



# Police Review Board

## ACTION MINUTES

Thursday, April 25, 2019

4:30 pm-Private Briefing

Anaheim City Hall – 7<sup>th</sup> Floor Conference Room  
200 S. Anaheim Blvd, Anaheim

6:00 pm- Public Meeting

Anaheim West Tower-Gordon Hoyt Conference Room  
201 S. Anaheim Blvd., Anaheim

**Chairperson:** Phillip Wolfgramm - *absent*

**Vice Chairperson:** Ryan Wagner

**Board Members Present:** Randall Brown, Diana VanKirk, Tim Webb and León Cisneros

**Board Members Absent:** Phillip Wolfgramm and Karin Celosse

**Staff Members Present:** Chris Zapata, Lylyana Bogdanovich, Deputy Chief Julian Harvey,  
Sergeant Shane Carringer

**OIR Group Members Present:** Steve Connelly

- **Call to Order – 6:00 p.m.**

Vice Chairperson Ryan Wagner called the meeting to order at 6:08 p.m.

Vice Chairperson Wagner stated the board welcomes comments and questions. He encouraged the members of the public who wish to speak to fill out a speaker card located at the back of the room. Though it is not required to fill out a speaker card in order to speak, those who fill out a card will be recognized first and more importantly it will help the board follow up with them if they have questions or concerns that cannot be addressed at the meeting.

- **Approval of Minutes**

**MOTION:** Board Member Tim Webb offered a motion, seconded by Board Member Randall Brown and MOTION CARRIED (Vote: 5-0; Absent: Board Members Phillip Wolfgramm and Karin Celosse) that the Police Review Board does hereby approve the minutes from the Police Review Board meeting held on March 28, 2019 as presented.

- **Status Update**

Vice Chairperson Wagner stated in their Closed Session meeting the Board reviewed the MIRT and body worn camera footage regarding the officer involved shooting that occurred on April 4. Chair Wolfgramm responded to the scene on behalf of the Police Review Board and attended a follow up community meeting. The Chair was given the MIRT presentation earlier this week as he was not going

to be present at tonight's meeting. The Board also reviewed the MIRT regarding the in-custody jail death.

- **Public Comments**

***Public Comments on any agenda items or subject matter within the scope of the Police Review Board. Please note: Individual audience participation is three minutes per speaker.***

Vice Chairperson Wagner clarified a few things about the public comment period. The board's role is to monitor the Department's review process, including for deadly force incidents, and to make recommendations about policy and procedure. However, the board does not do their own investigations, and they do not have authority to discipline officers.

If a member of the public is registering a specific allegation of misconduct, then the board can help facilitate that by making sure it comes to the attention of the right people. In addition, the board and the City Manager's Office will follow up on what happens, and get back to them. However, the Department will conduct the investigation and decide the disciplinary outcomes or other resolutions.

Once the meeting is over, the board will keep track of the individual issues that the public brings to their attention. They will give the Department a chance to review, and then they will give the board a status update during the next closed session that comes before each public meeting. It might be to tell the board that an investigation is underway but not complete, that it is something they already looked at, or that they have completed a review and made findings.

The board is limited in what they can share about the details of specific cases, but OIR Group has access to those materials, and they report to them about their impressions of the process and concerns they may have.

After the board gets a private briefing, they will share what they can about the status of any pending complaints or inquiries during the public portion of the meeting.

Vice Chairperson Wagner opened the public comment period.

William Fitzgerald, H.O.M.E. (Homeowners for Maintaining our Environment), shared his views of the makeup of City Council and the PRB Board and the use of stingrays surveillance electronics by the Anaheim Police Department.

Brian Kaye thanked the members of the Police Review Board for serving and spoke about his attendance at an Orange County Supervisor's meeting.

Arthur Castillo spoke about the Roundup issue and the use of pesticides during his work tenure with the City of Anaheim in the 1980s. He also spoke about issues with traffic and people going through red lights. He is concerned with the safety of pedestrians. He would like for someone in his district to be in charge of communications.

Vice Chair Wagner thanked the community members for their input.

- **Major Incident Review Team Overview (MIRT)- Presentation by Anaheim Police Department**

Sergeant Shane Carringer gave a presentation on Major Incident Review Team Overview (MIRT) process and what the Anaheim Police Department Policy states. The full presentation is available at <http://www.anaheim.net/PRB>.

Steve Connelly asked Sergeant Carringer how many incidents MIRT gets involved in within a year. Since Sergeant Carringer came to MIRT in October 2018, he reviewed 5 major incidents. MIRT reviewed 4 major incidents (so far) in 2019; 9 in 2018; and 4 in 2017. The number of incidents MIRT reviews varies by the activity of the department and any dangerous incidents they encounter.

Steve Connelly asked to give examples of other kinds of incidents besides officer-involved shootings that led to a MIRT investigation. Sergeant Carringer provided other examples such as custody death occurring pre- and post- transport to a facility, pursuits that involve major injuries to an officer, person in pursuit, or an innocent civilian in a traffic collision. Based on their policy, they are mandated to investigate any intentional or unintentional discharge of an officer's firearm. Also, MIRT will investigate an incident that the Chief or Deputy Chief requests.

Steve Connelly brought up another example of an incident that involved an off-duty officer from the Los Angeles Police Department and his weapon was discharged in Anaheim. Deputy Chief Julian Harvey stated the Anaheim Police Department determined that the incident required MIRT to conduct an investigation due to large community concern. Deputy Chief Harvey commented that MIRT investigations is a great tool to dissect various aspects of an incident.

Steve Connelly asked to Sergeant Carringer to explain the different phases of a MIRT investigation. Sergeant Carringer stated that as soon as an incident occurs, they gather information and put it into a PowerPoint presentation for their command staff. Information includes any video footage, dispatch audio and witness statements. Depending on the stage of investigation at the District Attorney's Office, they may or may not have any involved officer statements. After a criminal statement is given, they still have the right to conduct an administrative investigation on an involved officer. Sergeant Carringer stated that

MIRT's first goal is to produce a PowerPoint presentation for their command staff. Then, MIRT will compile all of the information to write a clear and concise report to help command staff understand the incident and explain what actions could have been done differently. The final administrative report can range from 10 to 80 pages in length and will dissect the seven aspects, which is identified by their policy, of an incident.

Steve Connelly asked what the usual timeline of an incident occurrence and when the final report and action items are completed. Sergeant Carringer stated that MIRT aims to complete everything as quickly as possible. However, they are subject to the severity of the incident. If major incident occurs and the District Attorney's Office is conducting their investigation, it can take up to a year to complete.

Steve Connelly mentioned that since the OIR Group has been involved in overseeing the city, the District Attorney's review of the aftermath of an officer-involved shooting is important in terms of accountability and public concern of the legality of the shooting. Anaheim has evolved considerably in terms of the efforts and sophistication of their MIRT process compared to other agencies around the area. As members of the public, an officer-involved shooting or a controversial incident puts a real emphasis on investigating the situation and assuring that officers will be accountable. These types of investigations are critically significant and involves two components: 1) District Attorney looks at criminal culpability, and 2) Anaheim Police Department's response to the incident. A very small fraction of officer-involved shooting incidents result in any criminal prosecution. Steve Connelly commented that the MIRT process looks at an incident in a very comprehensive way and Anaheim Police Department does these investigations very well.

Steve Connelly mentioned that two to three times a year, the department will invite other law enforcement agencies to review their MIRT process. This allows other agencies to learn more about the process and may be something they can implement to their agency. By having other agencies participate, it allows outside agencies to provide input to what aspects should be looked at during their review. Their input may be considered and MIRT will include their recommendations to their investigation.

Lylyana Bogdanovich asked Steve Connelly to comment on how changes are being done in real-time rather than how it was done on the past with waiting on the District Attorney's Office. In the past, the timing to review an administrative investigation was solely determined by the criminal investigation conducted by the District Attorney's Office, which can take a year or more to make final decision on legality and the legal justification for the use of force. With MIRT, the department reviews the administrative actions of an officer sooner and develops

any lessons learned. With a timely response, it can benefit the agency and the community to assure that officers are learning from these incidents and will continue to perform well. Sergeant Carringer mentioned examples of policy changes that came from MIRT investigations.

Deputy Chief Harvey explained that during the interview phase, the District Attorney's Office has lead on the primary investigation. During a criminal investigation, APD tries to get voluntary statements but it can result in a delay in speaking with involved officers. An officer's statement should be taken the night of, and APD has the right to take their own statements for administrative purposes. They will be able to identify policy shortcomings and take statements shortly after the District Attorney's office completes their side.

Steve Connelly commented that the longer it takes to get a statement, the more doubts it can cause doubt with the public. Statements can be compromised overtime. Deputy Chief Harvey stated that statements need to be balanced because officers have rights. Statements can be different due to timing and how the question was asked.

- **Board Comments**

Board Member Diana VanKirk spoke about the danger of text and driving. We typically turn to the police to enforce the law, but we as a family need to take responsibility and talk about the dangers about it with our families and friends. There is an increased drug problem, increased mental illness and increased homeless population that we are all bothered by and responsible for. We are all very frustrated and look for someone to blame. We are going to have to fix these issues ourselves. It is our responsibility from grass root from families and friends and neighbors to educate them about what we find out. If you are going to say something, it should be researched for accuracy. Ask yourself is it helpful or inspirational in some way? Is it nice? When we say stuff, it should be truthful, inspirational and helpful in getting your point across.

Board Member Tim Webb reported he attended the Carne Asada for Cops at Northgate and it was a very nice event.

Vice Chair Ryan Wagner is going to hand out brochures in his neighborhood. Concerning Mr. Castillo's comments, he asked if the police department could provide a summary of traffic violations in the last three years at the next meeting. Finally, he is going to propose for the board to meet to review the annual report and go over recommendations.

It was noted that this is Board Member Karin Celosse's third unexcused absence so she has technically vacated her seat at this point. The replacement process

will be discussed with the PRB at the next meeting. Staff has been unsuccessful in contacting her for three months.

- **Adjournment**

There being no further business, Vice Chair Wagner adjourned the meeting to Thursday May 23, 2019 at the Gordon Hoyt Conference Room on the 2<sup>nd</sup> Floor of the Anaheim West Tower at 6:00 p.m.