



Police Review Board

ACTION MINUTES

Thursday, August 22, 2019

4:00 pm-Private Briefing

Anaheim City Hall – 7th 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

Vice Chairperson: Ryan Wagner

Board Members Present: Randall Brown, León Cisneros, Tim Webb

Board Members Absent: Mayra Gomez and Diana VanKirk

Staff Members Present: Greg Garcia, Alyssa Guerrero, Jorge Cisneros, Joe Reiss, Stephen Craig

OIR Group Members Present: Mike Gennaco and Steve Connolly

- **Call to Order – 6:00 p.m.**

Chair Phillip Wolfgramm called the meeting to order at 6:10 p.m.

Chair Phillip Wolfgramm 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 Ryan Wagner offered a motion, seconded by Board Member Randall Brown and MOTION CARRIED (Vote: 3-0; Abstained: Chair Phillip Wolfgramm; Absent: Board Members Mayra Gomez, Diana VanKirk and Tim Webb) that the Police Review Board does hereby approve the minutes from the Police Review Board meeting held on July 25, 2019 as presented.

- **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.

Chair Phillip Wolfgramm 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.

Chair Phillip Wolfgramm opened the public comment period.

Erik, ACLU of Southern California, stated he is aware the board is working on an end-of-the-year report. He mentioned he has been present at many of the PRB meetings and has read the minutes for the ones that he has missed. He went over the list of presentations and training that the PRB has received and requested to see what the Board's goals are concerning these topics in the final report. He would like to know if there are any plans for follow-up and or any recommendations that they plan to make based on the presentations. He also asked that the report include what cases the board looked at and discussed. Lastly, he noticed in the minutes the board is looking for more audience participation, but based on the comments that have been recorded at the end of the meetings, more board participation would be great. There has not been much board participation specifically as it relates to the topics that are on the agenda on the days of the meeting. Finally, he mentioned the board followed up with a resident's experience specifically, the experience of Ms. Donna Acevedo. He thinks it is really important to point out that the board followed up, got more information and that is great, but he thinks there has to be a commitment that if you are going to follow up with people who have experienced these very traumatic experiences, there is a

commitment to do something and follow-up again. He mentioned there is no other follow-up outside of “well we heard the story”, but that story has been told multiple times. It would be great if there were more that came out of that outside of just reopening old ones.

- **Subpoena Power Overview – Presentation by Michael Gennaco, Office of Independent Review**

Michael Gennaco, Office of Independent Review, gave a presentation on Subpoena Power. Michael gave two examples where an oversight entity, which had prior access to confidential information and then suddenly lost the access. One incident happened in Sacramento County and the other in L.A. County. One of the things that legislators in Sacramento are thinking about doing and have a bill pending is to figure out how to regain that access that the oversight entities used to have. One of the ways that the bill pending and the legislature if enacted is proposing to be able to re-access that access is through the idea of subpoena power. The idea would be that if the oversight agency were denied access, the oversight entity would be able to issue a subpoena and to get access again. That is what the subpoena is intended to do; the subpoena intends to provide access to an individual when the law enforcement agency says no. Michael clarified this has not happened in Anaheim, or Orange County or the Sheriff’s department and you do not need subpoena power if there has not been an issue with the access that you are entitled to. Subpoena only becomes important when somebody says no.

A question that is related, but different is with regard to authority. Authority has nothing to do with subpoena power, the authority that a board has, the authority that the OIR Group has is a total separate question about whether or not they have subpoena power. They do not have the power, for example, to tell the police chief that an officer committed a violation and should be fired. That is not within their authority. They have the ability to recommend certain outcomes, they have the ability to review certain outcomes, and suggest maybe you have looked at this issue, before making a certain decision, but they do not have that authority. That is a separate question than the question of subpoena power. Therefore, he hopes that he has given them an idea of when subpoena powers becomes relevant, when it would become important, and when it is not important.

The way the subpoena would work, if it was to work, would be that there be a subpoena issued, the chief would receive the subpoena and then either comply with the subpoena or not. Even then, if there is noncompliance, there has to be consideration of what happens next, what kind of enforcement mechanism they are going to have to back up that subpoena.

Michael hopes that they are never in a situation in Anaheim where the thought of subpoena power is needed. He hopes and expects that the leadership of the Anaheim Police Department and leadership supported by the City Manager would ensure that

any access that the OIR Group and the Police Review Board are entitled to have, that they would continue to have and so long as that happens, the subpoena power becomes irrelevant.

- **APD K-9 Program: Background, Goals, and Results – Presentation by Anaheim Police Department**

Police Sergeant Stephen Craig and his team gave a presentation on the Anaheim Police Department K-9 Program. The full presentation is available at <http://www.anaheim.net/PRB>.

- **Board Comments**

Chair Phillip Wolfgramm announced this is his last day as Chair of the Board that Vice Chair Ryan Wagner will be the new Chairperson and that Board Member Mayra Gomez will be the new Vice Chairperson. Chair Wolfgramm thanked the board members for allowing him to serve in that position. He has enjoyed the time as Chair of the Board. With respect to Erik's question, the Police Review Board is going to issue a year-end report in a couple of months, as they will be dark in September. The report will be comprehensive; it will have information that has been raised including the incidents that the board has been involved. They will also have recommendations based on last year's presentations, hearing from the public and their own experiences. They will have recommendations to the department and it will cover a wide range of things that have been presented to the PRB Board. He personally feels that the recommendations are relevant to a better relationship between the police department and the residents of Anaheim. He thinks they all have had opportunities to interact with the police and he thinks that the recommendations will address the concerns the public has heard them raised in the course of this past year. He looks forward to the next couple of years where he will return to his seat in the back row.

Board Member León Cisneros stated regarding the Donna Acevedo's case, he feels that just talking to her is not going to do anything and there is still talk about it in the neighborhood. He hopes there is a possibility to cross-reference reports. Regarding the private meetings, he advocated having them recorded, but unfortunately, the board did not agree with him. He wants to promote transparency, but they did not want that.

Board Member Randall Brown stated the presentation from the Police Department that the board had that day on the APD K-9 Program cleared up many things. The police does not just send the dog in to attack.

Board Member Tim Webb stated Chair Phillip Wolfgramm did a great job as the Chair of the Board.

Vice Chairperson Ryan Wagner looks forward to working with the Board as the Chairperson. He thanked Chair Wolfgramm for doing a wonderful job and is sad to see him stepping aside, but is glad he is still part of the board. He looks forward to seeing

how they can grow as a group and how they can work closely together. He further announced he would be attending the NACOLE Conference in September with Board Member Mayra Gomez. There will not be a meeting in September; the next meeting will be in October.

- **Adjournment**

There being no further business, Chair Phillip Wolfgramm adjourned the meeting to Thursday, October 24, 2019 at the Gordon Hoyt Conference Room on the 2nd Floor of the Anaheim West Tower at 6:00 p.m.