Force Review Board

CHIEF'S REPORT
(P78F)

SEPTEMBER 2, 2021 **TIME: 1006 TO 1150 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) DCOP Michael Smathers (Special Operations Bureau) Interim DCOP Joshua Brown (Field Services Bureau) – not present for 1st presentation Commander Timothy Espinosa (Field Services – Southwest) A/ Commander [redacted] (Training Academy) – via teleconference
NON-VOTING MEMBERS (P78)	Judge Rod Kennedy (City Legal) Edward Harness (CPOA Director) – via teleconference Lieutenant [redacted] (FRB Admin Personnel/IAFD)
REPRESENTATIVES	Commander Terysa Bowie (SOD) A/ Commander Richard Evans (IAFD) – via teleconference Lieutenant [redacted] (SOD) A/ Lieutenant [redacted] (Training Academy) – via teleconference Sergeant [redacted] (SOD) Sergeant [redacted] (CIT) – via teleconference Policy Manager Patricia Serna (Policy and Procedure) – via teleconference Detective [redacted] (IAFD/Presenter) – via teleconference Sergeant [redacted] (SOD/Presenter)
OBSERVERS (P78b)	Superintendent Sylvester Stanley (Police Reform) DCOP Eric Garcia (Police Reform) – via teleconference Interim DCOP Cori Lowe (COD) – via teleconference Commander Renae McDermott (Training Academy) Deputy Commander Ben Bourgeois (IAFD) – via teleconference A/ Commander Jason Sanchez (COD) – via teleconference Sergeant [redacted] (IAFD) – via teleconference Sergeant [redacted] (IAFD) – via teleconference Detective [redacted] (IAFD) – via teleconference Dr. Jessica Henjy (Training Academy) – via teleconference Christine Bodo (Compliance Bureau) – via teleconference Silvia McElvany (Compliance Bureau) – via teleconference Elizabeth Martinez (USDOJ) – via teleconference Corey Sanders (USDOJ) –via teleconference Patrick Kent (USDOJ) – via teleconference Bill Hurlock (EFIT) Darryl Neier (EFIT)
PREVIOUS MINUTES	August 26, 2021
UNFINISHED BUSINESS	• None

REFERRAL RESPONSE(S)					
CASE NUMBER	**MEETING DATE**	**REFERRAL**	**REFERRAL PARTY**	**ACTION TAKEN**	**STATUS**
19-0044654	5/7/2020	The Training Academy will develop a module on Miranda training, which will be provided via PowerDMS.	Commander Renae McDermott	A/[redacted] provided an extension memorandum responding to the requested update.	Update due October 1, 2021.
20-0036730	7/29/2021	Internal Affairs Force Division will present cases under current standards and any discrepancies or issues will be addressed prior to presentation.	A/Commander Richard Evans	A/ Commander Evans provided a memo addressing the referral.	Closed.

CASE #: 21-0049778	DATE OF INCIDENT: JUNE 26-27, 2021	LOCATION: [redacted]	TIMES: DISPATCH / ON SITE: 1832 HOURS CALL TO TACTICAL: 2028 HOURS SWAT ACTIVATION: 2356 HOURS
TYPE: SOD (P78)			

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 INELIGIBLE TO VOTE ON THE CASE THIS WILL RESULT IN THE BELOW QUESTION	FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT

"DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE." TO BE ANSWERED "YES".)	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. CONCERNS REGARDING THE FOUR-HOUR PERIOD TO SECURE THE WARRANT. WAS THERE ANYTHING TO BE DONE TO EXPEDITE? A. THIS WAS MERELY THE TIME TO COMPLETE THE ON-SCENE INVESTIGATION AND GET THE WARRANT DRAFTED, APPROVED, AND SIGNED. 2. HAS SOD CONTINUED TO SEE WHAT THEY WOULD CONSIDER AN EXTENDED AMOUNT OF TIME ON WARRANTS? A. IT IS CASE BY CASE ON HOW LONG A WARRANT TAKES TO GET COMPLETED, WHICH IS DUE TO THE COMPLEXITY OF THE INCIDENT. B. SOD PERSONNEL ARE NOT ACTIVATED UNTIL THE WARRANTS ARE APPROVED BY DISTRICT ATTORNEY'S OFFICE IN ORDER TO MINIMIZE THE LENGTH OF THE ACTIVATION FOR THE ENTIRE TEAM. C. THIS DOES NOT ASSIST FIELD SERVICES WITH RELIEF; HOWEVER, THE INVESTIGATION HAS TO BE COMPLETED. 3. WHAT WAS EXIGENCY OF APPREHENDING THIS INDIVIDUAL? A. THE KIDNAPPING CHARGE REGARDING A DOMESTIC VIOLENCE. B. EVEN THOUGH THE VICTIM WAS NO LONGER INSIDE, POLICE STILL LAWFUL DUTY TO GET THE INDIVIDUAL INTO CUSTODY. IF HE WAS NOT TAKEN INTO CUSTODY AND HE REOFFENDS THE VICTIM OR ANOTHER CITIZEN, THE DEPARTMENT WOULD BE LIABLE. C. HE HAD A DOCUMENTED HISTORY OF VIOLENT CRIMES.

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:			
(P78e):	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? (P78a)			
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? (P78d)			
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? (P78a)			
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.

CASE #: 21-0056845 TYPE: SOD (P78)	DATE OF INCIDENT: JULY 20-21, 2021	LOCATION: [redacted]	TIMES: DISPATCH / ON SITE: 1924 HOURS CALL TO TACTICAL: 2146 HOURS SWAT ACTIVATION: 2300 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 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	☒ YES ☐ NO		

INVESTIGATION? (P78a)						
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)			☐ YES ☒ NO			
DISCUSSION			☒ YES ☐ NO			
DISCUSSION TOPICS			1. NONE.			
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:			
(P78e)	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? (P78a)			
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? (P78d)			
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? (P78a)
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.

CASE # 21-0002324 TYPE: LEVEL 3 (P78)	DATE OF INCIDENT: JANUARY 9, 2021	LOCATION: 401 ROMA AVE NW	TIMES: DISPATCH / ON SITE: 1200 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. THE STATEMENT THAT A HANDCUFF SUBJECT CANNOT OUTRUN AN OFFICER IS SUBJECTIVE. HOW WAS THIS DETERMINATION MADE? A. THIS WAS SPECIFIC TO THIS CASE THE OFFICER WAS ABLE TO CATCH UP, NOT BLANKET STATEMENT FOR ALL SITUATIONS. 2. OFFICER #3 DID STATE THEY DID NOT BELIEVE THE WARNING WOULD BE HEARD DUE TO THE TRAFFIC AND THE SUBJECT ACTIVELY FLEEING. A. CORRECT; HOWEVER, IT WAS NOT KNOWN AS TO WHETHER IT WOULD HAVE BEEN EFFECTIVE SINCE IT WAS NOT DONE. 3. HOW IS THIS WEIGHED AGAINST THE TIME IT TOOK FOR THE OFFICER TO CATCH UP TO THE INDIVIDUAL, ESPECIALLY WITH OFFICER #3 COMING INTO THE INCIDENT AT THE FOOT CHASE? A. AGREED. WITH THIS TIME ONLY BEING 13 SECONDS. DUE TO THE FACT THERE WAS 13 SECONDS, IAFD DETERMINED THERE WAS TIME AND DETERMINED IT WAS FEASIBLE TO GIVE A WARNING. 4. HAD A WARNING BEEN GIVEN AND WAS IGNORED BY THE INDIVIDUAL CHANGED THE OUTCOME? A. YES, IT WOULD GO TOWARDS THE TOTALITY OF THE CIRCUMSTANCES. 5. DID THE FACT THE INDIVIDUAL WAS ESCAPING FROM JAIL WEIGH INTO THE DETERMINATION? A. YES IT WOULD BE TOWARDS THE SEVERITY OF CRIME AND WHETHER THE INDIVIDUAL KNEW HE WAS BEINGS CONTACTED BY OFFICERS. I. IN THIS CASE, THE INDIVIDUAL KNEW OFFICERS WERE CONTACTING HIM BECAUSE HE WAS ALREADY IN CUSTODY. 6. DID THE OFFICERS KNOW THE INDIVIDUAL HAD BEEN INVOLVED IN THREE OTHER USE OF FORCE INCIDENTS? A. UNKNOWN WHETHER OFFICERS #1 AND #2 KNEW. OFFICER #3 WOULD NOT HAVE HAD THIS INFORMATION PRIOR TO THE USE OF FORCE

BECAUSE HE HAD NO INVOLVEMENT WITH THE INDIVIDUAL PRIOR TO THE FOOT CHASE.

7. OFFICER #3 WAS GIVING CHASE FOR THE ESCAPE ONLY.
    A. CORRECT.
8. HOW DID IAFD HANDLE THE SEARCH AND SEIZURE CONCERNS?
    A. IARS GENERATED.
9. WHAT WERE THOSE CONCERNS?
    A. PAT DOWN WITHOUT HAVING JUST CAUSE OF KNOWING THE INDIVIDUAL WAS ARMED WITH A WEAPON
10. BOARD REQUESTED BETTER CLARIFICATION BECAUSE ACCORDING TO THE DOCUMENTS, THE OFFICER COULD SEE THE MANAGER RUNNING AFTER THE INDIVIDUAL AND THE MANAGER STATED THE INDIVIDUAL HAD SHOPLIFTED PRIOR TO OFFICERS CONTACTING HIM
    A. THESE WERE GENERATED BY THE DETECTIVE FROM IAFD UNKNOWN THE OUTCOME OF THE INVESTIGATION.
    B. IT WAS UNDER THE PREMISE OF THE PAT DOWN ONLY AND NOT A SEARCH INCIDENT TO ARREST.
11. DID THE IAR GO TO IAPS TO INVESTIGATE?
12. DID IAFD FEEL IT WAS POOR ARTICULATION SURROUNDING THE PAT DOWN OR THE OFFICER DID NOT HAVE THE LAWFUL OBJECTIVE?
    A. IT WAS ONLY IDENTIFIED AS A POTENTIAL POLICY VIOLATION UNKNOWN WHAT THE INVESTIGATION REVEALED.
    B. WHEN THE OFFICERS CONTACTED THE INDIVIDUAL, THEY ADVISED HIM HE WAS GOING INTO CUFFS BUT IT DID NOT MEAN HE HAD TO GO TO JAIL.
    C. THEY ALSO REMOVED HIS WALLET DURING THE PAT DOWN.
        I. THAT IS HOW THEY IDENTIFIED HIM AS HAVING WARRANTS.
13. IMPORTANT TO RECOGNIZE THERE IS NO REQUIREMENT TO IN FACT PHYSICALLY ARREST AN INDIVIDUAL IN ORDER TO SEARCH THEM. A CITATION OR SUMMONS ARE BOTH IN LIEU OF AN ARREST AND AN OFFICER HAS THE DISCRETION TO RELEASE AN INDIVIDUAL EVEN IF THEY HAVE PROBABLE CAUSE FOR THE ARREST.
    A. IAFD IS REQUIRED TO GENERATE AN IAR FOR A POTENTIAL POLICY VIOLATION.
    B. THE INVESTIGATION IS FORTHCOMING AFTER THE IAR IS GENERATED.
        I. THE INVESTIGATORS ARE NOT ABLE TO COMPLETE THE INVESTIGATION INTO THE MISCONDUCT FIRST.
14. NEWSLETTER FROM IAFD INFORMS COMMANDS ARE NOT DE-ESCALATION. IS IT THE STANCE OF IAFD BY THE OFFICER NOT GIVING COMMANDS, THEY FAILED TO DEESCALATE?
    A. WARNINGS ARE STILL UNDER DE-ESCALATION, WHICH IS WHAT WAS NOT GIVEN.

15. DID THE OFFICERS INDICATE WHY IT WAS NOT FEASIBLE TO GIVE A WARNING?
    A. DO NOT BELIEVE THEY PROVIDED AN ANSWER TO THIS QUESTION.
16. IAFD CHAIN OF COMMAND DETERMINED "MINIMAL AMOUNT OF FORCE NECESSARY" WAS NOT MET, WHAT WOULD HAVE BEEN MORE MINIMAL?
    A. WHEN IAFD COMMAND INITIALLY REVIEWED ON POLICY STANDARD, THEY DETERMINED IT TO BE IN POLICY BECAUSE THE DEPARTMENT DOES NOT HAVE A POLICY TO ADDRESS FOOT CHASES AND DETENTION ON A HANDCUFFED INDIVIDUAL.
    B. WHEN THEY LOOKED AT THE INVESTIGATION AGAIN, THEY ASSESSED THE FORCE BY ASKING, "IS IT REASONABLE TO BELIEVE THE OFFICER COULD HAVE USED SOMETHING MORE MINIMAL?"
        I. THEY CONCLUDED A REASONABLE OFFICER WOULD KNOW TO SLOW DOWN AND GRAB HIM.
    C. THEY REVIEWED THE INVESTIGATION AGAIN AND DETERMINED THIS QUESTION WAS NOT PROPERLY ANSWERED; THEREFORE, THEY CONCLUDED THE FORCE TO BE OUT OF POLICY.
17. IS THIS BELIEF BASED ON THE OFFICER'S PHYSICAL FITNESS? EVERY OFFICER'S ABILITY IS DIFFERENT. HOW CAN IAFD GENERICALLY WEIGH THIS FOR ALL OFFICERS?
    A. IN ANY CASE, IT IS THE MINIMAL FORCE STANDARD AND NOT DISPARITY OF FORCE.
    B. IT IS THE RESPONSIBILITY OF THE OFFICER TO ANSWER THIS QUESTION.
        I. THE OFFICER WOULD HAVE TO IDENTIFY WHY THE DISPARITY IS THERE.
    C. IAFD HAS TO MAKE THE DETERMINATION BASED ON WHAT THE INVESTIGATION PROVIDES.
18. WERE THEY EVER ASKED TO CLARIFY?
    A. AT THE TIME, THE SKILL LEVEL WAS NOT THERE BY THE INVESTIGATOR SO THEY DID NOT.
    B. IT WAS NEVER FOLLOWED UP ON.
19. SO WE ARE HAMMERING THE OFFICER FOR NOT ANSWERING THIS AND NOT ENSURING THE INVESTIGATOR ASKS THE QUESTION? IT IS NOT FAIR TO SAY THE FORCE IS OUT OF POLICY BECAUSE THE PROPER QUESTIONS WERE NOT ASKED AND/OR ANSWERED.
20. UNDERSTANDING OF THE BOARD THE DEPARTMENT MAKES THE FORCE DETERMINATION BY WHAT THE OFFICER SAYS AND USING OBJECTIVE EVIDENCE TO MAKE THE DETERMINATION.
    A. ABSENT ANY STATEMENT FROM OFFICER, HAVE TO GO BY OBRD FOOTAGE.
        I. OBSERVED IT ONLY TOOK 7 SECONDS FOR THE OFFICER TO CATCH THE INDIVIDUAL SO COMMANDER ASKED, "COULD A REASONABLE OFFICER HAVE USED LESSER FORCE?"

1. HIS ANSWER WAS YES SO HE FOUND IT OUT OF POLICY.

21. OFFICER MADE STATEMENTS ABOUT BEING EXHAUSTED WHEN HE CAUGHT UP TO THE INDIVIDUAL. THE OFFICER ADVISED HE THOUGHT OF GRABBING THE INDIVIDUAL BUT BELIEVED HE WOULD SERIOUSLY INJURY THE INDIVIDUAL IF HE GRABBED THE INDIVIDUAL BY THE HANDCUFFS. THE OFFICER ALSO ADVISED HE COULD NOT MAINTAIN THE SPEED OF THE INDIVIDUAL.
22. ACADEMY REPRESENTATIVE ADVISED THE DEPARTMENT HAS NEVER TRAINED TO CHASE AND DETAIN AN INDIVIDUAL IN HANDCUFFS. THERE ARE NO "BEST PRACTICES" TO DO THIS SO THE BOARD HAS TO DETERMINE WHAT OPTIONS AN OFFICER HAS TO ACCOMPLISH THIS.
23. SOUNDS LIKE THIS IS NOT OUT OF POLICY BUT WE NEED BETTER PRACTICES.
    A. NOT SAYING TECHNIQUE IS OUT OF POLICY, SAYING IF WE DO NOT USE A LOWER LEVEL OF FORCE IAFD HAS TO HAVE THIS ANSWERED.
    B. DISAGREEMENTS ARE GOING TO HAPPEN BETWEEN IAFD AND THE BOARD, WHICH IS NOT A BAD THING.
    C. COMMANDER DID NOT HAVE ANYTHING CONTRARY TO SAY THE FORCE WAS MINIMAL FORCE.
24. WHAT STOPS IAFD FROM GOING BACK AND ASKING THE PROBING QUESTIONS?
    A. IN THIS CASE, DEADLINES. IT WAS PAST DEADLINE TO GO BACK AND ASK. WE CAN'T DO THIS ON ALL BACKLOG CASES.
25. BOARD IS NOT SAYING TO REINVESTIGATE. ASKING FOLLOW UP QUESTIONS? YES.
26. BOARD ASKED ACADEMY REPRESENTATIVE WHAT OTHER OPTIONS THE OFFICER MIGHT HAVE USED.
    A. ABSENT THE INDIVIDUAL STOPPING ON HIS OWN, THE DEPARTMENT DOES NOT HAVE OTHER OPTIONS. ANY SORT OF FOOT CHASE WILL VERY LIKELY END UP ON THE GROUND.
27. IS IAFD TAKING THE POSITION THAT ALL USES OF FORCE ARE OUT OF POLICY UNTIL THE OFFICER PROVES IT WAS IN POLICY?
    A. NO. IN THIS PARTICULAR CASE, THE COMMANDER QUESTIONED WHETHER THE OFFICER COULD HAVE USED LESS FORCE.
    B. WHEN THE ANSWER WAS YES, NOW NEED FURTHER EXPLANATION AS TO WHY THIS MET MINIMAL.
    C. IAFD INVESTIGATORS CANNOT USE THEIR OWN KNOWLEDGE AND EXPERIENCE TO ANSWER, IT HAS TO COME FROM THE INVOLVED OFFICER.
28. DID IAFD NOT HAVE THIS BY KNOWING WE HAVE NOT GIVEN AND/OR EQUIPPED OUR OFFICERS WITH ANY OTHER OPTIONS? MAKES IT A SUBJECTIVE DETERMINATION TO SAY THE OFFICER COULD HAVE USED SOMETHING ELSE BUT NOT HAVING ANY OTHER

OPTIONS THE DEPARTMENT HAS TRAINED OR PROVIDED IN POLICY.

A. YES THIS WAS CONSIDERED BUT IT GOES BEYOND THIS. IAFD HAS TO EXPLAIN WHY THE FORCE MEETS THE MINIMAL.

B. THIS CASE WAS DEFICIENT IN ANSWERING THE QUESTION AS TO WHY JUST GRABBING THE INDIVIDUAL WOULD NOT HAVE WORKED.

29. RECENT TRAINING GIVEN BY THE DEPARTMENT WAS TO TRIP THE INDIVIDUAL?
    A. CORRECT, BUT THIS IS ON A NON-HANDCUFFED INDIVIDUAL.
30. UNDERSTOOD ABOUT DEADLINE. HOW DO WE BALANCE THIS AGAINST APPROPRIATE DUE PROCESS FOR OUR OFFICERS WHEN WE ARE DEALING WITH CASA AND THE NEED TO NEED FOLLOW UP WITH THE OFFICER BUT CANNOT DUE TO TIMELINES.
    A. DURING THIS INVESTIGATION, WE STILL HAD DETECTIVES AND OFFICERS NOT UNDERSTANDING HOW TO PROPERLY ASK AND ANSWER THESE QUESTIONS.
    B. IAFD HAS BEEN DIRECTED TO EVALUATE UNDER CURRENT STANDARDS AND PRESENT THE OLD CASES UNDER THE NEW STANDARDS.
31. WHAT IS CURRENT STANDARD NOW?
    A. IAFD IS NOT REINVESTIGATING OLD CASES.
        I. COMMANDER EXPRESSED THE UNIT WOULD LOVE TO GO BACK AND ASK WHY THIS APPLICATION OF FORCE WAS THE MINIMUM AND GET A GOOD ANSWER; HOWEVER, THEY ARE UNABLE TO DO SO WITH THE CURRENT PROCESS.
    B. CURRENT STANDARD IS TO CONDUCT BETTER INTERVIEWS AND CLARIFY ANY QUESTIONS.
32. WHAT CAUSED THE COMMANDER TO REVISIT THE CASE TO GET A DIFFERENT FINDING?
    A. REQUIRED TO PRESENT CASE UNDER CURRENT STANDARD DIRECTIVE FROM FRB REFERRAL.
33. POLICY STATES WARNING REQUIRED IF FEASIBLE. IF THIS PORTION IS NOT MET, DOES IT PUT THE USE OF FORCE OUT OF POLICY?
    A. NO IT IS A FACTOR TO THE TOTALITY OF CIRCUMSTANCES.
34. FAILURE TO GIVE WARNING AND THE FORCE ITSELF CORRECT?
    A. YES.
35. NOT REOPENING CASES, EVIDENCE IN THIS CASE IS THERE CORRECT? IF IN THE EVIDENCE IT DID NOT COVER MINIMAL SO IT IS TREATED AS IF THIS DOES NOT EXIST?
    A. CORRECT.
36. THE INDIVIDUAL WAS ON HIS STOMACH AND SIDE FOR A WHILE. ANY CONCERNS IDENTIFIED ON THIS?
    A. YES AND AN IAR WAS GENERATED.

			37. BOARD UNDERSTANDS THE STEPS BEING TAKEN BY IAFD TO MOVE FORWARD AND LEARN ARE IN PLACE SO THIS COVERS THE CONCERN ABOUT THE INVESTIGATION NOT BEING THOROUGH AND COMPLETE.			
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:			
(P78e)	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? (P78a)			
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? (P78d)			
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? (P78a)			
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. IS THE TRAINING THAT DURING A FOOT PURSUIT TO GIVE A WARNING THAT IF THEY DO NOT STOP, FORCE WOULD BE USED AGAINST THEM? A. TRAINING IS TO PROVIDE A WARNING DURING ANY USE OF FORCE IF FEASIBLE. I. DOES NOT BREAK DOWN A FOOT CHASE. B. THERE IS FOOT PURSUIT CLASS BUT NOT ON DETAINING SOMEONE IN A FOOT CHASE. 2. IN POLICY.

Next FRB Meeting: September 9, 2021

Signed: _____
Harold Medina, Chief of Police