

PPD OIR Response to CPOC May 18, 2023



Police Chief Gene Harris





Response Goals

Police Department

- Demonstrate Transparency
- Assure Accountability
- Confirm Commitment to Effective Policing going Forward



OIR Key Findings

Police Department

Supervision & management of crime scene:

- Managers have either attended or will attend critical incident management training
- Ensure section managers (Lieutenants or above) are on scene in active managerial roles
- Key personnel are identified and officially tasked based on scene needs
- When practical document the scene prior to searching



OIR Key Findings

Police Department

Officer sequestration and immediacy of statements:

- Sequestration of involved officers was, is, and will remain protocol, however, the timing depends greatly upon the myriad of factors associated with tense, uncertain, and rapidly evolving circumstances
- Officer's statements will be obtained as soon as is practical based on the totality of the circumstances and in congruence with POBR and other applicable statutory considerations



OIR Key Findings

Police Department

Shortcomings in witness canvassing and characterization of eyewitness statement:

- Concur effective witness canvassing is imperative
- Eyewitness statements are important but not always reliable. Reliability can be improved via secondary authentication and effective documentation (audio, video, etc.) reducing opportunities for mischaracterization



OIR Key Findings

Police Department

Explicit consideration of policies relevant to the incidents such as evaluation of foot pursuit policy:

- Foot Pursuit policies have been thoroughly and confidently reviewed for legal, practical, and safety considerations. Continued command oversight will remain in effect
- Training on effective decision making relative to pursue, don't pursue, or contain has been implemented



OIR Key Findings

Police Department

More clearly defining the role of the police union representative at officer-involved shooting scenes:

The unpredictable and dynamic nature of an OIS precludes pre-defined rules for PPOA or other law enforcement personnel by policy. However, PPD will request to meet with PPOA to discuss best practices relating to PPOA representation at OIS incidents.



OIR Key Findings

Police Department

Implementation action plan:

Command will develop an action plan subject to periodic review and status updates

Investigation and evaluation of all potential policy violations such as BWC activation:

Administrative reviews occur for every BWC inactivation and appropriate corrective measures ensue



OIR Key Findings

Police Department

Reconsideration of pretext stops, particularly for vehicle equipment violations:

Command has considered and reviewed pretext stops and will ensure there is a culture within the police department to conduct these activities with professionalism, safety, and within all requisite legal standing and expectations. A full PD presentation will take place at a future meeting as agendized.



Police Department OIR Response

Police Department

| No. | OIR Recommendation | Response | Comments |
|-----|---|------------------|---|
| #1 | PPD should revise its investigative protocols to ensure that its Administrative Investigation of a deadly force incident is not delayed because of either prosecutive review or civil proceedings. | Agree in concept | Agree. Consideration will be on a case-by-case analysis, determined by the Police Chief, based on the circumstances and factors related to the incident |
| #2 | PPD should align Policy 310 with its current practice of conducting criminal investigations of critical incidents/officer-involved shootings in-house and remove the expectation that the Los Angeles Sheriff's Department conduct these investigations. | Completed | The PPD resumed control of OIS investigations during this incident – on 8/15/2020. PPD subsequently amended Policy 310 to reflect the change in criminal investigative protocols |
| #3 | PPD should ensure that any after-action plan relating to supervisory performance issues include a briefing of supervisors on decisions that went well and decisions that could have been improved. | Agree | PPD employs this recommendation as a standard practice |
| #4 | PPD should revise its critical incident protocols to ensure that once an officer-involved shooting scene is secure, PPD should direct any available officer to immediately sequester involved officers and prevent those officers from self-assigned roles in actual evidence collection. | Agree | PPD will sequester officers as soon as practical once the scene is secure per Procedure (310.2.1(c)4) |
| #5 | PPD should revise current policy to explicitly require that all involved officers, to the extent possible without compromising public safety, shall be observed and sequestered until they are able to provide a Public Safety Statement to a supervisor, and then removed from the immediate scene of an officer-involved shooting, unless there is a special need to assist with evidence location. | Agree | The current PPD Procedure (310) Officer Involved Shootings already includes obtaining a public safety statement as soon as practical (310.2.1(b)), and that supervisors sequester involved officers as soon as practical for other investigative interviews (310.2.1 (c)(2)(3)) |



Police Department OIR Response

Police Department

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| #6 | PPD should continue to sequester and monitor involved officers until they provide an interview prior to being released from duty on the date of the incident. | Agree In Concept | Agree, with case-by-case analysis depending on reasonableness - time of the incident during the involved officer(s) shift, and POBR compliance |
| #7 | PPD should amend its critical incident investigation policy to require prior to "end of shift" interviews of involved and witness officers, except in extraordinary circumstances, such as when an officer is significantly injured. | Agree In Concept | Agree, with case-by-case analysis depending on reasonableness - time of the incident during the involved officer(s) shift, and POBR compliance |
| #8 | The city should revisit its agreement with the PPOA requiring the Department to preview recorded evidence with officers prior to being interviewed about officer-involved shootings. | Agree In Concept | Agree, this will be revisited in the next PPOA contract negotiations. The current Labor MOU runs through June 30, 2026 |
| #9 | PPD should direct officers to follow PPD investigative protocols when conducting any investigation. When deficiencies are identified, PPD should conduct refresher training on these investigative protocols immediately. | Agree | Completed training in December of 2022. Applicable as soon as practical after each critical incident |
| #10 | PPD should consider developing policy setting out expectations for interviews, including the prohibition on interviewing witnesses together. | Agree | Current Practice and will be added to Policy |
| #11 | PPD should make every effort to contact potential witnesses to critical incidents and gather all available evidence, including using technology to allow witnesses to report or submit information anonymously and conducting a search for publicly available video content. | Agree | Current Policy (600.3.1(b)(4)) and Procedure (310.5) |



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| #12 | In the recommended training, PPD should make clear that witnesses are not suspects. Officers should not run a witness' identity or vehicle plates unless officers can articulate a rationale for doing so. | Disagree | This recommendation conflicts with #11. Thorough investigations sometimes include running witnesses and vehicle license plates through dispatch or other investigative applications. In some investigations, witnesses can become suspects after investigators gather evidence. Either way, officers and investigators treat witnesses and suspects with dignity and respect |
| #13 | When witness statements are paraphrased or otherwise referenced in an officer-involved shooting investigation, press release, or other media, PPD should ensure that they are a complete representation of the witness' statement. | Agree | Will be incorporated into practices and procedures moving forward |
| #14 | PPD should ensure that critical incident administrative investigations conduct thorough interviews of all involved and witness personnel to obtain a full and complete account of all salient aspects of the incident. | Agree | Current Policy (310.7) and Procedure (310.2.4) |
| #15 | PPD should reference and include all documentation used in Administrative Investigations in reports and case files. | Agree | Current Policy (1020.6(d)(e)(f)) and Practice |
| #16 | PPD should ensure that critical incident Administrative Investigations address all potential violations of policy identified. | Agree | Current Policy (302.2.1) and Practice |
| #17 | When evaluating uses of deadly force, the Use of Force Review Board's analysis should consider the relevant factors to be considered under the Department's deadly force policy and all available evidence to thoroughly assess the decision to use force. | Agree | Current Policy (302, 302.2, 302.4) and Practice |



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| #18 | PPD should revise its force review policies to require formal evaluation of any attendant foot pursuits and evaluating whether or not officers' actions align with the Department's Foot Pursuit Policy. | Agree | Current Policy (302.2.1 (a)) and Practice |
| #19 | PPD should conduct frequent and regular training on the Foot Pursuit Policy, including the preference for surveillance and containment over engagement in foot pursuits. | Agree In Concept | Agree with training. Surveillance and containment are considered on a case-by-case basis based on the facts known to the involved officer at the time of the incident |
| #20 | The Community Police Oversight Commission should convene community conversations to formally discuss and consider the pros and cons of PPD's use of pretext stops, especially with regard to minor equipment violations. | Defer to CPOC | Defer to the Community Police Oversight Commission |
| #21 | PPD should write policy that clearly defines the role of a PPOA representative at critical incident crime scenes. | Disagree | Circumstances and on-duty personnel will dictate who is at the crime scene during a critical incident. The department will comply with the Police Officers Bill of Rights (POBR) |
| #22 | PPD should prioritize community outreach, including timely implementation of the recommendations in the Board memorandum relating to improving community relations. | Agree | The PD Administrative Review Board recognized that the Post-Incident Community Outreach was in place at the time of the incident. However, the PD could have and should have done a better job identifying and reaching out to stakeholders |
| #23 | PPD Critical Incident Briefing videos should only include information known to be accurate and omit information of limited relevance such as the criminal history of the individuals. | Agree In Concept | Agree on a case-by-case basis, as sometimes the criminal history of an offender is relevant to the incident (e.g., known registered sex offender, parolee, probationer) |



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| #24 | PPD should evaluate the necessity of handcuffing severely injured subjects and consider developing training on this topic. | Agree | PPD will evaluate current Policy (306) |
| #25 | PPD Should conduct a routine inventory of all first aid equipment issued to officers to ensure that first aid kits are complete and include chest seals. | Agree | PPD began conducting an inventory of first aid kits and intends to have the recommendation completed by the end of the 2023 Calendar Year |
| #26 | PPD should create a workplan to implement the recommendations that have come from this incident to include task owners and a timeline. | Agree | In progress – work plan will be completed by early Fiscal Year 2023-24 |
| #27 | PPD should establish a mechanism to track progress and ensure completion of tasks, including providing regular public status updates on the workplan for transparency and accountability. | Agree | In progress – tracking mechanism will be established by the beginning of Fiscal Year 2023-24 |

PD responses were released to the public attached to the OIR report



Questions ?