



PROFESSIONAL STANDARDS

Police Discipline Process



INTERNAL AFFAIRS

Anaheim Police Department

Lieutenant Brian Browne

(714) 765-3801

East Anaheim Police Station
8201 E. Santa Ana Canyon Road
Anaheim, CA, 92808

1 Internal Affairs Lieutenant
4 Sergeants (Investigators)
1 Senior Office Specialist

HOW TO FILE AN INITIAL COMPLAINT

Written Complaints can be submitted at:

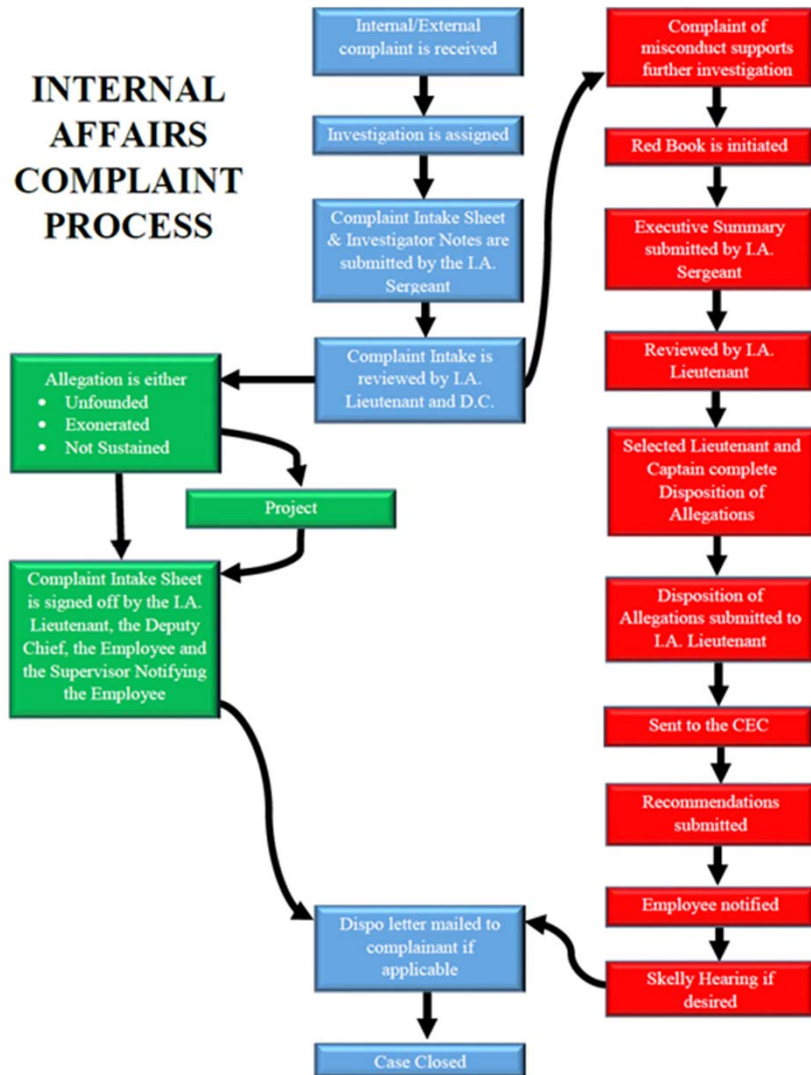
- Any Police Station
- City Clerk's Office
- Any Anaheim Public Library
- Community Services Office

Digital Complaints can be submitted via:

- Anaheim Anytime
- Anaheim.net City Webpage
- Anaheim Police Department Webpage
- Direct email to Professional Standards



INTERNAL AFFAIRS COMPLAINT PROCESS



Possible dispositions include:

1. **Exonerated:** The alleged incident did occur, but the actions of the officer were justified, legal and proper.
2. **Sustained:** The investigation disclosed sufficient evidence to prove the allegation and the actions of the officer violated a provision of the agency's rules and regulations or procedures.
3. **Not Sustained:** The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.
4. **Unfounded:** The alleged incident did not occur

Discipline can include the following:

1. Supervisor Log Entry
2. Oral reprimand or performance notice
3. Written reprimand
4. Suspension without pay
5. Demotion
6. Discharge from employment



INVESTIGATION

Administrative Investigation

- Once a complaint is logged for tracking purposes, the investigation is assigned to an investigator
- The majority of investigations are completed by Internal Affairs within 30 to 60 days
- Investigations consist of a thorough review of the evidence to include, police reports, witness reviews, BWC footage, and any other available relevant information to the incident
- A completed sustained investigation is reviewed by the Internal Affairs Lieutenant and the Deputy Chief of Police.
- The employee's supervising lieutenant reviews the investigation and completes the disposition of allegations and the Chief's Executive Committee reviews the investigation
- The Division Captain reviews the case, determines the discipline and notifies the employee

Criminal Investigation

- Any potential criminal activity on behalf of an Anaheim Police Department employee should be completed prior to the administrative investigation
- Investigated by an Anaheim Police Department Detective Sergeant
- Submitted for review to the Orange County District Attorney's Office
- OCDA Special Handling reviews the case and makes a determination regarding potential criminal filings



ADDITIONAL CONSIDERATIONS

Penal Code §632 - You cannot secretly record confidential communications.

Civil Code §56.10 – A fit for duty employee’s doctor cannot release medical information to department without your consent, except fit or unfit status. You cannot be disciplined for failure to sign release.

Penal Code §135.5 - Misdemeanor for agency official to destroy, tamper with or conceal information gathered during IA to harm officer.

Government Code §3305.5 - Cannot be disciplined merely for being on a Brady list.

- Brady v. Maryland, USSCT 1963
 - Under the Constitution, due process requires the prosecution to turn over evidence favorable to the accused and material to his guilt or punishment. This requirement includes evidence that may be used to impeach the prosecution’s witnesses, including police officers. Police officers and police agencies are, for purposes of Brady, considered to be part of the prosecution team. They must therefore make the prosecutor aware of any evidence that may be favorable to the accused.



POLICE OFFICER BILL OF RIGHTS

CA Government Code §§ 3300-3313

- **BEFORE INTERROGATION, OFFICERS HAVE THE RIGHT TO:**
- Consult with a representative.
- Be advised of the name, rank and command of the interrogating officers and those to be present during any interrogation
- Be advised of the nature of the investigation
- Representation throughout the interview
- Record the entire interview
- Be free of offensive language or threats
- Be interrogated on-duty or at another reasonable time if public safety requires.

- **THE LAW REQUIRES THE EMPLOYER TO:**
- Allow officers to inspect their personnel file
- Provide officers an opportunity to respond to adverse comments within 30 days
- Grant officers the opportunity to appeal punitive action in accordance with Department policies/applicable MOU (APA MOU Article 55 – Grievance General)
- Initiate disciplinary action within one year of a supervisor learning of any misconduct
- Notify the officer of the decision to impose punitive action within 30 days of making a decision



ANAHEIM POLICE ASSOCIATION MEMORANDUM OF UNDERSTANDING

Article 55 – Grievance General

- 55.4.1 First Step. An attempt shall be made to adjust all grievances on an informal basis between the employee and/or his/her designated representative and a supervisor in the employee's chain of command, up to and including the division head, within fourteen (14) calendar days after the occurrence of the incident involved in the grievance. The division head's answer shall be delivered within seven (7) calendar days after the Step I grievance hearing
- 55.4.2 Second Step. If the grievance is not satisfactorily adjusted in the First Step, it shall be submitted in writing to the Chief of Police within fourteen (14) calendar days after the division head's answer is received by the employee and/or his/her designated representative. The Chief of Police shall meet with the employee and/or his/her designated representative within fourteen (14) calendar days after submission of the grievance. The Chief of Police shall review the grievance and may affirm, reverse, or modify as deemed appropriate, the disposition made at the First Step and shall deliver the Second Step answer to the employee and/or his/her designated representative within seven (7) calendar days after said meeting.
- 55.4.3 Third Step. If the grievance is not satisfactorily adjusted in the Second Step, it shall be submitted, solely by the APA, to the Human Resources Department for a final and binding decision by an impartial arbitrator (or, if the City Manager and the employee and/or his/her designated representative agree, it shall be submitted in writing to the Human Resources Department for a final and binding decision by the City Manager). Such submission must occur within thirty (30) calendar days after the Chief of Police's answer is received.



SENATE BILL 1421

Senate Bill 1421 mandates statewide that such personnel records and information maintained by public agencies are subject to disclosure and otherwise available for public inspection pursuant to the California Public Records Act. Specifically, the records subject to disclosure under Senate Bill 1421 would include any incident involving discharge of a firearm, use of force, or sustained finding of sexual assault, dishonesty or false statements.



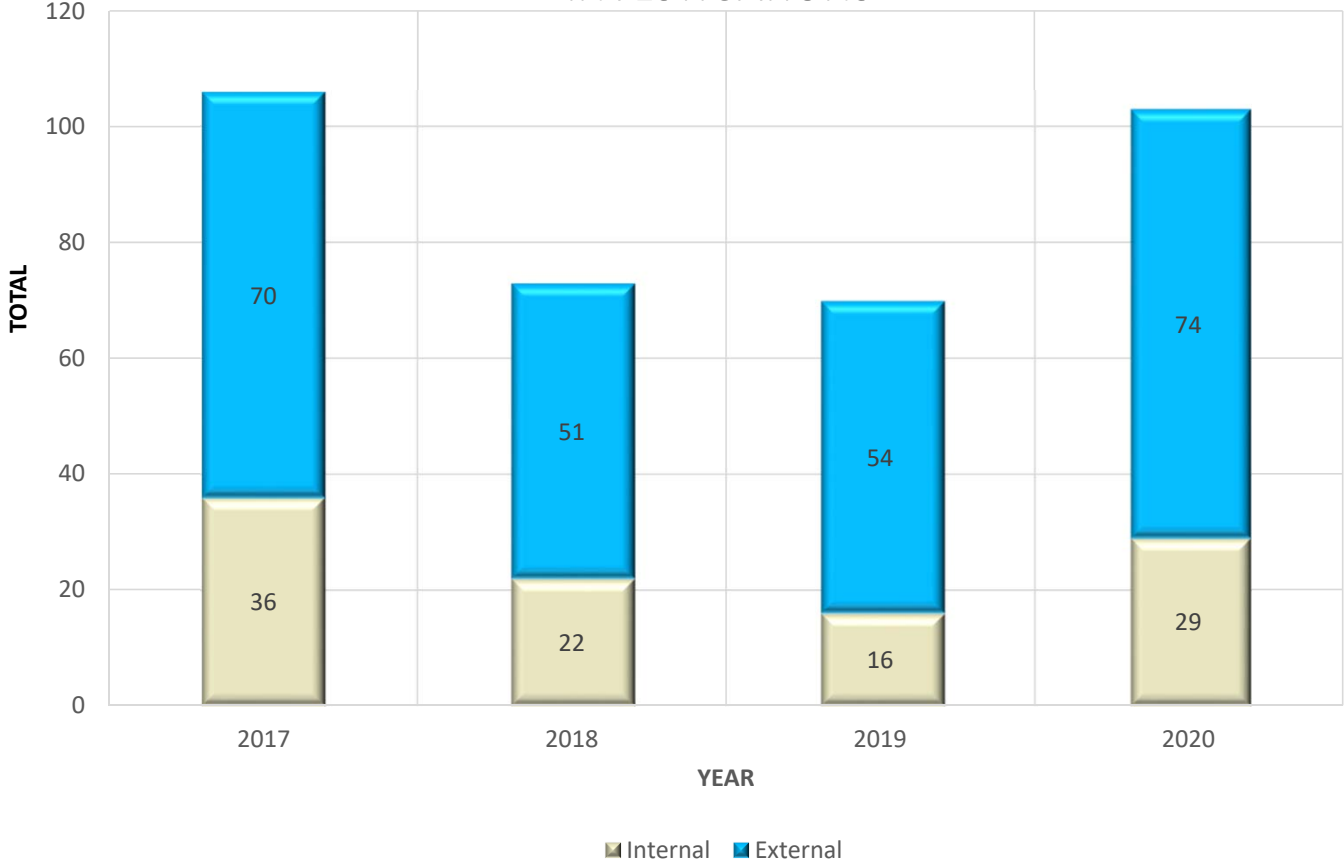
INDEPENDENT AUDITS

Anaheim recognizes the value of having its police department's major force events and internal affairs investigations reviewed by an independent entity and **contracted with OIR Group** to provide such reviews. Cases submitted to OIR for review include:

- Every closed administrative investigation in which the subject employee holds the rank of sergeant or higher
- Every closed administrative investigation that includes a claim of bias based policing.
- Every third of all closed citizen initiated complaints resulting in an administrative investigation ("C#" cases)
- Every third of all closed internally initiated complaints resulting in an administrative investigation ("C#" cases).
- Every third of all closed citizen complaints resulting in "Case Status."
- Every fourth closed Force Analysis System (FAS) and their respective police reports.
- Every MIRT Investigation.



INVESTIGATIONS

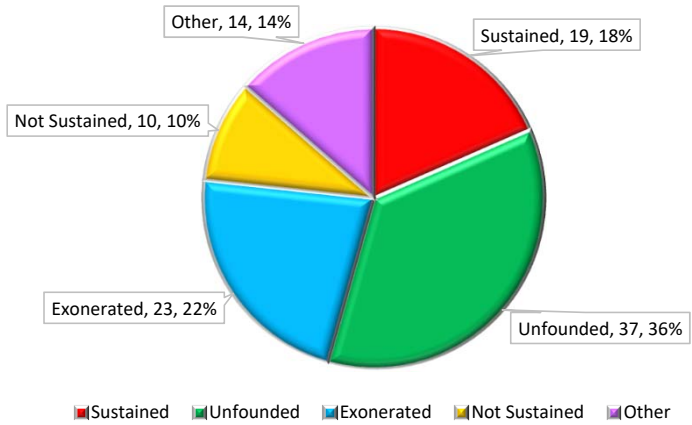


Total Investigations:

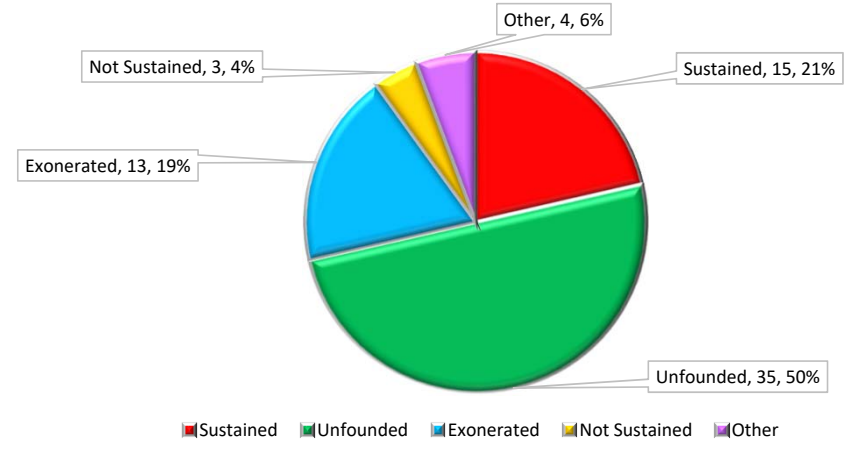
- 2020 – 103
- 2019 – 70
- 2018 – 73
- 2017 – 106



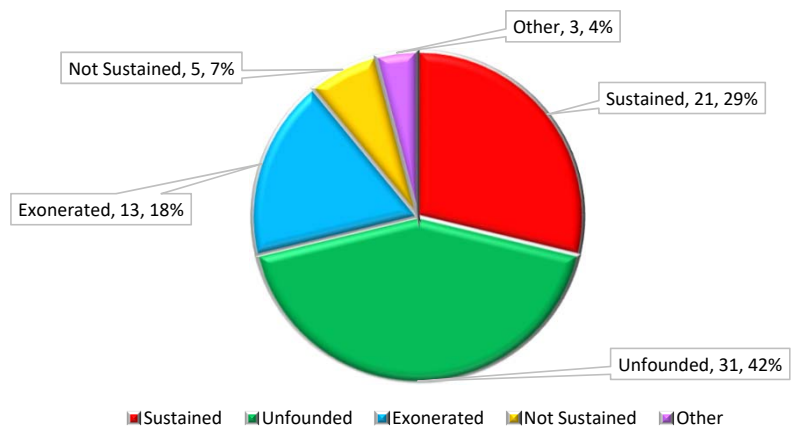
2020 FINDINGS



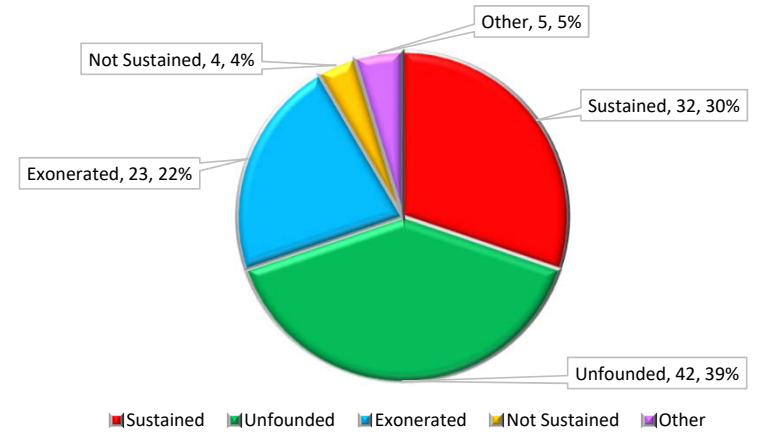
2019 FINDINGS



2018 FINDINGS



2017 FINDINGS



*The finding of "Other" indicates that a case is either Suspended, Open or was turned into an HR investigation.



MOVING FORWARD

IAPRO

SUPPORTING PROFESSIONAL STANDARDS AND INTERNAL AFFAIRS UNITS

BLUETEAM

FRONT-LINE SOFTWARE FOR IAPRO, INCLUDING PAPERLESS USE-OF-FORCE REPORTING AND REVIEW

EIPRO - HIGH AVAILABILITY EI

HIGH AVAILABILITY EARLY INTERVENTION PLATFORM DESIGNED TO PROVIDE SUPERVISORY AND COMMAND CRITICAL INFORMATION IN REAL-TIME

TOPCOP GIS - HIGH AVAILABILITY MAPPING AND ANALYSIS

MAP USES OF FORCE, MAP CRITICAL INCIDENTS, MAP VEHICLE PURSUITS, MAP COMPLAINTS, MAP CANINE / K9 DEPLOYMENTS



The interface is titled "Update Types of Forces Used - Officer Salvatore Barone". It includes fields for "Force Type" (set to "Type"), "Serial Number" (081028), and "Category Number" (265). There are checkboxes for "Use the Force Effectively?" and "Direct confrontation that control". On the right, there are two human figures labeled "FRONT" and "BACK" with red dots on their bodies. A "Total Number of Forces Used" field is at the bottom right.





**PLEASE FEEL FREE TO CONTACT ANAHEIM
POLICE DEPARTMENT INTERNAL AFFAIRS
WITH ANY ADDITIONAL QUESTIONS.
THANK YOU FOR YOUR SERVICE TO OUR
COMMUNITY**

Lieutenant Brian Browne (714) 765-3800