



Ad Hoc Committee to Study Police Oversight

January 14, 2004

The Ad Hoc Committee to Study Police Oversight met in the Yavapai/Javelina classrooms of the Public Safety Training Facility, 3260 N. 40th Street, on January 14, 2004 at 4:10 p.m.

COMMITTEE PRESENT

Dennis Kavanaugh, Chairman
Lynda Bailey
Henry Castillo, Jr.
Sharon Corea
Linda Flick
Graciela Herrera
Michael Hughes
Kevin Kotsur
Phil Lowry
Patrick Pomeroy
Ken Salas
Mary Lou St. Cyr
Janie Thom
Claudia Walters

COMMITTEE ABSENT

None

STAFF PRESENT

Mike Hutchinson
Barbara Jones
Chief Dennis Donna
Eric Norenberg
Mary Berumen

(Chairman Kavanaugh excused Committeemember Kotsur from the beginning of the meeting. He arrived at 4:25 p.m.)

1. Welcome and Introductions.

At the request of Chairman Kavanaugh, each member of the Committee and City staff introduced themselves.

Chairman Kavanaugh advised that former Vice Mayor Jerry Boyd, who was also a member of this Committee, passed away earlier in the week. He added that Mayor Hawker would make a recommendation to the Council to fill the vacancy in the near future.

Chairman Kavanaugh stated that the presentation by the Police Department would take approximately 90 minutes, and he advised that Chief Donna requested that the Committee hold any questions until the end of the presentation. Chairman Kavanaugh noted that in addition to extensive public outreach being planned by the Committee, at each meeting a maximum of three speakers could present remarks for three minutes each by completing a blue speaker card.

2. Hear and discuss presentations on use of force training and procedures and related topics by Mesa Police Department.

Police Chief Dennis Donna welcomed the members of the Committee to the meeting and stated that the presentation would focus on training provided to recruits at the Academy as well as ongoing training provided to officers. He noted that records are maintained to document all training, and officers are tested to ensure that training objectives are met. Chief Donna added that officers are also reviewed on a daily basis throughout their career.

Chief Donna explained that due to the nature of civilian review, the training presentation would focus on defensive tactics and use of force. He added that members of the Committee should feel free to ask questions about any aspect of police training. Chief Donna advised that the presentation would also address interpersonal skills and crisis intervention techniques. He introduced the Police Department Training staff members who would be presenting the information: Lieutenant John Meza, Officer Mike McMillan, Officer Ted Huntington and Lieutenant Bob Gervasi.

Lieutenant Meza outlined the topics to be covered and stated that training is the “front door” to law enforcement. He advised that part of the mission statement of the Mesa Police Department (MPD) Training Section reads as follows:

- It is the mission of the training unit to work in partnership with our members to provide services of the highest possible level on issues involving training.

Lieutenant Meza reported that an annual employee training survey indicated that the officers’ primary concern related to officer safety issues and techniques, and the next most frequent request was for additional Spanish language training. He noted that the Training Section reviews “Use of Force” reports from the field to identify any issues that should be addressed in the training process. Lieutenant Meza stated that the Training Department also receives input from supervisors and officers suggesting “real-life” situations encountered by officers that could be used as a training scenario. He noted that a Training Committee comprised of both civilian and sworn police personnel works to identify training issues throughout the department. Lieutenant Meza advised that the Safety Committee reviews injuries to and suggestions from employees to determine if any safety issues can be identified and addressed. He stated that the mission statement also includes the following wording:

- We pledge to seek out and develop professional training in order to enhance the skills of our members and ensure a quality learning environment for all employees.

Lieutenant Meza noted that changes in law enforcement training occur for many reasons, such as changes in society, the development of new techniques and equipment, and the results of current research. He advised that Police Department participation in national associations and professional organizations provides current information on procedures, research and training. Lieutenant Meza added that all training conducted by the department is certified by the Arizona Peace Officers Standards Training Board (A.Z.P.O.S.T.), the State training board that establishes guidelines and requirements for police departments throughout the State of Arizona. He stated that all training is documented, processed through the chain of command for approvals, and submitted to A.Z.P.O.S.T for their approval. Lieutenant Meza advised that Mesa police officers serve as subject experts for A.Z.P.O.S.T. committees. He also noted that the Department is accredited through the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Lieutenant Meza stated that the Training Section strives to offer the most current information to the department's employees, and that goal is reflected in the last part of the training mission statement that reads as follows:

- We are committed to establishing and maintaining a high level of proficiency and safety by providing the best possible training programs.

Lieutenant Meza noted that recruit training at the Mesa Police Academy is a 20-week program as compared to 17 or 18 weeks required by other agencies. He advised that the Mesa Police Academy utilizes role-playing scenarios in an effort to provide officers with a "real life" type of training. Lieutenant Meza added that each Committeemember was provided a copy of the schedule for Academy Class #21 (A copy is available for review in the City Clerk's Office.). He stated that 300 hours of recruit training is devoted to defense tactics, proficiency skills and de-escalation/escalation of force methods. Lieutenant Meza explained that de-escalation tactics are used to ensure the safety of the officer as well as to ensure the safety of the suspect and innocent bystanders. He added that other topics taught at the Academy include: ethics and professionalism; defensive tactics; firearms/range training; four sets of scenario-based field problems; cultural awareness; liability issues; interpersonal communication/verbal judo; use of force classroom and practical application; and criminal law/Title 13. Lieutenant Meza noted that verbal skills were the most important part of an officer's training.

Lieutenant Meza explained that following graduation from the Academy, officers are placed in the Field Training Officer (FTO) Program to receive on-the-job training. He stated that the FTO Program mission statement is as follows:

- The Mesa Police Department, in keeping with community expectations for professional police service, has established the Field Training Officer Program. The mission of the Mesa Police Department Field Training Officer Program is to prepare Officers in Training (OITs) to perform the essential duties of a police officer and to enhance the professionalism of patrol divisions through continuous quality improvement.

Lieutenant Meza advised that OITs spend 18 weeks in training with at least three different FTOs in one of the four police districts, usually the district to which the OIT will be assigned upon completion of the program. He explained that the OIT accompanies a training officer and each

day the OIT is evaluated on many different items including interaction with people, professionalism, and driving ability; that daily evaluations are provided to a sergeant who in turn completes a weekly evaluation; that the weekly evaluations are forwarded to a lieutenant for review and evaluation; and that an FTO Coordinator also reviews all of the evaluations to ensure that the officer is prepared to assume his or her duties on the street.

Lieutenant Meza advised that when the officer is assigned to regular duty, the Continuing Officer Education Program is offered. A.Z.P.O.S.T. requires that each officer receive eight hours of training annually and eight hours of Proficiency Training every three years. He noted that Mesa has higher standards in that a minimum of eight hours of continuing education is required annually and an annual minimum of 12 hours of Proficiency Training (which includes range time). Lieutenant Meza stated that a study indicated that MPD officers receive an average of 62 training hours per year. He added that removing patrol officers from the streets for training purposes could create a manpower issue, and staff was very cognizant of the potential problems when establishing training schedules.

Lieutenant Meza noted that in past years, officers could select from a menu of courses for the Continuing Officer Education (COE) Program. He advised that in 2004, each officer must complete 36 hours of mandatory training, including 20 hours that focus on high risk/low frequency incidents such as pursuits, building searches and responding to high-risk crimes. Lieutenant Meza added that 12 hours of range defensive tactics/use of force related training is required each year as well as four hours of Taser training.

Lieutenant Meza stated the Crisis Intervention Team (CIT) training is a new program in 2004 to provide education on methods of navigating through the mental health system with an emphasis on communication and de-escalation skills, techniques to identify individuals suffering from mental illness, and strategies to de-escalate and communicate with the individual. He noted that this 40-hour program targets a minimum of 86 officers, or two per patrol squad, and in addition, 10 hours of CIT training would be required for all patrol officers.

Lieutenant Meza stated that a number of classes are offered throughout the year, such as cultural diversity, incident command system, and domestic terrorism. He added that all officers are required to attend "Understanding Mental Illness," and the CIT program would enhance the value of this class. Lieutenant Meza noted that the MPD Leadership Program, which was implemented in 2003 and is open to all department employees, includes classes in strategic planning, human communications, conflict resolution, performance recognition, and team building.

Lieutenant Meza outlined the following training challenges MPD faces in the future: legal issues, manpower issues, technological advances, new tactics and strategies and budget concerns. He noted that MPD training strengths include: subject matter experts who are recognized at the State level; memberships in professional associations; research conducted to update training strategies; the number of training hours offered; training that is linked to performance appraisals; a personal assessment system that tracks incidents for specific officers as a method of forecasting potential problems; and the department's Training and Safety Committees.

Officer McMillan stated he would present "Use of Force" issues and advised that a U.S. Supreme Court ruling defined "use of force justification" as follows:

Reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, not with 20/20 hindsight.

Officer McMillan explained that officers must often make split second decisions, and although a decision does not have to be perfect, it must be reasonable. He added that the Arizona Revised Statutes state that an "...officer may use that force which is reasonable and necessary to effect the arrest." Officer McMillan noted that police officers have no legal obligation to retreat.

Officer McMillan stated that MPD's philosophy is that "The value of human life is immeasurable in our society." He explained that protection of property and the apprehension of a criminal are secondary to protecting human life including the officer's own life and the lives of fellow officers. Officer McMillan noted that some people incorrectly believe that police officers are paid to "take the bullet." He advised that if officers were injured, no one would be present to protect the victim. Officer McMillan added that officers are told that it is very important for them to go home to their families every night. He also noted if officers are not able to return to work because of injuries, replacement with a new recruit could take almost a year.

Officer McMillan advised that force is utilized to stop a specific action and once the action stops, officers are trained to assess the situation and continue on to the subsequent goal. He noted that once adrenaline increases, an individual may have difficulty dropping back down or de-escalating quickly, but officers are trained to de-escalate and take control of the situation through the use of scenario-based training. Officer McMillan explained that many factors affect the force levels utilized by officers including officer/subject size, age, fitness and skill levels, multiple officers and/or suspects, proximity of back-up, reaction time, environmental conditions, and the condition of the subject (alcohol, drugs, mental state).

Officer Huntington stated that the reality is that police work is a dangerous profession. He added that the motto of officers is "to protect and serve," and he noted that a website (odmp.org) exists to memorialize the approximately 160 officers killed each year in the line of duty. Officer Huntington advised that there are an average of 240 assaults on Mesa police officers each year. He noted that public safety is a stress-related profession in that a routine patrol can change quickly. Officer Huntington explained that the human body goes into a "fight or flight" syndrome as adrenaline is released into the system, blood pressure increases and the body directs blood flow to major muscles. He added that other effects of stress include the loss of fine motor skills and the fact that the brain wants to function in the emotional part of the brain, but officers are trained to stay in the cortex or the reasoning part of the brain. Officer Huntington advised that stress is introduced into the training situation due to the fact that reactions to stress could be unpredictable. He explained that training begins with static situations to learn basic skills in a controlled environment and then progresses to dynamic situations with movement that induces stress and requires reasoning. Officer Huntington described the protective equipment used during this type of training.

Officer Huntington advised that the first objective of an officer is to generate voluntary compliance utilizing verbal skills. He explained that police officers, as representatives of the City, must maintain a professional demeanor, deflect negative language and stay focused on the objective. Officer Huntington noted that training also includes the use of language to defuse volatile situations, the practice of active listening skills, and consideration of cultural differences.

He noted that within the City of Mesa, more than 100 different cultures are represented. Officer Huntington advised that the number one citizen complaint is that an officer was rude, and commented that MPD has made an effort to reduce these types of complaints.

Officer Huntington referred to the Control Options Chart (See Attachment 1.) and noted that Mesa's chart is modeled after the Federal Bureau of Investigation's (FBI) Use of Force Control Chart. He explained that the chart establishes guidelines, protects the department against lawsuits and protects the public against excessive force.

Officer Huntington stated that police actions are reactive rather than aggressive in nature. He explained that the subject's actions will determine the response and the officer is trained to use the least amount of force necessary and reasonable in order to obtain compliance. Officer Huntington noted that all situations may not fit within the chart and that the totality of the circumstances must be evaluated when considering use of force. He reviewed the Control Options Chart and explained the guidelines that an officer utilizes when responding to the actions of a subject. Officer Huntington added that at every level of response, verbal commands are given to the subject.

Lieutenant Gervasi stated that he was the Commander of the Special Weapons and Tactics (SWAT) Team. He advised that in addition to the SWAT Team, there are nine officers on Hazardous Devices (bombs), 11 Hostage Negotiators, and seven handlers for nine dogs in the K-9 Unit. He noted that in 2003, the training hours were as follows: SWAT Team 330, bombs 250, negotiators approximately 140, and the K-9 Unit approximately 200 hours.

Lieutenant Gervasi noted that the department utilizes a live Fire House with interior movable walls and doorways that can be changed to simulate a house or other building. He explained that the house provides an opportunity for officers to train using live munitions in a stressful environment.

Lieutenant Gervasi noted that less lethal munitions, such as beanbag rounds and chemical agents, were developed to meet the needs of SWAT Teams. He advised that "less lethal" weapons save lives by providing officers with additional tools to utilize prior to reaching the level of deadly force. Lieutenant Gervasi noted that the chemical spray used by the SWAT Team is the same formula carried by patrol officers, but in a much larger container. He stated that none of these weapons are perfect as a certain number of individuals will have no reaction, but each provides one more tool to assist officers in avoiding harm to themselves and suspects.

Lieutenant Gervasi noted that Tasers first became available in the late 90's. He added that the Taser has proved to be effective 95% of the time and that most injuries associated with the use of a Taser were the result of the suspect falling to the ground. Lieutenant Gervasi advised that each district presently has 33 Tasers available for checkout, SWAT carries a small arsenal, and undercover officers normally carry a Taser as well.

In response to a question from Committeemember Hughes, Lieutenant Gervasi stated that in the future, a Taser is likely be assigned to every officer.

Lieutenant Gervasi advised that new weapons and devices are continually being evaluated and tested to determine if they are appropriate to meet the needs of the department. He advised

that the department placed a ballistic shield that will stop all handgun fire in each supervisor's vehicle, but the department has only one shield that will stop rifle fire due to the fact that the shield is heavy, not extremely practical and priced at over \$10,000 each.

Lieutenant Gervasi stated that dogs are probably the best non-lethal deterrent used by the Police Department. He noted that the K-9 Unit officer's vehicle normally has two dogs in separate cages, one for patrol and one for either narcotics or explosives. Lieutenant Gervasi reported that Mesa's K-9 Unit is recognized as one of the best in the State and added that Mesa conducts training for other agencies.

Chairman Kavanaugh introduced Committeemember Kevin Kotsur and noted that he was recently appointed to a new position. Committeemember Kotsur apologized for being late, but advised that his appointment as the new Police Chief of Avondale was announced earlier in the afternoon.

In response to a series of questions from Committeemember Flick, Lieutenant Gervasi stated that the use of Tasers by officers has been voluntary, but those officers electing to use a Taser must attend certification classes and experience being "tased" as a part of that certification in order to provide each individual with a better understanding of the Taser's impact on a suspect. Lieutenant Gervasi explained that certified officers check out the Taser for an entire shift, not just for a specific call for assistance. He noted that as more officers become certified, additional Tasers might be required. Lieutenant Gervasi commented on the possibility of Tasers being made available to the general public by stating that although the department has not taken an official stand, officers would not want to be put in the position of criminals using Tasers against them or against citizens in the commission of a crime.

In response to a question from Committeemember Corea regarding the procedures to be used by citizens to report complaints relative to treatment by police officers, Chief Donna advised that the subject is included as a topic for the next Committee Meeting on January 28th.

Lieutenant Gervasi responded to questions from Committeemember Walters by noting that the Taser was effective 95 to 98% of the time when both contacts were hit. He estimated that the accuracy rate for hitting the suspect with the Taser was approximately 70 to 80%, but the Department just recently started to study these numbers. Lieutenant Gervasi noted that the majority of the ineffective applications of the Taser resulted from the officer disengaging the Taser when the suspect reacted. He noted that training has been adjusted to ensure that officers utilize the Taser until the suspect has been forced to the ground, at which time the officer can control and apprehend the suspect.

Discussion ensued relative to the fact that an assault on a police officer could be defined as an instance where an officer is required to defend himself even though no injury occurred; that an aggravated assault may be pleaded down in court to a simple assault; that any type of action considered to be an assault on an average citizen would be considered an assault on an officer, but in the case of a police officer, the court considers the assault to be "aggravated;" that in most cases, an officer does not report these types of incidents; and that a verbal assault would involve some type of a threat rather than just name calling.

Additional discussion ensued relative to the fact that the greatest needs of the department center around manpower issues and being able to remove officers from regular duty in order to provide training while maintaining the staffing level necessary to ensure public safety.

In response to a question from Committeemember Hughes, Chief Donna advised that at the next Committee Meeting, personnel from the Criminal Investigations Unit would address the procedures that are in place regarding the investigation of an officer-involved shooting, a representative from the County Attorney's Office will be present to explain their responsibility in terms of their review of the criminal aspect, and a representative of the MPD will address how citizen complaints are handled in general, including complaints about officer-involved shootings.

3. Items from Citizens Present.

There were no items from citizens present.

4. Adjournment.

Chairman Kavanaugh noted that the next meeting would be held on January 28, 2004 at 4:00 p.m. in the Lower Level Meeting Room of the Council Chambers.

Without objection, the Ad Hoc Committee to Study Police Oversight Meeting adjourned at 5:57 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Ad Hoc Committee to Study Police Oversight meeting of the City of Mesa, Arizona, held on the 14th day of January 2004. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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Attachment