



A message from Acting Chief Dan Hughes

In August of 2012, Michael Gennaco, Chief Attorney of the County of Los Angeles Office of Independent Review, completed a systemic review of the policies, procedures, and practices of the Fullerton Police Department. Although Mr. Gennaco praised many of the department's efforts and stated that after a change in leadership, introspection, and reforms the department is in an upward trajectory, he did outline 59 recommendations on how he believed the department would benefit and be more effective in our community.

It is the goal of the Fullerton Police Department to be the finest law enforcement agency in the region. Our response to the recommendations by Mr. Gennaco provide this organization the opportunity to serve as a model for other similar sized departments on how to respond and hopefully avoid potential crisis. This document is intended to be a "living document" as it will need to be adjusted and modified as additional factors may occur.

It is my sincere belief that the Fullerton Police Department is on the correct path towards being a model police agency and that the men and women who serve this great community are committed to the principles that go far beyond the following recommendations.

Dan Hughes
Acting Chief of Police





Recommendation 1: The Department should work with the City to develop a corps of officers specially trained and committed to interacting with the homeless population so that there can be round-the-clock coverage by a homeless liaison officer.

All sworn personnel have completed Homelessness and Mental Illness training which was presented by D-Prep. The Crisis Intervention Training included an overview of Schizophrenia, Bi-polar disorder, depression, personality disorders, brain damage, dementia, delirium, and Alzheimer's. The training additionally provided de-escalation techniques for officers in the field and methods for approaching and communicating with persons suffering from mental illness. The training included recognizing mental illness and focused on the relationship between law enforcement and the mental health community and provided instruction on how to handle situations involving persons with psychological disabilities.

There are now two full-time officers assigned as Homeless Liaison Officers. These officers are primarily assigned to work day time hours to provide coverage during the times where the police department receives the majority of calls for service regarding the homeless population and mental health professionals are available. Each watch will have an officer designated on their shift as a homeless liaison. If available, these officers will be the first to respond to calls involving the homeless and will forward their contacts and observations regarding the homeless to the two full-time Homeless Liaison Officers. A partnership with the Orange County Mental Health has been established to have a Mental Health Clinician regularly ride with the Homeless Liaison Officers.





Recommendation 2: The Department should develop protocols that would have all of its officers periodically ride with a homeless liaison officer and include such ride-along assignments for trainees in the field training program. The Department should also include in the ride-along program FPD civilian personnel who deal with the public. The Department should ensure that supervisors and FPD's executive team periodically ride with the homeless liaison officers.

The Police Department has included riding with the Homeless Liaison Officers as part of the Field Training Officer Program. In addition, supervisors are encouraged to have various officers ride with Homeless Liaison Officers as time permits. When this training occurs, it should be documented on the employee's performance evaluation.

SPECIALTY ASSIGNMENTS

ACCIONMENT	SUGGESTED	ACTUAL	DATE	FTO
ASSIGNMENT	HOURS	HOURS	DATE	INITIALS
Jail	5 Hours			
Dispatch	5 Hours			
K-9	5 Hours			
Accident Investigation	10 Hours			
Desk	10 Hours			
Investigation	10 Hours			
Crime Scene Investigation	5 Hours			
Gang Unit/Gang Awareness	10 Hours			
DELTA Unit/ Homeless Awareness	10 Hours			





Recommendation 3: The Department should continue to encourage and facilitate its homeless liaison officers to participate in efforts by other agencies and organizations that address the issues of the homeless. The Department should continue to provide flexibility in homeless officers' schedules so they can attend such events while on duty on evenings and weekends.

The Fullerton Police Department Homeless Liaison Officers are charter members of a recently created Orange County Homeless Liaison Officers' Association. In addition, these officers have been a part of the Fullerton Collaborative Homeless Task Force for the past two years. They attend the regularly scheduled meetings and work with non-profit groups in providing services to those individuals who are in need. It will be the responsibility of the Homeless Liaison Officers to notify their immediate supervisor if adjustments need to be made to their work schedule to allow for them to attend events and training pertaining to the homeless community.

The Fullerton Police Department Homeless Liaison Officers have also been tasked with completing a census of the homeless population in Fullerton. This information will be inputted into the department's internal computer system so the information will be available to all officers in the field that have access to Mobil Computer Terminals.

Recently a partnership was developed with the Assistance League of Fullerton. When a person or family is in need of clothing we now contact the Assistance League and they will provide clothing to the person or family.

When a citation is given to a homeless person our Homeless Liaison Officers' will discuss the option of going through Homeless Court:

Homeless Outreach Court

The Homeless Outreach Court is convened at four community locations. The goal of the Court is to resolve the infractions, low-level misdemeanor offenses, and outstanding warrants of homeless individuals, while providing them with links to necessary supportive services.

The program is a collaborative effort of the Superior Court, the Public Defender, the Public Law Center, the Veterans Administration, the Health Care Agency, the County Department of Housing and Community Services, local law enforcement agencies, and several homeless services providers from the community.

Participation in agency programs and community service are substituted for the traditional court sanctions of fines and custody.





Recommendation 4: The Department should continue to explore and expand the concept of regional cooperation with neighboring police departments to continue to develop best practices, information sharing, and possibly shared enforcement responsibilities with regard to the homeless population.

Both of the Police Officers assigned to the homelessness detail are charter members of the recently created Orange County Homeless Liaison Officers' Association. These officers regularly meet with Homeless Liaison Officers from neighboring cities. They are sharing resource information and exchanging information regarding successful strategies to assist the homeless.

In June of 2012, Orange County Supervisor Shawn Nelson, held a countywide meeting in regard to issues facing the homeless. It was a round table type discussion on a possible location for a long-term or year-round Homeless Shelter. Fullerton Police Department was represented at this meeting and continues to work with neighboring cities to recommend long term solutions regarding the homelessness in Orange County.

On October 17th, 2012, 10 officers, 2 Crime Scene Investigators and a Dispatcher attended the 8th annual Community First Conference hosted by College Hospital. This year's topic was: Homeless and Vulnerable...The Long Way Home. The presentations were titled: Homelessness and Mental Illness: Cause and Effect; The Homeless: Victims or Perpetrators? And Orange County Serial Killer Case Study





Recommendation 5: FPD should revise its DAR policy to provide supervisors the express ability to conduct targeted audits of police officers' recordings.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-7 Use of Audio Recorders

Purpose

The purpose of this directive is to update verbiage in a section of Policy 450. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

450.3.1 Required Activation of Audio Recorders (DAR)

There are many situations where the use of the DAR is appropriate. This policy is not intended to describe every possible situation where use of the equipment may be appropriate. Officers **and plainclothes officers clearly identifiable as police officers**, shall activate the DAR any time they feel its use would be appropriate and/or valuable to document an incident. The following are situations that require the use of the DAR to obtain a recording:

450.3.1 Required Activation of Audio Recorders (DAR)

(d) Officers shall activate their DAR immediately upon being dispatched Code Three or being dispatched to any call for service that may be perceived as a Major Event.

450.5 Review of Recorded Media Files

(h) Specific, targeted audits "for cause" are allowed if there is well-founded suspicion that an officer is violating performance expectations of the Department.





Recommendation 6: FPD should revise its DAR policy to require activation of DARs when officers initiate a "Code 3" or "hot call" response.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

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450.5 Review of Recorded Media Files

(h) Specific, targeted audits "for cause" are allowed if there is well-founded suspicion that an officer is violating performance expectations of the Department.





Recommendation 7: FPD should revise its DAR policy to require that officers who are in plain clothes but identifiable as police officers comply with the dictates of the DAR policy.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

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450.5 Review of Recorded Media Files

(h) Specific, targeted audits "for cause" are allowed if there is well-founded suspicion that an officer is violating performance expectations of the Department.





Recommendation 8: FPD command staff should work with the District Attorney to refine protocols about which entity is to assume investigation of incidents in which an individual has been severely injured as a result of police action.

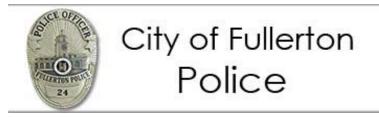
Acting Chief Dan Hughes has contacted Orange County District Attorney's Bureau of Investigation Chief, Jeff McLaughlin, and have agreed to contact each other directly whenever there are questions regarding which agency would be best suited to investigate incidents in which an individual has been severely injured as a result of police action.





Recommendation 9: FPD should develop written protocols that would require contemporaneous documentation of any discussions with representatives of the District Attorney regarding the handling of force and critical incident investigations.

In all cases where representatives from the Fullerton Police Department discusses incidents with the Orange County District Attorney's Office regarding the handling of force and critical incident investigations, the representative from the Fullerton Police Department will document those discussions in the form of case notes to be forwarded and maintained by the case investigator.





Recommendation 10: FPD should develop written protocols to guide command staff on which force incidents or allegations of officer misconduct should be criminally referred to the District Attorney.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-8 Use of Force-DA Review

Purpose

The purpose of this directive is to update verbiage in a section of Policy 300.5.1. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

300.5.1 Reporting

The purpose of the supervisor investigation is to ensure consistent and accurate documentation by the officer(s) involved and to verify that appropriate medical treatment was provided or offered to the injured person(s). The supervisor shall also include a factual review of the tactics used as well as evaluating whether reasonable actions were taken given the gravity and specifics of the event in accordance with legal statutes and Department policy. This report is reviewed by the Division Commander and/or Staff who will make the determination if the actions were within Department Policy and if additional training is recommended. If the officer's actions are deemed to be "out of policy" the Division Commander and/or Staff shall consider sending the report to the District Attorney's Office for criminal review.





Recommendation 11: FPD should develop policy that would require that when officer conduct is being reviewed, the officer should be interviewed or write a report prior to viewing the recording. This policy should cover both video and audio evidence, including DARs.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-9 Report Preparation

Purpose

The purpose of this directive is to update verbiage in a section of Policy 344. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

344.1.1 Report Preparation

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. When an Officer's conduct may be reviewed, that officer shall be interviewed or complete their written report prior to reviewing any audio or video recordings. When any audio or video recording is reviewed by an officer, it shall be documented. Group access of recorded evidence by involved or witnessing officers is prohibited. That documentation shall include the circumstances that led to the review, who authorized the viewing and under what conditions the review took place. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.





Recommendation 12: FPD should develop policy prohibiting group access of recorded evidence to involved or witness police officers.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-9 Report Preparation

Purpose

The purpose of this directive is to update verbiage in a section of Policy 344. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

344.1.1 Report Preparation

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. When an Officer's conduct may be reviewed, that officer shall be interviewed or complete their written report prior to reviewing any audio or video recordings. When any audio or video recording is reviewed by an officer, it shall be documented. Group access of recorded evidence by involved or witnessing officers is prohibited. That documentation shall include the circumstances that led to the review, who authorized the viewing and under what conditions the review took place. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.





Recommendation 13: FPD should revise its protocols regarding how information is obtained from witness and involved officers in a major use of force incident to require that personnel are contemporaneously interviewed on tape about the incident to supplement or supplant the report writing requirement.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-10 Documenting Use of Force

Purpose

The purpose of this directive is to update verbiage in a section of Policy 300.4. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

300.4 Documenting the Use of Force

Any use of physical force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in departmental policy and/or law.

During the investigation of a major incident information from witnessing and involved officers shall be obtained contemporaneously and it shall be recorded. This information should be obtained by an investigator rather than having the officer write his or her own supplemental report about their observations and actions.

In cases where officers are to write their own reports regarding actions or observations, that officer, barring an exceptional circumstance, is required to ensure the report is complete and approved before the officer is excused from his or her shift.





Recommendation 14: In cases in which officers are to write reports regarding their actions or observations of a force incident, FPD should develop written protocols requiring that, barring exceptional circumstances, such as the incapacity of the officer due to injury, the report be completed and approved before the officer is excused from his shift.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-10 Documenting Use of Force

Purpose

The purpose of this directive is to update verbiage in a section of Policy 300.4. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

300.4 Documenting the Use of Force

Any use of physical force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in departmental policy and/or law.

During the investigation of a major incident information from witnessing and involved officers shall be obtained contemporaneously and it shall be recorded. This information should be obtained by an investigator rather than having the officer write his or her own supplemental report about their observations and actions.

In cases where officers are to write their own reports regarding actions or observations, that officer, barring an exceptional circumstance, is required to ensure the report is complete and approved before the officer is excused from his or her shift.





Recommendation 15: FPD should develop training materials for supervisors that emphasize the important role and goals of the report review and approval process. In those training materials, it should be emphasized that supervisors should not propose any edits that make the report less precise than originally submitted.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-11 Report Corrections

Purpose

The purpose of this directive is to update verbiage in a section of Policy 344.4. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

344.4 Report Corrections

Supervisors shall review reports for content and accuracy. **Supervisors shall not propose any edits that make the report less precise than originally submitted.** If a correction is necessary, the reviewing supervisor **shall** complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.





Recommendation 16: FPD should regularly brief its officers on principles of evidence preservation.

Bi-annually, Patrol Officers will receive watch training regarding the principles of evidence preservation. This training shall be documented in the watch training calendar that is maintained in the watch commander's office. In addition, the Professional Standards Bureau will create and update a training bulletin describing the importance of evidence preservation and will ensure all personnel are provided a copy of the bulletin.

TRAINING BULLETIN

Dan Hughes, Chief of Police

SEPTEMBER 2012, TB # 12- 08

Personnel should be aware of the possibility of multiple crime scene locations, victims, and/or suspects. In some cases a victim or suspect may be transported a hospitals due to a traffic collision, injuries, or sexual assault examination. It is the responsibility of the transporting officer to ensure that these items of evidentiary value are collected and booked as evidence.

Examples of evidence that would be collected in the following events include, but are not limited to:

- Burglary pry tools, tool marks, cut wires
- · DUI chemical tests, blood, urine
- K-9 Incidents photos of bites or alleged bitten area that is not visible
- OIS weapons, latent prints on weapons, cartridge casings, unfired ammunition, associated clothing for gunshot residue, fired bullets, objects with bullet holes present (i.e. bedding, upholstery, sections of drywall, rugs, curtains, clothing, etc.), bullets from autopsies
- Sexual Assault Incidents bodily fluids, hairs/fibers on clothing
- · Use of Force Incidents
 - Physical evidence present on the officer's equipment or clothing, such as blood or fingerprints
 - Taser expended Taser cartridge (marked bio-hazard on package), AFID Tags, photos of probe sites
 - Hobble
 - Broken or damaged handcuffs

Personnel should continually access environmental and other factors that may affect the evidence.

SOURCE: FPD Policy, National Institute of Justice (NIJ)





Recommendation 17: The Department should develop guidelines about how to handle the public response to critical incidents in which police officers' conduct is under scrutiny.

In incidents where a Fullerton Police Officer's conduct is under scrutiny or in incidents where a police officer is seriously injured or killed or a community member is seriously injured or killed while in police custody or while interacting with police personnel, it will be the initial responsibility of the Chief of Police to communicate to the public. At the discretion of the Chief of Police, the Police Chief may decide to have another Command Staff person communicate with the press and community.





Recommendation 18: In the future, the Department should not be reticent about expressing regret should tragedy befall a citizen as a result of an FPD officer's use of force.

The Fullerton Police Department acknowledges that each incident where a Fullerton Police Officer is required to use force and that force results in significant injury or death, that incident is tragic. It will be the responsibility of the Chief of Police to determine the appropriate time and method to communicate to family members, the press, and community about the Police Department's views.





Recommendation 19: Consistent with FPD's new PIO protocols, in critical incidents in which an FPD officer's conduct is under scrutiny, all public responses should be made either by the Chief of Police or by a City official rather than a sworn police officer.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-17 PIO Responsibilities

Purpose

The purpose of this directive is to update verbiage in a section of Policy 346. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

346.6.1 Procedures

When any incident develops or is recognized to be of such magnitude or of sufficient interest that the task of responding to media inquiries would be distracting, the officer in charge of the incident may summon the assistance of the Department's or City's P.I.O. *During a critical incident, including when an officer's conduct is under scrutiny, all public responses should be made either by the Chief of Police, a Division Commander or by a city official.*





Recommendation 20: FPD and the City should implement the recommendation by the interim Chief of Police to form a Chief's Advisory Board.

Acting Police Chief Dan Hughes has recommended the formation of a Chief's Community Advisory Board to the City Manager and City Council. The proposal is pending and the recommendations are below:

CHIEF'S ADVISORY BOARD

PURPOSE AND SCOPE

The policy of the Fullerton Police Department is to establish and maintain a Chief's Advisory Board. The goal of the Chief's Advisory Board is to provide a forum for police-community interaction to address public safety and related issues in order to further enhance the quality of life in our community.

MISSION STATEMENT

The Fullerton Police Department is committed to enhancing the quality of life by deploying community policing methods. To that end, the mission of the Chief's Advisory Board is to act as a resource for the Chief of Police in the formation of strategies, development of policing concepts and increasing public awareness regarding policy issues.

GUIDELINES FOR THE CHIEF'S ADVISORY BOARD

The purpose of the Chief's Advisory Board is to provide a forum with key stakeholders regarding law enforcement policies within the community. The following guidelines will be used in the formation and activities of the board:

- a) The Fullerton Police Chief's Advisory Board will be comprised of a diverse cross-section of community activists, business leaders and citizens representing both Fullerton and the greater Orange County area:
- b) The Board meets every other month at the Fullerton Police Department at a time convenient to the majority of Board members;
- c) The Board is designed to enhance police-community relations by serving as a liaison between the police department and the community;
- d) The Board is designed for open discussion regarding trends in law enforcement, and to make recommendations concerning police department policies, procedures, training, and programs;
- e) The Board will have no input or discussions regarding specific employee personnel issues;
- f) The Board acts in a solely advisory capacity and will not be involved in decision making at any level;
- g) The Board is expected to provide input on topics the Chief of Police deems appropriate and timely. Each member of the Board will be expected to contribute.





Recommendation 20 continued: FPD and the City should implement the recommendation by the interim Chief of Police to form a Chief's Advisory Board.

COMPOSITION OF THE CHIEF'S ADVISORY BOARD

The composition of the Chief's Advisory Board will be determined as follows:

- a) The number of members of the Chief's Advisory Board should be at least 12 persons but not more than 20 persons.
- b) The Chief's Advisory Board should be composed of a cross-section of the community.
- c) Members should include:
 - 1. Residents of the City of Fullerton;
 - 2. Members of the business community of the City of Fullerton including both large and small businesses, the Fullerton Chamber of Commerce, and the Fullerton Unified School District;
 - 3. Members of the local media:
 - 4. Members of the local Criminal Justice Community including the District Attorney's Office, Probation/Courts, Criminal Justice Education and Community Colleges;
 - Local Community based social services organizations related to Child Protection, Mental Health, Drug and Alcohol Services, and School District At-Risk Coordinator, Interdenominational faithbased organizations, and Ethnic Relations Advisory Groups.
- d) Invitations to prospective members will be sent by the Office of the Chief of Police.
- e) Suggestions for prospective members should be sent to the Chief of Police.
- f) To determine eligibility to serve on the Board, all applicants shall undergo a local records check conducted by the Chief, or designee.
- g) The Chief of Police will confer with the City Manager regarding the applicant's potential appointment to the board.
- h) No board member shall receive compensation for services performed.
- i) No board member will receive special or preferential treatment by the Fullerton Police Department.

STAFF SUPPORT FOR CHIEF'S ADVISORY BOARD

Staff support to the Chief's Advisory Board shall be provided through the Office of the Chief of Police.

- a) The Chief of Police will be the Police Department's liaison to the Chief's Advisory Board;
- b) The Chief's Secretary will act as the Recording Secretary for the Chief's Advisory Board. In this capacity, the Chief's Secretary will:
 - 1. Record the proceedings of meetings of the Chief's Advisory Board (i.e. minutes);
 - 2. Disseminate information, including minutes of meetings, to members of the Chief's Advisory Board; and
 - 3. Maintain records related to the Chief's Advisory Board.





Recommendation 20 continued: FPD and the City should implement the recommendation by the interim Chief of Police to form a Chief's Advisory Board.

BOARD MEMBER TERM LIMITS

The term is limited to two years to allow for greater participation by all interested parties.

Extensions for sitting board members will be considered on an individual basis at the pleasure of the Chief of Police.

At the discretion of the Chief of Police a board member may be excused from further participation in the event it is deemed necessary for the benefit of the board as a whole.

Fullerton Police Department Chief's Advisory Board Mission Statement

The Police Department is committed to enhancing the quality of life by deploying community policing methods. To that end, the mission of the Chief's Advisory Board is to act as a resource for the Chief in the formation of strategies, development of policing concepts and increasing public awareness regarding police issues.

POLICY

The policy of the Fullerton Police Department is to establish and maintain a Chief's Advisory Board. The goal of the Chief's Advisory Board is to provide a forum for police-community interaction to address public safety and related issues in order to further enhance the quality of life in our community.

PURPOSE

- The purpose of the Chief's Advisory Board is to provide a forum with key stakeholders regarding law enforcement policies within the community.
- The Board is designed to provide for member input on department policies and procedures, training, and programs.
- The Board is designed to enhance police-community relations by serving as a liaison between the police department and the community.
- The Board will have no input or discussion regarding specific employee personnel issues.
- The Board acts in a solely advisory capacity and will not be involved in decision making at any level.
- The Board is expected to provide input on topics the Chief of Police deems appropriate and timely. Each member of the Board will be expected to contribute.





Recommendation 20 continued: FPD and the City should implement the recommendation by the interim Chief of Police to form a Chief's Advisory Board.

PROCEDURE

Composition of the Chief's Advisory Board

The Fullerton Police Chief's Advisory Board will be comprised of a diverse cross-section of community activists, business leaders and citizens representing Fullerton and the greater Orange County area.

Residents of the City of Fullerton

Members of the City of Fullerton business community

Large and small businesses

Community hospital

Fullerton Chamber of Commerce

Fullerton Unified School District

Criminal Justice Community

District Attorney's Office

Probation/Courts

Criminal Justice education and community colleges

Local community based social services organizations

Child protection

Mental Health

Drug and alcohol services

School district at-risk coordinator

Interdenominational faith based organizations

The number of members on the Chief's Advisory Board shall be at least 12 persons but no more than 20 persons.

Invitations to prospective members will be sent by the Office of the Chief of Police.

Staff Support

- Staff support shall be provided to the Board through the Office of the Chief of Police.
- The Professional Standards Unit Sergeant will be the Police Department liaison to the Board.
- The Executive secretary will act as the Recording Secretary for the Board meetings.

Record the meeting minutes

Disseminate information, including meeting minutes, to Board members Maintain Board records

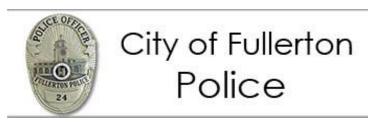
Meetings

The Board will meet every other month at the Fullerton Police Department or alternate pre-determined meeting site at a time convenient to the majority of Board members.

Term Limits

Term shall be limited to two years to allow for greater participation by all interested parties. A two year extension for sitting Board members will be considered on an individual basis at the pleasure of the Chief.

At the discretion of the Chief, a Board member may be excused from further participation in the event it is deemed necessary for the benefit of the Board as a whole.





Recommendation 21: FPD leadership should continue to encourage its line officers and supervisors to engage with the Fullerton community consistent with a true community policing model.

On October 13, 2012, the Fullerton Police Department coordinated a day of service to our community. Many police volunteers, as well as 100 teenagers from the Sunburst Youth Challenge Academy, cleaned various areas of the city and improved the quality of life for the residents. Most of the efforts consisted of cleaning yards of the elderly, locations that have received warnings of code violations but the resident cannot afford to fix them, and areas that serve our community.

On October 20, 2012 the Fullerton Police Department held their first Open House in over twenty years. Approximately 750 – 1,000 community members visited and received tours of the police facility by a number of police officers, all who came in on their time off. Community members had the opportunity to meet the police command staff as well as many of the department employees. The community had the opportunity to tour the city jail, dispatch, firing range, and participate in the shooting simulator. The K-9 officers and the SWAT team conducted presentations and discussed various aspects of their responsibility. Children had the opportunity to get their fingerprints completed, participate in crafts, and walk through the SWAT van and Bearcat. The police officer's association provided food for the guests.

The Acting Chief of Police has been attending back to school nights for several elementary schools, rotary and service club meetings, and the weekly Farmer's Market. The Fullerton Police Department currently has 29 officers and 23 non-sworn employees who reside in Fullerton. Our employees are involved with the following organizations:

Boys and Girls Club Board of Directors
YWCA Board of Directors
Fullerton Police Academy Tactical Staff and Educational Staff
Crittenton Services Board of Directors
Chamber of Commerce members
Fullerton Collaborative members
Troy High School Assistant football coach
Fullerton Hills Softball coach
Coast to Coast Board member
Elks Lodge Members
Boy Scouts of America
Girl Scouts of America
Women Leaders in Law Enforcement members

In addition, the Fullerton Police Officers' Association has donated over \$83,000 to various community organizations in the past 4 years.





Recommendation 22: FPD should ensure that supervisors in its organization are held to a higher standard, that high level command staff is held to the highest standard and when there is information that a supervisor has performed inconsistently with the values of FPD, the allegation is thoroughly investigated and, when merited, accountability is stern.

Over the past year the Command Staff at the Fullerton Police Department has changed. All three Captains understand the importance of leading by example and being held to a higher standard. Accountability among command staff is a critical component of the Department's well-being and will not be compromised. If information is developed that any member of the command staff has violated their oath, the city manager will be notified. It is further recognized that those that hold Command level positions should always hold themselves to a higher standard and not doing so erodes public trust and confidence.





Recommendation 23: FPD supervisors should be exposed and required to regularly acquaint themselves with principles of ethics based leadership.

The Acting Chief is a recent graduate of Command College and was the recipient of the "Hank Kohen Memorial Award", most inspirational student.

We currently have a Captain who teaches "Leadership, Professionalism and Ethics" at the Fullerton College Police Academy. This is a mandatory class under the Peace Officer's Standards and Training (POST) and is mandatory curriculum.

A current Captain is on the Steering Committee for the Golden West College Leadership and Ethics Institute (LEI). LEI sponsors quarterly seminars that have leadership and ethics based curriculum. The most current class was held on October 5th and was titled "Servant Leadership".

A Captain recently completed the Fullerton Chamber of Commerce Leadership Fullerton Academy





Recommendation 24: In line with recent improvements, FPD should continue to bolster its auditing of property, narcotics, and firearms.

Memo

To: FPD Personnel

From: Acting Chief Dan Hughes

Date: March 6, 2012

Re: Directive #12-1 – Handling of Money

Handling of money by Fullerton PD Personnel

The purpose of this directive is to strengthen safeguards regarding the handling of money that comes under our control through our function as a municipal police department.

To accommodate these safeguards the following physical changes have been made:

Single Door Depository Safe

A "single door depository safe" has been placed in the report room of the police department. The "single door depository safe" will be plainly marked for the deposit of money. Officers need only open the top door and drop the money into the safe for it to be secured. The "single door depository safe" is a dual key system with separate keys for each lock on the door. The door can only be opened by authorized personnel by each using their own key. Authorized personnel will be the sworn property officer and the property community services officer (CSO). A separate set of keys for the "single door depository safe" door will also be kept by the Services Division Commander and the Patrol Division Commander. In the event a Division Commander opens the depository safe he or she will be accompanied by either the property CSO, sworn property Officer, or the on-duty watch commander.

Entry door of the property room which holds the main FPD money safe

Secondly, the entry door in the property room that holds the primary FPD money safe will be double locked with a separate key operating each lock. The door can only be opened by authorized personnel by each using their own key simultaneously. Authorized personnel will be the sworn property officer and the property CSO. A separate set of keys for the door will also be kept by the Services Division Commander and the Patrol Division Commander. In the event a Division Commander opens this door he or she will be accompanied by either the property CSO, sworn property officer, or the on-duty watch commander.

Effective immediately money that is to be booked into evidence/property at the Fullerton Police Department will be handled in the following manner:

Money booking procedure

- 1. All money, including small change, will be counted and packaged by FPD personnel as defined under current FPD Policy Manual section 804.3.4(d).
- 2. The money will now be deposited by FPD personnel in the "single door depository safe" that has recently been placed in the FPD report room. The "single door depository safe" will be marked for the deposit of money.





Recommendation 24 continued: In line with recent improvements, FPD should continue to bolster its auditing of property, narcotics, and firearms.

Handling of money by FPD Personnel after initial booking

- 1. At least once a week, or as needed, the "single door depository safe" will be emptied together by the sworn property officer and the property CSO.
- 2. The money shall immediately be logged into the FPD automated property system by the sworn property officer and the property CSO which will issue a unique bar code and label.
- 3. The money will then be placed and locked into the property room money safe by the sworn property officer and property CSO.
- 4. After locking the money in the safe, the sworn property officer and property CSO will secure the room's entry door by closing the door and ensuring that both of the automatic locks are closed and locked.
- 5. The combination to the main FPD money safe will be memorized by the sworn property officer and the property CSO and shall not be revealed to any person without the authorization of a Division Commander or the Chief of Police. The combination to the safe will also be known to the Services Division Commander.
- 6. Accessing any property safe(s) with a key or combination by any authorized employee (including Division Commanders or the Chief of Police) shall only be done in the presence of a witnessing supervisor or employee.

Release of money by FPD personnel

- 1. Money shall only be released pursuant to the lawful authority to do so. The releases shall include asset forfeiture, return to the lawful owner, or release to the city treasurer or any other lawful release of money.
- 2. The sworn property officer and the property CSO will enter the main safe room simultaneously using their own keys for each lock, respectively.
- 3. The sworn property officer and property CSO will then open the safe with the combination and remove the appropriate property bag containing the money.
- 4. The safe will then be locked by the sworn property officer and property CSO.
- 5. The sworn property officer and property CSO will then exit the room and close the door while ensuring the entry door to the safe room is locked.
- 6. The sworn property officer and property CSO will then meet with the person(s) to whom the money is to be released, or deposit the money with the city treasurer and obtain a receipt for the transaction.
- 7. The money will be counted in the presence of the sworn property officer and property CSO with the person to whom the money is to be released to ensure an accurate count.
- 8. Any discrepancies in the money count are to be reported to a Division Commander immediately. The Division Commander will ensure that appropriate action is taken in a timely manner.
- 9. The sworn property officer and the property CSO will ensure that the release of the money will be reflected in the FPD automated property system.

Audits

- 1. Audits of the FPD money safe will be done every quarter. The Chief of Police may order additional audits as deemed necessary.
- 2. The audits will be done by the PSB Sergeants.
- 3. Audits will be done in cooperation with the sworn property officer and the property CSO.
- 4. Audits will ensure an accurate accounting of money, and that procedures on the booking, handling, and release of money are being followed.
- 5. In the event that an audit reveal discrepancies in the handling or accounting of money the Services Division Commander will be notified immediately so appropriate action may be taken in a timely manner.





Recommendation 24 continued: In line with recent improvements, FPD should continue to bolster its auditing of property, narcotics, and firearms.

6. Safe(s) combinations or keys shall be changed annually. However, any modifications in authorized personnel shall require that the combination or re-keying would take place within a reasonable time relative to the reassignment and this would supersede the annual change requirement.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: March 13, 2013

Re: Directive #12 -2 Handling of Narcotic Evidence

HANDLING OF NARCOTIC EVIDENCE BY FULLERTON PD PERSONNEL

The purpose of this directive is to strengthen safeguards regarding the handling of narcotic evidence that comes under our control through our function as a municipal police department. To accommodate these safeguards the following physical changes have been made:

SINGLE DOOR DEPOSITORY SAFE

- 1. A "single door depository safe" has been placed in the report room of the police department. This safe will be plainly marked for the deposit of narcotics. Officers need only open the top door and drop the narcotics evidence envelope into the safe for it to be secured. This safe is a dual key system with separate keys for each lock on the door. The door can only be opened by two of the authorized personnel, simultaneously, by each using their own key. This will be known as the two-person rule.
- 2. Authorized personnel who are allowed to open the safe will be the sworn property officer, the property Community Services Officer (CSO), and the designated narcotics detective. A separate set of keys for the safe will also be kept by the Services Division Commander and the Patrol Division Commander. In the event a Division Commander opens the depository safe they will be accompanied by one of the following: the property CSO, sworn property officer, designated narcotics detective or the on-duty watch commander.
- 3. A two-person rule will be adhered to whenever this safe is opened with one of the two persons being the designated narcotics detective.
- 4. Keys shall be changed annually. However, any modifications in authorized personnel shall require the re-keying of the safe and would take place within a reasonable time relative to the reassignment. This would supersede the annual change requirement.





Recommendation 24 continued: In line with recent improvements, FPD should continue to bolster its auditing of property, narcotics, and firearms.

ENTRY DOOR OF THE PROPERTY ROOM WHICH HOLDS THE NARCOTICS EVIDENCE

- 1. The entry door in the property room that holds the narcotics evidence will be double locked with a separate key operating each lock. The door can only be opened by authorized personnel by each using their own key simultaneously.
- 2. Authorized personnel will be the sworn property officer, the property CSO, and the designated narcotics detective. A separate set of keys for the door will also be kept by the Services Division Commander and the Patrol Division Commander. In the event a Division Commander opens this door he or she will be accompanied by one of the following: the property CSO, sworn property officer, designated narcotics detective, or the on-duty watch commander.
- 3. A two-person rule will be adhered to whenever this narcotics room is opened with one of the two persons being the designated narcotics detective.
- 4. Keys shall be changed annually. However, any modifications in authorized personnel shall require the re-keying of the safe and would take place within a reasonable time relative to the reassignment. This would supersede the annual change requirement.

NARCOTICS EVIDENCE BOOKING PROCEDURE

<u>Effective immediately narcotics evidence that is to be booked into evidence/property at the Fullerton Police</u> Department will be handled in the following manner:

- 3. The narcotics evidence will now be deposited by FPD personnel in the "single door depository safe" that has recently been placed in the FPD report room. This safe will be marked for the deposit of narcotics. The former narcotics booking locker, locker number 1, will no longer be used for incoming narcotics.
- 4. In the event the narcotics evidence package is too large to fit in the depository safe the evidence will be placed in the designated narcotics incoming property lockers (numbered 21 thru 25).

HANDLING OF NARCOTICS EVIDENCE BY FPD PERSONNEL AFTER INITIAL BOOKING

- 7. At least once a week, or as needed, the depository safe will be emptied by the designated narcotics detective and either the sworn property officer or the property CSO.
- 8. The narcotics evidence shall immediately be logged into the FPD automated property system by the sworn property officer, the property CSO, or the designated narcotics detective and a unique bar code and label will be generated for each item of evidence.
- 9. The narcotics evidence will then be placed and locked into the property narcotics room by the designated narcotics detective and either the sworn property officer or the property CSO.
- 10. After locking the narcotics evidence in the narcotics room the handling personnel will secure the room's entry door by closing the door and ensuring that both of the automatic locks are closed and locked.
- 11. Any authorized personnel accessing the depository safe, or the narcotics evidence room, for the removal of evidence from the depository safe, handling and processing of narcotics evidence, and placement into or removal from the narcotics evidence room, will adhere to the two-person rule with one person being the designated narcotics detective.





Recommendation 24 continued: In line with recent improvements, FPD should continue to bolster its auditing of property, narcotics, and firearms.

RELEASE OF NARCOTICS EVIDENCE

- 10. Narcotics evidence shall only be released pursuant to the lawful authority to do so. The types of releases include releases to the court for criminal prosecution and to the county crime lab for testing. Pursuant to a court order narcotics may be released for destruction, active criminal cases, and for police canine training purposes per H&S 11367.5.
- 11. The designated narcotics detective and either the sworn property officer or the property CSO will enter the narcotics evidence room simultaneously using their own keys for each lock, respectively, to retrieve the narcotics evidence.
- 12. Upon their departure from the evidence room the retrieving personnel will then ensure the door is closed and locked.
- 13. The designated narcotics detective, the sworn property officer, or the property CSO will ensure that the release of the narcotics will be reflected in the FPD automated property system.

AUDITS

- 7. Audits of the FPD narcotics evidence room will be done every quarter. The Chief of Police may order additional audits as deemed necessary.
- 8. The audits will be completed by the PSB Sergeants.
- 9. Audits will be done in cooperation with the designated narcotics detective, the sworn property officer and the property CSO.
- 10. Audits will ensure an accurate accounting of booked narcotics, and that procedures on the booking, handling, and release of narcotics are being followed.
- 11. In the event that an audit reveals discrepancies in the handling or accounting of narcotic evidence the Services Division Commander will be notified immediately so appropriate action may be taken in a timely manner.





Recommendation 25: FPD should ensure that its supervisors are regularly briefed on the pitfalls of developing supervisor subordinate relationships.

All police supervisors and managers have recently attended a mandated two hour course on sexual harassment and the pitfalls to supervisory-subordinate relationships put on by the City Attorney's Office. This training will be mandatory every two years.





Recommendation 26: FPD should develop policy requiring FPD supervisors to notify the Chief of Police once a personal supervisor subordinate relationship is initiated. The Chief should then take all precautions to ensure that actual or the appearance of favoritism toward the subordinate is not permitted to occur.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-16 Supervisor/Subordinate Relationship Status

Purpose

The purpose of this directive is to update verbiage in a section of Policy 1026. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

1026.2 Personnel Files Defined

(a) Personal data, including marital status, family members, educational and employment history, or similar information. Fullerton Police Employees shall notify the Chief of Police, as soon as possible, once a personal supervisor subordinate relationship is initiated.

Employees: Please refer to Policy 340.3.1(i), (noted below), as to notification requirements when marital status changes.

(i) It is the responsibility of each employee to keep our agency and City Personnel Department informed of his/her emergency contact and beneficiary information. Changes in marital status, such as marriage, domestic partnerships, separations, divorce and deaths of dependents may necessitate a need to change or update the employee's emergency contact or beneficiary information.





Recommendation 27: FPD should continue with its new orientation of recruiting police candidates from a diverse pool of resources.

In the past, our recruiting officer directed his efforts mainly on recruits from the Fullerton College Police Academy. During the past year he has established a partnership with the Command Staff at Golden West College Police Academy and has begun meeting with them on a regular basis. This will help ensure that the Fullerton Police Department recruits candidates from a diverse pool of resources. The department will also begin assessing current police cadets to determine their suitability as Fullerton Police Officers and the department will begin to sponsor police cadets in the Orange County Sheriff's Police Academy.





Recommendation 28: FPD should reorient officers' philosophy with regard to use of force by promoting alternatives to force to resolve situations in the field.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-12 Force Prevention

Purpose

The purpose of this directive is to update verbiage in a section of Policy 300. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

300 Force Prevention Policy

300.1.1 Philosophy

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and when warranted, may use force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of their duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

When time, circumstances and safety permit, there may be alternatives to using force. When reasonable and safe under the totality of the circumstances, members should consider such alternatives as advisements, warnings, verbal persuasion and other tactics.





Recommendation 29: FPD should reinforce officers' conduct that resolve confrontations without resorting to force through formal means such as commendable restraint citations and by considering the amount of force an officer uses in assessing the officer's annual performance.

Police Supervisors and Managers should document incidents where officers' conduct resolve confrontations without resorting to force by completing sergeant's commendations and watch commander entries. These incidents will also be memorialized on a bi-annual basis by including these comments on the employee's performance evaluation.





Recommendation 30: FPD should enact police that would require FPD personnel who witness force being used by a fellow officer or by another law enforcement agency report the force to a supervisor.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-13 Use of Force-Notification to Supervisors

Purpose

The purpose of this directive is to update verbiage in a section of Policy 300. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

300.4.1 Notification to Supervisors

Supervisory notification shall be made as soon as practicable following the application of physical force, by any officer who witnesses another officer using force including force by other police agencies, under any of the following circumstances:





Recommendation 31: FPD should set out with more specificity force incidents which would require that involved and witness personnel are interviewed.

In incidents where force was used by police personnel that resulted in significant injury as a result of that force, the involved officer(s) shall be interviewed by the investigating supervisor. Supervisors shall interview involved officers in incidents where medical treatment is required, force incidents involving canine bites, use of the carotid restraint, use of a baton, any head strikes with impact weapons, or the use of the Taser.

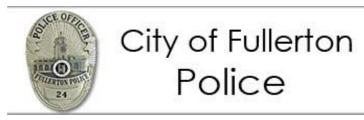




Recommendation 32: The Department should provide targeted training to its officers so that all are clear that only certain force options are available and authorized in non-life threatening situations.

On a yearly basis, the Fullerton Professional Standards Bureau will be responsible for administering use of force training to all sworn employees. The training will include use of force options and should incorporate the department's Advanced Interaction Systems PRISim system. The training will include performance judgment in realistic, comprehensive, situational training. Additional scenario based training designed to evaluate the use of force options should also be considered.

For officers assigned to the patrol division, additional force option training will be provided on a bi-annual basis. The training will be documented in the watch training book and will be included in the employee's performance evaluation. The evaluation should also include any remedial training that was required.





Recommendation 33: FPD should reconsider its training protocols and policy regarding the use of "distraction strikes." If distraction strikes are to be authorized, officers should be provided more guidance on the allowable uses of force under such category. Any distraction strikes policy should prohibit blows to the head.

The terminology of "distraction strikes" will not be taught or used in police reports. If an officer believes reasonable force is required to control or arrest a suspect, the officer will describe in detail what force was used.





Recommendation 34: FPD should reexamine its foot pursuit policy to rule out particularly dangerous pursuits such as pursuits by non-uniformed personnel.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-18 Guidelines for Foot Pursuits

Purpose

The purpose of this directive is to update verbiage in a section of Policy 458. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

458.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(p) Non-Uniformed Officers/Detectives generally work with less available equipment than Uniformed Officers and should consider the inherent danger of pursuing suspects on foot with less force-options available to them at the termination of the foot pursuit.





Recommendation 35: FPD should develop protocols to more formally review foot pursuits and hold officers accountable when they engage in foot pursuits that are not consistent with Department standards.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-18 Guidelines for Foot Pursuits

Purpose

The purpose of this directive is to update verbiage in a section of Policy 458. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

458.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(p) Non-Uniformed Officers/Detectives generally work with less available equipment than Uniformed Officers and should consider the inherent danger of pursuing suspects on foot with less force-options available to them at the termination of the foot pursuit.





Recommendation 36: FPD should modify its Taser use policy to prohibit its use as an impact weapon.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-14 Electro-Muscular Disruption Technology Guidelines

Purpose

The purpose of this directive is to update verbiage in a section of Policy 309. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

309.2 Policy

(e) The EMDT Device generally should not be used as an impact weapon.

309.4.5 Multiple Applications of the EMDT Device

This, however, shall not preclude any officer from deploying multiple, reasonable applications of the EMDT device on an individual.

After three (3) unsuccessful applications, unless there are articulable circumstances, officers should be instructed to cease using the EMDT Device and move on to other control methods or force options.





Recommendation 37: FPD should modify its Taser use policy to rule out more than three applications of the Taser and to prohibit prolonged Taser applications.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-14 Electro-Muscular Disruption Technology Guidelines

Purpose

The purpose of this directive is to update verbiage in a section of Policy 309. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

309.2 Policy

(e) The EMDT Device generally should not be used as an impact weapon.

309.4.5 Multiple Applications of the EMDT Device

This, however, shall not preclude any officer from deploying multiple, reasonable applications of the EMDT device on an individual.

After three (3) unsuccessful applications, unless there are articulable circumstances, officers should be instructed to cease using the EMDT Device and move on to other control methods or force options.





Recommendation 38: FPD should adopt a "performance to standards" policy which can be used to hold officers accountable when an officer's performance is so below the expectations of the Department's training that discipline is warranted.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012 Updated on September 27, 2012

Re: Directive #12-15 Evaluations of Employees

Purpose

The purpose of this directive is to update verbiage in a section of Policy 1002. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

1002.1 Purpose and Scope

The objective of the evaluation system is to record work performance for both the Department and the employee giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based upon job standards.

Employees are expected to maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions and that they will be expected to perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department.





Recommendation 39: FPD should revise its Administrative Investigation Guide that sets out the Department's expectations for force investigations. Supervisors should continue to review force investigations to ensure compliance with the investigative requirements as follows:

- a. Every officer who used force or witnessed force should be interviewed;
- b. When the force incident is dynamic, the force investigator should ask witnesses to diagram the positioning and track the movement of the participants. The diagram should be initialed and included in their investigative file;
- A preference for in-person interviews should be articulated. Should geography
 or other issues prove to be an obstacle to in-person interviews, that fact should
 be included in the investigative report;
- d. The interviewer should obtain sufficient information from participants and witnesses so that the force used is articulated with specificity. The report narrative should contain a detailed description of the officer's actions;
- e. The report narrative should indicate how it is that a civilian witness was in a position to witness the force and whether the witness was known to the individual upon whom force was used, and if so, how;
- f. Contact information of complainants and witnesses should be obtained and included in initial reports;
- g. A discussion of whether any charges were filed against the person upon whom force was used and the status of those charges should be included in the report;
- h. Instruction to investigators to refrain in the factual narrative of the report from characterizing or editorializing about the facts compiled in the case.

The Administrative Investigation Guide has been updated and is now accessible to all supervisors. The updates include all of the recommendations listed on this page.





Recommendation 40: FPD should develop policy that would prohibit officers who used, directed, or witnessed force from interviewing the person upon whom force was used or civilian witnesses about the force incident.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: August 21, 2012

Re: Directive #12-19 Use of Force Supervisor Review

Purpose

The purpose of this directive is to update verbiage in a section of Policy 300. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

300.5 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

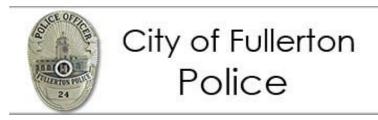
- (a) Obtain the basic facts from any un-involved officer(s), witnesses or other personnel at the scene. Involved officers may provide voluntary statements or reports.
- (b) Ensure that any injured parties are examined and treated.
- (c) Separately obtain a recorded interview with the subject(s) upon whom force was applied. Officers who used, directed or witnessed force are prohibited from interviewing the person upon whom the force was used or civilian witnesses about the force used. If this interview is conducted without the person having voluntarily waived his/her Miranda rights, the following shall apply:





Recommendation 41: FPD should shift responsibility for a greater percentage of force complaint investigations to be handled by its Professional Standards Bureau.

All major use of force investigations will be completed by a Professional Standards Bureau Sergeant. An additional Sergeant has been assigned to the training bureau and will assist the sergeants assigned to the Professional Standards Bureau to handle a greater percentage of force complaint investigations.





Recommendation 42: FPD should refrain from regularly scheduling sergeants assigned to the Professional Standards Bureau to patrol duties.

As of July 21st 2012 the Professional Standards Bureau Sergeants are no longer assigned to any collateral patrol duties.





Recommendation 43: FPD should improve its force review process to ensure that not only is the incident centrally reviewed to determine whether the force used was in policy but also to examine whether there was tactical decision making that was consistent with FPD policy and expectations.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: October 18, 2012

Re: Directive #12-20 Use of Force Review Board

Purpose

The purpose of this directive is to update verbiage in a section of Policy 302. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

302.2 FORCE REVIEW BOARD/TACTICAL REVIEW COMMITTEE

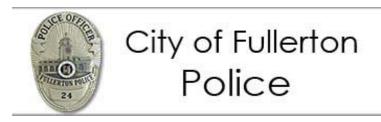
The Fullerton Police Department is charged with the important responsibility of objectively evaluating the use of force. It is the policy of this department to convene a Use of Force Review Board when the use of force by an employee results in serious injury or death to a person.

The Use of Force Review Board will also investigate and review the circumstances surrounding every accidental or intentional discharge of a firearm, whether the employee is on or off duty, excluding range training or recreational use.

The Chief of Police or his or her designee will convene the Use of Force Review Board / Tactical Review Committee to investigate the circumstances surrounding any use of force incident which results in very serious injury or death to another.

The Use of Force Review Board may also be convened at the discretion of the Chief of Police in any case he or she deems necessary.

The conclusions of the Review Board and Command Staff should be discussed with the involved officers and onscene supervisors to inform them about whether the force was in policy and make recommendations about the option of debriefing the incident to the Department as a whole.





Recommendation 44: FPD's force review should also consistently reinforce officer conduct that is consistent with or surpasses the Department's expectations through formal or informal commendations.

Police Supervisors and Managers should document incidents where officers' conduct resolve confrontations without resorting to force by completing sergeant's commendations and watch commander entries. These incidents will also be memorialized on a bi-annual basis by including these comments on the employee's performance evaluation.

In addition to the above processes, the Staff Disposition Form has been updated to include formal documentation of reinforcing conduct that is consistent or surpasses the Department's expectations.

STAFF DISPOSITION FORM

Recommendations to Staff:	
WITHIN POLICY	Commendations Sergeant W/C Captain Chief
NOT WITHIN POLICY	Reprimand Sergeant W/C Captain Chief Training Recommended Suspension without pay hours Other:
Staff Notes:	
Staff Date:	CAPTAIN GEORGE CRUM Commander, Uniform Division





Recommendation 45: At the end of the force review, officers involved in every force incident should be debriefed regarding how the Department considered the handling of the incident including the tactical decision making.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: October 18, 2012

Re: Directive #12-20 Use of Force Review Board

Purpose

The purpose of this directive is to update verbiage in a section of Policy 302. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

302.2 FORCE REVIEW BOARD/TACTICAL REVIEW COMMITTEE

The Fullerton Police Department is charged with the important responsibility of objectively evaluating the use of force. It is the policy of this department to convene a Use of Force Review Board when the use of force by an employee results in serious injury or death to a person.

The Use of Force Review Board will also investigate and review the circumstances surrounding every accidental or intentional discharge of a firearm, whether the employee is on or off duty, excluding range training or recreational use.

The Chief of Police or his or her designee will convene the Use of Force Review Board / Tactical Review Committee to investigate the circumstances surrounding any use of force incident which results in very serious injury or death to another.

The Use of Force Review Board may also be convened at the discretion of the Chief of Police in any case he or she deems necessary.

The conclusions of the Review Board and Command Staff should be discussed with the involved officers and onscene supervisors to inform them about whether the force was in policy and make recommendations about the option of debriefing the incident to the Department as a whole.





Recommendation 46: In addition to deciding whether the force was in policy, FPD should examine force incidents to determine whether there were issues of supervision, policy, or training that it should address.

Memo

To: All FPD Employees

From: Acting Chief Dan Hughes

Date: October 18, 2012

Re: Directive #12-20 Use of Force Review Board

Purpose

The purpose of this directive is to update verbiage in a section of Policy 302. The following changes are effective immediately and will be incorporated into the policy manual during the next revision.

302.2 FORCE REVIEW BOARD/TACTICAL REVIEW COMMITTEE

The Fullerton Police Department is charged with the important responsibility of objectively evaluating the use of force. It is the policy of this department to convene a Use of Force Review Board when the use of force by an employee results in serious injury or death to a person.

The Use of Force Review Board will also investigate and review the circumstances surrounding every accidental or intentional discharge of a firearm, whether the employee is on or off duty, excluding range training or recreational use.

The Chief of Police or his or her designee will convene the Use of Force Review Board / Tactical Review Committee to investigate the circumstances surrounding any use of force incident which results in very serious injury or death to another.

The Use of Force Review Board may also be convened at the discretion of the Chief of Police in any case he or she deems necessary.

The conclusions of the Review Board and Command Staff should be discussed with the involved officers and onscene supervisors to inform them about whether the force was in policy and make recommendations about the option of debriefing the incident to the Department as a whole.





Recommendation 47: FPD should develop protocols so that training staff reviews force incident investigations and provides meaningful input in an individual and systemic way to improve the training of officers.

When reviewing use of force incidents, Command Staff should forward investigations to the Professional Standards Bureau's Training Sergeant that would indicate a Department-wide training deficiency or where there is an indication that there needs to be refinement of a policy or increased training. The sergeants assigned to the Professional Standards Bureau will also conduct audits of the use of force and provide a written analysis of the force being used and under what conditions to the Services Commander.





Recommendation 48: FPD should consider designing protocols whereby significant force incidents and a sampling of less significant force incidents are reviewed by a force review committee. The force review committee should develop a written action plan for each force incident reviewed and ensure an effective loop to present the results of any action plan back to the committee at a later time.

The Professional Standards Bureau will conduct an annual random audit of up to five significant Use of Force cases and five less than significant Use of Force cases. These cases will be provided to the Tactical Review Committee who will review the cases and determine if any department wide training is needed and will ensure that the training is provided by a POST Certified instructor. This training will be documented in the employee's Training File.





Recommendation 49: FPD should continue to use mechanisms, such as training bulletins or briefings to ensure that information learned is exported back to the line officers and first level supervisors in a meaningful way.

The Professional Standards Bureau will be responsible for providing and tracking training bulletins provided to officers as described below.

llerton PD 24/Se Reference Docum		
05/31/2011 1155	540 Call Out List	List of Contacts and Phone Numbers
05/04/2012 0933	AB 109 Guide	Patrol Guide to AB 109
01/24/2011 1520	Bail Schedule	Uniform Bail Schedule 12/7/2010
09/14/2011 1033	CAT 5150	Centralized Assessment Team 5150 Guide
11/07/2011 0746	Crisis Response Team	Crisis Response Team Brochure
10/21/2010 1625	DL Guide	Driver's License/ID Guide – USA & Mexico
12/19/2011 0945	Evacuation Guidelines for VBIEDs	Large VBIED Standoff Detection and Protective Measures When Threat of Attack is Assessed as High
09/06/2012 0651	Halfway House/Rehab Facilities	
08/29/2011 1604	Homeless Resources	Resources for the homeless
08/02/2011 1626	Injunction Members	Photos and Info on Injoined Members
06/30/2011 1527	Injunction Prohibitions	Rules
06/30/2011 1527	Injunction Safety Zone	Map & Description
02/28/2011 1417	LE Guide to RR Laws	Law Enforcement Guide to Railroad Laws
07/11/2012 0620	New Gun Code	Senate Bill 1080 Conversion
01/04/2012 1255	NJC Citation Calendar 2012	2012 Citation Court-Day Assignment Calendar
10/17/2011 0846	OC Mental Health Facilities	Orange County Designated Mental Health Facilities
11/09/2010 0743	OC Probation Phone List **Highly Confidential**	Fullerton Officers
08/19/2011 1312	Open Carry Training Bulletin	From OCSD
02/14/2012 1033	Permit ID Card (Sample)	FPD Permit ID Card for solicitors, peddlers, exotic dancers etc.
08/16/2012 0657	Policy Manual	Policy Manual Release 20120214
12/05/2011 1037	Realignment-Weapons	Realignment / Firearms-Deadly Weapons Laws
11/01/2010 1300	Sector Map	Map of Fullerton with Sectors defined
09/26/2011 1253	Semi-Auto Rifle ID	California Centerfire, Semi-Auto Rifle Identification Flowchart
11/01/2011 0922	Shelter Referrals	Shelter Referrals for Orange, Los Angeles, Riverside, San Bernardino and San Diego Counties
11/24/2010 0759	Witness Translation Card	Witness Translation Card - Multiple Languages





Recommendation 50: FPD should consider developing a disciplinary matrix or guidelines to help ensure consistent and principled disciplinary decisions.

This recommendation is still under review.





Recommendation 51: FPD should hold firm when its initial determination is to terminate an officer and should only modify the decision when there is new information or analysis provided during the grievance process that warrant such modification.

After an investigation has been provided to Staff and a decision of termination has been rendered by the Chief of Police, a change in that decision should only occur during the grievance process where either additional information or analysis is required.





Recommendation 52: FPD should make effective use of the one year probationary period for newly hired employees and should not hesitate to remove officers should concerns about the officer's performance be identified during the probationary period.

New employees generally have a one year probationary period. In part, this time period is used to assess if that employee meets the standards of the Fullerton Police Department. If during this probationary process concerns rise about the officer's level of performance or integrity, notification and a recommendation shall be made to the Chief of Police to terminate the employee.





Recommendation 53: FPD should develop protocols to ensure that complaint response letters address each of the allegations raised by the complainant.

Each and every citizen complaint will be promptly and thoroughly investigated by the Fullerton Police Department. After the allegations have been thoroughly investigated and presented to the Command Staff, a detailed letter will be sent to the complainant addressing each of the allegations. It will be the responsibility of the Division Commander signing the letter to ensure each allegation has been appropriately communicated to the complainant.





Recommendation 54: FPD should develop a mediation system as an alternative way to resolve disputes among citizens and its officers.

Acting Chief Dan Hughes has contacted the Orange County Human Relations to discuss the possibility of joining the O.C. Human Relations Police Community Reconciliation Program. The joining of this program would include a police community relations mediation program. A decision regarding this concept will be finalized by January 1, 2013.





Recommendation 55: FPD should consider developing protocols and policy permitting the Department and the employee to address potential policy violations without the need to resort to a full, formal, and time consuming administrative investigation.

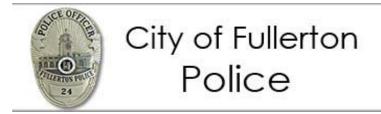
Potential minor policy violations may be handled by supervisory counseling, written reprimands, and the documentation on a Supervisor's Use of Force / Prisoner Injury Review, form 809. Other investigations pertaining to policy violations should be documented in accordance to the recently modified Administrative Investigation Guide Manual.





Recommendation 56: FPD should consider developing an alternative disciplinary system tailored to more artfully remediate the policy violation at issue.

This recommendation is still under review.





Recommendation 57: FPD should develop protocols that would extend the purging of internal affairs investigations and disciplinary records to at least five years beyond the employment end date of the employee.

This recommendation is still under review.





Recommendation 58: FPD should work to devise ways, consistent with state law, to provide employees, stakeholders, and the public at large with more information about individual cases and systemic issues flowing out of its internal investigative processes.

A review of all Internal Administrative Investigations will be conducted and provided on-line for all to view. The statistics will include the total number of investigations dating back to 2007. It will also include the type of force being used, the number of prisoner injuries, and the number of citizen complaints that were reported to the department and how many were within policy and how many officers received formal discipline. The type of formal discipline officers received will also be listed.

INTERNAL ADMINISTRATIVE INVESTIGATIONS STATISTICS

	2007	2008	2009	2010	2011	2012
Total Investigations	170	194	174	124	101	62
USE OF FORCE	31	35	31	9	5	3
Taser	24	31	26	8	1	1
				4		0
Baton	4	2	3	1	2	0
Pepper Spray	1	1	0	0	0	0
K-9	2	1	2	0	2	2
PRISONER INJURY	2007	2008	2009	2010	2011	2012
Total	43(22)*	57(31)*	43(28)*	32(11)*	8(5)*	4 (3)*
Within Policy for Injury	43	57	43	30	8	3
Discipline for Injury	0	0	0	2	0	0
Discipline for injury	U	U	O	2	O	O .
CITIZEN COMPLAINTS	2007	2008	2009	2010	2011	2012
						- •
Total	23	24	34	26	41	9
Within Policy	19	21	31	21	37	8
Discipline	4	3	3	5	4	1

* Involves Use of Force

USE OF FORCE REVIEW**						
	2007	2008	2009	2010	2011	2012
Total	0	0	2	16	45	22
Prisoner Injury/Force Used			1	12	28	16
Taser			1	2	6	1
Hobble Restraint					6	3
Other Force Used/No Injury					2	2
OC				2	2	
Misc					1	

^{**} Use of Force Review Investigations are investigated and completed by patrol supervisors. This report is attached to the original crime report and is available for review by the arrestee.

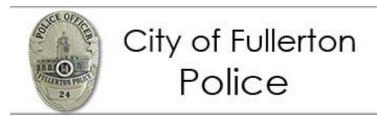




Recommendation 58 continued: FPD should work to devise ways, consistent with state law, to provide employees, stakeholders, and the public at large with more information about individual cases and systemic issues flowing out of its internal investigative processes.

TYPE OF DISCIPLINE RECEIVED						
	2007	2008	2009	2010	2011	2012
Reprimand	70	49	53	30	23	27
Suspension	1	6	8	4	2	4
Pay Step Reduction		1		2	1	
Re-Assignment					3	1
Demotion		1				1
Termination	1				3	3
Additional Training		4	7	1	5	

Discipline received for all policy violations including but not limited to Use of Force incidents





Recommendation 59: The City should consider creating an independent model of oversight to ensure that its Police Department objectively and thoroughly investigates critical incidents and allegations of misconduct and renders objective disciplinary decisions.

This recommendation is still under review.