

# CITY OF ANAHEIM POLICE REVIEW BOARD



JULY 2021

Second Annual Report

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## BOARD MEMBERS

### Mayra Gomez, District 6, Chair



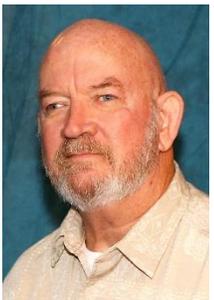
An executive assistant at the Anaheim Family YMCA, Mayra Gomez serves as the Chair of the Police Review Board and represents District 6 in east Anaheim. Gomez joined the Police Review Board as a way to continue giving back to her community. She is also passionate about promoting social justice issues and increasing diversity, equity and inclusion. Gomez was born and raised in Anaheim and attended Katella High School. She holds a bachelor's degree in social ecology from University of California, Irvine. Gomez lives in east Anaheim with her husband and 7-year-old son. **Term expires in June 2022.**

### Phillip Wolfgramm, District 2, Vice Chair



A real estate executive, Wolfgramm serves as Vice Chairman of the Police Review Board and represents District 2 in central-west Anaheim. On the board, Wolfgramm seeks to help strengthen the relationship between the Anaheim Police Department and the city's residents. Wolfgramm is senior vice president of asset management and acquisitions for Kam Sang Co. in Arcadia. Kam Sang owns, builds and acquires commercial real estate, including retail and residential properties and hotels such as the Sheraton Garden Grove-Anaheim South in Garden Grove. He is a 20-year resident of Anaheim. Wolfgramm lives in District 2 with his wife and their five children. **Term expires in June 2022.**

### Randy Brown, District 1



Retired from the retail industry, Brown represents District 1 in west Anaheim. As a longtime west Anaheim resident, Brown has seen issues facing the area, including the impacts of homelessness, motels, human trafficking and drug abuse. He serves on the Police Review Board to represent west Anaheim and push for continued renewal of the area. Brown has lived in Anaheim for more than 30 years and raised a family here. **Term expired in June 2021.**

### Ryan Wagner, District 4



A supervisor at fastener maker West Coast Aerospace Inc., Wagner represents District 4 in central-south Anaheim. He serves on the Police Review Board to give back to Anaheim, where he moved a few years ago. Wagner seeks to learn more about the Anaheim Police Department and work with the community to address potential areas of improvement. Wagner earned a bachelor's in business administration and sociology from the University of Oregon. He is training to get his private pilot license. **Term expires in June 2024.**

**Diana VanKirk, District 3**



A retired nurse, VanKirk represents District 3 in central-north Anaheim. She serves on the Police Review Board with a goal of fostering understanding between the community and the Anaheim Police Department. VanKirk also seeks to pass along policing concerns of residents and others to ensure proper procedures and policies are followed. VanKirk has lived in Anaheim since she was an early teen. She attended Trident Junior High School, which closed in 1989, and Savanna High School. She earned nursing degrees from Fullerton College and California State University, Fullerton, and a master's in nursing and midwifery at a joint program offered by the UCLA and UC Irvine. VanKirk worked for decades as a registered nurse, including at West Anaheim Community Hospital and Kaiser Permanente. She volunteers on pet therapy visits to Anaheim Memorial Regional Hospital and Kaiser Permanente Orange County Anaheim Medical Center and for the children's reading program at Haskett Branch Library.

**Term expires in June 2024.**

**Daisy Chavez, District 5**



A statewide advocacy manager for Initiate Justice, Chavez represents District 5 in southeast Anaheim. Chávez has resided in Anaheim's District 5 since 2004 and brings the perspective of a person of color who grew up in communities that were often over policed and experienced police violence. As a board member, Chávez seeks to increase transparency and accountability between the city's police department and city residents. Chávez holds a bachelor's degree in Criminology, Law and Society from the University of California, Irvine and is passionate about shifting the community towards a system of community care, having experienced first-hand the harmful effects of mass incarceration.

**Term expires in June 2024.**

**Joann Nau, At-Large**



An Aerospace Program Manager encompassing Supply Chain, Nau represents Anaheim at large. She serves on the Police Review Board to help highlight the good found in Anaheim residents, as well as police department employees, while also identifying meaningful improvements that drive trust between both parties. Nau, a 40 year Anaheim resident raised bi-racial children as a single parent and has seen both sides of goodness in humanity. She looks forward to providing value-added insight for a united Anaheim. She has great respect for those who have, do, and will fight for America's protection and freedom.

**Term expires in June 2022.**

## OIR GROUP

OIR Group is a team of police practices experts that has worked with the City of Anaheim to monitor its Police Department since 2007. OIR Group's members are attorneys with extensive experience in the civilian oversight of law enforcement. In jurisdictions throughout California as well as several other states, OIR Group has performed a variety of services related to the independent review of police issues. These have ranged from investigation and evaluation of specific incidents to the broader assessment of an agency's operations.

OIR Group's lead members in the City of Anaheim are Michael Gennaco and Stephen J. Connolly. Mr. Gennaco is a former federal prosecutor in the Civil Rights Division of the U.S. Department of Justice. He is a nationally recognized oversight expert and a contributor to President Obama's Task Force on 21<sup>st</sup> Century Policing. Since 2001, Mr. Connolly has practiced exclusively in the field of law enforcement oversight, and regularly teaches classes to police personnel on issues of risk management, effective supervision, and officer accountability.

OIR Group's role in Anaheim began with relatively limited audit functions regarding closed cases. Its responsibilities and influence have evolved over the years as the City has expanded its approach to oversight, and as the Police Department itself has responded to OIR Group recommendations and enhanced its own internal review mechanisms. Anaheim PD's Major Incident Review process, for example, has grown into a model for the holistic administrative assessment of critical incidents. It looks at officer performance and surrounding issues of equipment, supervision, communication, tactics, and decision-making in pursuit of potential insights for the future effectiveness of the agency. OIR Group participates actively in that process – beginning with a “roll-out” response to the scene of officer-involved shootings and other critical events – and has encouraged its development over the years.

As oversight professionals, and attorneys who have full access to the Department's investigative case files and records, OIR Group offers an independent assessment of the police response to critical incidents, uses of force, and misconduct investigations. It issues periodic reports that describe its appraisal of individual case files and offer recommendations for systemic improvement. The Police Department has accepted and implemented the overwhelming majority of these recommendations over the years.

With the development of the new Police Review Board, OIR Group's main responsibility is now to support the Board's work. It does this by offering an independent perspective, sharing its insights into specific matters that come to the Board's attention, and using its access to police records to help ensure the legitimacy of the Department's internal investigations.



# Police Review Board

## SECOND ANNUAL REPORT WELCOME MESSAGE

Welcome to the Anaheim Police Review Board's Second Annual Report. The Anaheim Police Review Board is a platform for community engagement – a chance for residents of our City to contribute to police accountability, and a place where all community members can share their experiences and ideas of what our Police Department can be.

2020 was an impactful year for both the Anaheim Police Department and the nation. Many of the year's biggest headlines and challenges had an influence on policing. These included Covid19, police injustices in national headlines, protests, budget cuts, discussions about re-allocating funds, increased homelessness, and new California transparency laws were among some of the major events this past year. These events had a major impact on how the Anaheim Police Department operates -- and also affected our work as a Review Board.

As we entered our second year of service, the Police Review Board's members were focused on expanding our meaningful influence on the Anaheim Police Department and its residents. However, Covid19's arrival in March led to "stay at home" orders and other significant disruptions across society. As a result of the pandemic, the Anaheim Police Review Board did not meet for three months. It turned out to be a time when police injustices around the country became national news.

The George Floyd murder, was one event that made national news and spurred many protests across the nation. Community members across the nation demonstrated and demanded police reform, specifically to end systemic racism and police violence.

Anaheim also had several large demonstrations, including one on June 1, 2020 which was related to the national protests on police reform. From our perspective, the Anaheim Police Department has been "ahead of the curve" in many ways relating to its policies and procedures. The City of Anaheim also had an early commitment to public participation: its first community board began its work in 2015. Still, the need for reform is ongoing, and recent changes were made in Anaheim as well.

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For example, the Anaheim Police Department suspended the use of Carotid holds, and state law now prohibits their use by police officers. The Anaheim Police Review Board has been critical of the Anaheim Police Department use of Carotid holds in prior private sessions and agrees with this police reform. In addition, the Anaheim Police Department reaffirmed its commitment to de-escalation, warning before shooting, exhausting all alternatives before shooting, and “duty to intervene” when officers see a colleague engaging in improper or excessive force. This last concept has been the subject of another prior recommendation by the Board.

When the Board reconvened virtually in June 2020 for the first time since February, our meeting had the largest attendance in our history, and we have tried to continue building on that momentum. This first meeting back had a large amount of participation from the public during the comment period with approximately 50 plus participants joining the meeting. The Anaheim Police Review Board was able to listen to the concerns of the community to help drive our vision for the coming year.

Meanwhile, the Police Department and the City have continued their efforts to try new ideas. One major overhaul of how homeless related calls for service are handled was introduced in 2021 - the Community Care Response Team. This new program diverts homeless calls that are not criminal in nature away from officers and toward trained teams who are separate from the Anaheim Police Department. These teams are staffed by people who specialize in providing services, addressing mental health, and providing a continuum of care. The Anaheim Police Review Board remains interested in how diverting homeless calls to the Community Care Response Team will impact the Police Department and residents, and will continue to monitor the effectiveness of this new approach.

Going forward, and along the same lines the Board is interested to see if and if there are opportunities available to divert mental health crisis calls and responses to trained clinical professionals as opposed to the police. It is our understanding the City is exploring working with an agency that would use trained clinicians to potentially respond to mental health calls when appropriate, instead of utilizing police officers in every situation.

Another trend in law enforcement is in the public’s increased access to investigation materials that were formerly confidential. AB748 and SB1421 laws were recently implemented in California. These laws provide new levels of information about critical incidents and certain misconduct investigations. Including the release of body camera footage after officer-involved shootings. As we continue to reiterate during private briefings, public sessions and our first Annual Report, increased transparency to the public is key for building trust and creating strong relationships between the Anaheim Police Department and the community. In addition, the Anaheim Police Review Board believes increased transparency will hold officers accountable for their actions on the job. The Board supports this trend of increased transparency between the Anaheim Police Department and the public.

From our first year we were able to work with the Anaheim Police Department on implementing many of the Anaheim Police Review Board’s recommendations. In our second year, we have maintained a regular working relationship with the Anaheim Police Department, and we appreciate their responsiveness to our questions and recommendations. We have gained a lot of value as a Board from the Department’s commitment to sharing information and engaging in meaningful dialogue in both the public presentations and private briefings.

Going into our 3<sup>rd</sup> year as a Board, we look forward to meeting in person again and welcoming back the public to our monthly meetings. This will enhance our ability to connect with both the Police Department and the community on areas of policing policies and procedures. We welcome the public to our monthly meetings and thank the Anaheim Police Department for their participation each month. We look forward to Year 3 and the chances it will provide to serve as representatives of Anaheim and to offer our input to the Police in various ways.

## ABOUT THE POLICE REVIEW BOARD

The Police Review Board (PRB) is Anaheim's civilian oversight board for the city's police department. The PRB advise and make police policy recommendations to the City Manager with support from the OIR Group, Anaheim's independent external auditor. The new review board was seated in June 2018 and works closely with the OIR Group, which has served as the city's outside police practices adviser since 2007. The Police Review Board is an expansion of an earlier civilian oversight pilot project, the Anaheim Public Safety Board, which met on a quarterly basis from 2014 to 2017.

The PRB is comprised of seven members, one representative from each of Anaheim's six council districts and one representative from the city at-large. Members were selected by the City Manager by lottery and serve for a three- or four-year term initially, determined by the district in which they serve.

The Board responsibilities include:

- Receiving real-time notification of and access to the locations of officer-involved shootings and other critical incidents
- Receiving private briefings on major incidents, including access to body-worn camera footage
- Publishing statistics on officer-involved shootings, uses of force, complaints and outcomes
- Receiving community complaints and concerns and refer them to the City Manager, Anaheim Police, or the OIR Group for review and response
- Considering and approving policy recommendations made by the OIR Group
- Voting on and offering findings on Anaheim Police Department responses to OIR Group recommendations
- Reviewing some police policy recommendations prior to adoption and offering input as appropriate
- Hearing about police training and practices
- Auditing existing police policies
- Providing a publicly available annual report

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The PRB holds public meetings monthly, beginning at 6 p.m. on the fourth Thursday of the month at Anaheim West Tower located on 201 South Anaheim Boulevard. The public sessions are preceded each month by a closed gathering of the Board in which members receive confidential briefings on critical incidents that have occurred in the city. These briefings constitute an unprecedented level of access to ongoing investigations involving high profile police encounters such as shootings or other in-custody deaths.

## MISSION STATEMENT

***The Police Review Board brings enhanced community oversight of the Anaheim Police Department with independent review of major incidents while also serving as a forum for community feedback and education about the role of policing in Anaheim.***

***Serving as the community's voice, the Police Review Board brings added oversight and accountability while also building trust between the Anaheim Police Department and those it serves.***

## COMPLAINT PROCESS

One of the functions of the Board is to serve as a liaison between the public and the APD. Though the Board does not have its own investigative or disciplinary authority, it does hear complaints that members of the public bring to its attention. Depending on the nature of the concern presented, the Board can facilitate communication, make a request of the Department for more information, or monitor any investigation that is warranted. It can also direct OIR Group – which has access to the Department's investigative files – to research closed cases and ensure that issues were addressed appropriately.

If a member of the public is registering a specific allegation of misconduct, then the Board can help bring the matter 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 the complainants with additional information. However, the Department will conduct the investigation and decide the disciplinary outcomes or other resolutions.

At meetings and in the community, the Board members had the chance to meet several individuals who raised general safety issues, complained about specific incidents that involved themselves or family members, or just wanted to share their perspective on policing priorities and challenges in the City. The Board tracks these encounters and, working with the Department and OIR Group, works to ensure that there has been or will be an appropriate response.

## TRAINING/ORIENTATION

PRB members participated in extensive training prior to the first public meeting September 2018. The PRB members are required to:

- Adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) [Code of Ethics](#).

- Comply with all applicable state and federal laws regarding confidentiality.
- Commit 20-40 hours per month to fulfill their duties.
- Ride along with Anaheim Police Department

To better understand the substance of individual incidents it reviewed throughout the year, PRB members received training on a range of topics relating to legal standards, administrative procedures, and investigative protocols. These included the following:

- History of police oversight in Anaheim and civilian oversight's evolving role
- Fourth Amendment
- Terry v. Ohio (police authority to detain)
- Graham v. Connor (thresholds for police use of force)
- 835a Penal Code (officer authority to use force)
- 148a Penal Code (law prohibiting obstructing or resisting officers in the performance of their duties)
- Anaheim Police Department Policies
- Police interaction simulation training

Other key features of the PRB include the following:

- Board members are drawn by lottery from Anaheim's resident community, and just like our neighbors, we are also served by the Anaheim Police Department.
- Board members seek to bring the community closer to its police department by timely reviewing major incidents, hearing from residents, and making recommendations to improve policing in Anaheim.
- Board member's views reflect a diversity of perspectives on policing in Anaheim, resulting in frank dialogue and robust sharing of ideas about the future of public safety in Anaheim. The result of our work, discussion and deliberation is reflected in this annual report.
- Board members, however, do not have jurisdiction over employment matters including the hiring of personnel or relieving them of duty, acknowledging or disciplining personnel based on performance or investigating major incidents involving the Anaheim Police Department.

## CONFERENCE

For 25 years, the NACOLE Conference has brought together people from throughout and outside the United States to discuss ways to make oversight of law enforcement as effective and meaningful as possible. In 2020 because of the pandemic, the conference was held virtually over two months, the conference featured 32 webinars with panels of experts sharing their insights in all aspects of the interaction between police agencies and the civilian groups who monitor them.

In 2018, 2019 and 2020, four different PRB members attended these annual events various seminars on topics such as community policing, transparency in policing, the strengths and limitations of different

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models of oversight, the role of oversight in reviewing uses of force, ways to utilize force data, de-escalation training, pursuit policies, Internal Affairs and discipline, and community outreach.

- 2018 National Association for Civilian Oversight of Law Enforcement (NACOLE), St. Petersburg, Florida
- 2019 National Association for Civilian Oversight of Law Enforcement (NACOLE), Detroit, Michigan
- 2020 National Association for Civilian Oversight of Law Enforcement (NACOLE), virtual

## APD INTERVIEW PANELS

Individual PRB members had the opportunity to participate in panel interviews with finalists for two high-ranking positions in APD's leadership team. This constituted a new and unique way for the PRB to represent the public's perspective in shaping APD at the supervisory level.

## ROLL OUTS

Another critical function of the Board is to observe the scene of officer-involved shootings or use of force incidents so that the board members can gain a better understanding of the conditions surrounding officer involved shootings or use of force incidents. Board members receive real-time notification on major incidents. The Chair or designee is authorized to visit the location of incidents that result in the involvement of APD's Major Incident Response Team (MIRT) who handle the officer-involved shootings or use of force incidents. They also receive private briefings by MIRT when a critical incident occurs which may include a review of body worn camera footage. This authorization from APD and the City is ground breaking; we are aware of no other citizen review board in the country that has the authorization to rollout to critical incidents and receive real-time briefings.

Board members were called out and responded to the scene of the below events:

- August 29, 2020: fatal officer-involved shooting (Member VanKirk)
- November 9, 2020: officer-involved shooting (Member VanKirk)
- November 13, 2020: officer-involved shooting (Member Gomez)

## COMMUNITY OUTREACH/COUNCIL PRESENTATION

Following the Board's 2019 Annual Report, the PRB made a formal presentation to the Anaheim City Council at the July 28, 2020 City Council meeting. The Chair and Vice Chair presented information on the policy recommendations and the work the Board was engaged in. The presentation provided an opportunity for the Board to share important updates regarding policing reforms, community participation and their goals moving forward. The Office of Independent Review also presented their Annual Report to the City Council.

## STATISTICS

## Anaheim Police Department Cumulative Data

	2021 (thru April)	2020	2019	2018	2017	2016 Total	2015	2014	2013	2012
Number of Officer Involved Shootings	0	3	3	4	2	5	4	3	1	9
Number of in-custody deaths	0	0	1	3	0	2	0	1	1	1
Number of administrative investigations in which the subject employee holds the rank of sergeant or higher *	5	12	4	8	8	18	3	7	7	14
Number of administrative investigations *	38	121	99	112	162	71	88	126	100	124
Number of complaints #	34 7 Internal 27 External	103 29 Internal 74 External	70 16 Internal 54 External	72 19 Internal 53 External	106 33 Internal 73 External	41 25 Internal 16 External	42 21 Internal 21 External	55	58	46
Number of use of force (all force) Triggering the FAS system **	355***	139	135	152	100	126	108	131	138	146
<b>Use of force complaints</b>	2	1	10	1	13	4	8	12	16	8

\*includes accident investigations, internally generated investigations, and externally generated investigations

#includes internally generated complaints, and externally generated complaints

\*\***Force collection and analysis system (FAS)- Threshold into reporting into AIMS or existing force - Any visible injury, complaint of pain, use of any implement or device, render the person unconscious, carotid restraint, any unusual circumstances.** \*\*\* **The State made changes to the use of force guidelines associated with tracking and this number now represents when officers display a firearm at any individual.**

## TOPICS STUDIED

One goal of the Board is to create a forum where the public can learn more about how and why APD does things in particular ways – and for APD to hear questions and reactions about its approaches. As a result, we invited APD representatives to present on a range of topics that members generated in response to their own neighborhood or personal concerns, or in response to briefings we received about particular cases. We also featured presentations by OIR Group on issues relating to oversight and transparency in law enforcement. We hope these sessions will be informative and educational to the members of the public in attendance. This year’s subjects included the following:

- **Police Review Board 2019 Annual Report**
- **OIR Group Report –Recommendations and Anaheim Police Department Responses**
- **NACOLE Virtual Conference Update**
- **OIR Group Update – Legislation Update**

This presentation provided an update on bills introduced into legislature and bills signed. Beginning January 1, 2021, law enforcement is no longer authorized to use the carotid restraint or chokehold to bring someone into custody.

- **Crime Statistics – Presentation by APD**

Presentation by APD on current crime statistics, calls for service, response rates and an overview of the number of officers, specialty units and the timeline of hiring a patrol officer and strategies to increase the number of officers in patrol.

- **Police Department Policies – Presentation by OIR Group**

This presentation provided information on the police reforms, the suspension of the carotid and department goals.

- **Gang Database – Presentation by APD**

This presentation provided information on the CalGang database, the laws surrounding the data, who can be entered into the database and who has access to the database.

- **Police Department Equipment – Presentation by APD**

This presentation provided information on equipment used by officers and what is in a patrol unit.

- **Community Policing during COVID- Presentation by APD**

This presentation provided information on how adjustments have been made to community policing during the pandemic.

- **Cadet/Explorer/Pipeline Programs**

This presentation provided information on the youth programs available to Anaheim students, how students can get involved and become a cadet, explorer or participate in the Public Safety Pipeline program which provides students information on careers and skills needed to enter public safety.

- **De-escalation and Tactical Decision Making -Presentation by APD**

This presentation provided information on patrol team briefing topics and training along with the analysis the department takes to determine if new training is necessary. De-escalation is an important concern in the way police encounter members of the public who are confrontational and/or experiencing instability because of intoxication or mental health impairment issues. Training and techniques equip officers with communication techniques, timing strategies, and other methods of defusing and resolving conflict without resorting to force.

## RECOMMENDATIONS

One of the Board's key functions is to make formal recommendations to APD about new approaches to policing in the city. In this way, the Board brings a fresh perspective – and occasionally fresh challenges – to the Department's way of doing things. This year's recommendations arose from incidents and issues that we encountered during our regular monthly meetings. We identified several topics that interested or concerned us, asked for further information from knowledgeable sources within or outside APD, and reached consensus as a group about these.

The Board recommends that the Police Department review and consider adopting the following recommendations:

1. In an effort to reinforce the ways in which APD has updated its policies and practices in the last two years in response to the current reform initiatives, the Department should develop a video that summarizes these changes and promote it both externally (City Council, website, community meetings) and internally (training sessions, officer briefings) .
2. Immediate family members should be able to access factual information that does not impede investigations of critical incidents. In the event an immediate family member requests additional information that the Anaheim Police Department (APD) is unable to provide, the APD will provide that family member with the phone number to the assigned investigator at the District Attorney's Office.
3. The MIRT review should acknowledge and address any incidences of explicit language within critical events, with an eye toward potential accountability or other interventions such as counseling or training.
4. The Department should consult with its affiliated chaplains about relevant techniques, training, or other resources for effectively dealing with members of the public who are experiencing conflict or crisis, both in the patrol setting or other contexts.
5. The Department should focus resources and attention on the goal of expanding the “public safety pipeline” by working with Anaheim school districts, and should collaborate with local businesses and City officials to help fund the programs.

## LOOKING FORWARD

As the Board moves into their third year, members will continue to advise and make police policy recommendations to the City Manager with support from OIR Group. The Board will receive more informational presentations to learn more about APD which will help formulate policy recommendations and engage residents to partake in potential policy changes.

The following topics will be presented in the third year:

- Community Care Response Team
- Officer Discipline
- Community Policing
- Mental Health Resources

## FOR MORE INFORMATION

To learn more about PRB, please visit [Anaheim.net/PRB](http://Anaheim.net/PRB). The website will provide access to previous meeting agendas, presentations and minutes.

If you would like to contact PRB, please call (714) 765-5162 or email [PRB@anaheim.net](mailto:PRB@anaheim.net).