

The Oxnard Police Department: A Review of Selected Protocols & Processes

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Michael Gennaco
Teresa Magula
Samara Marion



323-821-0586
6510 Spring Street #613 | Long Beach, CA 90815
OIRGroup.com

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Introduction

Over the course of several weeks in the spring of 2023, Oxnard Police Department officers were involved in three critical incidents with common circumstances: they involved armed subjects who may have been experiencing a mental health crisis, the incidents unfolded and escalated rapidly, and all resulted in officers' using deadly force. To its credit, OPD did not wait to act until after lengthy criminal and administrative investigations were complete. Instead, the Department created a new review unit, the Patrol Development Unit (PDU), to evaluate the incidents to identify areas of improvement and training and equipment needs. And as part of its outreach efforts, OPD leadership met with the Chief's Advisory Board and three local community groups and heard their perspectives.

OPD command also recognized that it could benefit from a third-party review of practices and processes related to these incidents, including encounters with persons in crisis, de-escalation, tactical communication, crisis intervention training and partnerships with the County. The City then contracted with OIR Group, a team of law enforcement oversight experts, to conduct this review.¹ OIR Group has familiarity with OPD; several years ago, it was asked to review the Department after two critical incidents (one officer-involved shooting and one in-custody death) occurred, resulting in public reports containing our findings and recommendations. To be clear, this review is not intended to specifically evaluate the three specific incidents that occurred in the Spring of 2023, which are still under investigation. Rather, OPD requested an evaluation

¹ OIR Group's team of experts in police practices has worked in the field of civilian oversight of law enforcement for more than two decades. Led by Michael Gennaco, a nationally recognized leader in the field, OIR Group provides a range of consultations, evaluations, and investigations for jurisdictions around California and in several other states. More information about their work, including the two prior public reports relating to the Oxnard Police Department, is available at www.oirgroup.com.

of specific Department practices and processes that related to policies, protocols and training on how to address those in mental health crisis. In specific, the Oxnard Chief of Police requested that OIR Group examine and provide recommendations on the following topics:

- Encountering emotionally disturbed persons
- De-escalation: training and emphasis within the agency
- Tactical communication
- Crisis Intervention Training
- Use of the Ventura County Mobile Crisis Response Team
- Officer-clinician partnerships
- Crisis Intervention Officer deployment
- Tracking and de-escalation

To complete this assignment, OPD provided, and we reviewed various materials, including its policy manual, Training Bulletins, slide decks used in training sessions, training plans, scenarios used in training, internal review memos, and curriculum outlines. We also attended one day of the Department's bi-annual Use of Force training, which included a classroom session regarding policy and legal updates, a hands-on Defensive Tactics session, and two virtual, scenario-based training modules using the new Apex Officer virtual reality and the existing MILO system.²

As importantly, we heard directly from OPD leadership. We spoke with members of OPD's command staff, including two members who have since retired, supervisors at various ranks, and officers involved in the Department's Crisis Intervention Team (CIT) program. We were impressed with their candor, creative ideas, and willingness to engage in critical and constructive evaluation of their department.

We also talked with the Ventura County CIT coordinator and OPD's Emergency Communications Division manager.

While OPD identified several factors that they believed may have contributed to their officers' use of deadly force in those three incidents, it reported that the most significant was the need to devise more effective

² Apex VR and MILO are platforms that present virtual, yet realistic scenarios, for officer training. We discuss these in more detail later in this report.

ways to respond to persons experiencing a mental health crisis. We agree. While the majority of OPD officers are Crisis Intervention Team (CIT) trained, and OPD has officers dedicated to CIT-specific work, we found that OPD does not yet have a fully integrated crisis intervention program. Further, the training related to crisis intervention is siloed and not fully cross-referenced with other OPD training. And we found that at least some of the training conducted in-house, specifically the training related to “emotionally disturbed persons,” could be improved to fully align with a 21st Century model of crisis intervention.

In the first section of our report, we describe OPD’s current CIT training, how the Department might benefit from a system for selecting and deploying experienced CIT officers to crisis calls, the challenges of working with partner organizations, and how OPD might improve its crisis response program. We reference a reportedly-successful OPD-created program, the Homeless Liaison Unit which has similar challenges, and discuss how the Department might structure a similar model to improve its mental crisis response.

Our review also found room for improvement that goes beyond creating a robust crisis response program. We identified aspects of the Department’s *overall* approach to policing, policy and training that may be worthy of reconsideration. In the second section of our report, we look beyond crisis intervention and discuss how OPD trains officers to respond to calls for service, regardless of the nature of the call. We offer recommendations for updating and shifting the Department’s training to a guardian-based, coordinated response model that includes pre-planning, teamwork, strategic communication, and tactical decision-making, all of which are especially critical in responding to crisis calls. We share ideas – many of which were articulated in our discussions with OPD command staff – designed to increase the frequency of training and to further develop the Department’s current scenario-based training modules.

Underscoring all of this is the concept of de-escalation, a critical component that OPD requested us to review, especially considering new legal requirements and renewed emphasis and attention to the concept. Our review found that OPD’s current use of force policy could better align with the aspirations and guidance set out by state law. And, while OPD has instituted a novel way to track basic de-escalation statistics, it has not

yet devised an internal process to thoroughly review the degree to which its officers are effectively using de-escalation techniques. We discuss these issues in more detail in the fourth section.

We acknowledge that some incidents, regardless of how textbook a public safety response, may still necessitate the use of force. In the fifth section, we discuss the Department's current force "toolkit," including the Conducted Electrical Device, or Taser, and the additional tools that OPD hopes to acquire. We recommend policy and training updates to align these tools with state law and best practices.

And, finally, continued improvement depends on a police agency's interest and ability to evaluate and learn from itself, and our review suggests that OPD is already ahead of the curve in this regard. It appears that "the Oxnard way" has long been to engage in continual constructive review. This is clearly evidenced in the creation of the PDU, among other internal review mechanisms. In our last section, we evaluate the systems in place and provide recommendations for strengthening the Department's internal review processes.

Overall, we hope this review serves to identify areas for improvement and provide a way forward for OPD. Based on our interactions with OPD leadership, we have no doubt that the Department is intent on addressing the challenges identified and moving forward as a stronger, more effective agency.

Integrate 21st Century Policing Principles: A Coordinated Response to Crisis Calls

Police officers face significant challenges in responding to individuals in behavioral health crisis. Their training does not provide them with the expertise that mental health professionals have nor is it their predominant role to provide such services. However, as first responders, police officers have traditionally been the most likely to be called to assist an individual experiencing a behavioral health crisis and they are expected to ensure the safety of everyone involved. Although crisis call response has always been a part of policing, the frequency and complexity of these calls has dramatically increased as other mental health treatment options and funding for non-police providers has waned.³

³ For a history of state psychiatric hospital closures, underfunded mental health services, and the resulting increase of individuals with mental illness in jails and prisons, see:

Alene Kennedy-Hendricks *et al.*, “Improving Access to Care and Reducing Involvement in the Criminal Justice System for People with Mental Illness,” *Health Affairs* 35, no. 6 (2016): 1076-1083, <https://doi.org/10.1377/hlthaff.2016.0006>.

H. Richard Lamb and Linda E. Weinberger, “Deinstitutionalization and other factors in the criminalization of persons with serious mental illness and how it is being addressed,” *CNS Spectrums* 25, no. 2 (2020): 173-180, <https://doi.org/10.1017/S1092852919001524>.

E. Fuller Torrey, M.D., et al, “More Mentally Ill Persons Are in Jails and Prisons Than Hospitals: A Survey of States (2010), https://www.treatmentadvocacycenter.org/storage/documents/final_jails_v_hospitals_study.pdf.

Nationwide Models of Crisis Intervention

More recently, law enforcement agencies and the communities they serve have endeavored to address the increase and complexity of behavior health crisis calls in a variety of ways, including partnerships with mental health clinicians, specialist CIT officer response, and community-based non-police programs. In this section, we provide an overview of the models used by agencies nationwide.

Many law enforcement agencies, including OPD, have empowered their officers to respond to behavioral health crisis calls by providing Crisis Intervention Training (CIT). Typically, a 40-hour course, CIT provides officers with information about mental illness, development disabilities, addiction and other relevant topics and includes scenarios to teach officers communication and de-escalation skills to intervene safely with people in crisis.⁴

Other agencies have gone beyond training their own officers and have opted to partner with mental health clinicians to respond to crisis calls. These collaborations are based on the notion that a joint response is preferable because it combines both mental health and law enforcement expertise: police provide safety in potentially violent or injurious situations while mental health professionals bring different skills to communicate,

⁴ Building Safer Communities: Improving Police Response to Persons with Mental Illness. International Association of Chiefs of Police. March 2016.
<https://www.theiacp.org/sites/default/files/2018-08/ImprovingPoliceResponsetoPersonswithMentalIllnessSymposiumReport.pdf>;
<https://www.citinternational.org/bestpracticeguide>;

Laura Usher et al, Crisis Intervention Team Programs: A Best Practice Guide for Transforming Community Responses to Mental Health Crisis, CIT International (2019) (hereinafter CIT Guide);
<https://www.citinternational.org/bestpracticeguide>;

National Alliance on Mental Illness, “Crisis Intervention Team (CIT) Programs”
[https://www.nami.org/Advocacy/Crisis-Intervention/Crisis-Intervention-Team-\(CIT\)-Programs](https://www.nami.org/Advocacy/Crisis-Intervention/Crisis-Intervention-Team-(CIT)-Programs).

assess and provide psychiatric care to those in crisis. In some cities, law enforcement agencies directly hire clinicians while other models rely on a partnership with the city's behavior health department or other service providers. Some communities have also incorporated peer specialists or peer advocates into their co-responder team.

Such police-mental health collaborations can take a variety of forms. Clinician-officer teams may ride together in the same police car (marked or unmarked) or arrive separately at the scene. Other law enforcement agencies have arrangements in which officers can obtain assistance from a mental health clinician via phone or telehealth support. Some of the police-mental health partnerships provide a primary response to crisis calls while other models rely on clinicians to follow up to ensure individuals are linked to services after an officer responds to the initial crisis call. Another type of co-responder model focuses on identifying individuals considered high users of police and emergency services and provides these individuals comprehensive case management services.⁵

Co-responder model goals include increased safety, reduction of arrests and improved linkages to mental health services.⁶ The availability of these teams may be limited due to staffing and costs.⁷ In most co-responder

⁵ Amy Watson et al. "Crisis Response Services for People with Mental Illnesses or Intellectual and Developmental Disabilities: A Review of the Literature on Police-based and Other First Response Models," Vera Institute (2019), pp.15-26 (hereinafter Vera Report). <https://www.vera.org/downloads/publications/crisis-response-services-for-people-with-mental-illnesses-or-intellectual-and-developmental-disabilities.pdf>; see also Police Executive Research Forum, "Rethinking the Police Response to Mental Health-Related Calls: Promising Models" (2023), pp.24-31 (hereinafter PERF Report). <https://www.policeforum.org/assets/MBHResponse.pdf>.

⁶ For more research on the outcomes of the co-responder models, see Vera Report, pp.15-26; PERF Report pp.24-31; and Krider et al; *Responding to Individuals in Behavioral Health Crisis via Co-Responder Models*, Policy Research, Inc. and National League of Cities, Jan 2020. <https://www.theiacp.org/sites/default/files/SJCResponding%20to%20Individuals.pdf>.

⁷ PERF Report, page 30.

models, participating police officers have received crisis intervention training.

Other law enforcement agencies have adopted what is commonly referred to as “the Memphis model,” where specially trained officers respond to crisis calls. The Memphis model goes beyond the traditional co-responder model because, in addition to law enforcement and mental health professionals, the model includes advocates -- individuals with mental illness and their families – to create, implement and sustain the program.

The Memphis model provides 40 hours of crisis intervention training to a selected group of CIT officers who are accepted based on their skill and interest in handling mental health crisis calls. In addition to their regular patrol duties, CIT officers are available to respond to crisis calls.

Departments that employ the Memphis model work collaboratively with dispatch (who assign these calls to CIT officers) and local hospitals and facilities. Oftentimes, the collaboration results in a faster hospital admission process to ensure officers can return to their patrol duties quickly.⁸

Finally, some communities have adopted community-based alternatives, choosing to dispatch mental health clinicians or other civilian professionals such as Emergency Medical Technicians to non-violent crisis calls and request police assistance only when needed. For example, mobile crisis teams (MCTs) can be dispatched to crisis calls. Teams may be comprised of mental health clinicians, nurses and or social workers. On scene, MCT can assess, intervene, consult, and make referrals to services. MCTs are typically available only during certain hours or days and can often be limited in capacity (e.g., one team serving a large geographical

⁸ Dupont, Randolph, Sam Cochran, and Sarah Pillsbury. *Crisis Intervention Team Core Elements*. Memphis, TN: The University of Memphis, 2007. Available at <https://perma.cc/PF45-CQ7H>; see also CIT Guide.

area).⁹ Crisis Assistance Helping Out on The Streets (CAHOOTS) is another example of a community-based approach to crisis calls based in Eugene, Oregon. A non-police crisis intervention worker and a medic (EMT or nurse) respond to nonviolent crisis calls. CAHOOTS will request Eugene Police Department assistance for higher-risk crisis calls. Some communities have adopted aspects of the CAHOOTS model.¹⁰

Updating Crisis Intervention in Oxnard: A Proposed Plan

The Oxnard Police Department has promising components designed to address the challenges of responding to behavioral health crisis calls. A majority of OPD's officers have received 40-hours of Crisis Intervention Training (CIT) training provided by the Ventura County Crisis Intervention Team program. The Department has a CIT Unit which is comprised of a commander, sergeant, and officer. The CIT officer and a Ventura County Behavioral Health Community Services Coordinator conduct outreach and offer services to individuals with mental illness one to two days a week. Additionally, officers can request the County's Mobile Crisis Response Team to respond to calls for services involving individuals in mental health crisis.

Unfortunately, these systems are not yet fully developed and integrated. Providing CIT training to all OPD officers is important but training alone is not sufficient. While the CIT Unit's access to a Community Services Coordinator is useful as an outreach effort, as detailed below, this partnership does not provide OPD officers the type of on-scene assistance a mental health clinician might be able to contribute such as being able to assess and stabilize individuals in crisis, because the Coordinator does not have the credentials and skill set to provide those services.

⁹ Vera Report, pp.39-44.

¹⁰ PERF Report, p.32.

OPD's partnership with the County's Mobile Crisis Response Team also has room for improvement. While the resource is available in theory, the reality of the program's ability to assist has yet to achieve its aspirational goals (see a detailed discussion of this team starting on page 16).

The individual challenges with respect to each component highlight OPD's larger need for a more comprehensive approach that integrates 21st Century policing principles and a more coordinated CIT response to address the challenges of behavior health crisis calls. In the sections that follow, we detail our suggested crisis response plan and provide specific recommendations for OPD's consideration.

But, in sum, we suggest a crisis response plan that:

1. Revises current guiding language and approach concerning individuals in behavior health crisis.
2. Explores enhancing partnerships and funding opportunities to include mental health clinicians as part of OPD's coordinated response to crisis calls.
3. Considers the feasibility of creating a team of specialist CIT officers who respond to crisis calls as part of their patrol duties.
4. Supplements the CIT 40-hour training with courses such as CIT field tactics and the County's CIT update class.
5. Requires a supervisor to respond immediately to crisis calls involving individuals with weapons.
6. Relies upon internal and external subject matter experts on crisis intervention, de-escalation, strategic communication, teamwork, and sound field tactics to assist in the department's crisis response approach, policy, debriefings, training and incident review.
7. Establishes the Department's mission, procedures, and training to provide a coordinated response to mental health crisis calls that

includes officer and supervisor roles, any specialist team components, and its mental health partnerships.

Update Language and Approach to Those in Mental Health Crisis

We found that OPD’s current training materials on “Emotionally Disturbed Persons” could be updated. For example, its training materials attempt to “predict” subject behaviors and potential (often negative) outcomes, rather than emphasizing how officers—identifying crisis behavior, engaging in pre-planning, and using de-escalation, communication and a coordinated crisis intervention response—can change the outcome to a more desirable resolution. Moreover, these training materials relied on roles assigned to officers in a traditional high-risk vehicle stop and a “command” approach inconsistent with best practices for addressing individuals in mental health crisis.

Law enforcement has historically used the term “Emotionally Disturbed Persons,” or EDPs, in policy and practice to describe subjects “who are mentally ill and experiencing a crisis or may be experiencing the effects of drug use.” The definition goes on to describe an overly broad set of characteristic behaviors including aggression, impulsivity, and unpredictability. Calls involving EDPs, it was believed, were pre-disposed to uses of force, and officers were warned to approach such individuals with extra caution and force at the ready.

While some continue to refer to individuals in crisis as EDPs, this term, the behavioral characteristics, and the presumed outcome (force) can be inaccurate and misleading. For example, a person experiencing one type of mental health crisis may have behaviors very different from someone who is also under the influence of methamphetamine, and these symptoms are not the same as a crisis call involving a person with autism or dementia.

Moreover, experience has shown that a variety of crisis intervention tactics and skills can assist officers in resolving these incidents often with minimal or no reliance on force. In acknowledgement of this, many law enforcement agencies thoughtfully transitioned to “person-first” language¹¹ and trained officers accordingly. And, in 2018, the International Association of Chiefs of Police (IACP) dropped the EDP term in favor of Persons in Crisis (PIC) and issued a model policy for “Persons Experiencing a Mental Health Crisis.”¹²

In a recent training memo and slide deck providing guidance on responding to individuals in crisis, OPD repeatedly used the term “EDPs,” referring to this group collectively as consisting of “irrational and impulsive behavior, delusions, anxiety, aggression, or violence,” and warning that EDPs might be “impervious to pain” or “suicidal” and “unpredictable,” all of which may sometimes be true, but has the potential for overgeneralization. The slide deck cautions officers that, “contacts can quickly escalate, forcing officers to resort to force and, in some cases, lethal force” which again can be true but not necessarily so.

While these materials also included sound suggestions (for example, not “rushing” the individual, waiting for backup, planning a coordinated response, and calling a Crisis Negotiation Team officer), the training is largely focused on force options. It does not instruct on how to identify the signs of an individual in crisis. Nor does it fully address skills such as pre-planning, risk assessment, communication, de-escalation, and critical

¹¹ National Association of Mental Illness (NAMI) has long advocated for the use of “person-first language” as one component in addressing the stigma of mental illness. NAMI explains that a person is not defined by a condition and should not be addressed as such. “A person *experiences* bipolar disorder—he is not bipolar. A person *experiences* mental illness—she does not belong to a group called “the mentally ill.” <https://www.nami.org/Blogs/NAMI-Blog/May-2017/How-You-Can-Stop-Mental-Illness-Stigma>

¹² See Report Appendix; also <https://www.theiacp.org/resources/policy-center-resource/mental-illness>

decision-making during crisis incidents (and which we discuss in greater detail later in this Report).

And the training's approach to a coordinated response—while commendable for recognizing the need for teamwork—focuses heavily on a high-risk vehicle stop scenario where the primary officer is assigned to both provide lethal coverage and issue the subject “commands” while two other officers provide less lethal coverage and a fourth provides additional lethal coverage.

Suggesting a dual role for the primary officer of issuing “commands” *and* pointing a firearm at the individual in crisis is problematic for several reasons. Crisis communication tactics generally caution against the use of traditional authoritative commands in responding to those in crisis because they are ineffective and often escalate, not de-escalate the situation. Crisis intervention training suggests rapport-building strategies such as informing the individual the officer is there to help and asking open-ended questions to gain the individual's cooperation and trust.

A crisis intervention approach also recognizes that repeated commands (for example, “drop the knife, drop the knife, drop the knife”) will often be ineffective and that officers can benefit from training in a range of communication and de-escalation tactics to effectively respond to individuals with weapons who are in crisis. Thus, OPD's “command” approach to crisis calls could benefit from a revised approach that considers how those in crisis may respond differently and more constructively than the traditional concepts of command presence and the issuance of orders.

Moreover, assigning one officer a dual and somewhat competing role of contact and lethal coverage is also out of sync with a best practice team approach to crisis calls. The contact officer's role should be primarily to establish rapport with the person in crisis, offer assistance, and attempt to gain the individual's cooperation. Any reassurance the contact officer could convey about law enforcement's intent to “help” or interest in understanding the individual's distress can be undermined by the contact officer's pointing a firearm at the individual.

We recommend that OPD revise its training materials and substitute using the term “EDP” in favor of person-first language such as “person in crisis” and discontinue using a “command” communication strategy and role designations reserved for traditional high-risk vehicle stops in its team response to crisis calls.

RECOMMENDATION 1

OPD should substitute using the term “EDP” in favor of person-first language Department-wide, including but not limited to when referring to individuals experiencing mental health crisis.

RECOMMENDATION 2

OPD should discontinue using traditional high-risk vehicle stops as a model for its team response to crisis calls and replace it with a more nuanced scenario whereby effective crisis intervention techniques can be deployed.

Dedicated Mental Health Clinician: Explore Partnerships and Funding

OPD has existing mental health partnerships that are promising but underdeveloped. For example, the focus of the current partnership between OPD and the Ventura County Behavioral Health Community Services Coordinator (CSC)¹³ is largely case management—identifying and attempting to link individuals with mental illness to services before a crisis or as follow-up to a crisis call. A benefit of this partnership is that as an outreach worker, the Community Services Coordinator is knowledgeable about the county’s mental health services. While the Coordinator’s preventative work is laudable, there are limits to the support the position can provide.

¹³ The Ventura County Behavioral Health Community Services Coordinator (CSC) is a mental health case manager position that is funded by and under the direction of County’s Behavioral Health.

First, the outreach worker's availability is limited to one or two days a week. Moreover, the outreach coordinator is significantly limited in the assistance it can provide OPD: the outreach worker is not a licensed clinician and therefore cannot provide an assessment for a Welfare and Institution Code 5150 hold, assist officers in crisis calls or provide any of the expertise that a partnership with a licensed mental health *clinician* would typically provide. We repeatedly heard throughout our interviews with OPD members an interest in having assistance from mental health clinicians to provide on-scene guidance, assessment, and referral to services for individuals in crisis. We heard of an initial expectation that this partnership with the County's Behavioral Health would provide OPD this expertise, but it unfortunately has not.

Further, even as a case management partnership, the OPD model lacks the resources and licensed clinician expertise of other models. For example, the Los Angeles Police Department's Mental Evaluation Unit developed the Case Assessment and Management Program (CAMP) to engage and provide case management to high users of police and emergency services. The CAMP team includes a police detective, psychologist, nurse, and/or social worker who work to connect or reconnect individuals with complex mental health needs to services and return them to their home community if appropriate.¹⁴

The City of Houston implemented its Chronic Consumer Stabilization Initiative (CCSI) after Houston Police Department data indicated that a small number of individuals with mental illness were responsible for a disproportionately high number of police encounters. The city funded two clinicians to work with the thirty individuals who had the highest frequency of police contact. During the initial six-month pilot of the program, the number of police contacts with those 30 people decreased by 70 percent in comparison to the six previous months.¹⁵ These case management systems require sufficient resources, appropriate professional staffing, and data collection and analysis to monitor the program's goals. With access

¹⁴ See Vera Report, page 14.

¹⁵ Vera Report, page 13.

to an outreach worker only one to two days a week, OPD's current case management system appears significantly under-resourced.

Ventura County's Mobile Crisis Response Team could potentially provide OPD officers mental health professional assistance from a clinician during crisis calls. OPD has a system in place to notify and request assistance from the Ventura County Mobile Crisis Response Team, yet response rates are low: from October 1, 2023, to January 23, 2024 (a three-month period), OPD dispatch requested the Crisis Team on 112 calls for service, but the Crisis Team only responded in 9 of these instances.

When we questioned this low response rate, we learned that there is a significant disconnect between the Department's notification and request protocol and Ventura Mobile Crisis Support's request protocol. The Department requests Crisis Teams through OPD dispatch. But the County protocol requires that an on-scene officer (not dispatch) call and request Mobile Crisis Team's assistance. When OPD further analyzed the three-month statistics, they reported that, of the 112 calls for service, officers on scene called for a Crisis Team 11 times. A Crisis Team was sent in nine of these calls, suggesting that it is the protocol, not necessarily the team structure, which needs resolution.

To remedy this, the Department recently issued a Training Bulletin instructing officers responding to crisis calls to request dispatch to notify Ventura County's Mobile Crisis Support and request that they respond. But that may not be the most effective solution, because, in most cases, it is more effective for dispatch to make the call than an officer on scene who is engaged in a myriad of other tasks. OPD shared that, in one case where a Crisis Team was warranted, the situation rapidly unfolded and the officer on scene was not able to call directly.

At a minimum, OPD and Ventura County's Mobile Crisis Support should discuss their notification and response protocols to obtain an agreed upon and consistent protocols, with a preference for OPD dispatch to request and coordinate the Crisis Team response.

Considering the current limitations, OPD could either request additional resources and assistance or explore other co-responder models. For example, the Burbank Police Department (BPD) created a Mental Health

Evaluation Team comprised of an officer and a licensed clinical social worker who is affiliated with Los Angeles County's Department of Mental Health and assigned to BPD on a full-time basis. The team is supported by a civilian analyst who tracks the data from their daily encounters and activities and has established a case management system as a reference point for potential future contacts.

OPD's current partnerships with the County's Behavior Health Community Service Coordinator and Mobile Crisis Response Team need significant strengthening to fully assist OPD. We suggest that OPD explore enhancing these current partnerships or pursue new partnerships that would enable OPD to have the expertise of mental health clinicians, psychiatric nurses, emergency medical services, or clinical social workers to respond to mental health crisis calls.

RECOMMENDATION 3

OPD should explore enhancing its partnerships and funding to include mental health clinicians and other resources as part of OPD's coordinated response to crisis calls.

CIT Program: A “Specialist” Approach to Consider

During our interviews, we learned that OPD uses the specialist approach to address another chronic challenge for law enforcement: the unhoused population in Oxnard. According to OPD personnel, the Homeless Liaison Unit (HLU) is a specialized team comprised of individuals with strong de-escalation and communication skills who work in teams to specifically address challenges related to the unhoused, including, when on duty, responding to crisis calls that involve the unhoused. The success of this unit suggests that OPD could also employ a specialist approach to calls related to mental health crisis.

HLU was created to address the dramatic increase of calls for service involving unhoused individuals, many of whom also have mental health

and substance abuse challenges. Officers work in teams and focus on rapport-building and connecting individuals with services. If circumstances involve criminal conduct, they also make arrests when appropriate. HLU emphasizes that its selection of officers with exceptional communication and de-escalation skills has been vital to the program's success and the Unit's low use of force during arrests.

As a testament to its success in addressing crisis calls, OPD recently reassigned its CIT officer to HLU. Considering the challenges that OPD has had in receiving additional outside resources to address crisis calls, as detailed above, an interim solution that is worthy of consideration is to increase the expertise and training for some officers to create a cadres of CIT specialist officers. The advantage to this approach is that OPD is not reliant on outside resources and support and has more control of how to deploy its *own* resources in an effective way. To accomplish this, we suggest that OPD consider the feasibility of either expanding its current HLU to incorporate CIT specialist officers to address crisis calls or expand its CIT Unit to incorporate CIT specialist officers to address crisis calls. Either way, OPD could establish a team of CIT specialist officers like it did when it established the HLU. These CIT officers would be specially selected for their skills in de-escalation, communication, and crisis intervention and who have an interest in handling mental health crisis calls.¹⁶

In addition to their regular patrol duties, these specialist CIT officers would be available to respond to crisis calls. Further, dispatchers would be

¹⁶ Several studies suggest that CIT improves safety outcomes, that CIT officers used less force than non-CIT trained officers when an individual's resistance increased, and that CIT improved officers' confidence in identifying and responding to persons with mental illness. Findings to date also suggest that CIT is a promising model for linking individuals to mental health services and possibly reducing the number of individuals with mental illness from entering the criminal justice system. See Amy C. Watson, PhD, and Anjali J. Fulambarker, MSW, "*The Crisis Intervention Team Model of Police Response to Mental Health Crisis: A Primer for Mental Health Practitioners*" NIH Public Access, page 4; also published as Best Practice Mental Health, December 2012; 8(2); 71.

trained to assign these types of calls to those officers. Recognizing the realities of current staffing challenges as set out in more detail below, OPD would work to have at least one CIT specialist officer available for each shift.

RECOMMENDATION 4

OPD should consider the feasibility of creating within the HLU or CIT Unit a team of specialist CIT officers who respond to crisis calls as part of their patrol duties.

Continued Professional Training: CIT Field Tactics and CIT One-Day Course Update

Continual professional training is an essential component of a comprehensive approach to crisis calls. An effective response to the complexity of crisis calls -- especially with individuals who may be armed -- suggests the importance of additional training beyond the initial one-week CIT training.

Whereas the initial 40-hour training focuses on the individual officer's development of de-escalation, communication and crisis intervention skills, advanced CIT training is needed to integrate team building, field tactics, debriefing and other critical skills for a crisis response. For example, San Francisco Police Department's CIT Unit offers a 10-hour course in threat assessment and de-escalation strategies that focuses upon field tactics with an emphasis on a team approach to responding to armed individuals in crisis. The course integrates several role-playing exercises that require students to demonstrate their proficiency in tactical response, scene management and tactical detention/arrest procedures. The course seeks to enhance competencies in leadership, critical decision-making, communication, ethics, stress tolerance and emotional regulation.

Ventura County CIT program's CIT update course provides another training opportunity. Initiated in 2022 as a one-day update to its 40-hour CIT course, instructors address changes in the law and mental health resources and rotate officers through four mental health crisis scenarios by using a force options simulator.

We suggest that OPD supplement the CIT 40-hour training with courses such as CIT field tactics and the County's CIT update class.

RECOMMENDATION 5

OPD should include a robust schedule for continuing professional training with courses such as CIT Field Tactics and CIT update training every two years.

Supervisor Response to Crisis Calls Involving Individuals with Weapons

OPD patrol officers typically ride solo and although at least two officers are normally dispatched to crisis calls, we observed several occasions where the first officer arriving on scene acted without waiting for the second officer to arrive. To provide more expertise in crisis intervention tactics and scene management, we suggest that supervisors be required to respond immediately to crisis incidents involving armed individuals, when practicable.

RECOMMENDATION 6

OPD should require supervisors to respond immediately to crisis incidents involving armed individuals when practicable.

Rely Upon Subject Matter Experts in Policy, Training, Debriefings and Review of Crisis Incidents

As discussed above, OPD's recent training memo and slide deck on individuals in crisis could be improved with an emphasis on a coordinated CIT response. To ensure that OPD's approach, policy, training, debriefings and incident review of crisis incidents reflect best practices, OPD should solicit input from its own internal subject matter experts (SME) such as members of the CIT and Crisis Negotiations Units as well as external SMEs (see also our section on Scenario-Building, below). The Department should also provide its own SMEs with opportunities to increase their skills by participating in other trainings and networking opportunities.

RECOMMENDATION 7

OPD should rely upon internal and external subject matter experts to assist in the Department's approach, policy, training, debriefing and review of crisis incidents.

Beyond Crisis Calls: A Coordinated Tactical Response

OPD personnel were candid in conversations with our team when it came to identifying the issues faced by the Department when responding to challenging and potentially dangerous calls for service generally, and to crisis calls specifically. Through their Patrol Development Unit's own internal reviews of recent critical incidents, they identified similar areas for improvement in the officers' responses, including insufficient pre-planning, teamwork, and strategic communication, and unsafe tactical decision-making.

First, supervisors noted that many direct line supervisors are relatively new to their supervisory roles and observed that the lack of experienced supervisors creates challenges for a mature patrol response. Further, some officers are new and have only had one full bi-annual training cycle.

Second, teamwork and mentorship, which are essential, are difficult to foster given staffing challenges. OPD has made extensive efforts to foster "the Oxnard Way" through leadership retreats, training, and informal mentorship, and we frequently heard that the agency has a high emphasis on building morale and teams. But, day-to-day, officers predominantly ride single-person cars, and less tenured officers often staff higher-volume (and, perhaps, higher-risk) evening and weekend shifts.

Third, like agencies nationwide, OPD faces staffing shortages; as of January 2024, OPD faces a nearly 9% vacancy rate, with more out on long-term leave and others set to retire. While new pay incentives, upcoming Academy classes and lateral hires will close some of the gap, OPD is struggling to recruit, train and retain qualified recruits. Patrol is often staffed by detectives, members of specialized units, and by officers on overtime. Officers are assigned where they are needed, typically across areas and on different shifts, making it difficult to establish rapport with each other (and with the communities they serve).

Fourth, command repeatedly cited that patrol officers do not have sufficient options in their force “toolkit” to appropriately respond to potentially dangerous calls, resulting in a reliance on the Taser that places them in tactically unsafe positions relative to armed subjects.

These factors certainly contributed to the issues identified by the Department, and leadership is to be commended for identifying them. But we found that the challenges go beyond these factors, and beyond the response to crisis calls alone. In our evaluation of training materials and through interviews with command, we identified aspects of the Department’s overall approach to policing, policy, and training – beyond their response to crisis calls -- that are worth revisiting.

As detailed below, we found that some elements of the Tactical Decision-Making Under Stress (TDMUS) training module reinforce outdated concepts of “warrior policing.” While in more recent years, the Department has developed TDMUS scenarios that emphasize a more progressive “guardian” approach, we offer additional suggestions designed to de-emphasize use of force as the most likely outcome through concepts such as de-escalation and verbal communication.

We also identified room for improvement in training and policy that, if addressed, could result in a more effective response overall, and specifically to crisis calls. We recommend that OPD’s training and policy focus on pre-planning, teamwork, strategic communication, and tactical decision-making, and that its scenario-based training modules should promote and reinforce these concepts.

Scenario-Based Training Today

Tactical Decision Making Under Stress (TDMUS) was cited by some of OPD’s leadership as the Department’s most effective long-standing training for responding to high-risk, high stress calls for service. Delivered as part of the bi-annual training cycle, this day-long training session is simulation training developed to place officers in extremely high-stress, high-risk scenarios intended to trigger the human “fight or flight” response and instill confidence in officers.

The scenarios are developed by the Training Unit and run by OPD's Special Weapons and Tactics (SWAT) members, who act as subjects and passers-by to create realistic "calls for service." OPD reported that when TDMUS was first rolled out, the scenario would always require, eventually, that the officer use deadly force to resolve the incident. Upon completion of the scenario, officers debrief in two key areas: the effectiveness of their tactical response and their internal, psychological response to the event.

As reported by OPD, TDMUS allows officers to train under stress repeatedly until they can identify and move beyond their "fight or flight" response. The intention is to develop confident and focused officers who can reliably make thoughtful, effective tactical decisions, rather than react based on the human stress response.

We were advised that a police psychologist who had worked for years with police officers initially designed the program. Initially, scenarios were videotaped. Officers then reviewed this video in a robust debrief with the psychologist during which they discussed their tactics and explored their emotional response, what drove their choices, and how to better respond.

We found the "talk therapy" components of TDMUS to be valuable, as officers rarely experience the opportunity for this type of in-depth self-assessment of emotions and reactions outside of their own involvement in real critical incidents. While these deep debriefs remain a key, valuable component of TDMUS, one trainer reported that they no longer film the scenario. We encourage the Department to resume recording the scenarios to assist with the debriefs.

We reviewed current TDMUS training materials and spoke with the training personnel responsible for the program. While many of OPD's more recent scenarios provide a realistic variety of situations and outcomes ranging from successful negotiation to use of deadly force, we found at least some scenarios to be overly complex in ways that distracted from training on essential elements, such as responses to individuals experiencing mental health crises. For example, one scenario begins with officers responding to a call where the individual is experiencing a mental health crisis. As officers successfully engage with this subject using de-escalation and teamwork, the scenario instructs trainers to have an unexpected armed subject "pop out" from a back room and open fire at

officers; officers should respond – appropriately – with deadly force. The scenario felt contrived in that we know of no actual incident in which an officer responding to a crisis call has ever then been ambushed by a different armed subject.

We understand the need to train unpredictable and fluid situations (in fact, several of the scenarios include more realistic ambush-style situations, which we feel is appropriate). But TDMUS' overemphasis of the danger to officers in nearly *all* calls for service may engender unnecessary fear in officers and cause them to overestimate the threat level presented by subjects they encounter, resulting in the too-quick transition to force, particularly deadly force.

TDMUS is a significant and impactful part of OPD's training program that should incorporate de-escalation, community policing, and tactical communication as scenario resolutions, and highlight these important elements. We recommend that the Department reconsider modifying or simplifying some of its TDMUS training scenarios with an eye to reinforcing these components. We discuss successful scenario-building further, below.

Similarly, some of the TDMUS classroom material provided for our review, which is also based on the work of TDMUS' creator, was suggestive of a warrior mindset where an officer is entirely on his/her own, under siege, and fighting for his/her life. One training slide deck is called, "I've Been Shot! Maintaining the Will to Survive Subsequent to Being Shot, Stabbed, or Bludgeoned." And a second, called "Turning Tragedy into Victory: Lessons Learned from Cops Who Have Fallen Enforcing the Law," ends in this troubling statement, which was taken from the creator's own book:

You have a choice: If you surrender, you die alone on a dirty street and a filthy scum felon spits on all you love as you die: You must survive, that is all there is to it.

We found these slides to be fear-based and unnecessarily derogatory with an unrealistic and outsized depiction of a dehumanized adversary. Here, the concept of "surrender" might suggest that de-escalation concepts -- such as tactical repositioning and using time and distance to

avoid the need to use deadly force -- will result in the ultimate consequence for an officer. The tone set by this type of language is antithetical to progressive policing concepts. Accordingly, we recommend that this slide and others be revised to align with values and concepts of modern-day policing.

Train for a Coordinated Tactical Response

We recommend that OPD continue to enhance TDMUS with comprehensive scenario-based training that focuses on a coordinated tactical response. This includes training in pre-planning, the possibility of tactical disengagement, teamwork and tactical decision-making, and de-escalation and strategic communication. These scenarios should be varied and unpredictable, include a variety of subjects, which are fluid and changing based on officers' response, and as realistic as possible. To be clear, we acknowledge that policing is dynamic and currently challenged by staffing and resources constraints. Not all calls for service will allow for a carefully coordinated response, and officers may need to resolve high-stakes incidents on their own. For that reason, we are not recommending that scenarios all be low-stakes or easily resolved. For this training to work, officers alone, with a partner, and in a team of four or five should be placed in all types of scenarios – ranging from those that can be successfully resolved without resorting to force to those that result in deadly force. But the underlying philosophy is one that promotes a coordinated and safe tactical response.

We understand that the PDU currently provides some of this training, and our recommendations are to enhance it by creating scenario-based training specifically intended to reinforce and enhance officers' basic tactical knowledge, skills, and abilities, regardless of the subject or nature of the call for service. These recommendations were crafted from input from OPD command, our own experience as law enforcement oversight professionals, and lessons-learned by other departments (namely, the

San Francisco Police Department's Critical Mindset Coordinate Response training and its previously discussed CIT Field Tactics training).¹⁷

Several of our recommendations are based on the Police Executive Research Forum's (PERF) "Integrating Communications, Assessment, and Tactics" (ICAT) model, a program developed specifically to address law enforcement response to crisis calls. Combining classroom instruction with scenario-based exercises, ICAT teaches communication, threat assessment, and tactical skills and provides officers an approach to critical decision-making.

*ICAT provides officers a comprehensive toolkit for dealing with such incidents — not only how to recognize different behavioral conditions but, crucially, how to communicate more effectively and conduct themselves tactically so as to de-escalate situations and avoid resorting to deadly force, or ideally force at all, wherever possible.*¹⁸

OPD is familiar with ICAT and their use of ICAT is featured in PERF's May 2023 training and implementation guide. The recommendations here, then, should also be familiar to OPD command staff, and we recommend that OPD re-visit its training in the ICAT model as moves forward.

Pre-Planning

While not every call for service allows for pre-planning, many do allow for planning of some sort. Pre-planning includes recognition of signs that the call may involve certain vulnerable populations — individuals in crisis, children, individuals whose first language is other than English -- that

¹⁷ Some of these recommendations are based on the San Francisco Police Department's Critical Mindset Coordinated Response (CMCR) course. Learn more about this course at <https://vimeo.com/397073572>

¹⁸ "Rethinking the Police Response to Mental Health Crisis Calls," PERF, October 2023, page 3.

require additional resources for an effective response. This information-gathering step may also enable an officer to take a “tactical pause” to assess and plan before rushing in. As explained below, pre-planning should be both internal and external.

Within OPD, pre-planning training should encourage officers to communicate with other responding officers and supervisors enroute to a call (e.g., via the radio). Once on scene, officers should communicate their tactical plan with each other to the extent possible and assign roles (e.g., contact versus cover officer, less-lethal needs). Responding officers should consider if the call may warrant calling in specialized back-up, such as interpreters, CNT negotiators or mental health partners.

Externally, pre-planning should include, to the extent possible, communication and coordination with dispatch and, when possible, with the reporting party. Dispatch may have information about past contacts, history of crisis calls or mental health diagnoses from the County-wide system, or access to real-time information such as social media posts. Dispatch may also be able to connect officers with the reporting party and/or with family members who may advise on successful methods to engage the individual in crisis.

Tactical Disengagement: Training and Leadership

The pre-planning phase is also an ideal time for officers to carefully consider whether the incident requires immediate police involvement. In March of 2021, OPD issued a Training Bulletin regarding “Tactical Disengagement” (Training Bulletin 21-006).¹⁹ The concept of tactical disengagement is simple: not all calls for service may require an immediate response from the officers on scene. Moreover, taking immediate action without a plan, backup, or appropriate communication, may result in higher risk to subjects and officers and result in unfavorable outcomes. In other words, for calls which may involve a

¹⁹ Oxnard followed the Los Angeles Police Department, which issued a similar bulletin in 2019, and other neighboring jurisdictions that also followed suit.

low-level offense or no offense at all, the risk/reward calculus may suggest that there may be no need for a tactical police response in the moment.

This is a paradigm shift in how law enforcement responds, and OPD was clear to communicate that tactical disengagement is not simply “walking away.” In this Bulletin, the Department instructed officers to carefully assess certain situations, such as suicidal subject calls or calls involving a subject experiencing crisis, before taking immediate action. The Bulletin encouraged officers to consider risk factors and alternative approaches, find cover and wait for backup, call in specialized teams (such as the Crisis Intervention team), and continually reassess. The Bulletin also requires officers who choose tactical disengagement to create a re-engagement plan for these incidents, either immediate (e.g., engaging when a plan is in place with appropriate resources) or long-term (e.g., sending a crisis team for follow up).

We found this Training Bulletin to be important, especially given the circumstances relating to one of the Department’s recent uses of deadly force where tactical disengagement might have been a consideration. When we asked about this specifically, we heard that the concept of tactical disengagement, because it is counterintuitive to law enforcement’s mission to protect and serve, is a difficult “sell” to officers. Implementing it successfully requires two key factors: more training and continuing introduction and dialogue of new paradigms of providing public safety.

The need for more training is a recurring theme in this report, but it is especially important for pre-existing Training Bulletins that remain highly relevant, such as this one. Often, Departments train on Bulletins when they are released, but do not continually reinforce the concept. Here, the Bulletin was released in 2021; we advise that the Department issue an updated briefing training regarding tactical disengagement to re-familiarize officers with the concept and expectations. OPD should also incorporate tactical disengagement into its scenario-based training.

RECOMMENDATION 8

OPD should issue updated briefing training on the 2021 Tactical Disengagement Training Bulletin and continue to discuss this concept in related in-service training modules.

RECOMMENDATION 9

OPD should incorporate the concept of tactical disengagement into its scenario-based training.

We were also interested in the idea raised by OPD command that the concept of “disengagement” requires leadership. Specifically, we heard that line level supervisors must set expectations for their teams that reinforce the idea of tactical disengagement when appropriate. One suggestion for real-time leadership was for supervisors to cue officers over the radio to take a “tactical pause” to assess situations that might benefit from tactical disengagement. Another was to debrief incidents that might have benefited from tactical disengagement.

Overall, we heard that supervisors must let their officers know that it is “okay” to disengage when the choice is strategic and tactically sound. We recommend that OPD evaluate ways that direct line supervisors can reinforce the concept of tactical disengagement with their teams.

RECOMMENDATION 10

OPD should evaluate ways that direct line supervisors can reinforce the concept of tactical disengagement with their teams.

Fostering An Officer’s Initial Tactical Decision-Making to Provide Opportunity for A Coordinated Team Response

We observed that two factors — officers riding in predominately single-person cars and training that emphasizes an expectation that officers should be able to handle many calls alone — likely contribute to a tendency of the first officer on scene to act without assessing whether a

team response would be more effective. An officer's initial tactical decision, for example, using distance and cover or containment instead of rushing in to initiate contact can provide or foreclose the opportunity for a coordinated team response.

Thus, we recommend training that assists officers in fostering a sound initial tactical response and instructs officers in how these tactical decisions can create the opportunity for a more successful and coordinated team response to critical incidents. We suggest that OPD create training that emphasizes critical decision-making, communication and tactics and fosters the development of initial tactical responses that create the opportunity for coordinated team response.

RECOMMENDATION 11

OPD should create scenario-based training that assists officers in fostering a sound initial tactical response, instructs officers in how these tactical decisions can create the opportunity for a coordinated team response, and trains officers to work in coordinated teams to respond to critical incidents.

Command and Leadership: Role of the Supervisor

As we discussed in our opening paragraphs, OPD reported that many of its first-line supervisors are relatively new to the role (though they may have had extensive experience as officers). In some cases, officers skipped the rank of corporal and promoted directly to sergeant. As we noted in our Mental Health Section, above, supervisors play a critical role in crisis calls, and in directing all types of critical calls for service.

But we found that supervisors sometimes become involved in use of force incidents rather than *managing* the response.

The role of the supervisor in the field is defined in the Department's policy manual as one of monitoring, directing, and managing. At times, the presence or intervention of a supervisor can serve to de-escalate or slow an incident. Conversely, a lack of clear command-and-control might result in tactical concerns such as crossfire, unsafe positioning, and heighten tension instead of de-escalating.

We acknowledge that some incidents are dynamic in nature, that supervisors must sometimes engage instead of managing, and that supervisors do not always have the time, space, and resources to create a safe tactical plan. Moreover, when staffing is tight, first level supervisors are often called upon to respond to calls for service in a line officer's role. Still, when resources allow, effective command and control by supervisors can have a positive impact, resulting in far safer tactics and outcomes for all involved.

A new sergeant infused with the tactical proficiency that likely contributed to the promotion, has to recognize that the new role is one of taking more of a director than doer role in managing any public safety response. For many, that shift in responsibility does not come instinctively and requires guidance at the command staff level.

OPD reported that it has structures in place to accomplish this goal. New supervisors must attend POST supervisor school and complete specific supervisory training blocks. Internally, OPD has a two-week Field Training Program for new supervisors, which provides important hands-on training and mentorship. And OPD sends supervisors to a leadership institute to further hone their skills. Going forward, and recognizing the challenges at the supervisor rank, OPD has changed its promotion requirements: where officers could previously apply for both a corporal and sergeant promotion, officers will not be able to "skip" rank and will gain much-needed skills as corporals before promoting to sergeants. And, as of January 2025, a sergeant position will require an Associate's Degree from all applicants.

These programs and new requirements go a long way, and we recommend going further.

OPD might consider formalizing its (currently informal) mentorship of new supervisors by establishing a longer-term relationship with a new supervisors' FTO. OPD might also encourage more teamwork among supervisors by offering its "Oxnard Way" class to supervisors specifically; OPD did so approximately two years ago and found it to be beneficial. OPD might also set out more explicit guidelines in policy and training. For example, OPD's policy might set out the presumptive role of sergeants as "incident commanders," with scenario-based training to reinforce the

concept. And OPD should include a formal review component of any incident in which a sergeant uses force to inquire into whether it was necessary for the sergeant to go hands on or whether line level personnel were on scene to perform any use of force.

RECOMMENDATION 12

OPD should consider creating a formal mentorship and team-building program for new supervisors.

RECOMMENDATION 13

OPD should train supervisors specifically in their managerial role and to delegate any tactical response to line officers when feasible, as detailed in OPD's policy.

RECOMMENDATION 14

OPD should expressly involve supervisors in scenario-based training sessions to emphasize the shift from tactical engagement to managing the response.

RECOMMENDATION 15

In its force review process, OPD should add a metric requiring express evaluation of the actions of on-scene supervisors to consider whether they performed their supervisory roles consistent with Departmental expectations.

RECOMMENDATION 16

When sergeants use force, OPD should include an assessment in the force review process as to whether there were other line resources available on scene that could have been designated to go "hands on," leaving the sergeant to perform a managerial role.

Strategic Communication: Adopt and Incorporate Throughout

OPD identified that language was sometimes a barrier to effective communication with subjects (in one critical incident specifically, but in Oxnard in general due to city's demographics²⁰). The Training Unit thoughtfully created a series of basic Spanish-language commands to be learned during briefings and reinforced in training modules. Through this training, OPD is empowering officers to give basic commands in Spanish, which could go a long way in establishing rapport and gaining compliance.

This is a good start. But, overall, strategic communication is a much larger concept, and one that some OPD command acknowledged that more is needed.

“Strategic Communication” refers to the verbal and non-verbal tactics used by law enforcement to gain compliance, build rapport, gather information, and enhance officer and community safety. Training in tactical communication generally teaches that officers have several communication strategies at their disposal: defuse, deflect, redirect, persuade, and command presence.

Strategic communication is different from the traditional law enforcement communication protocol sometimes called “ask-tell-make.” Rather than communicate by yelling a repeated command, such as “drop the knife!” several times in a row, strategic communication asks officers to communicate assertively, try various phrasing, ask questions, and maintain a calm command presence.

The adoption of this approach can be challenging, especially in intense, high-risk situations. However, transitioning to a less confrontational approach, particularly for those in crisis, will likely achieve the overarching

²⁰ Per the 2022 Census, 76% of Oxnard residents identify as Hispanic or Latino. <https://www.census.gov/quickfacts/fact/table/oxnardcitycalifornia/PST045222>

goals of resolving the situation short of the need to use force. We recommend that OPD train officers on strategic communication using ICAT's module, "Tactical Communication," or a similar training model that emphasizes active listening, "triggers" for those experiencing mental health crises, non-verbal communication, and methods for de-escalation. This training should be part of the biannual training curriculum and a focus of Briefing Training. We recommend that OPD provide "snippets" of strategic communication to practice during Briefings, similar to how the Training Unit developed its short Spanish-language command module.

RECOMMENDATION 17

OPD should regularly train officers on strategic communication using ICAT's module, "Tactical Communication," or a similar training model that emphasizes active listening, "triggers" for those experiencing mental health crises, non-verbal communication, and methods for de-escalation.

RECOMMENDATION 18

OPD's Training Unit should create and deploy Strategic Communication "snippets" to practice during Briefings, similar to how the Training Unit developed its short Spanish-language command module.

Effective Scenario Building

As we noted above, while many of the Department's scenarios are appropriate and necessary, we recommend that the Department reconsider TDMUS scenarios that combine multiple types of subjects and responses, and those that focused on a single-officer response without consideration of teamwork and collaborative planning.

We recommend that OPD create new scenarios that incorporate the components that we defined above: pre-planning, tactical disengagement, strategic communication, etc.

The scenarios should:

- Allow for multiple outcomes, ranging from peaceful resolution to deadly force, based on the officer's (as opposed to the subject's) actions.
- Emphasize teamwork (for example, if an officer calls for back-up or specialized team, role players might respond to reinforce the team approach).
- Include opportunities to establish leadership and command/control.
- Be unpredictable. Scenarios should change frequently and not be "topic-specific" (e.g., "firearm scenarios" should not always result in use of deadly force, and "strategic communication scenarios" should not always be resolved by talking).
- Induce an appropriate stress response, but not include "gotcha" or unnecessary surprise moments.
- Require use of various tools and skills.

We advise that OPD create scenarios that closely match their experiences and the challenges faced by Oxnard communities and that involve diverse types of subjects in a realistic way.

Some agencies have partnered with experts to develop these scenarios. For example, the Richmond Police Department invited parents of autistic children to collaborate in scenario-building, and then invited these parents to participate as actors for officers to learn how to engage, communicate and resolve incidents involving members of this population.²¹ As a beginning, OPD might collaborate with their mental health partners, both outreach workers and clinicians, to develop scenarios that incorporate components of mental health and emotional crisis.

RECOMMENDATION 19

OPD should develop scenarios that are unpredictable and dynamic, emphasize teamwork and planning, and cover diverse types of calls for service.

²¹ Learn more at <https://www.nbc12.com/2023/08/28/first-law-enforcement-safety-seminar-with-autism-society-central-va-educates-community/>.

RECOMMENDATION 20

OPD should collaborate with expert partners to develop scenarios that are realistic and reflect the public safety challenges of their communities.

“Get in the Reps:” Perishable Skills & Training Payback Days

Per its definition, perishable skills training is only effective if it happens in a standardized way and with sufficient frequency. California’s POST defines “perishable skills” as critical elements of policing that must be refreshed for 18 hours every 24 months; these include arrest and control, firearms training, driving, strategic communication and – recently added -- use of force training. But all skills, maintained one OPD command staff member, are “perishable skills” if not trained. For example, as discussed above, OPD reported that officers are hesitant or unfamiliar with tactical disengagement because the Training Bulletin was released in 2021.

Finding time for sufficient training, or “getting in the reps,” is a challenge faced by law enforcement everywhere. Nearly every OPD supervisor reported that there were already not enough available hours to meet all the Department’s training needs, but that it has become an even larger challenge over the past two years. For example, when faced with low levels of staffing, the Department mandated patrol flex time and eliminated its “training payback days” to provide sufficient staffing to meet patrol needs.²²

²² In the past, the OPD staffing model was designed as a “3-12” schedule (officers work three, 12-hour days), which allowed for a 10-hour “payback” training day once a month. These hours were used for various training sessions, including TDMUS. However, with staffing levels well below budgeted amounts, OPD was forced to implement patrol flex time, using the extra 10-hour period to staff patrol (in lieu of training) to meet minimum staffing requirements.

We learned that the Training Unit strategically front-loaded the 2023-24 training calendar with the POST-mandated perishable skills training. Almost all officers have completed their bi-annual required POST training, leaving the remaining training blocks in 2024 for discretionary training. We commend the Training Unit, and especially its supervisor, for providing space for topics identified by our report and command staff.

Beyond Bi-Annual: Training in Daily Briefing

OPD can and does go beyond its bi-annual training blocks: in the face of staffing challenges and an already-intense training schedule, OPD supervisors themselves offered creative ways that they have provided more training while balancing the need to have officers in the field. The first was to use daily patrol briefings more effectively by using the allotted time to train specific topics. In the past, each sergeant would train on a “topic of choice” that s/he deemed needed and relevant for his/her team of officers in briefing. But recently, OPD’s Training Unit has created a monthly Briefing Training calendar. The topics are decided by supervisors and the Training Unit based on identified weaknesses or challenges and taught by a department or external subject matter expert. For example, when supervisors noticed that officers were struggling with proper takedown techniques, defensive tactics instructors were brought in to facilitate brief mat sessions with all officers during briefing. We recommend that OPD consider expanding this monthly Briefing Training calendar as feasible while balancing patrol needs. Even adding a second monthly session would double the amount of training time.

RECOMMENDATION 21

OPD should consider expanding the once-monthly Briefing Training calendar as feasible while balancing patrol needs.

Virtual Reality: Use Frequently, Build Micro-Scenarios, and Assess Analytics

While we were not able to observe a live TDMUS training session, we did participate in the Department's newest training offering: Apex Virtual Reality (VR) scenario training. We found this to be valuable and commend the Department for investing in this innovative technology. The technology allows for a training officer to manage a scenario while a single officer, wearing a VR headset and equipped with a modified firearm and Taser, "responds" to the 360-degree virtual scene. The VR program offers nearly endless scenarios that unfold in real time based on the training officer's input. When we participated, for example, we were "dropped into" a traffic stop on a busy city street and "responded" to a call for a subject with a knife in a hospital emergency room. The training officer modified the subject and bystander responses based on our tactical decisions: for example, our successful communication with the subject in the hospital resulted in the subject dropping the knife, whereas the situation could have gone in any number of directions had we taken a different approach.

The use of this technology is still new to OPD -- we attended the first training cycle to use the tool -- and it has promise. OPD is in the process of developing VR scenarios. As we recommended above, OPD should create scenarios that incorporate and reward successful de-escalation, planning, and tactical communication, and work with partners to develop the most realistic scenarios involving diverse populations, including those who experience mental illness or other divergent behaviors.

RECOMMENDATION 22

In developing scenarios for VR training session, OPD should incorporate and reward de-escalation, planning, and tactical communication.

RECOMMENDATION 23

When creating VR training scenarios, OPD should collaborate with community partners to develop the most realistic scenarios involving diverse populations, including those who experience mental illness or other divergent behaviors.

OPD supervisors also suggested that briefing time might be an opportunity to run VR scenarios. This would be an effective use of the VR technology and potentially remedy our concern that the VR training can only be used by one officer at a time: briefing is intended for discussion and debrief, and officers can debrief the scenario before deploying to the field. We recommend that OPD's Training Unit create short VR "micro-scenarios" that focus on one key skill to be run during briefings.

RECOMMENDATION 24

OPD should create short VR "micro-scenarios" that focus on one key skill to be run during briefings.

As with any training, it is essential that the training officer debrief upon completion of each scenario. When we attended the training, we were advised that a thorough debrief will be incorporated after every scenario, including a "walk through" of the virtual incident to encourage self-assessment and learning. We urge OPD to make this a standard part of the VR training sessions.

RECOMMENDATION 25

OPD should incorporate a thorough debrief after every VR scenario, including a virtual "walk through" of the incident to encourage self-assessment and learning.

The Apex Officer package also offers response analytics. These analytics can be used to identify trends in officer responses, both at the group and individual level. The Department's Training Unit should use these analytics to identify areas where officers are repeatedly challenged and retrain in those key areas. For example, if an officer repeatedly fails to resolve a scenario without using force, that officer might need additional training in de-escalation or tactical communication, modules that are pre-set in the Apex Officer system. Similarly, review of analytics might indicate a need to reframe or rewrite a particular scenario. We recommend that OPD use analytics frequently, and train to the challenges identified whether Department-wide or specific to individual officers.

RECOMMENDATION 26

OPD should use Apex's analytics to track trends in officer responses and use these analytics to identify areas for future training, both Department-wide and for individual officers.

Unlike TDMUS, which is resource-intensive and can take an entire day, VR training can, and should, occur on a frequent basis. We recommend that OPD use its VR training platform as frequently as possible so that officers are best prepared to respond in the field.

Re-Instate Training Payback Days

Other supervisors called on Department and City leadership to provide overtime pay for one full training day per month until the training payback day schedule can be reinstated. They argued that training is simply too important. We agree, while also acknowledging that the Department and City must weigh all their budgetary needs and manage officer burnout. OPD reported that it is currently paying overtime for a full training day twice a year (once every 6 months) to ensure that training occurs with some regularity. This should not be an “all or nothing” consideration: even a 2 or 5-hour training block is preferable to not providing more regular training “payback” days.

RECOMMENDATION 27

OPD should work with City leadership to determine if it is feasible to offer overtime pay for a monthly training day until the training payback day model can be reinstated.

Debrief Lessons-Learned in Training

Departments typically review and debrief *real* critical incidents (and other calls for service), but OPD goes beyond this by conducting extensive debriefs of training scenarios in TDMUS. OPD reported that it also plans to regularly debrief its VR scenarios, as we described above.

Debriefing training scenarios is a key component of the ICAT model, and we encourage OPD to resume its practice of doing so with rigor. We suggest that OPD incorporate ICAT model of debriefing by evaluating incidents in four areas:

- Tactical positioning: did the officer engage and maintain sound tactical positioning throughout the incident?
- Strategic communication: did officers initiate a rapport-building introduction, use active listening, and provide options and empathy effectively?
- Influencing Behavior: were officers' tactics able to influence behavior and the outcome?
- Outcome: evaluate from a success, classroom training benchmark and officers' perspectives. Was there a successful outcome? Why, or why not? Were the classroom training benchmarks met? Were there missed opportunities? How did the officer view the outcome?

We recommend that OPD continue to regularly debrief scenarios in detail. To do so most effectively, OPD should consider recording sessions as they used to do with TDMUS, perhaps using body-worn cameras for this purpose. If deficiencies are noted, training should allow time to re-run the scenario, reinforcing concepts that were missed or could have been done more effectively (and, ensuring that officers "get in the reps"). OPD should also engage officers in regular table-top exercises to further cement skills.

RECOMMENDATION 28

OPD should regularly debrief scenarios using ICAT's model of debriefing and reinforce "lessons learned" with additional training that might include table-top exercises.

RECOMMENDATION 29

OPD should consider resuming video recording of scenarios, utilizing body-worn cameras for this purpose.

De-Escalation: Define and Review

Underscoring all of this is the concept of de-escalation, a critical component that OPD requested us to review, especially considering new legal requirements and renewed emphasis and attention to the concept. Our review found that OPD's current use of force policy could better align with the aspirations and guidance set out by state law. And, while OPD has instituted a novel way to track basic de-escalation statistics, it has not yet devised an internal process to thoroughly review the degree to which its officers are effectively using de-escalation techniques.

Update Policy to Align with State Law

OPD's definition of de-escalation includes unnecessary contingencies and verbiage²³ that dilute an officer's mandatory duty to use de-escalation

²³ OPD's Use of Force policy includes the following de-escalation provision:

300.2.3 ALTERNATIVE TACTICS- DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force:

- Summoning additional resources that can respond in a reasonably timely manner.
- Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to

techniques, crisis intervention tactics, and other alternatives to force when feasible.

As currently written, OPD's duty to de-escalate is a recommendation, not a requirement (Officers "should consider...attempts to de-escalate a situation.") Recent state law mandates law enforcement agencies to adopt use of force policies that require officers to "use de-escalation techniques, crisis intervention tactics and other alternatives to force when feasible."²⁴ Feasible is defined as "means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person."²⁵

We recommend that OPD rely on state law's mandate that officers "use de-escalation techniques, crisis intervention tactics and other alternatives to force when feasible and incorporate the law's definition of feasible."

RECOMMENDATION 30

OPD should replace its current de-escalation and feasible definitions with state law's definition of feasibility and mandate that officers "use de-escalation techniques, crisis intervention tactics and other alternatives to force when feasible."

use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)(1)). Such alternatives may include but are not limited to:

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

²⁴ See California Government Code § 7286 (b)(1)

²⁵ Government Code § 7286 (a)(3)

RECOMMENDATION 31

OPD's training should be updated to reflect policy that instructs officers on their mandatory duty to "use de-escalation techniques, crisis intervention tactics and other alternatives to force when feasible."

Track & Incentivize De-Escalation

While policy and training on de-escalation are now required by law, these alone cannot determine if officers are using de-escalation as mandated. Tracking use of de-escalation in the field is essential to discover if the policy and training are working in practice. OPD admitted that tracking de-escalation is a particular challenge for the Department. OPD reported that it will be tracking de-escalation in a creative way: by adding a checkbox to the required Racial Identity Profiling Act (RIPA) reporting form that will require officers to check if they use de-escalation. This is a promising start, and one that is easily accessible and provides quick statistics.

But we recommend that OPD go beyond the "yes/no" checkbox and require that officers articulate specific uses of de-escalation in their incident reports (or, if they did not use de-escalation, why they did not). Requiring officers to document any de-escalation efforts in their incident reports would encourage officers to reflect on their actions in a way that may help them independently recognize what they did well, and what they might have done differently.

RECOMMENDATION 32

OPD should amend the policy to require that all officers detail in writing any efforts to de-escalate incidents; and if no de-escalation techniques were deployed, an explanation for why none were deployed.

We also recommend that OPD rigorously examine de-escalation in all debriefs, and particularly in use of force reviews (see also our detailed discussion of force review process in “Review and Accountability,” below). In specific, we recommend that the supervisor conducting the force review be required to evaluate any efforts at de-escalation and if not, why no de-escalation was feasible. Such an analysis would allow the Department to determine whether alternative strategies could have been deployed short of using force and to identify ways to use the incident as a learning opportunity to better prepare officers for future similar challenges.

RECOMMENDATION 33

When reviewing force, OPD supervisors should rigorously analyze, in writing, de-escalation efforts in all incident debriefs and critical incident and force reviews. This analysis should consider whether de-escalation techniques were deployed prior to moving to force options and if not, whether it would have been appropriate to consider them.

In addition to these accountability measures, requiring officers to fully document de-escalation efforts in their reports also would give OPD the opportunity to have better data for when de-escalation methods have been considered, positively reinforce conflict resolution skills and affirm personnel who have the capability and temperament to handle difficult situations without resorting to force. Because many law enforcement agencies unfortunately do not require report-writing on force-avoidance efforts, those efforts often go unnoticed and personnel with the skill and mind-set to defuse situations go unrecognized. OPD should explore ways to incentivize and promote the use of de-escalation tactics, such as issuing commendations for officers who exhibit strong de-escalation skills or include such skill sets as important criteria for promotions or special assignments.

RECOMMENDATION 34

OPD should explore ways to incentivize and promote use of de-escalation tactics, such as issuing commendations for officers who exhibit strong de-escalation skills or

include de-escalation mastery as a skill set in criteria for promotions or special assignments.

When Force is Necessary: Tools & Their Related Policies

Despite rigorous training in coordinated tactical response and development of de-escalation skills, officers will encounter situations that will necessitate the use of force. In this section, we discuss the Department's current force "toolkit" and the tools it hopes to acquire. We recommend policy and training updates to align tools with state law and best practices.

Physical Force Techniques

On the day we observed training, OPD officers spent several hours learning and practicing physical force techniques in OPD's Sturgis Center "mat room." As the officers practiced control holds and grappling, OPD command and training staff informed us that OPD was an early adopter of the Gracie Survivor Tactics (GST) program, a training program that uses techniques from ju-jitsu designed to teach officers in effective use of physical force.

But despite adopting this training, OPD command reported that in their observations and reviews of force, some officers are hesitant to use physical force, either because they are not confident in their skills or because they have other tools (namely, the Taser, which we discuss below) at their disposal.

Physical force typically makes up the largest percentage of reported uses of force. It is commonly used to resolve instances ranging from minor non-compliance to low-level resistance. When the tactics are used correctly, these force options can quickly and effectively resolve an incident without needing to resort to any additional force and without significant injury to the subject. But incorrect or ineffective applications of these force options can result in officer safety concerns and escalate the

encounter, necessitating the use of additional force, more officer involvement, or prolonged encounters that may increase the risk of injury or result in less desirable outcomes.

Indeed, these force options are perishable skills – if not practiced routinely and as a team, they are difficult to execute properly, especially in high-stress situations. But this hands-on training is, like other training described above, not happening with regular or sufficient frequency, despite OPD's best efforts.

This challenge is not unique to OPD. As we have cited repeatedly, it speaks to the fundamental challenge in modern-day policing of balancing sufficient training (including the blocks that are required by state standards) with the need to have officers on the street and to otherwise meet limitations in staffing and other resources. These problems are commonly experienced in agencies throughout the country.

In our work with other agencies and in conversation with OPD command and training staff, there is a growing movement towards the prioritizing of increased, repeated hands-on training in physical force options to reduce risk and increase officer and civilian safety. We highly encourage OPD to evaluate its current physical force option training. When possible, given budgetary and time constraints, the Department should consider engaging in more frequent hands-on training of these force options to reduce risk and increase officers' confidence and effectiveness in the field.

And it is imperative that this training also integrate concepts of de-escalation as a critical first option intended to avoid the use of force altogether. Ideally, the officer exposed to such a training regimen will be able to use de-escalation techniques to avoid going hands on but be adept at lower-level force options should attempts at de-escalation fail.

RECOMMENDATION 35

OPD should evaluate its current physical force options training with an eye toward increasing the frequency and time spent on hands-on tactical practice, incorporating de-escalation techniques and non-force options into any curricula.

Reliance on Tasers

As we noted above, OPD command and training staff reported that officers are using the Taser (also referred to as “Conducted Electrical Devices” or CEDs) at times in lieu of physical force, and that its use is not always effective. In both written memos and conversations with our team, command reported that it has been their recent experience that OPD officers may be overly confident in the Taser’s effectiveness, often at the cost of officer safety.

Command reviews of uses of force reported that officers sometimes moved too close to potentially dangerous and/or armed subjects, sacrificing cover and distance in favor of moving close enough to deploy the Taser.²⁶ But if that Taser deployment is not effective, officers are often too close to consider other less lethal force alternatives, and the result may be the use of deadly force.

OPD is not alone in noting the limitations of the Taser. The effectiveness of Tasers has been a long-standing debate. It was recently rekindled with the release of a new Taser model, Taser 10, in early 2022, a model that is intended to increase the range of the Taser considerably, ostensibly allowing officers to effectively deploy the weapon at a greater distance.

Our review of policy found that OPD’s current policy does not provide sufficient guardrails for its use. And, as illustrated below, our review of training materials suggested that components of OPD training, perhaps unintentionally, encourage officers to use the Taser over other tools.

Taser Policy: Update to Meet Legal Standards

One contributing factor to the reliance on Tasers may be that OPD’s Taser policy does not effectively set out the contemporary legal standard for use of the Taser. We found that it requires clarification and update. First, OPD’s current policy allows for Taser use on a subject who displays “physical resistance,” but does not define the level of resistance

²⁶ The current model deployed by OPD, Taser 7, is most effective from a distance of five feet (the manufacturer suggests a range of four to twelve feet).

that warrants its use. It goes on to state that the Taser may be deployed on an individual who is “potentially violent” and that “has demonstrated, by words or action, *an intention to be violent or to physically resist.*” It also allows use for subjects who only pose a threat of self-harm, stating: “reasonably appears to present the potential to harm [...] him/herself.”

OPD’s current policy does not align with case law regarding the use of Tasers. Specifically, case law requires that Departments limit the use of the Taser to subjects who are only displaying *assaultive* resistance, defined as “subjects that are aggressive or combative; attempting to assault the officer or another person, or physically displays an intention to assault the officer or another person.”

In reviewing the policy, we also found the policy allows for use of the Taser in drive-stun as a distraction technique.²⁷ OPD should consider removing this option as it is not an effective use of the tool.²⁸

We recommend that the Department update its policy to reflect the legal and modern policing standards for use of the Taser as follows:

- Limit Taser the use of the Taser to subjects who are displaying assaultive resistance, defined as “subjects that are aggressive or combative; attempting to assault the officer or another person, or physically displays an intention to assault the officer or another person.”
 - OPD’s current Use of Force policy defines assaultive as, “the subject takes action that indicates intent to injure an officer. This level of aggression may manifest itself through punching, kicking, or pushing and may include extreme physical force up

²⁷ From Policy 309: “the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, *or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.*” (emphasis added)

²⁸ Axon has recognized this fact and has removed the drive-stun option on its most recent model the Taser 10.

to and including the discharge of a firearm or use of a blunt or bladed weapon.”

- This update would meet the standards set out by the California POST and the 9th Circuit.²⁹
- Prohibit the use of the Taser on a subject who is only engaged in self-harm, unless and until that subject becomes engaged in harm to others. That is, self-harm alone, with no threat to the officer or to others, would not be a sufficient justification to deploy the Taser. This aligns with the Department’s adoption of Tactical Disengagement.
- Remove use of drive-stun for distraction.

RECOMMENDATION 36

OPD should update its Conducted Electrical Devices, Policy 309, to align with state law and best practices regarding use of the Taser.

The Department should then also train in these new policies and incorporate the new standards into all training materials, including scenario-based training (and, especially, in VR-based training scenarios).

²⁹ See POST Learning Domain 20, Use of Force/De-escalation Version 5.4, Chapter 3: 3-6 (April 2021), accessed at https://post.ca.gov/portals/0/post_docs/basic_course_resources/workbooks/LD_20_V-5.4.pdf

See the 9th Circuit court rulings *Bryan v. McPherson* (9th Cir. 2010) 630 F.3d 805, 826–30 (9th Cir. 2010) and *Mattos v. Agarano* (9th Cir. 2011) 661 F.3d 433, 445-46.

See also the LAPD Use of Force policy, Section 573, accessed at <https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2023/01/VOLUME-1-word.pdf>

RECOMMENDATION 37

OPD should update its training to reflect the new policy standards regarding the use of the Taser.

Current Training on Taser Use

In its training related to “EDPs,” which we detailed in our Mental Health section above, OPD stated: “in most cases, dealing with an EDP *not known to be armed* involves a conducted electrical weapon” (emphasis added). This training, which we have already identified as problematic, recommends that officers “involve” – which we assume to mean, display and potentially deploy -- a Taser when they are faced with a subject experiencing a crisis, even if that person is not armed and does not pose an immediate threat of aggression.

Training, then, seems to be identifying the Taser as a preferred tool, thus necessitating that officers approach close enough to use it: the exact scenario we observed in at least one recent critical incident. While the training materials indicate that other force options should also be available, it lists Taser as the first preferred. Above, we recommended overhauling OPD’s policy and training regarding persons in crisis, and we encourage that the Department carefully evaluate language regarding Tasers when doing so.

RECOMMENDATION 38

When updating its policy and training regarding responding to persons in crisis, OPD should carefully evaluate language regarding use of the Taser.

Improve the Toolkit: Less-Lethal Tools

OPD command and training staff reported that a “better” tool kit would improve their responses to incidents that require use of less-lethal tools, specifically citing two new tools that they hope to add to their less-lethal equipment: the Taser 10 and the 40mm less-lethal launcher.

Acquisition of new tools may certainly assist in resolving situations that might otherwise have resulted in a use of deadly force; in our collective experience we have reviewed many incidents that were resolved by use of a less-lethal weapon. But additions to the less-lethal toolkit should only occur in tandem with our recommendations on incident response overall. Simply adding a new tool to the existing toolkit without addressing our overarching recommendations related to how officers respond to potentially dangerous calls for service may not result in net different outcomes.

Taser 10

OPD, like other agencies, has considered replacing its current Taser model with the newly released Taser 10 as a potential solution to ineffective Taser deployments. One of its new key features – the ability to effectively deploy it from up to forty-five feet away – is purported to give officers the distance that older models could not.³⁰

But we remain cautious of the Taser 10 as it has not yet been field tested sufficiently to gauge its true potential or risks. And, without adjustments to training and policy as recommended above, OPD may continue to see the same concerns even with a new tool.

³⁰ It is important to note that when Taser 7 was released, the manufacturer claimed it could be deployed from up to twenty-five feet away, the length of the cartridge wires. But officers soon discovered that the most effective range was four to twelve feet, significantly less than advertised. Field use of Taser 10 may reveal similar results. Unofficial feedback from agencies testing the Taser 10 suggest that the tool may not be as effective as initially advertised.

However, with the appropriate policy guardrails and training in place, the Taser 10 might be a more effective tool for law enforcement. Should the Department procure the Taser 10, it must also update policy; here again, we advise that the Department look beyond the Lexipol policy to ensure that Taser deployments are effective, legal, and that officers appropriately weigh the risks of injury.

RECOMMENDATION 39

Should OPD procure the Taser 10, OPD should update its policy to ensure that its Taser deployments are effective, legal, and that officers appropriately weigh the risks of injury.

The 40mm Less Lethal Launcher

The Taser is not always the appropriate or best tool for the situation. OPD's Policy 309: Conducted Electrical Devices, requires officers to consider that the Taser may not achieve the intended result, and that officers should be prepared "with other options," including having officers provide lethal and other less-lethal coverage options.

But these are in limited supply for OPD Patrol officers: Patrol officers and sergeants are currently only equipped with one less lethal shotgun per area. If the officer equipped with the shotgun timely responds to a call where it is needed, use of that tool is limited because the impact round, the "Super-Sock," has been shown to cause injury if deployed more than once to the same target area. As such, OPD are cautious to deploy consecutive rounds from the less-lethal shotgun (a commendable point of view).

So, while it has a longer range than the Taser (its effective range is 15 to 60 feet), the less-lethal shotgun has limitations. We observed this in one of the recent critical incidents, where use of a single Super-Sock round was ineffective in gaining a subject's compliance, and officers were reluctant to fire a second round.

Each Patrol sergeant is also equipped with a Pepperball launcher. This

tool has a similar range to the less-lethal shotgun and is an effective, target-specific less-lethal option intended to induce compliance. But, like the less-lethal shotgun, it may not arrive at the scene in a timely manner. In response to the limitations posed by these less-lethal options, OPD requested and received authorization to purchase what they believed would be a more effective less-lethal tool for every Patrol officer: the 40mm less-lethal launcher. Command argued that this tool, which is currently only used by OPD's specialized teams, would allow for more time and distance (it has an effective range of 5 to 120 feet) and provide more precision than the other tools.

However, due to budget constraints, these 40mm launchers were never purchased.

Acquisition of this particular new tool today comes with an added hurdle, though not an insurmountable one: with the passage of Assembly Bill 481, subsequently codified in California Government Code 7070, all California law enforcement agencies are required to obtain approval from their governing board of any tool classified as "military equipment," which includes 40mm less-lethal launchers and their related kinetic projectiles. OPD is aware of this process, having requested new equipment under AB 481 such as precision rifles for SWAT and new incident command vehicles.

Should OPD pursue acquisition of the 40mm, we recommend, and AB481 requires, that it create a use policy for this tool and report annually on each deployment.

RECOMMENDATION 40

Should OPD procure 40mm less-lethal launchers, OPD should update its kinetic projectile policy and adhere to the standards required by AB481 for use of this tool.

Review & Accountability: Structures in Place, but Need Collaboration

The Department has several mechanisms dedicated to force incident review. Command staff members described a forward-thinking practice of incident debriefing to enhance both officer performance and agency development. This important practice is included in the Department's Use of Force policy.³¹

Use of force incidents are subject to several levels of review. Officers are required to promptly, completely, and accurately document any use of force and articulate factors why force was reasonable.

Supervisors complete Use of Force reports that are reviewed by the Supervisor's Commander. Once approved, these reports are reviewed by the Professional Standards sergeant. Ultimately, Commanders from Professional Standards and Special Operations review Use of Force reports and any recommendations for additional action or follow-up.

The Force Options Unit (FOU) of the Special Operations Division provides another source of incident review. The FOU is responsible for Department member proficiency development and ongoing training for the Department's Defensive Tactics (arrest and control) program, MILO (Multiple Interactive Learning Objectives) Simulator, and less lethal devices. This Unit's responsibilities include reviewing use of force incidents, providing expertise on force-related issues, integrating tactical decision making and professional communication into all facets of training,

³¹ Policy 300.5: "Following any significant incident, field supervisors are encouraged to debrief and evaluate the event. The objective of debriefs are for individual and agency development and may serve to augment the capacities of peace officers with the objective of protecting the lives and safety of all persons."

and maintain a high awareness of contemporary laws related to de-escalation and use of force (see 301.4).

The Department's Critical Incident and Officer Involved Shooting policies provide detailed procedures for the criminal and administrative investigation of these incidents. The Department has shared with us an internal affairs investigation report and other tactical review memos involving previous officer-involved shootings.

Additionally, as we have discussed previously, the Department created a Patrol Development Unit (PDU) in response to the recent officer-involved shootings. PDU has evaluated these incidents to identify areas of training and equipment that could be enhanced to address the complexity of incidents involving individuals in behavior health crisis. The Department intends to staff the PDU with experienced officers from various disciplines (e.g., Special Weapons and Tactics (SWAT), Field Training Office (FTO) and Force Options Unit (FOU). The Unit will continually review the Department's training, tactics and equipment and recommend improvements to align with best practices. It will also develop and provide training, especially to address the challenges that patrol officers face.

These mechanisms are commendable by including multiple perspectives and several levels of review. However, they could be strengthened in important ways.

- Vital topics such as tactical planning (before and upon arrival at the scene), de-escalation, communication (with the subject, the officer's partner(s), dispatch, and supervisor), decision-making, and a coordinated response (with the officer's partner, backup and supervisor) should be included in all levels of the Department's review process.
- Review should include evaluating whether the incident involved an individual in behavior health crisis and if so, did officers respond with adjusted communication, de-escalation, and tactic planning and response that these encounters require.

- The incidents involving individuals undergoing mental health crises should be evaluated by the Department's experts in crisis response, de-escalation, tactical communication and defensive tactics. The Department's Crisis Intervention Team and Homeless Liaison Team have valuable experience and skills in interacting with individuals in behavior health crisis. The Team's potential involvement in incident review would provide the Department with a more holistic review that considers the incident from a behavior health crisis lens.

Finally, the Department's review process would be enhanced by convening a Critical Incident Review Board at the conclusion of the Department's investigation for officer-involved shootings, in-custody deaths, and other significant uses of force (such as those requiring hospitalization). A growing number of law enforcement agencies convene a critical incident review board to provide a thorough examination and discussion of serious incidents that includes the performance of all involved personnel (supervisors and non-force users) as well as issues of policy, training, tactics, supervision, planning and coordination, choice of force options and post-incident conduct and performance.

Command staff positively embraced our suggestion of a Critical Incident Review Board. Additionally, command staff recommended that the Review Board include the expertise of PDU staff.

RECOMMENDATION 41

The Department's incident review process should evaluate tactical planning (before and upon arrival at the scene), de-escalation, communication (with the subject, the officer's partner(s), dispatch, and supervisor), decision-making and a coordinated response (with the officer's partner, backup, and supervisor).

RECOMMENDATION 42

Incident review should include evaluating whether the incident involved an individual in behavior health crisis and if so, whether officers respond with adjusted communication, de-escalation, and tactic planning and response that these encounters require.

RECOMMENDATION 43

The Department should identify its experts in crisis response, de-escalation, tactical communication, and defensive tactics and ensure a robust evaluation of incidents that incorporates their expertise.

RECOMMENDATION 44

The Department should develop policy to create a critical incident review board that would formally examine serious incidents and evaluate the performance of all involved personnel (supervisors and non-force users) as well as issues of policy, training, tactics, supervision, planning and coordination, choice of force options and post-incident conduct.

Recommendations

- 1: OPD should substitute using the term “EDP” in favor of person-first language Department-wide, including but not limited to when referring to individuals experiencing mental health crisis.
- 2: OPD should discontinue using traditional high-risk vehicle stops as a model for its team response to crisis calls and replace them with a more nuanced scenario whereby effective crisis intervention techniques can be deployed.
- 3: OPD should explore enhancing its partnerships and funding to include mental health clinicians and other resources as part of OPD’s coordinated response to crisis calls.
- 4: OPD should consider the feasibility of creating within the HLU or CIT Unit a team of specialist CIT officers who respond to crisis calls as part of their patrol duties.
- 5: OPD should include a robust schedule for continuing professional training with courses such as CIT Field Tactics and CIT update training every two years.
- 6: OPD should require supervisors to respond immediately to crisis incidents involving armed individuals when practicable.
- 7: OPD should rely upon internal and external subject matter experts to assist in the Department’s approach, policy, training, debriefing and review of crisis incidents.
- 8: OPD should issue updated briefing training on the 2021 Tactical Disengagement Training Bulletin and continue to discuss this concept in related in-service training modules.
- 9: OPD should incorporate the concept of tactical disengagement into its scenario-based training.

- 10: OPD should evaluate ways that direct line supervisors can reinforce the concept of tactical disengagement with their teams.
- 11: OPD should create scenario-based training that assists officers in fostering a sound initial tactical response, instructs officers in how these tactical decisions can create the opportunity for a coordinated team response, and trains officers to work in coordinated teams to respond to critical incidents.
- 12: OPD should consider creating a formal mentorship and team-building program for new supervisors.
- 13: OPD should train supervisors specifically in their managerial role and to delegate any tactical response to line officers when feasible, as detailed in OPD's policy.
- 14: OPD should expressly involve supervisors in scenario-based training sessions to emphasize the shift from tactical engagement to managing the response.
- 15: In its force review process, OPD should add a metric requiring express evaluation of the actions of on-scene supervisors to consider whether they performed their supervisory roles consistent with Departmental expectations.
- 16: When sergeants use force, OPD should include an assessment in the force review process as to whether there were other line resources available on scene that could have been designated to go "hands on," leaving the sergeant to perform a managerial role.
- 17: OPD should regularly train officers on strategic communication using ICAT's module, "Tactical Communication," or a similar training model that emphasizes active listening, "triggers" for those experiencing mental health crises, non-verbal communication, and methods for de-escalation.
- 18: OPD's Training Unit should create and deploy Strategic Communication "snippets" to practice during Briefings, similar to

how the Training Unit developed its short Spanish-language command module.

- 19: OPD should develop scenarios that are unpredictable and dynamic, emphasize teamwork and planning, and cover diverse types of calls for service.
- 20: OPD should collaborate with expert partners to develop scenarios that are realistic and reflect the public safety challenges of their communities.
- 21: OPD should consider expanding the once-monthly Briefing Training calendar as feasible while balancing patrol needs.
- 22: In developing scenarios for VR training session, OPD should incorporate and reward de-escalation, planning, and tactical communication.
- 23: When creating VR training scenarios, OPD should collaborate with community partners to develop the most realistic scenarios involving diverse populations, including those who experience mental illness or other divergent behaviors.
- 24: OPD should create short VR “micro-scenarios” that focus on one key skill to be run during briefings.
- 25: OPD should incorporate a thorough debrief after every VR scenario, including a virtual “walk through” of the incident to encourage self-assessment and learning.
- 26: OPD should use Apex’s analytics to track trends in officer responses and use these analytics to identify areas for future training, both Department-wide and for individual officers.
- 27: OPD should work with City leadership to determine if it is feasible to offer overtime pay for a monthly training day until the training payback day model can be reinstated.
- 28: OPD should regularly debrief scenarios using ICAT’s model of debriefing and reinforce “lessons learned” with additional training that might include table-top exercises.

- 29: OPD should consider resuming video recording of scenarios, utilizing body-worn cameras for this purpose.
- 30: OPD should replace its current de-escalation and feasible definitions with state law's definition of feasibility and mandate that officers "use de-escalation techniques, crisis intervention tactics and other alternatives to force when feasible."
- 31: OPD's training should be updated to reflect policy that instructs officers on their mandatory duty to "use de-escalation techniques, crisis intervention tactics and other alternatives to force when feasible."
- 32: OPD should amend the policy to require that all officers detail in writing any efforts to de-escalate incidents; and if no de-escalation techniques were deployed, an explanation for why none were deployed.
- 33: When reviewing force, OPD supervisors should rigorously analyze, in writing, de-escalation efforts in all incident debriefs and critical incident and force reviews. This analysis should consider whether de-escalation techniques were deployed prior to moving to force options and if not, whether it would have been appropriate to consider them.
- 34: OPD should explore ways to incentivize and promote use of de-escalation tactics, such as issuing commendations for officers who exhibit strong de-escalation skills or include de-escalation mastery as a skill set in criteria for promotions or special assignments.
- 35: OPD should evaluate its current physical force options training with an eye toward increasing the frequency and time spent on hands-on tactical practice, incorporating de-escalation techniques and non-force options into any curricula.
- 36: OPD should update its Conducted Electrical Devices, Policy 309, to align with state law and best practices regarding use of the Taser.
- 37: OPD should update its training to reflect the new policy standards regarding the use of the Taser.

- 38: When updating its policy and training regarding responding to persons in crisis, OPD should carefully evaluate language regarding use of the Taser.
- 39: Should OPD procure the Taser 10, OPD should update its policy to ensure that its Taser deployments are effective, legal, and that officers appropriately weigh the risks of injury.
- 40: Should OPD procure 40mm less-lethal launchers, OPD should update its kinetic projectile policy and adhere to the standards required by AB481 for use of this tool.
- 41: The Department's incident review process should evaluate tactical planning (before and upon arrival at the scene), de-escalation, communication (with the subject, the officer's partner(s), dispatch, and supervisor), decision-making and a coordinated response (with the officer's partner, backup, and supervisor).
- 42: Incident review should include evaluating whether the incident involved an individual in behavior health crisis and if so, whether officers respond with adjusted communication, de-escalation, and tactic planning and response that these encounters require.
- 43: The Department should identify its experts in crisis response, de-escalation, tactical communication, and defensive tactics and ensure a robust evaluation of incidents that incorporates their expertise.
- 44: The Department should develop policy to create a critical incident review board that would formally examine serious incidents and evaluate the performance of all involved personnel (supervisors and non-force users) as well as issues of policy, training, tactics, supervision, planning and coordination, choice of force options and post-incident conduct.