Force Review Board

CHIEF'S REPORT
(P78F)

MAY 20, 2021

TIME: 1003 TO 1314 HOURS

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

FRB CHAIR (P78)	DCOP JJ Griego (Management Services and Support Bureau)
VOTING MEMBERS (P78)	DCOP Michael Smathers (Special Operations Bureau) DCOP Donny Olvera (Field Services Bureau) DCOP Arturo Gonzalez (Investigative Bureau) Commander Arturo Sanchez (Northwest Area Command) A/Commander [redacted] (Training Academy)
NON-VOTING MEMBERS (P78)	Judge Rod Kennedy (Legal) – via teleconference Lieutenant [redacted] (FRB Admin Personnel/IAFD) Julie Jaramillo (FRB Admin Personnel/AOD)
REPRESENTATIVES	Commander Cori Lowe (IAFD)- via teleconference Lieutenant [redacted] (CIT) – via teleconference Sergeant [redacted] (SOD/CNT) Sergeant [redacted] (SOD) Patricia Serna (OPA) – via teleconference Lieutenant [redacted] (SOD/Presenter) Detective [redacted] (IAFD/Presenter) DCOP Eric Garcia (Compliance Bureau) – via teleconference Superintendent Sylvester Stanley (Police Reform) Sergeant [redacted] (IAFD) – via teleconference
OBSERVERS (P78b)	Sergeant [redacted] (observing for IAFD) – via teleconference Andrea Jones (SOD/Tactical Support Specialist) Christine Bodo (Compliance Bureau) – via teleconference Elizabeth Martinez (USDOJ) – via teleconference Stephen Ryals (USDOJ) – via teleconference Patrick Kent (USDOJ) – via teleconference Yvonnie Demmerritte (USDOJ) – via teleconference Phillip Coyne (IMT) – via teleconference
PREVIOUS MINUTES	May 13, 2021
UNFINISHED BUSINESS	• None

REFERRAL RESPONSE(S)

CASE NUMBER	MEETING DATE	REFERRAL	REFERRAL PARTY	ACTION TAKEN	STATUS
20-0014745	11/12/2020	SOD Sergeant [redacted] will complete an assessment to determine if there	Lieutenant [redacted]	Sergeant [redacted] completed a department memorandum addressing the above referral	Closed

		are better platform options for SOD personnel to reduce the chance of equipment failures (e.g. OBRDs being turned off by firearm slings).			
20-0082219	2/4/2021	IAR Re: Use of Force – Reporting by Department Personnel to be entered by DCOP Griego. Commander Zachary Cottrell will provide an update upon the conclusion of the IA investigation.	Commander Zak Cottrell	Commander Cottrell advised this case was completed and is currently being reviewed by the chain.	Closed
20-0034126 / 20-0034103	2/11/2021	Deputy Chief Smathers will complete an Internal Affairs Request (IAR) for the Internal Affairs Professional Standards Division (IAPS) to assess the potential policy violation from SOP 2-57-4(D)7: Where an investigator of the FIS repeatedly conducts deficient force investigations, the investigator shall receive the appropriate corrective and/or disciplinary action, including training or removal from the FIS. These actions shall be in accordance with performance evaluation procedures. IAPS Commander Cottrell will provide the policies investigated, findings of the investigations, and response of the findings.	Commander Zak Cottrell	Commander Cottrell advised this investigation is still being investigated and is due on 5/23/2021.	Closed

CASE #: 20-0037586 TYPE: LEVEL 3 (P78)	DATE OF INCIDENT: MAY 9, 2020	LOCATION: [redacted]	TIMES: DISPATCH / ON SITE: 0351 HOURS
CASE PRESENTER	DETECTIVE [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 ☐ 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. CLARIFICATION REGARDING POWERPOINT SLIDE IDENTIFYING USES OF FORCE NUMBERS 7-9.		

2. VERIFICATION THE LAWFUL OBJECTIVE FOR THE FORCE USED WAS THE INDIVIDUAL WAS USING HIS FEET TO PREVENT BEING PLACED IN THE POLICE UNIT.
    A. YES; HOWEVER, OFFICER BELIEVED THE INDIVIDUAL WAS HOLDING ONTO THE SEATBELT. IT WAS LATER DETERMINED THE INDIVIDUAL'S FOOT WAS HOOKED, PREVENTING OFFICERS FROM BEING ABLE TO PLACE HIM IN THE UNIT, WHICH RESULTED IN AN ADDITIONAL USE OF FORCE TO REMOVE HIS FOOT.
3. IAR WAS GENERATED FOR OFFICERS NOT REPORTING THIS USE OF FORCE?
    A. CORRECT.
4. WAS AN IAR GENERATED ON THE SERGEANT?
    A. NO BECAUSE THE SERGEANT WAS INFORMED IT WAS LOW-LEVEL CONTROL TACTICS USED AT MDC.
5. IS THERE A CURRENT PROCESS FOR CONCERNS ABOUT OR VIOLATIONS CONDUCTED BY AN FTO IN ORDER TO REMOVE THEM?
    A. YES. OFFICER [redacted] DOES NOT HAVE A RECRUIT AND WILL NOT BE GIVEN ONE.
    B. FTO PAY IS PERMANENT SO SUSTAINED FINDINGS HAVE TO BE IN PLACE IN ORDER TO REMOVE AN OFFICER FROM THE PROGRAM.
6. HOW OFTEN DO FTO'S MEET WITH THEIR COORDINATOR TO GO OVER CONCERNS? TRYING TO FIGURE OUT IF OFFICER HAD A BAD DAY OR DOES HE NEED TO BE PROVIDED HELP.
    A. IF AN FTO RECEIVES A SUSPENSION, IT IS NOTED IN THEIR FILE FOR REVIEW. CERTAIN CRITERIA IS REQUIRED TO REMOVE AN FTO FROM THE PROGRAM DUE TO IT AFFECTING THEIR PERMANENT PAY.
7. DOES THE FTO PROGRAM HAVE ACCESS TO A FTO'S EMPLOYEE WORK PERFORMANCE?
    A. NO ONLY THE CHAIN HAS ACCESS.
8. NEED TO VERIFY THIS OFFICER ISN'T HAVING ADDITIONAL CONCERNS OR OTHER OUT OF POLICY USES OF FORCE.
9. DO WE KNOW HIS CURRENT IA HISTORY?
    A. 5 USES OF FORCE IN 2020 AND 4 IN 2021.
10. UNDERSTOOD OFFICERS HAVE BAD DAYS; HOWEVER, THEY NEED TO BE MORE RESTRAINED THESE DAYS. HIS OTHERS USES OF FORCE SHOULD BE REVIEWED TO VERIFY THIS IS NOT HIS PATTERN OF PRACTICE. IT MIGHT ASSIST IN IDENTIFYING THE NEED FOR RETRAINING.
    A. THUS FAR, THE TRAINING ACADEMY HAS NOT RECEIVED A REFERRAL FOR RETRAINING OF OFFICER SHROUF.
11. HOW MUCH DE-ESCALATION TRAINING WOULD HE HAVE HAD PREVIOUSLY?
    A. APPROXIMATELY 120 HOURS IN ACADEMY, BIENNIUM TRAINING, RBT TRAINING.

12. AT SOME POINT THIS IS NOT A TRAINING ISSUE, IT'S A "YOU" ISSUE.
13. HOW MANY RECRUITS HAS HE HAD AND HAVE HIS DOR'S BEEN REVIEWED FOR OTHER IMPROPER USES OF FORCE WITH OTHER RECRUITS? NEED TO VERIFY HE HAS NOT "TAINTED" THE TRAINING OF ADDITION RECRUITS.
14. HAS HE UNDERGONE AND ADDITIONAL EPIC TRAINING SINCE INITIAL TRAINING?
    A. NO.
15. FOR THE RECRUIT?
    A. SHOULD HAVE, BUT WILL VERIFY.
16. CAN THIS INCIDENT BE USED AN EXAMPLE FOR THE EPIC TRAINING?
    A. REFERRAL GENERATED.
17. HARD TO DETERMINE WHETHER DE-ESCALATION WOULD HAVE WORKED BECAUSE IT WAS NOT DONE IN THE FIRST PLACE.
18. WHAT IS TRAINED FOR TELLING AND/OR GETTING AN INDIVIDUAL INTO A POLICE UNIT?
    A. NEGOTIATE. IF AN OFFICER DOES NOT HAVE PROBABLE CAUSE FOR AN ARREST, LEAVE THE INDIVIDUAL OUT OF THE UNIT IF THERE IS AN UNWILLINGNESS TO GET IN. WHEN AN OFFICER GETS TO THE POINT THEY HAVE TO GET AN INDIVIDUAL INTO A UNIT, HAVE A COUPLE OF OFFICERS PRESENT TO ASSIST. HAVE TWO OFFICERS ON ONE SIDE WHILE THE OTHER OFFICER GOES TO THE OTHER SIDE OF THE UNIT TO PULL HE INDIVIDUAL THROUGH WITH THEIR ARMS NO EASY WAY; HOWEVER, THE ACADEMY IS LOOKING INTO BETTER OPTIONS.
19. COMMUNICATION BETWEEN THE OFFICERS ON STEPS TO TAKE WOULD HAVE HELPED.
20. FTO DID NOT COMMAND THE SITUATION.
21. IAR FOR DE-ESCALATION?
    A. NO.
22. PER POLICY, IT WAS APPROPRIATE TO GET THE INDIVIDUAL IN CUSTODY IMMEDIATELY.
    A. CANNOT RECALL THE QUESTIONS ASKED; HOWEVER, IT WAS APPROPRIATE TO DETAIN THE INDIVIDUAL IMMEDIATELY DUE TO THE COMMENTS ON THE CALL.
23. HOW CAN IAFD DETERMINE DE-ESCALATION WOULD NOT HAVE WORKED DUE TO THE INDIVIDUAL'S INTOXICATION LEVEL?
    A. IT WAS NOTED IT WAS LIKELY NOT TO WORK; HOWEVER, OFFICERS SHOULD ALWAYS TRY.
24. HOW WAS IT DETERMINED THE ECW WAS NOT A SHOW OF FORCE?
    A. OFFICERS DID NOT POINT AND/OR PAINT THE ECW AT THE INDIVIDUAL; THEREFORE, IT DID NOT MEET THE CRITERIA OF THE POLICY FOR A SHOW OF FORCE.

25. IS THERE A POTENTIAL POLICY GAP WITH NOT OBTAINING A SITE PICTURE AND/OR POINTING A WEAPON AT SOMEONE?
    A. THE ACADEMY DISCUSSED REMOVING "SITE PICTURE" FOR POLICY; HOWEVER, IT DOES NOT APPLY. CURRENT POLICY IS UNDERSTANDABLE FOR SUPERVISORS TO COMPLETE THEIR INVESTIGATION.
26. CONTINUED CONFUSION BETWEEN REASONABLE SUSPICION AND PROBABLE CAUSE AND ARREST VERSUS DETENTION. WHERE IS THE TRAINING PROCESS AT FOR THESE CONCERNS AND/OR NEWSLETTERS TO ADDRESS?
    A. THE FRB REFERRAL GENERATED ON 5/6/2021 COVERS THE REQUEST FOR NEWSLETTERS UNTIL THE TRAINING IS APPROVED AND READY FOR DISPERSAL.
27. (FOLLOWING DIRECTOR HARNESS'S COMMENTS) EVERYTHING GOES BACK TO WHETHER OR NOT THE DETENTION WAS LAWFUL, WHICH IT WAS.
28. DISTINCT DIFFERENCE BETWEEN POLICY AND LAW. POLICY CONCERNS, YES. LEGALLY; HOWEVER, OFFICERS HAD THE RIGHT TO DETAIN.
29. OFFICERS HAD INFORMATION THE INDIVIDUAL WAS BEING VIOLENT. THEY HAD NECESSARY REASON TO DETAIN HIM IMMEDIATELY.
30. INFORMATION REGARDING THE INDIVIDUAL'S VIOLENT NATURE ON THE CALL CAUSED AN OVERREACTION. WHAT THE OFFICERS OBSERVED DID NOT MEET THE NEED TO DEPLOY THEIR ECWS.
    A. AGREE BUT OFFICER #2 IS TRAINING. WHAT WAS GOING ON IN HIS THOUGHT PROCESS?
    B. THERE IS NOT ANYTHING IN POLICY TO PREVENT HIM FROM DRAWING HIS ECW CORRECT?
        I. CORRECT. POSITION OF READINESS WITH A WEAPON IS NOT AGAINST POLICY.
        II. HAD IT BEEN A SHOW OF FORCE, THEN IT WOULD BE SCRUTINIZED AS TO WHETHER IT WAS REASONABLE, PROPORTIONAL, AND NECESSARY.
31. OFFICERS HAVING A BAD DAY AT WORK COSTS THE CITY MILLIONS. WE CANNOT HAVE THEM. PERHAPS BETTER ADVERTISEMENT FOR BSD RESOURCES?
    A. REFERRAL COMPLETED
32. HAS THE FTO WATCHED HIS OBRD TO HELP HIM UNDERSTAND HIS CONDUCT?
33. HE NEEDS RETRAINING PERIOD AND SHOULD NOT GET ANOTHER RECRUIT UNTIL RETRAINING IS COMPLETE.
    A. REFERRAL COMPLETED.
34. EXPRESSED CONCERN THIS ISSUE IS EVEN HAPPENING WITH AN FTO. THIS TYPE OF BEHAVIOR SHOULD NOT BE HAPPENING.
    A. REFERRAL COMPLETED.
35. DO THE FTO COORDINATORS DO RANDOM AUDITS OF FTO'S OBRDS?

A. UNKNOWN; HOWEVER, THEIR SUPERVISORS DO THIS WITH THEIR MONTHLY RANDOM AUDITS.

36. HOW WAS THE PUNCH EVALUATED TO MEET THE USE OF FORCE STANDARD?
    A. SO MANY USES OF FORCE AND ATTEMPTS TO GET THE INDIVIDUAL INTO THE VEHICLE. IT WAS DETERMINED TO BE MINIMAL DUE TO EXHAUSTING OTHER EFFORTS TO GET THE INDIVIDUAL INTO THE VEHICLE.
37. LOOKING AT USE OF FORCE NARRATIVE, OFFICER IDENTIFIED IT AS AN INTENTIONAL STRIKE, WHICH WOULD NOT BE REASONABLE.
    A. AGREED. LEVEL 1 PAIN COMPLIANCE WOULD BE MORE REASONABLE.
38. CAN WE PUNCH SOMEONE FOR HOLDING ON TO SOMETHING?
    A. DISTRACTION TECHNIQUES LANGUAGE IS NOT SPECIFIC TO PREVENT THIS. IS THIS A CONCERN?
39. WHAT ABOUT PROPERLY EVALUATING EACH USE OF FORCE USED BY STOPPING BETWEEN EACH AND PROVIDING THE INDIVIDUAL TIME TO SUBMIT?
    A. YES. THIS WAS PRIOR TO THE TRANSITION OF CHANGING THE WAY IAFD INVESTIGATES THE USE OF FORCE INCIDENTS. IAFD STARTED THE INVESTIGATIVE TRANSITION IN THE SUMMER OF 2020. THIS HAS GREATLY IMPROVED THE INVESTIGATIVE PROCESS TO MITIGATE THE IDENTIFIED CONCERNS ON THIS CASE.
40. WHEN OFFICERS ARRIVED ON SCENE, THEY IMMEDIATELY HANDCUFFED THE INDIVIDUAL, PRIOR TO PROBABLE CAUSE BEING ESTABLISHED. WERE ANY OF THE USES OF FORCE IDENTIFIED TO BE OUT OF POLICY? IF SO, IF THERE WERE NO LAWFUL OBJECTIVES, IS THERE CONSTITUTIONAL VIOLATIONS AS WELL?
    A. YES SOME OUT OF POLICY. UNKNOWN WHETHER THERE WERE CONSTITUTIONAL CONCERNS, WOULD HAVE BEEN INCLUDED IN IAR INVESTIGATION.
41. WHY WAS THE USE OF FORCE AT MDC IDENTIFIED AS A LEVEL 3 OVER A LEVEL 1?
    A. WOULD HAVE BEEN CONSIDERED A LEVEL 2 TAKEDOWN; HOWEVER, THE INDIVIDUAL WAS IN HANDCUFFS SO DETERMINED TO BE A LEVEL 3. IT WAS QUESTIONABLE AS TO WHETHER IT WAS A TAKEDOWN; HOWEVER TO BE CAUTIOUS, IT WAS EVALUATED AS A LEVEL 3.
        I. BOARD APPRECIATED WHEN ON THE FENCE, TO KICK THE LEVEL UP TO THE HIGHER LEVEL.
42. BOARD VERIFIED ALL USES OF FORCE 1-12 AND WHICH OFFICER WAS RESPONSIBLE FOR EACH APPLICATION OF FORCE.
    A. IAFD PRESENTER VERIFIED EACH.
43. STATEMENTS GIVEN BY RECRUIT OFFICER WERE INCONSISTENT. HOW WAS THIS ADDRESSED OR WHAT

			WERE THE CONSIDERATIONS MADE FOR THE INACCURACIES REPORTED? A. QUESTIONS WERE ASKED DURING CLARIFYING INTERVIEW.			
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)			DEPUTY CHIEF MICHAEL SMATHERS			
SOP TITLE OF VIOLATION			USE OF FORCE – GENERAL			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO			<u>FOR TACTICAL ACTIVATIONS ONLY</u>: 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			<u>FOR TACTICAL ACTIVATIONS ONLY</u>: 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			<u>FOR IAFD INVESTIGATIONS ONLY:</u> 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			<u>FOR IAFD INVESTIGATIONS ONLY</u>: 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			<u>FOR IAFD INVESTIGATIONS ONLY</u>: 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. WHY DID THE INVESTIGATION DETERMINE IT WAS NOT FEASIBLE TO TELL THE INDIVIDUAL WHY HE WAS BEING DETAINED? A. SEEMED LIKE THERE MIGHT HAVE BEEN CONFUSION ON THE OFFICERS' PART BY ONLY TELLING HIM HE WAS DETAINED BUT NOT TELLING HIM WHY HE WAS BEING DETAINED. 2. THE PREMISE OF WHY ONE IS BEING CONTACTED BY POLICE IS REQUIRED. A. CONTACT WAS REASONABLE, OFFICERS JUST DID NOT SAY IT TO THE INDIVIDUAL. 3. CORRECT, BUT BY NOT TELLING THE INDIVIDUAL WHY CONTACT AND/OR A DETENTION IS OCCURRING, THEY HAVE THE RIGHT NOT TO COOPERATE. REQUIREMENT OF A TERRY STOP, AN OFFICER HAS A DUTY TO TELL AN INDIVIDUAL WHY THEY ARE BEING STOPPED AND/OR DETAINED. AT ONE POINT OFFICER #3 TELLS THE INDIVIDUAL THERE WAS A FIGHT AND THE INDIVIDUAL WAS INVOLVED, HE STARTED TO LISTEN TO THE OFFICER. 4. OUT OF POLICY DUE TO THE INDIVIDUAL NOT BEING TOLD WHY HE WAS BEING DETAINED, THIS PERPETUATED EVERYTHING ELSE TO HAPPEN. 5. NO QUESTION REASONABLE SUSPICION EXISTED – IT WAS THE COMMUNICATION AS TO WHY CONTACT WAS OCCURRING, THIS DID NOT OCCUR WHICH PERPETUATED THE INDIVIDUAL'S BEHAVIOR.

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL? ☒ YES ☐ NO ☐ IAR	REFERRAL INFORMATION
TYPE OF REFERRAL(S): (P78e)	☐ POLICY ☐ POLICY VIOLATION (IAR) ☒ TRAINING ☐ SUPERVISION ☐ EQUIPMENT ☐ TACTICS ☐ SUCCESS (IAR)
REFERRAL(S): (P78e)	THE FRB HAS IDENTIFIED A DEFICIENCY/CONCERN RELATED TO TRAINING. THE TRAINING ACADEMY WILL USE THIS INCIDENT AS AN

	EXAMPLE IN THE EPIC CURRICULUM FOR WHEN OFFICERS SHOULD INTERVENE ANOTHER OFFICER'S ACTIONS
EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S): (P78e)	A/ COMMANDER [redacted]
DEADLINE: (P78e)	JUNE 7, 2021

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL? ☒ YES ☐ NO ☐ IAR	**REFERRAL INFORMATION**
TYPE OF REFERRAL(S): (P78e)	☐ POLICY ☐ POLICY VIOLATION (IAR) ☒ TRAINING ☐ SUPERVISION ☐ EQUIPMENT ☐ TACTICS ☐ SUCCESS (IAR)
REFERRAL(S): (P78e)	THE FRB HAS IDENTIFIED A DEFICIENCY/CONCERN RELATED TO TRAINING. THE TRAINING ACADEMY WILL COMPLETE RETRAINING WITH OFFICER [redacted] IN ADDITION, OFFICER SHROUF WILL NOT RECEIVE ANOTHER RECRUIT UNTIL THE RETRAINING AND INTERNAL AFFAIRS INVESTIGATION IS COMPLETE.
EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S): (P78e)	A/ COMMANDER [redacted]
DEADLINE: (P78e)	JULY 5, 2021

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL? ☒ YES ☐ NO ☐ IAR	**REFERRAL INFORMATION**
TYPE OF REFERRAL(S): (P78e)	☐ POLICY ☐ POLICY VIOLATION (IAR) ☐ TRAINING ☒ SUPERVISION ☐ EQUIPMENT ☐ TACTICS ☐ SUCCESS (IAR)
REFERRAL(S): (P78e)	THE FRB HAS IDENTIFIED A DEFICIENCY/CONCERN RELATED TO SUPERVISION. DEPUTY CHIEF DONOVAN OLVERA WILL COMPLETE A

	MANDATORY BEHAVIOR SERVICES REFERRAL FORM FOR OFFICER [redacted]
EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S): (P78e)	DEPUTY CHIEF DONOVAN OLVERA
DEADLINE: (P78e)	JUNE 7, 2021

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL? ☒ YES ☐ NO ☐ IAR	**REFERRAL INFORMATION**
TYPE OF REFERRAL(S): (P78e)	☐ POLICY ☐ POLICY VIOLATION (IAR) ☐ TRAINING ☒ SUPERVISION ☐ EQUIPMENT ☐ TACTICS ☐ SUCCESS (IAR)
REFERRAL(S): (P78e)	THE FRB HAS IDENTIFIED A DEFICIENCY/CONCERN RELATED TO SUPERVISION. FOLLOWING SOP 6-1-5 D 7 C , LIEUTENANT [redacted] WILL PROVIDE THIS CASE TO THE FTO BOARD FOR CONSIDERATION AS TO WHETHER OFFICER SHROUF SHOULD BE REMOVED FROM THE FTO PROGRAM
EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S): (P78e)	LIEUTENANT [redacted]
DEADLINE: (P78e)	JULY 19, 2021

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL? ☐ YES ☐ NO ☒ IAR	**REFERRAL INFORMATION**
TYPE OF REFERRAL(S): (P78e)	☐ POLICY ☒ POLICY VIOLATION (IAR) ☐ TRAINING ☐ SUPERVISION ☐ EQUIPMENT ☐ TACTICS ☐ SUCCESS (IAR)
REFERRAL(S): (P78e)	DEPUTY CHIEF SMATHERS WILL COMPLETE AN INTERNAL AFFAIRS REQUEST (IAR) FOR THE INTERNAL AFFAIRS PROFESSIONAL

	STANDARDS DIVISION (IAPS) TO ASSESS THE POTENTIAL POLICY VIOLATIONS FROM SOP 2-52-5 C. OFFICERS SHALL NOT USE FORCE AGAINST A RESTRAINED OR HANDCUFFED INDIVIDUAL UNLESS THE FORCE IS NECESSARY 1. TO PREVENT IMMINENT BODILY HARM TO THE OFFICER OR ANOTHER PERSON OR PERSONS, 2. TO OVERCOME ACTIVE RESISTANCE OR 3. TO MOVE AN INDIVIDUAL WHO IS PASSIVELY RESISTING, AND SOP 2-52-4-B, C, AND D: B. REASONABLE FORCE. 1. FORCE IS REASONABLE WHEN IT IS THE MINIMUM AMOUNT OF FORCE NECESSARY TO EFFECT AN ARREST OR PROTECT AN OFFICER OR OTHER INDIVIDUAL UNDER THE CIRCUMSTANCES. C. NECESSARY FORCE. 1. FORCE IS NECESSARY WHEN NO REASONABLE ALTERNATIVE TO THE USE OF FORCE EXISTS. WHEN FORCE IS NECESSARY, OFFICERS SHALL USE THE MINIMUM AMOUNT OF FORCE REQUIRED THAT IS REASONABLE. D PROPORTIONAL FORCE: 1. FORCE IS PROPORTIONAL WHEN IT INCLUDES CONSIDERATION OF THE TOTALITY OF THE CIRCUMSTANCES SURROUNDING THE SITUATION, INCLUDING THE PRESENCE OF ARTICULABLE IMMINENT DANGER TO THE OFFICER OR OTHERS. 2. THE USE OF PROPORTIONAL FORCE BY AN OFFICER DOES NOT REQUIRE THE USE OF THE SAME TYPE OR AMOUNT OF FORCE AS THAT USED BY THE INDIVIDUAL. IAPS COMMANDER COTTRELL WILL PROVIDE THE POLICIES INVESTIGATED, FINDINGS OF THE INVESTIGATIONS, AND RESPONSE OF THE FINDINGS
EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S): (P78e)	DEPUTY CHIEF MICHAEL SMATHERS
DEADLINE: (P78e)	MAY 21, 2021 (DEPUTY CHIEF MICHAEL SMATHERS) AUGUST 23, 2021 (COMMANDER ZAK COTTRELL)

CASE #: 20-0079971	DATE OF INCIDENT: OCTOBER 3, 2020	LOCATION: [redacted]	TIMES: DISPATCH / ON SITE: 1930 HOURS CALL TO TACTICAL: 2109 HOURS SWAT ACTIVATION: 2219 HOURS
TYPE: SOD (P78)			

CASE PRESENTER	LIEUTENANT [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 ☒ 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. CONCERNS REFERENCE THE OFFICER TELLING THE INDIVIDUAL "STOP BITING MY DOG". A. INGRAINED IN OFFICER TO VERBALLY INTERPRET THE RESISTANCE TO THE INDIVIDUAL. B. DURING K-9 ANNOUNCEMENTS THE OFFICER TELLS THE INDIVIDUAL, "IF YOU MOVE, THE DOG WILL BITE YOU." 2. PERHAPS RE-EVALUATE THE STATEMENT TO AN INDIVIDUAL? A. YES APPROPRIATE TO DO SO. 3. IS THIS PSD STILL WORKING? A. YES. B. SOD PRESENTER DESCRIBED HOW A PSD HANDLER REMOVES THE PSD. I. HANDLER GETS COLLAR AND TAKES PSD UNDER THE JAW TO REMOVE WITHOUT PULLING IN ORDER TO MINIMIZE INJURY. 4. IS THERE AN AUDIBLE RELEASE COMMAND? A. YES AND OFFICER GAVE VERBAL RELEASE COMMAND. 5. DOES TACTICAL FIRE FERRET ROUNDS FROM THE SAME TYPE OF WEAPON AS A 40MM? A. YES. 6. SHOULD THE WEAPONS BE LABELED SIMILARLY TO HOW THE DEPARTMENT LABELS A BEANBAG SHOTGUN?

	7. HOW DID THIS ACTIVATION FIT THE RISK ASSESSMENT MATRIX? A. THIS WAS NOT A PREPLANNED SO IT IS NOT EVALUATED UNDER THE RISK ASSESSMENT. 8. WAS THE NIGHTTIME AUTHORIZATION CONCERNS DISCUSSED WITH THE DETECTIVES? A. YES. 9. NEED TO FOLLOW-UP WITH INVESTIGATIVE PERSONNEL TO ENSURE PROPER LANGUAGE IS INCLUDED? A. NOT A SYSTEMIC CONCERN AND IS VERIFIED BY SOD ON EVERY WARRANT. 10. WHAT CRITERIA IS USED TO DETERMINE WHETHER AN INCIDENT MEETS SOD'S CRITERIA FOR AN ACTIVATION? A. THREAT ASSESSMENT COMPLETED AS WELL AS HOMEWORK COMPLETED BY SOD INCIDENT COMMANDER ON EACH REQUEST TO DETERMINE IF AN ACTIVATION IS APPROPRIATE. 11. ARE THERE TIMES A REQUEST MADE FOR AN ACTIVATION IS DENIED BY SOD? A. YES. THERE HAVE BEEN 18 REQUESTS DENIED THUS FAR IN 2021. 12. EVOLUTION IN SOD SINCE THIS CALL. WHY DID THIS INCIDENT FIT THE ACTIVATION CRITERIA? A. THE INDIVIDUAL AND THE VICTIM LIVED NEXT TO EACH OTHER IN THE SAME APARTMENT COMPLEX. THE POSSIBILITY HE COULD REOFFEND IS TAKEN INTO CONSIDERATION. 13. POSSIBILITY THE INDIVIDUAL SUFFERED FROM SCHIZOPHRENIA. ARE THERE CONSIDERATIONS MADE BY CNT IN REGARDS TO PAS AND/OR COMMANDS? A. YES. PA'S ARE KEPT CONCISE SO NOT TO OVERWHELM THE INDIVIDUAL OR THEIR THOUGHTS. CNT CAN COACH THE OFFICERS ON HOW TO BEST COMMUNICATE DURING COMMANDS. B. CNT SERGEANT ALSO GOES OUT PRIOR TO THE ACTIVATION TO COACH FIELD SERGEANT WITH NEGOTIATIONS TO ASSIST THE PROCESS AS WELL.
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

TYPE: SOD (P78)	SWAT ACTIVATION: 1112 HOURS
CASE PRESENTER	LIEUTENANT
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 ☒ 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. DECISION TO DEPLOY PSD AFTER CHEMICAL MUNITIONS? A. PSD USED AS A LOCATING TOOL ONLY. B. USE THE OLFACTORY SENSES OF A PSD TO LOCATE. I. ONCE LOCATED, PSD IS RECALLED AND THE PROCESS OF PROGRESSION STARTS OVER.

	2. PSD WOULD SEARCH UN-MUZZLED CORRECT? A. YES. 3. IF THE PSD IS SEARCHING AND THE INDIVIDUAL MOVES, THE PSD WILL BITE THEM? A. YES. HOWEVER, AS SOON AS THE PSD INDICATES ON AN AREA, THE HANDLER WILL RECALL THE PSD; HOWEVER, IF THE INDIVIDUAL MOVES WHEN THE PSD IS CONTACTING THEM, THEY WILL BITE DUE TO RECOGNIZING THE THREAT AS THEY WERE TRAINED. 4. THE CALL INDICATED THE INDIVIDUAL WAS INSIDE AND UNARMED. WHY NOT MAKE AN ENTRY PLAN IN LIEU OF INTRODUCING CHEMICAL MUNITIONS? A. INFORMATION ON CALLS HAS BEEN HIGHLY INACCURATE IN THE PAST SO THE RISK OUTWEIGHS THE USE OF CHEMICAL MUNITIONS. 5. THE DRONE DEPLOYED WENT DOWN. EQUIPMENT ISSUE? A. YES AND HAS BEEN RESOLVED. 6. INDIVIDUAL IN THE CIT DATABASE? A. YES BUT MIGHT NOT HAVE BEEN ACTIVE DURING THIS INCIDENT.
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	<u>FOR TACTICAL ACTIVATIONS ONLY</u>: 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	<u>FOR TACTICAL ACTIVATIONS ONLY</u>: 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

Next FRB Meeting: May 27, 2021

Signed: _____
Harold Medina, Chief of Police