



Police Review Board AGENDA

Thursday, January 24, 2019

4:30 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: Randall Brown, Karin Celosse, León Cisneros, Diana VanKirk, Tim Webb

- **Call to Order – 6:00 p.m.**
- **Approval of Minutes**
- **Status Update**
- **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.
- **SB 1421 and AB 748- Presentation by Anaheim Police Department**
- **SB 1421 and AB 748 - Office of Independent Review**
- **Board Comments**
- **Adjournment**



Police Review Board

ACTION MINUTES

Thursday, December 13, 2018

4:30 pm-Private Briefing
Anaheim West Tower- 11th 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, Diana VanKirk, Tim Webb

Board Members Absent: Karin Celosse,

Staff Members Present: Lylyana Bogdanovich; Jorge Cisneros; Julian Harvey

OIR Group Members Present: Mike Gennaco, Steve Connelly

- **Call to Order – 6:00 p.m.**

Chairperson Phillip Wolfgramm called the meeting to order at 6:18 p.m.

Chairperson 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 Tim Webb offered a motion, seconded by Board Member Randy Brown and MOTION CARRIED (Vote: 6-0; Absent: Board Member Karin Celosse) that the Police Review Board does hereby approve the minutes from the Police Review Board meeting held on November 8, 2018 as presented.

- **Status Update**

- None.

- **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.

Chairperson 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 Wolfgramm opened the public comment period.

John Dutton is concerned that the Anaheim Police Review Board has no subpoena power. In his opinion, it is important that the board have the subpoena power to investigate and get to the truth.

The Cameraman spoke about his personal encounter with Officer Bartman Horn and the incident involving Peter Muntean.

Brian Kaye spoke about his encounter with police and the negative effects it has had on his life. He recommended that the board ask Council for subpoena powers.

Duane Roberts, 2276 Colchester Drive, asked for clarification regarding a statement that was made the evening before regarding the Emergency Shelter near Angel Stadium and what will occur to homeless individuals that do not leave Maxwell Park.

Art Castillo stated he is there to share what he knows. He would like to see the community back together. He asked for a status of Mr. Gennaco's investigation on his issue.

- **Brady and Pitchess- Presentation by OIR Group**

Mike Gennaco gave an overview of Brady and Pitchess and their interplay.

A Pitchess motion is a system where the attorney can file a motion in court, which says they have reason to believe that a law enforcement officer has done something in their past and would like to learn whether or not this officer has any relevant information in their personnel files. The court then says, they are going to hold a hearing and they go to the department for which police officer works and they say bring all the internal affairs sustained findings that might be relevant here. The court can then order limited disclosure of names of individuals who witnesses or alleged officer misconduct.

Under the United States Supreme Court case of Brady v. Maryland (1963), the suppression by the prosecution of evidence favorable to a defendant who has requested it violates due process. Brady disclosure consists of exculpatory or impeaching information and evidence that is material to the guilt or innocence or to the punishment of a defendant.

Because of the Brady ruling, prosecutors are required to notify defendants and their attorneys whenever a law enforcement official involved in their case has a sustained record for knowingly lying in an official capacity. In November 2016, the Association for Los Angeles County Deputy Sheriffs filed a petition and sought an injunction over disclosure of the Brady list or the identity of any individual deputy on the list to the district attorney without a court order obtained pursuant to Pitchess.

- **Board Comments**

Board Member Tim Webb reported they are going to wait until after the first of the year to talk to the Chief about setting up Coffee with a Cop, hopefully in each district.

Board Member León Cisneros explained to Mr. Dutton that starting in January they are going to be able to request public records on police incidents.

Board Member Diana VanKirk reported her, Mike Gennaco and Board Member Karin Celosse met with Ms. Donna Acevedo. They spoke about the death of her son and the things that have happened. It was a very heart-felt meeting and she appreciates Donna for giving them the time and sharing her experiences with them.

Board Member Randall Brown reported on the status of Maxwell Park and the issues it is having with the growing homeless population.

Board Member Diana VanKirk added she and her dog do therapy reading at the Haskett Library and it has been empty. The homeless population has affected the attendance of families. She noticed a drop from 20 children to about 5 children coming in.

Vice Chair Ryan Wagner thanked everyone for attending the meeting. He appreciates all of the comments.

Chairperson Phillip Wolfgramm noted the board members are all residents of Anaheim. They are people with families, jobs and lives outside of this meeting room. They joined this board to try to make a difference. They may not have subpoena powers, but they are interested in expressing their concerns to the police, hearing their responses and, they have a role to play in maybe nudging the police to be more transparent. At the same time, they respect the police's role to enforce the laws that keep the community safe.

Chair Wolfgramm expressed the issues regarding homeless need to be balanced with the needs of families with children.

In addition, Chair Wolfgramm announced at some of the meetings in 2019, the board is going to ask the police to make public presentations on the following topics:

- Community-based Policing Initiatives including Coffee with a Cop
 - Gang Injunctions in Anaheim
 - De-escalation Training
 - School Lockdowns
 - How Complaints are Handled
 - Investigative procedures for MIRT (Major Incident Review Team)
 - SB 1421 and AB 748
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- **Adjournment**

There being no further business, Chair Wolfgramm adjourned the meeting to Thursday, January 24, 2018 at the Gordon Hoyt Conference Room on the 2nd Floor of the Anaheim West Tower at 6:00 p.m.

(S)ENATE (B)ILL 1421

- EFFECTIVE JANUARY 1, 2019
- MANDATE FOR EVERY CALIFORNIA LAW ENFORCEMENT AGENCY
- RETROACTIVE
- SCOPE: INVESTIGATIVE REPORTS, AUTOPSY REPORTS, ANYTHING PROVIDED TO DA OR DECISION-MAKER RE DISCIPLINE, INTERVIEW RECORDINGS/TRANSCRIPTS, ALL DISCIPLINE FINDINGS, RECORDS, PHOTOS AND AUDIO/VIDEO FILES.
- PRA REDACTION CRITERIA STILL APPLIES

...QUALIFYING INCIDENTS:

- ✓ Discharge of a firearm at a person by a peace officer.
- ✓ Use of force by a peace officer against a person resulting in death or great bodily injury.
- ✓ *Sustained* finding of a peace officer engaged in sexual assault involving a member of the public.
- ✓ *Sustained* finding of dishonesty by a peace officer (i.e., perjury, false statements, filing false reports, destruction of evidence or falsifying or concealing evidence).

(A)SSEMBLY (B)ILL 748

- EFFECTIVE JULY 1, 2019
- MANDATE FOR EVERY CALIFORNIA LAW ENFORCEMENT AGENCY
- RETROACTIVE
- REQUIRES AGENCIES TO PRODUCE VIDEO AND AUDIO RECORDINGS OF “CRITICAL INCIDENTS.”
 - ✓ Discharge of a firearm at a person by a peace officer.
 - ✓ Use of force by a peace officer against a person resulting in death or great bodily injury.

PUBLIC RECORDS ACT REDACTIONS

- All personal data or information.
- To preserve the anonymity of complainants and witnesses.
- To protect confidential medical, financial or other information prohibited by federal law OR would cause an unwarranted invasion of personal privacy.
- Disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer or another person.

THE PROCESS...

- PRA requests comes in, collected and disseminated by APD Records Manager.
- Vetted by city attorney's office to determine if it meets the requisite criteria for an SB1421 release.
- Estimate total costs for producing redacted records tabulated and bill sent to requestor.
- Records produced/redacted after payment is collected.
- Release of the records.

DATA RELEASE UNIT

- Created a Data Release Sergeant position within the Professional Standards Bureau.
- Hired a consultant who specializes in the Body Worn Camera technologies including audio/video redaction.
- Paralegal from the City Attorney's office assisting with processing and redacting of SB 1421 requests.
- Cross-trained five Internal Affairs and MIRT investigative sergeants in data redactions (audio, video and text).