTIFIED THE DISCREPANCIES WHEN PREPARING THE POWERPOINT FOR THE FORCE REVIEW BOARD. B. THE WARRANT IS FORWARDED TO ADMINISTRATIVE PERSONNEL THE DAY AFTER THE ACTIVATION SO IT WAS IDENTIFIED QUICKLY.. 6. IS THERE A PROCESS FOR SOD TO VERIFY THE INFORMATION ON THE WARRANT PRIOR TO SERVING? A. YES THE SOD LIEUTENANT COMPLETES THE REVIEW, OFTEN PRIOR TO SOD PERSONNEL BEING ACTIVATED. B. IT SHOULD BE NOTED THE ADDRESS AT THE TOP OF THE WARRANT IS CORRECT. I. THE ADDRESS IS DOCUMENTED INCORRECTLY FURTHER DOWN ON THE WARRANT UNDER THE NIGHTTIME AUTHORIZATION. 7. IS SOD'S THE REVIEW OF THE WARRANT IN POLICY? A. NO IT IS A PROCESS SOD COMPLETE ONLY. B. THERE ARE NO REQUIREMENTS FOR A SUPERVISOR TO REVIEW PRIOR TO A WARRANT BEING SENT TO A DISTRICT ATTORNEY FOR REVIEW.
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:

P7Be	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES
	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO

WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?	☐ YES ☒ NO

PERSONNEL RESPONSIBLE FOR ENTERING THE INTERNAL AFFAIRS REQUEST (IAR)	N/A
SOP TITLE OF VIOLATION	N/A
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?
MAJORITY VOTE	☐ YES ☒ NO ☐ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P.78a)
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P.78d)
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE? (P.78a)
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT AN IAFD INVESTIGATION

DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER? ☒ YES ☐ NO	
DISCUSSION TOPICS	1. NONE.

TYPE: LEVEL 3 (P75)	DATE OF INCIDENT: MAY 20, 2020	LOCATION: [redacted]	DISPATCH / ON SITE: 2313 HOURS
CASE PRESENTER	DETECTIVE		
DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)	☐ YES ☒ NO ☐ NOT APPLICABLE		
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	☐ LEAD INVESTIGATOR NO LONGER IN UNIT ☐ LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT ☐ LEAD INVESTIGATOR WAS CASE PRESENTER ☒ FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME ☐ FRB DETECTIVE PRESENTER AND INVESTIGATIVE CHAIN UNAVAILABLE ☐ NOT AN IAFD PRESENTATION		
INJURIES SUSTAINED	☒ YES ☐ NO		
DAMAGE TO PROPERTY	☐ YES ☒ NO		
DID EACH VOTING MEMBER OF THE FORCE REVIEW BOARD REVIEW THE MATERIAL PRIOR TO THE MEETING? (IN THE EVENT A VOTING MEMBER DID NOT REVIEW THE MATERIAL, THEY WILL BE INELIGIBLE TO VOTE ON THE CASE. THIS WILL RESULT IN THE BELOW QUESTION DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? TO BE ANSWERED "YES")	FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE ☐ YES ☐ NO ☒ NOT PRESENT INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT TRAINING ACADEMY REPRESENTATIVE ☐ YES ☐ NO ☒ NOT PRESENT FIELD SERVICES COMMANDER REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT		
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? (P78a)	☐ YES ☒ NO		
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)	☐ YES ☒ NO		
DISCUSSION	☒ YES ☐ NO		
DISCUSSION TOPICS	1. BASED ON RE-REVIEW, HOW LONG DOES IT TAKE THE FRB UNIT TO COMPLETE THESE CASE PREPARATIONS? A. TYPICALLY ONE WEEK FOR EACH CASE		

i. WITH MORE COMPLEX REVIEWS, SUCH AS TODAY'S, IT TAKES A SIGNIFICANT LENGTH OF TIME.

ii. THIS CASE NEEDED A FULL REINVESTIGATION; HOWEVER, THERE WAS NOT TIME TO COMPLETE ONE DUE TO THE SCHEDULE.

B. TYPICAL STEPS OF THE CASE PREPARATION FOR EACH PRESENTATION ARE AS FOLLOWS:

i. AN ILD OFFICER CREATES THE "BONES" OF THE POWERPOINT.

ii. THE FRB SERGEANT AND/OR DETECTIVE RECEIVE THE POWERPOINT AND ADD THE INTRICATE DETAILS OF THE INVESTIGATION.

iii. ALL ISSUES AND/OR CONCERNS ARE ADDRESSED.

iv. MEETING WITH FRB LIEUTENANT AND/OR COMMANDER OCCURS TO INFORM AND WORK THROUGH ANY OF THE CONCERNS.

v. BASED ON THE MEETINGS, ADDITIONAL CHANGES WILL BE MADE TO THE POWERPOINT IN ORDER FOR IT TO BE READY TO PRESENT DURING FRB.

2. ACCOLADES TO IAFD FRB UNIT FOR LOOKING INTO THESE PAST CASES AND CORRECTING WHERE APPROPRIATE.
3. DURING THE INITIAL CONTACT AT THE HOUSE, NO FACT FINDING WAS COMPLETED DO WE KNOW IF THIS WAS ASKED BY THE INITIAL DETECTIVE OR WE DON'T KNOW BECAUSE THE INTERVIEWS WERE NOT RETAINED PROPERLY?
4. DOES THIS ALSO GO WITH THEIR IAFD INTERVIEWS FOR ACTIONS TAKEN BY THE OFFICER?
   A. CORRECT.
   B. THERE ARE DISCREPANCIES WE CANNOT ADDRESS BECAUSE OF THE EVIDENCE NOT BEING RETRAINED
5. HOW WERE THE VIDEOS OF THE INTERVIEWS PERSEVERED?
   A. IT ONLY SHOWS THEY WERE DELETED.
   B. APPEARS IT WAS AUTO DELETED AT THE 6-MONTH PERIOD AND WE CANNOT ASK THE DETECTIVE BECAUSE HE IS NO LONGER WITH THE DEPARTMENT.
6. THIS WAS A BACKLOG CASE CORRECT?
   A. CORRECT.
7. THIS CALL WAS INITIALLY LABELED AS A DISTURBANCE, POSSIBLE DOMESTIC VIOLENCE. A LOT OF MISSED OPPORTUNITIES BY NOT HANDLING THIS CALL CORRECTLY TO INCLUDE LACK OF DE-ESCALATION AND DEMEANOR.
8. WAS OFFICER WILSON ECIT?
   A. YES, ALL OFFICERS ON SCENE, WITH THE EXCEPTION OF OFFICER LAWS, WERE ECIT.

	9. SEEMS TO BE REOCCURRING ISSUES WITH ECIT OFFICERS. 10. WHAT IS THE STATUS WITH REVIEWING ECIT OFFICERS CALLS AND CONTACTS TO DETERMINE IF THERE IS A TRAINING NEED? A. THIS CONCERN WAS BROUGHT TO THE CIU COMMANDER'S ATTENTION. UNKNOWN IF THERE ARE ANY PATTERNS IDENTIFIED. 11. THERE HAVE BEEN TWO TRAINING REFERRALS FOR SEPARATE DE-ESCALATION CONCERNS FOR OFFICER [redacted] SINCE THIS INCIDENT OCCURRED. 12. BSD REFERRALS? A. YES, AND IS CURRENTLY IN MANDATORY CONTACT WITH BSD. 13. ADDITIONAL ACCOLADES TO FRB UNIT FOR REEVALUATION. 14. IS IT BEING TRACKED HOW LONG THESE REEVALUATIONS ARE TAKING TO COMPLETE? A. NOT SPECIFICALLY BUT IT DOES TAKE A LARGE AMOUNT OF TIME TO PREPARE THESE CASES FOR FRB. 15. IF THE 1ST AND 5TH USES OF FORCE ARE OUT OF POLICY, HOW CAN THE BOARD FIND ANY OTHERS IN POLICY? A. IF WE FOLLOW THE MINDSET THE OFFICERS MADE A LOT OF MISTAKES AND IGNITED ACTIONS. EVERYTHING ELSE WOULD BE OUT OF POLICY. B. OTHER WAY WOULD BE TO LOOK AT EVERY APPLICATION OF FORCE AND WHETHER OR NOT EACH APPLICATION IS IN OR OUT OF POLICY. 1. ALSO BEING A SITUATION WHERE IT CANNOT BE POSITIVELY DETERMINED WHETHER OR NOT FORCE WOULD HAVE BEEN NECESSARY. 16. THE INITIAL INVESTIGATION WAS DEFICIENT; HOWEVER, RECOGNIZE THE STEPS IAFD HAS IDENTIFIED THE PROBLEMS AND HAVE AMELIORATED THE CONCERNS SO NO CORRECTIVE ACTIONS NEEDED AT THIS TIME. 17. BOARD IDENTIFIED USES OF FORCE 1 AND 5 ARE OUT OF POLICY. THE REST WERE DETERMINED TO BE REASONABLE, NECESSARY, AND PROPORTIONAL.

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PTSD:	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES
	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO

WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?	☐ YES ☒ NO
PERSONNEL RESPONSIBLE FOR ENTERING THE INTERNAL AFFAIRS REQUEST (IAR)	N/A

SOP TITLE OF VIOLATION	N/A
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?
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DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER? ☒ YES ☐ NO	
DISCUSSION TOPICS	1. ECHO THE BOARDS CONCERNS ON THE APPROACH AND LACK OF FACT FINDING. 2. WHAT WAS THE OFFICERS' THOUGHT PROCESS WHEN THEY DECIDED TO ENTER THE RESIDENCE? DID THEY ASK PERMISSION TO GO INSIDE, DID NOT SEE THIS DOCUMENTED IN THE REPORT. A. UPON APPROACH, THE OFFICERS ASKED IF THEY COULD GO INSIDE FROM THE FEMALE SITTING OUTSIDE. WHO SAID "YES"; HOWEVER, THE

	OFFICERS DID NOT VERIFY IF SHE COULD GIVE THIS PERMISSION. B. SEEMED LIKE THE PRIMARY PROBLEMS WERE BETWEEN THE FEMALES OUT AND THE FEMALE WHO WAS YELLING INSIDE. C. GOAL WAS TO INVESTIGATE THE DOMESTIC VIOLENCE CASE; HOWEVER, THEIR ACTIONS INSIDE WERE CONTRARY TO THIS INITIAL GOAL. D. ALL QUESTIONS NORMALLY ASKED DURING A DOMESTIC VIOLENCE CALL (EG. INJURIES, WHAT HAPPENED, ETC.) WERE NOT ASKED. 3. THEY WERE INITIALLY DISPATCHED TO A DISTURBANCE NOT A DOMESTIC VIOLENCE. THEIR ACTIONS PORTRAYED THIS. A. CALL WAS DISTURBANCE; HOWEVER, THE INFORMATION ON THE CAD READS LIKE A DOMESTIC VIOLENCE CALL. B. NOT HAVING THE RECORDINGS MAKES IT PROBLEMATIC TO KNOW WHETHER THESE QUESTIONS WERE ASKED. 4. ACCOLADES TO THE FRB UNIT FOR THEIR REANALYSIS. 5. IS THERE NOT AN AUDIT TRAIL IN EVIDENCE.COM TO DETERMINE WHY THE RECORDINGS WERE ERASED? A. YES; HOWEVER, DID NOT LOOK INTO WHY IT WAS SHOWING THE VIDEOS WERE ERASED AT 6 MONTH MARK SO PRESUMED IT WAS AN AUTO-DELETE. 6. COULD BE INTENTIONAL IF IT WAS DELETED AT 6 MONTHS. THIS SHOULD BE FOLLOWED UP ON TO VERIFY WHETHER THE OBRDS WERE DELETED ON PURPOSE. 7. AGREE WITH DETECTIVE CARR'S ANALYSIS. OFFICERS CAN ONLY ACT ON WHAT THEY COULD REASONABLE KNOW AT THE TIME THEY USED FORCE. 8. CONCURS WITH BOARD'S FINDINGS.

Next FRB Meeting: October 7, 2021

Signed: _____

Harold Medina, Chief of Police