



REPORT to the MAYOR and MEMBERS of the CITY COUNCIL  
From the CITY MANAGER

DATE: January 26, 2021

SUBJECT: Presentation from Hillard Heintze regarding the Final After-Action Report related to the events of May 30, 2020

ISSUING DEPARTMENT: City Manager's Office

SUMMARY:

Recommendation:

Staff recommends the City Council receive a presentation from Hillard Heintze regarding an After-Action Report related to the events of May 30 and 31, 2020.

BACKGROUND:

On August 11, 2020, the City Council approved a contract with Hillard Heintze to prepare an After-Action Report related to the events of May 30 and May 31, 2020. Hillard Heintze conducted briefings with the City Council, City officials, the La Mesa Police Department, Heartland Fire and Rescue Department, the Citizen Public Safety Oversight Task Force, and reviewed relevant policies and protocols. Hillard Heintze also engaged in extensive community outreach with residents and the business community, including a virtual listening session and focused interviews. On October 27, 2020, the City Council received a mid-term progress report from Hillard Heintze which provided an opportunity to ask questions and request the inclusion of specific topics to be covered in the final report.

DISCUSSION:

The After-Action Report is the culmination of a five-month work effort that included an extensive review of policies, procedures, practices, and briefings with various stakeholders (Attachment A). The After-Action Report is an independent and objective analysis of events that occurred on May 30 and 31. The City provided Hillard Heintze with access to documents, policies, and other related items necessary to prepare the report. The firm also interviewed the City Council, La Mesa Police Department Command staff, Police Officers, members of the Citizen Public Safety Oversight Task Force, and staff at various levels of the organization. Staff's goal was to ensure the final report reflected an accurate account of the events, including feedback from the community, and provided actionable recommendations that would serve to assist the La Mesa Police Department, the Community Police Oversight Board, and the new Chief of Police.

At the request of the City Council, staff ensured Hillard Heintze had opportunities to engage with residents. Outreach efforts included a community listening session which was promoted on the

City's social media and included participation from approximately 60 members of the community. Those unable to participate were encouraged to email their comments to Hillard Heintze directly. The firm also interviewed members of the business community, especially those located in downtown and the Grossmont Center which were primarily affected by the looting and property damage. The purpose of this process was to engage in an iterative series of learning opportunities that would allow Hillard Heintze to develop a comprehensive understanding of the incident from multiple perspectives.

The After Action Report provides a series of recommendations based on the observations noted by Hillard Heintze. Among other areas, the After-Action Report provides recommendations regarding policies involving the use of force, community policing, and community engagement. The After-Action Report also recommends updating existing protocols to ensure uniformity of command, providing officers with additional training, and developing a formalized emergency communication plan. Following the incidents on May 30, the LMPD made improvements and took corrective action that reflected during the subsequent protest on August 1. LMPD provided a memorandum outlining steps it has taken to implement certain recommendations and identified future efforts (Attachment B). The After-Action Report will serve to guide these efforts.

Emergency operations training for City staff occurred regularly in the past and will continue to be required for key staff. A planned upgrade was recently completed to the City's Emergency Operations Center located next to Fire Station 11 that will improve the City's coordination efforts. Emergency training sessions for City staff have been occurring over the past two weeks. Emergency training for the City Council will take place in the near future as well. Past training drills have used earthquakes and terrorist strikes for scenarios. Future trainings will use protests and civil unrest as potential scenarios. This initiative provides City departments and public safety personnel responsible for responding during an emergency with tools to better coordinate efforts, communicate internally, and provide timely updates to the public.

Representatives from Hillard Heintze will provide an overview of these efforts and discuss the proposed recommendations (Attachment C). Members of the La Mesa Police and Heartland Fire and Rescue Departments will be available for questions. The City Council may provide further direction regarding the final report.

Reviewed by:



Greg Humora  
City Manager

Respectfully submitted by:



Carlo Tomaino  
Assistant City Manager

Attachments:

- A. After-Action Report
- B. LMPD Memorandum
- C. Hillard Heintze Presentation



Protecting What Matters

# La Mesa Police Department

An Independent After-Action Report for the Civil Unrest  
on May 30, 2020

CONDUCTED ON BEHALF OF THE CITY OF LA MESA, CALIFORNIA

FINAL REPORT

January 26, 2021



 HILLARD HEINTZE

A Jensen Hughes Company



A Jensen Hughes Company

January 26, 2021

City Council  
City of La Mesa  
8130 Alison Avenue  
La Mesa, California 91942

Dear Mayor Mark Arapostathis and Members of the La Mesa City Council:

We have completed our final after-action report and recommendations on law enforcement practices based on the civil unrest that occurred May 30, 2020.

We want to thank those who assisted our team during this assessment process, in particular you and your office, as well as everyone at the La Mesa Police Department and Heartland Fire and Rescue, during our site visits and videoconference activities. We appreciate the fact that agencies like yours are willing to take steps to ensure that the very critical and sensitive work provided by law enforcement agencies meets the expectations that our nation's communities both expect and deserve.

If the City and La Mesa Police Department embrace and implement the recommendations contained in this report, we believe the Chief and Department staff will have a renewed sense of how they can plan for and respond more effectively to future protest events. These recommendations will also enhance communications regarding La Mesa Police Department operations within the City and the community, which will assist in improving community relationships. We have no doubt La Mesa Police Department leadership and personnel will implement positive changes to strengthen the professional policing services they provide to everyone in La Mesa.

We are happy to discuss our findings and recommendations in further detail. Thank you for entrusting us with this critical engagement.

Sincerely,  
Hillard Heintze, A Jensen Hughes Company

A handwritten signature in black ink that reads "Robert L. Davis".

Robert L. Davis  
Practice Lead and Senior Vice President  
Law Enforcement Consulting





## Table of Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>5</b>
Background: Understanding the Broader Context .....	5
Purpose: What We Set Out to Achieve .....	5
Assessors: The Hillard Heintze Team .....	6
Document Reviews: What We Did .....	7
Interviews: Who We Tapped for Insights.....	7
<b>SYNOPSIS AND TIMELINE OF THE SIGNIFICANT EVENTS ON MAY 30, 2020.....</b>	<b>9</b>
<b>KEY FINDINGS.....</b>	<b>12</b>
<b>ASSESSMENT OF THE LMPD’S RESPONSE ON MAY 30, 2020.....</b>	<b>21</b>
The Department’s Planning Activities.....	21
Information and Intelligence Gathering.....	21
Planning and Coordination .....	22
Incident Command Operations.....	25
Incident Command Post .....	27
Incident Command Structure .....	28
Tactical Command Operations.....	29
The March to the Freeway.....	30
The Return to the LMPD Police Station.....	31
Dispersal Orders .....	32
Response to Looting and Vandalism .....	33
Fires and Looting at Vons and the La Mesa Springs Shopping Center .....	34
Chase and Union Banks and Randall-Lamb Building.....	35
Field Response and Tactics .....	36
Use of Force, Crowd Control and De-Escalation Training.....	36
Analysis of Crowd-Control Efforts.....	37
Use of Less-Lethal Munitions .....	38
Mutual Aid Coordination and Response.....	39
Coordination with Other City-Led Departments .....	40
Application of National and Statewide Best Practices.....	42



<b>ASSESSMENT OF THE LMPD’S POLICIES, PROCEDURES AND TRAINING.....</b>	<b>47</b>
De-Escalation .....	47
Use of Force .....	48
Crowd Control and Demonstrations .....	48
Community Engagement and Cultural Competency .....	49
<b>RECOMMENDATIONS.....</b>	<b>51</b>
<b>SUMMARY STATEMENT.....</b>	<b>53</b>
<b>APPENDIX: TIMELINE.....</b>	<b>54</b>





## *Executive Summary*

### **Background: Understanding the Broader Context**

Following the death of George Floyd while in the custody of the Minneapolis Police Department on May 25, 2020, protests began in the Minneapolis area and spread throughout the country over the next several days and months. The majority of these protests were peaceful, but some resulted in clashes with the police, rioting and looting.

On May 27, the La Mesa Police Department (LMPD) arrested Amaurie Johnson at the La Mesa Grossmont Trolley Station. Video footage of the arrest was shared widely on social media, and people criticized the arrest as an example of racial profiling. Our discussions with public officials, first responders and community members revealed that a previous racially charged incident involving the LMPD and a student of color at Helix High School re-surfaced following the video of the May 27 incident being shared on social media. The public reaction to the Trolley Station incident involved marches and a peaceful protest at the police station. Some community members shared their thoughts that this incident and the perceived racial injustice is an unresolved issue within the community, and the Trolley Station incident brought their concerns to the forefront.

During the weekend of May 29, protests occurred at City Hall and the LMPD. The May 29 protest ended peacefully, and the protest on May 30 began as a peaceful protest, but some individuals subsequently engaged in violence, looting and vandalism. In the aftermath of these events, residents and City officials called for a review of the LMPD's planning and response to such incidents.

### **Purpose: What We Set Out to Achieve**

Our assessment team conducted an after-action review of the City of La Mesa's response to the protests and riot that occurred on May 30, 2020. This After-Action Report focuses on pre-incident planning, incident response and post-incident follow up. It is designed to assist the City of La Mesa with preparing for future incidents. This report emphasizes learning and improvement, rather than assigning blame. It provides an opportunity to understand what happened and why it happened, as well as identify strengths and opportunities for improvement.

Our analysis focused on comparing the City of La Mesa's planning and response to best practices in the field, including the principles contained in the National Incident Management System (NIMS) and the Incident Command System (ICS). NIMS provides a framework for "all levels of government, nongovernmental organizations and the private sector to work together to prevent, protect against, mitigate, respond to and recover from incidents." A part of NIMS, "the ICS is a standardized approach to the command, control, and coordination of on-scene incident management and provides a common hierarchy within which personnel from multiple organizations can be effective."<sup>1</sup>

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<sup>1</sup> National Incident Management System, U.S. Department of Homeland Security, October 2017



As a corollary to this After-Action Review, the City of La Mesa requested that we reach out to business owners and community residents to understand their perspectives on how the LMPD responded to the protests and learn the public's impressions of the LMPD. We also sought to gain insights during our community interviews about what attributes the community would like to see in the new LMPD Chief.

### **Assessors: The Hillard Heintze Team**

#### **Rob Davis, Senior Vice President, Law Enforcement Consulting**



Robert Davis is a highly regarded and innovative national leader in policing and public safety with extensive experience assessing federal, state and local law enforcement agencies across the U.S. Rob served in a variety of capacities during his 30-year-career with the San Jose Police Department (SJPD), including as the Chief of Police for seven years. As chief, Rob also served as the President of the Major Cities Chiefs Association. He provided consulting services for the U.S. State Department. Since retiring from SJPD, Rob has been involved in numerous assessments of police departments, including serving as the Project Director for Hillard Heintze's Department of Justice Collaborative Reform Initiative for Technical Assistance contract.

#### **Robert Boehmer, Esq., Vice President, Law Enforcement Consulting**



Robert Boehmer is an experienced facilitator, trainer and public speaker with expertise in collaborative problem solving, community policing, partnership development and information sharing. For the past several years, he has facilitated sessions for the Department of Homeland Security's Building Communities of Trust Initiative, focusing on developing trust among law enforcement, fusion centers and the communities they serve. As a Vice President in the Law Enforcement Consulting practice at Hillard Heintze, Robert manages complex law enforcement assessments and helps police agencies transform their organizations and adopt national best practices and industry standards central to improving accountability, transparency and community trust.

#### **Chad M. McGinty, Senior Director, Security Risk Management**

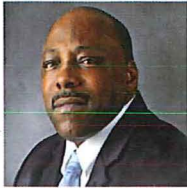


Chad McGinty brings nearly three decades of law enforcement, public safety, emergency preparedness and security leadership experience to his role as Senior Director at Hillard Heintze. Chad served in the Ohio State Highway Patrol for nearly 28 years, starting as a Trooper in 1989 and later serving as Sergeant, Lieutenant and Captain before joining the Senior Staff as Major, Commander of Field Operations in 2014. He concluded his tenure by coordinating and leading the crowd control/field force response for the 2016 Republican National Convention in Cleveland, Ohio. Chad implemented a sophisticated staging and response for 1,400 field force officers from 18 different agencies and 15 states.





### Michael Dirden, Esq, Senior Advisor, Law Enforcement Consulting



Michael Dirden joined Hillard Heintze following a long and successful career with the Houston Police Department. As the Executive Assistant Chief of Police, Michael provided leadership and oversight for the department's Investigative, Strategic and Field Operations, including accountability for Patrol Operations, Traffic Enforcement, the Mental Health Division, Apartment Enforcement and Differential Police.

### Document Reviews: What We Did

A key component of the After-Action Review is our review of key documents and other information related to the planning, response and post-incident activities of the May 30 protest and riot. Our document review included:

- + Strategic plans
- + Policies and procedures
- + Mutual aid agreements with external agencies
- + Incident reports, operational plans and other written documentation of activities related to the peaceful protests and the riot
- + Dispatch logs
- + Training records
- + Video and audio files related to the protests and the riot

### Interviews: Who We Tapped for Insights

Another important element in conducting an after-action review is to speak with those who were part of the incident planning, as well as those who responded to and were impacted by the incident. To that end, we interviewed dozens of people including the following:

- + LMPD senior leadership, supervisors and line staff
- + Heartland Fire and Rescue officials
- + The Mayor and City Council members
- + Business owners
- + Member of the Citizen's Public Safety Oversight Task Force.



*( La Mesa Police Department )*

**AN INDEPENDENT AFTER-ACTION REPORT**

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We also conducted a community listening session and received many emails to obtain additional input from community members regarding the May 30 protest and riot, as well as their impressions of the LMPD before, during and after the May 30 protest.

We also worked through the City of La Mesa to request interviews and input from the state and local law enforcement agencies that assisted the LMPD. Those requests for information from the various agencies that assisted the LMPD were met with limited response.





## *Synopsis and Timeline of the Significant Events on May 30, 2020*

### 1. Peaceful Protests Begin

Police leadership situated on the second floor of the LMPD station monitored the crowd, which included a large number of participants. The large group initially formed in front of the station at approximately 2 p.m., where a protest lasted for over an hour before a large portion of the protest disengaged, marched throughout the city complex onto University Avenue where individuals blocked traffic and began engaging in acts of vandalism. The group then moved toward the I-8 freeway.

### 2. Shutdown of I-8 Freeway

The California Highway Patrol (CHP) officers assigned to the area of the freeway moved to the entrance ramp at approximately 3:30 p.m. as the crowd approached, covering the roadway from berm to berm. Protestors largely ignored the officers and several individuals physically pushed past them, continuing onto the freeway.

A reserve contingency of CHP officers assembled on the freeway, stretching berm to berm, to hold the line and prevent the crowd from walking further into traffic. The large crowd quickly overran the CHP officers as it worked through their line and spread across both lanes of the freeway. This halted traffic in both directions before the crowd voluntarily walked off the freeway at ramps and embankments. At this point, some individuals embarked on the Grossmont Center adjacent to the freeway, while some remained on the freeway and others at the police station. These significantly sized groups were now occupying space and protesting in multiple areas of the city.

### 3. Return to La Mesa Police Station

During our interviews, officers stationed at the police station said they observed a marked change in the crowd members' attitudes when a portion of the crowd returned from Grossmont Center to the police station. Officers observed individuals with multiple layers of clothing, hoods, gloves, goggles and, in some cases, air purifying masks as they converged on the plaza while chanting angrily. LMPD senior leadership maintained their stance of keeping officers out of sight as individuals looked in windows and checked door handles for access into the station.

A member of the crowd cut down the American flag in front of the station and draped it over the fallen officers' memorial on the plaza next to the flagpole. When he removed what appeared to be a lighter from his pocket, police leadership in the conference room instructed officers to stop the individual. Three members of the Special Response Team (SRT) aimed less-lethal weapons in the direction of the individual with the lighter from the LMPD balcony, and they issued verbal commands including, "Do not light that flag!" The crowd quickly moved back toward the parking lot, as did the individual who was attempting to light the flag. This was the first LMPD officer presence on site and the first display of tactical equipment, including the less-lethal weapons.



#### 4. Show of Force

While acts of vandalism were already occurring, this display of less-lethal weapons seemed, by some accounts, to cause individuals in the crowd to become more violent and destructive, many of whom advanced on the station and began to surround it on all sides. LMPD officers reported and observed individuals throwing bottles, rocks and other projectiles at the officers and the police station. Individuals began attempting to climb over walls and enter doors to access the police station.

At that point, about 15 officers from the San Diego County Sheriff's Department (SDCSD) Mobile Field Force (MFF) platoon as well as eight LMPD officers exited the building near the community room, walked along the building and assembled across the plaza. They faced reportedly hundreds of individuals. Individuals in the crowd shouted at the officers in a hostile manner and then began throwing projectiles at the officers. The projectiles struck deputies, two of whom stumbled to the ground and had to be removed from the line. Officers reported that the level of intensity and aggression continued to escalate from this point.

#### 5. Dispersal Orders

Police leadership observed the criminal activity of some members in the crowd, who were vandalizing property and attempting to break into the station. Due to this activity, police leadership determined that the event was an unlawful assembly per State of California law.<sup>2</sup> They subsequently authorized dispersal messages. Over the next hour, police officers repeatedly relayed messages from handheld public announcement devices (i.e., bullhorns) and law enforcement helicopters. The LMPD's armored vehicle, the bearcat, was also deployed from the staging location and used to provide dispersal orders near the rear of the large crowd due to the scene's noise and size. Police officers issued multiple dispersal orders several more times throughout the evening and into the early morning.

#### 6. Release of Chemical Agents

The LMPD tactical commander approved chemical agent use just after 6 p.m. to attempt to move the crowd away from the police station due to the continuing violence. The release of the chemical agent at the plaza did not yield the desired or expected reaction. The crowd surged back as the chemical agent cloud emanated from behind the officers, and the cloud began to move across the plaza. Officers dropped the second wave of the agent from the balcony, increasing the level of intensity and size of the cloud.

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<sup>2</sup> California Penal Code Sections 407 and 408.





Most of the crowd retreated into the parking lot, and several individuals treated themselves and others by pouring water over their faces. However, a group of individuals, which officers previously observed as wearing protective clothing, rushed the officers. Some members of this group engaged in physical altercations with officers, kicking them and throwing chemical agent canisters back in their direction. At this time, officers began using less-lethal munitions to address these individuals throwing chemical agent canisters, rocks, bottles and other projectiles at the officers.

#### 7. Looting and Vandalism

Looting and vandalism continued throughout the night. One of the first incidents occurred when individuals entered City Hall at approximately 7:45 p.m. During this incident, individuals forced entry, opened water sources and attempted to set the building on fire. Individuals also broke windows at the nearby American Legion building, lit a paint can on fire and threw it into the building.

The Heartland Fire and Rescue Chief responded to City Hall and parked in front of the building. Once the Chief entered the building to assess the fire and potential damage, individuals set his parked fire department-issued vehicle on fire. This behavior continued to spread throughout the area, and individuals then lit a grocery delivery truck on fire across the street from City Hall. Individuals continued to engage in vandalism and looting, beginning at the La Mesa Springs Shopping Center, including Vons Grocery, Sally's Beauty Supply and Play it Again Sports, before reaching the business district and returning to the Grossmont Center later in the evening.

#### 8. Bank and Randall Lamb Building Fires

Around 11 p.m., individuals set structures on fire at the nearby Chase and Union banks and the Randall Lamb building, all of which were destroyed. Fire crews responded to these fires but were unable to continue to fight the fires because of the threat of violence from the angry and hostile crowds. Based on our review, the LMPD could not provide protection to the firefighters attempting to extinguish these fires because of their focus on the size and intensity of the crowd at the police station, which continued threatening forced entry while throwing projectiles into the dispatch center. Moreover, the number of available LMPD officers to respond to the vandalism and arson calls was limited.

#### 9. Curfew Imposed and Arrests Made

Around 1 a.m. on May 31, the La Mesa City Manager issued a citywide curfew from 1:30 a.m. to 7 a.m. In the early morning of May 31, the LMPD tactical commander assigned two four-officer groups of SRT members to patrol the city and arrest individuals for criminal violations they observed. This was the first proactive law enforcement action of the incident. Officers made seven arrests throughout the evening.





## *Key Findings*

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- 1. La Mesa residents demonstrated a strong sense of community spirit and resilience when many residents responded to the damage caused during the protests near the downtown area by participating in cleanup activities.**

Many businesses in La Mesa were vandalized during the May 30 protest and riot, and many community members felt traumatized by those events. However, La Mesa residents displayed their resilience the next morning by going to the downtown area to clear debris, board up windows and clean up graffiti on businesses. Residents, government officials and LMPD employees expressed pride in the resiliency of the hundreds of community members who responded so quickly.

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- 2. The La Mesa community continues to be supportive of the LMPD, although community members were disappointed by the LMPD's response to the protests.**

These community members said they believe the LMPD should focus on more transparency and work to improve its relationship with the community. Based on our interviews with business owners and community members, even among those who were disappointed by the LMPD's response to the protest and riot, most still support the LMPD and its current efforts to improve its operations. Interviewees said although they thought that the Department did its best under the circumstances, the focus on LMPD's response to the protests and riot revealed concerns regarding the Department's overall operation and its relationship with the community, especially people of color.

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- 3. Our review revealed incredible restraint by LMPD officers, business owners and the community at large in response to the violent and destructive behavior of some individuals.**

The events of May 30 and May 31, 2020 were unprecedented in the history of La Mesa and San Diego County, as was the level of unrest and destruction according to the individuals we interviewed. This event was traumatic, lengthy and widespread throughout the downtown and surrounding areas. Because of the level of rioting activity, including arson events that destroyed two banks and an office building, we cannot overstate that the potential existed for an officer, protestor, rioter, business owner or community member to suffer serious injury or death during the event, through intentional or accidental means. Although we recognize that some physical injuries occurred, including some sustained during clashes between police and protestors, the exhibited restraint by the police helped prevent more significant injuries or deaths.



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**4. In addition to the physical damage to the community, the May 30 riot and the response had a significant emotional impact on peaceful protestors, witnesses to the protest, community members and LMPD employees.**

The events of May 30, specifically the level of civil unrest and destruction, were unexpected. Even those who indicated that they could foresee the problems did not expect the situation to escalate as it did. Our interviewees described an overwhelming feeling of vulnerability. We repeatedly heard community members saying “sleepy little La Mesa” to describe the city. For those individuals, including first responders, business owners and residents, some of whom participated in the protests and were present during the riots, this perception has changed. Although the incident led to some positive changes and attitudes, it has also exposed community issues and social concerns that have yet to be fully addressed, such as the Helix High School incident. The incident left an undeniable mark and caused an emotional impact that have lingered for months.

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**5. The LMPD dispatchers did an exemplary job of remaining calm and performing their responsibilities under extremely stressful and dangerous situations.**

The call volume on May 30 was near triple that of a regular evening on a similar day of the week. The dispatchers inside the LMPD station told us about the fear and stress they felt watching the camera monitors, hearing the deafening roar of the crowd and having a rock break through the window to the dispatch area. In the midst of these challenges, the dispatchers remained composed and professional, answering every call they received within the 15-second timeframe mandated for Public Safety Answering Points (PSAP) in California.

The communications supervisor notified the afternoon shift dispatchers to respond to the El Cajon Police Department and assume dispatch responsibilities for routine calls from that remote location, due to the inability for them to safely reach the LMPD station, although the dayshift dispatchers remained at the police station. This process of dispatching from El Cajon was replicated during the protests that occurred after May 30 to ensure the dispatchers were not put in harm’s way and to help ensure radio communications remained operational.

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**6. The LMPD struggled in establishing a proper centralized command to ensure unity in decisions and operations during the May 29 and May 30 protests in compliance with the Incident Command System (ICS) and LMPD Policy 122, Emergency Operations – Department.**

The LMPD designated a command post and command structure; however, neither adequately matured to support an effective response to such a challenging incident. The command post was located within the LMPD’s police station, which was the focus of the protestors’ attention, and the command post did not have the necessary resources to support the command of a large-scale operation. Department leadership separately discussed tactics and strategy absent the presence of the designated Incident Commander.





Additionally, some first responders perceived an off-site staging location as the command post, as other commanders from the LMPD and Heartland Fire and Rescue gathered at that location. The command of a large-scale incident or emergency is best facilitated when the leaders gather in a single area designated as the official command post. The purpose of selecting a location and developing this ICS structure is to establish an environment from which the multiple decisionmakers can share information, hold discussions and collaborate in the development of operational strategies in real time.

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**7. The City of La Mesa's operational plans for the planned protests at the police station in the early evening of May 29 and the afternoon of May 30 were insufficiently detailed and documented to support an appropriate police response.**

One of the goals of the ICS is to provide operational plans that detail the framework for the response to large events. The LMPD had a limited written operations plan for the planned protests at the police station on May 29 and 30. The operations plans did not include much of the information that is standard within the law enforcement community for developing a comprehensive operations plan. This missing information is important for commanders, supervisors and officers in the field to understand and follow. The absence of some of this information was in part due to the lack of available information regarding the details of the protest, including the inability to identify and connect with an event organizer for the May 30 protest.

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**8. The LMPD did not have a formalized intelligence gathering and reporting process that was implemented effectively to assist in its planning for the May 29 and May 30 protests.**

Before the protests, the LMPD did not have a routine or formal intelligence gathering process. The detectives would monitor social media, but their focus was on cases they were investigating. The Department has two civilian positions to assist with monitoring: a crime analyst and an analyst who focuses on crime prevention and community relations. Neither position has responsibilities dedicated to intelligence gathering – rather, they perform cursory checks for items of interest as they related to their areas of responsibility. Although the San Diego County Law Enforcement Coordinating Center was monitoring and sharing intelligence, the absence of consistent and formalized social media monitoring and intelligence gathering by the LMPD hampered its preparation and planning.

Since the riot, the two LMPD analysts increased their social monitoring and reporting. Although the process is more formalized, their efforts are not yet memorialized in written policy or procedure, nor has the reporting format and structure been established.





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**9. The absence of a defined communication plan and process between the LMPD, City officials and the community created a situation wherein the respective parties struggled to understand and react to the incidents on May 30.**

Successful event management requires defined roles. Police command and municipal leaders can provide support and, in some situations, guidance with emergency incidents, but their roles should be clearly defined within the operational plan and communicated beforehand. On the night of May 30, the City of La Mesa's Mayor, City Manager and City Council members became aware of the incident, but in discussion, we learned that the LMPD had not provided them with sufficient information before the protest, causing them to struggle to understand the situation and how the Department was responding. As the incident unfolded, City officials continued to struggle to learn information from the Department regarding the protest, protesters' motives, the public safety response, and guidance and directions for the community.

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**10. San Diego County has a well-structured and defined written agreement, facilitated by the San Diego County Sheriff's Department (SDCSD), for providing mutual aid to agencies within the county. However, during the riot of May 30, the threat of widespread incidents throughout the county initially limited the number of officers available to assist the LMPD.**

The LMPD relies on mutual aid from outside law enforcement resources and specialized response units. Like LMPD, most law enforcement agencies in San Diego County lack the resources to support large-scale emergencies and incidents without assistance from other agencies. Through the formal agreement signed in 2009, any agency within the county can request assistance.

On the weekend of the protests, multiple agencies requested assistance in response to actual or potential protest activity in their cities. The SDCSD provided La Mesa approximately 40 deputies to respond to the May 30 protest and approximately 40 more deputies staged at the SDCSD station. However, these reserved deputies were staged to respond throughout the county, not just La Mesa, due to the threat of widespread civil disturbance issues.

According to LMPD interviewees, as events unfolded in La Mesa, the LMPD's requests for additional officers were not initially granted by the SDCSD out of an abundance of caution for other perceived issues that could have occurred within the county. However, before the response ended, approximately 170 deputies arrived to assist. Similarly, the LMPD's informal requests for other agencies to assist did not materialize as quickly as anticipated or desired. LMPD commanders, desperate to obtain additional resources, made personal calls to agencies outside of the established mutual aid request protocol.



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**11. The large geographic area of the riot and the number of officers from multiple agencies led to a less-than-optimal span of control for the supervision of officers engaged in less-lethal force options.**

As the night went on, in addition to the large protest at the LMPD station, as protestors moved around the city, some individuals engaged in destructive behavior. While some LMPD officers responded to calls for service and provided assistance, individuals threw rocks at the patrol cars, breaking windows. On-scene supervision of the officers was challenging due to the number of aggressors across multiple locations. With so many areas and incidents requiring officers' presence at fast-moving events, supervisory oversight could not be adequately achieved or maintained with the available resources.

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**12. Heartland Fire & Rescue faced a challenging environment on May 30 while providing services under unique circumstances.**

For example, Heartland Fire & Rescue's Stage/Stand Back Policy #15 and sound supervisory decision-making prohibits firefighters and paramedics from entering a scene reported to have an element of violence until law enforcement personnel on scene render it safe and advise that it is clear to enter. The City lost three significant structures to the fire set by individuals – Chase Bank, Union Bank and Randall Lamb Building. Individuals attempted to start fires in several other locations; however, most of these fires stopped burning or were extinguished before significant damage occurred. During the events of May 30, Heartland firefighters responded to numerous calls and were sometimes surrounded by individuals, who, at least in one instance, threw bottles at them.

Through our interviews and a review of video footage, we learned that fire commanders permitted crews to enter and engage in firefighting under circumstances that put firefighters in dangerous situations because of the increasingly violent crowd. In most cases, the fire commanders asked for a law enforcement escort, but officers were often unavailable, leaving the fire commanders to make difficult decisions to send in crews.

For example, in contrast to Heartland & Fire Rescue's Stand Back policy, crews initially responded to the bank fires while individuals threw rocks and bottles and launched fireworks at the crews. Before the crews could extinguish the fires, nearby officers advised the fire department that a much larger crowd was on its way, and they could not hold back the crowd.





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**13. The radio communications during the protest proved challenging in that officers from different agencies could not be bridged to a single radio channel from which they could hear concurrent radio traffic, causing some delays in communication and coordination.**

In addition to the responding agencies' inability to communicate seamlessly on a single radio channel, the San Diego County Sheriffs' Department (SDCSD) dispatchers and LMPD analysts monitoring social media determined that protestors had discovered the primary radio communication channel and were broadcasting their communications on a live stream. This information informed protestors of police strategies, including locations that responding officers were attempting to reach. As those officers followed the directions from the dispatchers, the officers were met by individuals throwing rocks at the patrol cars, breaking windows and forcing the officers to retreat.

When the Incident Commander made the decision to switch to an encrypted radio channel, officers heavily engaged in crowd control simply could not stop to remove their portable radios and locate the encrypted channel, while other officers could not access the channel at all. The SDCSD began dispatching on its primary channel to relay the information to officers who could not hear the radio transmissions from La Mesa. A cache of radios was requested from the SDCSD when the issue was discovered, and approximately two hours later, the radios arrived for distribution. It should be noted that the respective agencies' radios were re-programmed in the following days to facilitate interoperability, which proved far more reliable during the subsequent August 1 protest.

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**14. During the May 30 protest, the LMPD's establishment of an ICS did not mature to include the appropriate structure and communication, which contributed to operational deficits and safety concerns involving officers.**

The development of multiple areas of command created situations in which on-the-ground officers did not receive the appropriate level of information to best perform their assigned tasks. For example, the Incident Commander was working in a separate room, at times alone, while other commanders made decisions and issued instructions and orders without the knowledge or insight from the Incident Commander, which resulted in incomplete information being provided to officers.

In one instance, officers were sent from the staging area to respond to the police station without the knowledge that individuals were blocking the roadways to the destination. The officers were also unaware that they would be entering an area in which a chemical agent had been released, so the officers had to stop on the roadway, retrieve and don their gas masks before continuing. If the command post was sufficiently staffed and the command structure established so collaborative conversations could occur, the officers could have been provided complete, accurate and timely information.





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**15. The LMPD leaders' decision to keep officers out of sight from the public and protestors may have led to increased and widespread violence.**

Although we acknowledge the significant concerns facing law enforcement and note that the strategy of keeping officers in riot gear out of sight is appropriate, routine patrol officers should continue to function in some capacity to act as a deterrent and send a visual reminder that the department is performing its duties. The presence of officers engaged in patrol duties sends a message that the police department is still open, fully operational and committed to providing service.

We learned through interviews that on May 30, some of the peaceful protestors came with questions for the LMPD's leaders about the Amaurie Johnson incident and wanted to open a dialogue. However, the LMPD's decision to keep officers inside the station prevented the opportunity for such a dialogue, which may have contributed to increased frustration among those participating in the protest. Even in the midst of protests, many agencies have found it beneficial to proactively engage with individuals they believed may have been leaders within a protest group.

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**16. Most LMPD officers assigned to crowd-control duties on May 30 had not participated in recent, updated crowd-control training and had minimal experience in mitigating large crowds.**

The LMPD has a limited number of officers trained in crowd control tactics. The recognized best practice in law enforcement is the development and continual training in Mobile Field Force (MFF) tactics. The LMPD trained its Special Response Team (SRT) officers in MFF tactics. In 2017, the Department purchased crowd-control protective equipment for patrol officers and designated them for MFF duties. However, the LMPD has provided limited training for the patrol officers.

On May 30, the LMPD officers who were assigned to create a barrier on the plaza between the crowd and the front of the police station had limited formalized MFF or crowd control training. On the day of the May 30 protest, some LMPD officers asked SRT members to provide some training and guidance. Further, although these LMPD officers were located behind the SDCSD deputies, they were designated as the arrest team, which typically involves the more experienced officers who move into the crowd in a carefully choreographed manner to quickly effect an arrest and then withdraw from the crowd with the arrestee. It is not reasonable or prudent to assign such a responsibility to officers who possess limited training and experience to fulfill that task.

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**17. Based on lessons learned from its response to the May 30 protest, the LMPD improved its planning and response for the August 1 protests. However, the LMPD can further adhere to the principles of the ICS.**

LMPD senior leadership conducted an informal assessment of their overall approach to the May 30 protest in the days following the incident and began making significant changes to address the identified issues. For example, the LMPD created a more formal intelligence gathering process with objectives and resources dedicated to obtaining information to assist the Department in awareness and preparation. In contrast to the planning for the May 30 protest, the planning process for the



August 1 protest included three pre-event meetings with leadership from assisting agencies that began weeks in advance. Additionally, the planning documents included a binder specifically dedicated to intelligence reporting and documentation from social media and open-source reporting.

The LMPD also examined the lack of communication with the organizers of the May 30 protest and took steps to engage in a robust dialogue, when possible, with organizers as occurred before the August 1 protest. In fact, the LMPD chief visited protestors outside of the police station during the event.

Additionally, the LMPD worked to enhance the operational effectiveness of the incident command center, including securing items such as computers, network connectivity, phones, televisions, monitors, maps and white boards. However, having withstood a substantial threat of loss to the LMPD station in the riot, the Department continued to set the command post in the police station during the August 1 protest.

Although the command post and structure were more robust, the communication process remained less than optimal in part because City officials were present in the command post rather than at a separate location where they could convene to monitor the situation and obtain information regarding the police response. As with the May 30 protest, the City officials should have convened at an off-site location from which personnel could discuss events with the LMPD chief without disrupting the law enforcement operations at the command post.

It should be noted that the San Diego County EOC had been activated at Level Three for COVID-19 monitoring, and personnel began monitoring "civil unrest" on May 30.

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**18. A number of the LMPD's policies and procedures appear to be out of date because the LMPD does not document on its policies when they have been updated or reviewed.**

Although not directly related to the response to the riots and civil unrest on May 30, the City asked us to review select other policies and procedures during our review. In some respects, the deficiencies in these policies may have contributed to the lack of adequate preparation for the protest and riot on May 30 and some of the resulting negative impressions of the LMPD. We did not review all the Department's policies; however, of those we reviewed, we observed that many policies in the LMPD manual appeared out of date or did not reflect current best practices. We learned that Department Instruction 101 directs a biennial review of each policy; however, we identified no indication or documentation to suggest that such review occurred. The LMPD informed us that although it regularly reviewed policies, the Department did not have a process in place to note on each policy the date it was last reviewed and updated. LMPD Command Staff informed us that the LMPD is currently updating all its policies using an outside policy vendor. The LMPD should follow the model set by progressive policing agencies of scheduling and completing a regular, proactive review and modification of policies and procedures to identify, establish and implement best practices.





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**19. The LMPD's use of force policy, although revised in 2019 and 2020, does not adhere to current best practices.**

During our review of the LMPD's use of force policy, we noted that the policy builds on the principles of *Graham vs. Connor* in that it states that officers shall only use "the amount of force which appears objectively reasonable and necessary, given the facts and circumstances known to or perceived by the officer at the time of the event." However, we found that the policy does not follow model use of force policies created by groups such as the International Association of Chiefs of Police (IACP) Consensus Policy on Use of Force.<sup>3</sup> For example, the LMPD's policies do not adequately emphasize or provide guidance regarding de-escalation. Since our initial review of the Department's policy, the LMPD engaged in a careful review of its use of force and related policies to ensure compliance with best practices and California law.

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**20. The LMPD does not have written policies or strategies directly related to community policing, community engagement and biased policing.**

The LMPD appears to have a fairly good relationship with many community members. However, the scrutiny on the Department related to how it handled the protests revealed additional concerns from some members of the public regarding how engaged the LMPD is with the community, especially people of color.

Community members expressed concern about the LMPD's lack of community engagement before, during and after the protest and riot. We heard several anecdotal accounts about people of color historically being the subject of a disproportionate number of traffic or street stops in La Mesa. We also heard accounts about the LMPD responding overly aggressively to behaviors by people of color.

Although our review did not include an analysis of data to confirm whether people of color are stopped disproportionately, it was clear that at a minimum, the perception of many community members with whom we spoke is that LMPD treats people of color differently. By providing clearer guidance, including new policies, training and written comprehensive community policing strategies, the LMPD can improve its operations and relationships with all members of the community.

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<sup>3</sup> <https://www.theiacp.org/resources/document/national-consensus-discussion-paper-on-use-of-force-and-consensus-policy>





## *Assessment of the LMPD's Response on May 30, 2020*

### **The Department's Planning Activities**

The City of La Mesa is a relatively quiet, peaceful community with few large-scale events that require significant crowd-control efforts, aside from the annual Oktoberfest, which reportedly draws crowds of thousands of attendees. The LMPD engages in a formalized planning process for this annual event including developing an operational plan. The City hosts several smaller community events, parades, rallies and festivals, which the event organizers facilitate through the City government's structured permitting process. Event organizers must provide specific information through the application, which organizers submit with the associated fee for approval. In many cases, City Hall personnel forward this permit to the LMPD for its review and approval to ensure the Department has the needed information and can provide an appropriate law enforcement support where necessary.

The LMPD's written policy LMPD Instruction 122 Emergency Operations provides the guidance for its operations for emergencies and major planned events. Section 3 of the policy outlines the roles and responsibilities for those assigned to the Department Operations Center (DOC) in an Incident Command System (ICS) structure. Once the DOC has been activated and the ICS implemented, the Department's Planning and Intelligence Section – generally led by a lieutenant or sergeant – gathers, analyzes, collects, displays and disseminates information and records. The Planning and Intelligence Section subsequently forwards key strategic information recommendations to the Incident Commander. The interviewees noted that the Department follows a planning process, and we observed the basic written operational plan for the May 30 protest. Although the LMPD command staff identified the objectives to allow for peaceful protests and protect the police station, we could not identify a formal directive or policy to govern the specifics of the event-planning process.

### **Information and Intelligence Gathering**

Intelligence gathering is a necessary function when preparing for events. It can range from gathering information about the number of people expected to attend an event and possible protest locations to developing information about protest participants with a history of violence or other criminal behavior.

The LMPD's process for monitoring, reporting and disseminating intelligence information is not formalized or memorialized. This informal process led to delays in identifying information about the protest and the subsequent reporting and dissemination of such information to leadership.

Although the San Diego County Law Enforcement Coordination Center was monitoring the situation and providing intelligence information, as late as the day before the May 30 protest, the LMPD had not made any specific assignments for Department intelligence monitoring and reporting. The two individuals who assist with monitoring were on scheduled time off on May 29. Despite that, these employees monitored intelligence sources and provided updated information regarding the size and scope of the protest to supervisors late in the day on Friday. However, this information was not



shared throughout the Department. Some officers did not learn about the protest planned to occur at the police station until just hours before it was scheduled to begin.

The initial available information regarding the May 30 protest identified through social media surfaced early in the week following George Floyd's death, which occurred on May 25. An LMPD analyst discovered posts announcing a protest scheduled to occur in the City of San Diego on May 30. However, the Trolley Station incident involving Amaurie Johnson and an LMPD officer in La Mesa apparently played a role in shifting some protestors' focus from San Diego as a major protest location to the LMPD station after video of the incident went viral.

As information about the Trolley Station incident was shared across social media, intelligence analysts from LMPD and throughout San Diego County noted that the expected participation in the planned protest was increasing. LMPD senior leadership was informed of this information and that the Department had received emails and phone calls from individuals expressing anger and frustration with the LMPD as a result of the Trolley Station incident.

On Thursday, May 28, the LMPD intelligence analyst learned that the protest planned to occur in San Diego had been cancelled, and participants were directed to assemble at the LMPD station on Saturday May 30. We could not establish the exact timing of the change in location or when LMPD senior leadership learned of the change. However, we determined that late in the day on Friday, May 29, the LMPD analyst delivered a message describing the change of the protest location to police supervisors.

### Planning and Coordination

Although the LMPD was uncertain of how many participants would be involved in the protest at the police station, the intelligence from its personnel and partner agency connections indicated the protest's popularity and number of attendees was growing quickly. On Friday, May 29, LMPD senior leadership engaged in numerous phone conversations regarding the available information. A protest previously scheduled for that evening prompted leadership to assign additional officers to the LMPD station before and during the planned protest.

The LMPD's SRT and MFF were designated to be staged within the LMPD station on both nights. Interviewees indicated that LMPD senior leadership designated a lieutenant as the Incident Commander for the Saturday protest and scheduled a meeting for 10 a.m. on Saturday to plan for the response.

The designated Incident Commander took the initiative to immediately contact other agencies to seek insight and advice for handling what was becoming a large-scale protest scheduled for May 30. Although we commend this initiative, the Incident Commander could have enhanced his planning efforts if the larger group or ICS team had worked together, specifically assigning a planning section chief.





The Incident Commander contacted 12 LMPD officers with previous experience in crowd control. Some of those officers are members of the Special Response Team (SRT), which was trained for and was responsible for crowd control until 2017, when the LMPD purchased equipment for patrol officers and began designating the Patrol Division as the primary resource for crowd control. The Incident Commander requested additional officers through the county's mutual aid agreement and the SDCSD, which designated two commanders and approximately 40 officers to assist. At this point, LMPD senior leadership continued looking toward the scheduled Friday evening protest for any insight it might provide regarding the next day's protest.

LMPD senior leadership focused on the activities of the Friday evening protest as the barometer for what the response would be for Saturday. The protest at the police station on Friday started at 5:30 p.m. with fewer than 50 peaceful protestors. The LMPD commanders assigned SRT and MFF officers to supplement the regular shift. These officers remained staged inside the station for a response, if necessary, but the LMPD's objective was to permit the group to assemble and protest so long as the protest remained peaceful. LMPD senior leadership decided not to send any officers out or to be in sight of the crowd, suspecting that such a presence may incite the crowd. The protest ended without incident and the peaceful event made LMPD senior leadership optimistic that the following day's protest may be peaceful as well. LMPD senior leadership met at approximately 10 a.m. on Saturday morning to plan the response for the protest. They may have put too much emphasis on Friday's result rather than considering other factors that could make the Saturday protest more problematic.

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### *Visible Police Presence*

As with the Friday evening protest, LMPD senior leadership decided, although not unanimously among the commanders present, to keep all officers out of sight from the protestors. Our interviews revealed that the commanders had a discussion during which varying viewpoints were shared. However, some members of the senior leadership were uncomfortable with not having a visible presence of officers. Ultimately, a consensus was reached to keep the officers out of sight due to the belief that if the LMPD was the subject of the protest, the absence of officers might help reduce anger and physical confrontations.

LMPD senior leadership had information that groups of individual protestors were determined to create a significant disturbance, and LMPD senior leadership was aware of the potential for these individuals to act. However, the assignment of strategically positioned uniformed officers would have provided a visual statement and possible deterrent to those individuals that the LMPD was prepared to address any unruly behavior.

The initial lack of a visible law enforcement presence at the protest on Saturday may have increased some protestors' anger because the peaceful protestors could not express themselves and ask LMPD personnel questions about the Trolley Station incident. Additionally, the absence of a visible officer presence may have contributed to increased destruction as individuals may have believed they would not likely be observed while committing crimes. Further, the lack of officers in the city left commanders struggling to obtain real-time information about what was occurring. The commanders





were dependent on what they could physically observe through surveillance cameras, media reporting and some limited information for a brief time period from intelligence sources in the crowd to learn what was occurring as the peaceful protest transitioned into a riot.

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### *Establishment of the Command Post*

After the decision was made regarding the officer assignments, the senior leadership discussed where to establish the command post. Ultimately, leadership chose to keep it within the police station, even though they were aware that the protestors identified the police station as their location for the protest. Specifically, the command post was established in the second-floor conference room. Our interviews with senior leadership revealed that, in hindsight, the plan to use the conference room was not ideal as it lacked much of the necessary equipment to support an effective command post.

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### *Intelligence Gathering*

Additional planning efforts included assigning the LMPD's two civilian employees who monitor intelligence sources to engage in such an effort on Saturday. These analysts were not given detailed instruction regarding what other agencies or personnel were engaged in the intelligence gathering process, nor were they told how and what information to report to whom and at what frequency. This guidance would have enhanced their effectiveness during the events of May 30.

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### *Meeting with Protest Organizers*

In advance of the May 30 protest, LMPD commanders did not make a concerted effort to connect with any event or protest organizers to learn about the protestors' intentions and communicate their expectations from a law enforcement perspective. Although interviews and video recordings reveal the presence of what appeared to be protest organizers attempting to guide the crowd, we did not identify any LMPD attempts to communicate with them and develop further intelligence.

While acknowledging the size and activities of the protest was a significant challenge, an effort by a member of the LMPD to communicate with these key figures may have provided greater insight or possible opportunities to control the crowd. LMPD senior leadership informed us that for subsequent events and protests, they have improved their efforts by reaching out to event organizers.

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### *Formal Operations Plan*

The LMPD's formal operations plan did not fully mature by the time of the protest. During the planning process, the Incident Commander assigned the task of developing a plan to first-line supervisors. However, the assignment lacked sufficient direction and information to support the creation of a comprehensive plan. Such a plan provides a structured framework for capturing the essential elements for an operations plan and emphasizes the need for clear direction regarding the "who,



where, what, why, when and how” that guides a law enforcement operation. Additionally, through our interviews, we learned the operations plan was not provided to front-line officers to serve as a guide for the LMPD’s response to the incident. The few officers who reviewed the plan characterized it as basic and incomplete.

Under the ICS, the goal is to provide operational plans that provide the framework for response to large events. In following with the principles of the ICS, a planning section chief develops a comprehensive operational plan referred to as an Incident Action Plan (IAP). Even within agencies and circumstances where official titles are not designated, it is common practice to assign and develop a detailed written operational plan.

A comprehensive operational plan supports the agency response, providing a framework and clear direction regarding the specific information that guides a law enforcement operation. A detailed plan would have helped to better guide the actions of the LMPD and external law enforcement agencies’ personnel responding to the events on May 30 and into the early morning hours of May 31, given the size and complexity of the protest. A detailed operational plan that identifies who is tasked with making command decisions, describes supervisory roles and makes specific assignments helps provide clarity, minimize operational confusion and supports a more seamless multi-jurisdictional response.

### **Incident Command Operations**

Most first responders have completed training on the Incident Command System (ICS), which is designed to facilitate the actions of large-scale police operations, including crowd-control efforts during protests and riots. At its core, ICS provides an organizational framework for the efficient and effective command, control and coordination of an emergency response for first responders. Paramount to the ICS concept is the implementation of a dedicated command post and incident commander to provide centralized command of resources and decisions. In complex or large incidents involving multiple agencies, a unified command is needed to ensure key agencies’ leaders and subordinate personnel are collectively working to identify and achieve objectives through collaborative strategies.

LMPD Instruction 122 provides such direction for the Department regarding preparation and response for managing a large-scale incident or emergency in adherence to the ICS. The policy details three levels of response to be initiated by the chief, including the activation of the DOC. These three prescribed levels of planning, preparation and response are accompanied by examples to provide a more comprehensive understanding of the intent in establishing the desired and appropriate command structure for incident management.

Specifically, Section II of Instruction 122 states:





“Whenever there is a significant event that could potentially draw upon Department resources, beyond that required for day-to-day operations, the Watch Commander shall notify the Patrol Division Commander. The Patrol Division Commander shall assess the situation and, if warranted, order or recommend, as authorized, the activation of the DOC to an appropriate level. DOC activation levels progress from Level 3, event monitoring, to Level 2, limited response, to Level 1, full response. Upon activation of the DOC, the Division Commander will immediately notify the Department’s senior leadership (Services Commander, Patrol Commander, and Chief of Police).

**“A. Level 3 – Event Monitoring**

“The Patrol Division Commander may authorize a Level 3 activation. When the Patrol Division Commander determines that a Level 3 activation is warranted, the Patrol Division Commander or an assigned Patrol Lieutenant will monitor the event until it is determined that Department resources will not be needed or the activation will progress to a higher level. During a Level 3 activation the situation may be monitored from the Watch Commander’s Office and not require opening the DOC.

“An example of a Level 3 event would be a large protest in downtown San Diego, where there has been no formal request for mutual aid, but the situation could potentially develop to where assistance from our agency may be requested.

“A Level 3 event is more involved than a standard request resulting from a “cover now” call or request for officer(s) to assist another agency with a call for service, and is of a nature that could require a long term commitment to assist or multiple units.

**“B. Level 2 – Limited Response**

“The Patrol Division Commander may authorize a Level 2 activation. A Level 2 activation would normally result from a significant event that requires some Department resources and requires continuous monitoring because of the potential for deployment of additional Department resources. A Patrol Lieutenant and/or the Patrol Division Commander will respond to monitor the event and determine the Department’s additional response and activation needs. The DOC will be staffed with a minimum of two personnel. The activation will continue until a Level 1 activation is authorized or the event is downgraded to a Level 3 activation.

“An example of a Level 2 activation would be a chemical spill in the East County where an official request for mutual aid consisting of a certain number of officers has been made. Resources would be sent to assist but the incident does not require a full mobilization of Department personnel.



### “C. Level 1 – Full Response

“The Chief of Police may authorize a Level 1 activation. A Level 1 activation would normally result from a significant event that requires the call back of available personnel and staff for response to the event for an extended period of time. The event may require staff and personnel to be scheduled for modified shifts, such as 12 hours on and 12 hours off shift coverage, unless other types of coverage are required, with all days off and time off cancelled. The DOC will be staffed with sufficient personnel, as determined by the Incident Commander. The activation will continue until a lower activation level may be used to manage the event.

“An example of a Level 1 activation would be the Fire Storm of 2007, which required several squads to be sent for mutual aid assistance and altered Department staffing schedules to cover calls for assistance in the City.

“During a Level 1 activation, squads are likely to be formed to assist with the mutual aid request or to handle the emergency within the City. An example of scheduling for these special detail squads would consist of three squads working rotating shifts. One squad would work a designated shift period, then have two shift periods off as the other two squads rotate to work.”

Although the senior leadership established an incident commander and command post during the May 30 protest, the details of the policy were not effectively implemented. The Department’s written policy is consistent with ICS best practices including the activation of a command post, designation of an incident commander and ensuring appropriate structure and support – such as through the designation of the operations and planning section chiefs, a public information officer, a liaison and a scribe – but LMPD senior leadership did not establish a “level” for the event. Additionally, the LMPD did not establish a complete ICS beyond designating an incident commander and command post. As a result of the incomplete command structure and process, officers involved experienced a disconnect regarding their objectives. In such stressful situations, strong leadership, command and direction reassures officers, providing them with a level of confidence and relative comfort when performing their duties.

### Incident Command Post

The LMPD designated an incident commander and command post on May 30, however, neither adequately matured to provide for an effective response to such a challenging incident. The command post was in a large conference room within the police station, which was the focus of the protestors’ attention. The room lacked most of the necessary resources to support the command of a large-scale operation, such as access to radio transmissions, security cameras, computers, network access, area maps and phones. During our assessment, we toured the command post and observed the above-mentioned resources, learning that the changes occurred in the days after the protest.





Senior level leadership convened in a smaller room on the same floor offering a view of much of the actual protest activity. This proved problematic as the Incident Commander was at times in the command post alone as leadership from the LMPD and assisting agencies continued to assemble in the other room to observe the activity. This multi-agency leadership team had discussions regarding tactics and strategy without the Incident Commander present. LMPD senior leadership and assisting agencies should have convened with the Incident Commander to facilitate a more comprehensive and inclusive discussion regarding strategies.

To further complicate the command structure, the LMPD established an off-site staging location separate from the police station to serve as a staging location for resources and a backup command location, if necessary. The staging location provided a secure, remote and close location to receive and deploy mutual aid support resources. As fire personnel and all incoming law enforcement agencies staged at this location, the respective commanders engaged in strategic discussions and associated assignments, absent the knowledge and input of the Incident Commander and the support team at the police station. During our interviews with personnel who were at the staging location, they stated that they understood the operational command post to be at the staging location and to their knowledge, some LMPD senior leadership had remained at the station.

The limited communication between these locations resulted in inconsistent tasking that at times thrust officers into situations for which they were not adequately prepared, such as attempting to drive to a location when the street was completely blocked by protestors or needing to stop and don gas masks before continuing due to release of chemical agents.

#### Incident Command Structure

The LMPD did not achieve an effective ICS during this incident. The Incident Commander should have had consistent support and interaction with representatives from assisting agencies, as well as a representative for planning, logistics and operations including communications and public affairs. The structure remained disjointed, and those officers and agencies on the ground recognized the absence of a well-structured command and control element. Our interviews revealed officers on the ground did not receive information from supervisors or incident command, and these officers felt that the operation lacked direction.

Late on May 30, a decision was made to relinquish command and control of the incident to the SDCSD commanders at the LMPD police station. Although our interviewees revealed that not all the SDCSD commanders present had experienced such levels of civil unrest, it was determined at the time that they had more experience than the LMPD Incident Commander to handle the ongoing response to the incident. We could not establish the actual time and specifics of the transfer of command beyond information indicating it occurred at approximately 12 a.m. We learned that LMPD senior leadership took part in the discussions that led to the change in command.



This absence of a clear structure resulted in less-than-ideal command and span of control. Additionally, the minimal structure, coupled with the number of officers who responded later in the evening to assist, left a limited number of commanders in the field. Such an absence of supervision can lead to issues related to accountability for officers' actions and assessments of officers' wellbeing. In such an intense and sustained incident, officers need periods of relief to ensure their continued alertness, fitness for duty and overall health. Our assessment revealed that in some cases, officers were in high-stress environments in which they endured hours of extreme heat, stress due to rocks being thrown and fireworks being launched at them, being saturated in a chemical agent with no opportunity to seek even temporary relief to rest and decompress.

The ICS dictates that a logistics section chief be appointed to ensure the appropriate sourcing and management of facilities, people, services and materials. Without such a dedicated position, essentials such as food, water, rest and necessary, operational equipment cannot effectively be tracked and can be overlooked, especially in such a large-scale chaotic incident similar to the one that occurred on May 30. It should be noted that an LMPD officer was informally facilitating the logistics role; however, this too did not mature to provide for the most effective distribution of necessities, such as water, food and other essential resources, to officers on the ground, including those from mutual aid agencies.

After designating the Incident Commander, the LMPD Chief should have begun communicating with public officials and serving as the Department's liaison to them and the community. Interviewees, including City officials, expressed frustration with the lack of real-time insight and information LMPD communicated to them and the City's residents. This frustration was compounded as these individuals watched what was occurring on local TV stations. Unaware of what the LMPD was doing in response to the situation they were watching unfold on their televisions, many were left with the sense that the LMPD had no organized response to the riot, and that they, their businesses and their property were at risk.

### **Tactical Command Operations**

During the events of May 30, the Incident Commander was not supported by an operations section chief. The operations section chief's role is to develop, organize and direct the resources necessary to execute tasks and missions in support of the objectives designated by the Incident Commander. This position requires close contact with the Incident Commander to ensure the operational tempo and effectiveness of the strategic actions occur in an accurate and timely manner.

The LMPD designated a tactical commander to oversee SRT and MFF forces. This commander remained inside the police station and was able to observe the events as they unfolded from the second-floor windows and balcony.





Effective tactical operations are best guided by having first-hand observation and knowledge of the events as they unfold. It is critical that the Incident Commander receives those first-hand observations and knowledge. The separation of the Incident Commander from a formal or informal support structure and network of collaborative leadership, specifically an operations section chief, degraded the effectiveness of the LMPD's incident command.

### The March to the Freeway

LMPD senior leadership situated on the second floor of the police station on May 30 monitored the crowd and took note of the vast number of participants. The protest initially formed in front of the station at approximately 2 p.m. and lasted for over one hour until a large portion of the group disengaged, marched through the alley between City Hall and the police and fire department stations and then moved to University Avenue where they blocked traffic as they marched toward the I-8 freeway. By most accounts, the protest was peaceful at this point.

The California Highway Patrol (CHP) had officers assigned to the freeway, and the officers moved to the entrance ramp at approximately 3:30 p.m. as the crowd approached, covering the roadway from berm to berm. The protestors essentially ignored the CHP officers as they physically pushed past the officers, continuing onto the freeway. A reserve contingency of CHP officers assembled on the freeway, stretching berm to berm, and attempted to hold the line and prevent the group from walking further into traffic. The CHP's calls for assistance to the LMPD were not fulfilled as the LMPD felt it could not safely get officers out of the station due to the crowd that remained outside. The LMPD was suspicious that this movement to the freeway was an attempt to draw officers away from the station so individuals could vandalize and burn it. CHP officers were quickly overrun as the large crowd worked through their line and spread across both lanes of the freeway before voluntarily walking off the freeway at ramps and embankments where some moved toward the Grossmont Center, situated adjacent to the freeway.

The Incident Commander recognized the disobedience of the group and assessed the LMPD's inability to manage without additional personnel if the crowd returned to the station. The Incident Commander requested the SDCSD send more officers to the station; however, out of an abundance of caution, and because no significant aggressive actions had occurred at the station at that time, the SDCSD did not immediately release additional officers; however, nearly 170 deputies had responded by the end of the incident.

The level of disobedience of many in the group was further demonstrated when the crowd reached Grossmont Center and engaged in significant destruction and looting. Despite the criminal activity occurring at the Grossmont Center, LMPD officers were not dispatched to respond to the area at this time due to the insufficient number of available officers available to respond. Considering the group's disobedience and the way members of the crowd physically forced their way through a large contingent of CHP officers, an insufficient number of officers were at the staging location to form a



safe and effective response without relying on the officers designated to respond to the incidents occurring at police station.

#### The Return to the LMPD Police Station

Our interviews with officers stationed at the police station revealed a marked change in the attitudes of the crowd when they returned from Grossmont Center to the police station. They observed individuals with multiple layers of clothing, hoods, gloves, goggles and in some cases, air purifying masks as they converged on the plaza and chanted angrily. LMPD senior leadership maintained their stance of keeping officers out of sight, as protestors looked in windows and checked door handles for access into the station. The LMPD did not seize the opportunity to make an appearance and engage with formal or informal leaders within the crowd, and the intensity of the crowd's anger and agitation grew rapidly. A member of the group cut down the American flag in front of the station and draped it over the fallen officer's memorial on the plaza next to the flagpole. When he removed what appeared to be a lighter from his pocket, LMPD senior leadership in the conference room instructed LMPD officers to stop the individual. Three SRT members stepped onto the balcony overlooking the plaza. They stepped up onto chairs so that the crowd could observe and identify them as police officers. Two were armed with and displayed less-lethal weapons and the third a patrol rifle. The SRT members aimed less-lethal weapons in the direction of the individual with the lighter and the officers issued verbal commands including, "Do not light that flag" to try to stop the vandalism. The crowd quickly moved back toward the parking lot, as did the individual with the flag at the memorial.

The LMPD officers' display of weapons appeared to further incite the crowd that had already engaged in destructive behavior. The situation continued to escalate to become an hours-long violent and destructive response that focused on the police station but reached other areas of the city, such as the downtown and business district. As the crowd advanced again on the station and surrounded all sides, reports and observations indicated members of the crowd threw bottles, rocks and other projectiles. While crowd members had attempted to climb over walls and enter doors to gain access to the police station, this activity increased. LMPD senior leadership made the decision to send the first wave of officers to the plaza area to secure the front of the police station. Fifteen SDCSD MFF deputies were readied, and, accompanied by eight LMPD officers, exited the building near the community room, walked along the building and assembled across the plaza facing hundreds of individuals. Members of the crowd engaged the officers with a verbal onslaught and then began throwing projectiles at the officers. Some items struck the officers, and two officers stumbled to the ground and had to be removed from the line. The level of intensity and aggression as reported by officers was continuing to escalate.





### Dispersal Orders

Due to the actions of the crowd including vandalism and attempted breaking and entering at the police station, LMPD senior leadership determined the event was an unlawful assembly per California law<sup>4</sup> and authorized dispersal messages. Over the next hour, officers repeatedly gave messages from hand-held public announcement devices (i.e., a bullhorn) and law enforcement helicopters.

Moreover, due to the excessive noise and size of the crowd, LMPD deployed its armored vehicle from the staging location and provided dispersal orders near the rear of the large crowd with the on-board Public Address (PA) system. This was the only deployment of the vehicle. However, when the armored vehicle, known as the bearcat, arrived at the rear of the parking lot adjacent to the police station, individuals in the crowd focused on the vehicle and began throwing rocks, painting the vehicle and climbing onto it. The vehicle suffered significant vandalism, including multiple broken windows. Despite attempts to retreat from the parking lot, the individuals surrounded the vehicle and vandalism efforts continued.

A water bottle struck an officer in the face while the officer was using a bullhorn to provide dispersal messages. LMPD senior leadership's assessment of the situation revealed the need to deploy a chemical agent to ensure the ability to clear the area for the bearcat to drive away, as well as to move the crowd back from the front of the station to prevent further damage and from individuals entering the station.

The tactical commander approved the use of chemical agent just after 6 p.m. to achieve these objectives. The choreographed plan, approved by the Incident Commander, was to first release gas behind the officers assembled on the plaza, and when the crowd backed up, the officers on the balcony would deploy a second wave of the chemical agent further out onto the plaza to continue moving the crowd. The tactical commander authorized the use of pepper ball or CS (i.e., tear gas) canisters from the bearcat to move the crowd sufficiently away from the vehicle to ensure movement without injuring those in the area.

By this time, additional personnel, including the MFF from Chula Vista Police Department (CVPD), who LMPD requested prior to the start of the protest, arrived at the staging location away from the police station. However, their role in assisting to move the crowd back, in coordination with the release of chemical agent, was not communicated to these officers, nor was it communicated through the Incident Commander. This serves as another example for which establishing an effective centralized command and communication system would have enhanced the operation.

The release of the chemical agent at the plaza did not yield the desired or expected reaction. The crowd surged back as the chemical agent cloud emanated from behind the officers, and the cloud began to move across the plaza. Officers dropped the second wave of the chemical agent from the balcony, increasing the level of intensity and size of the cloud. However, as most of the crowd retreated into the parking lot, with many treating themselves and others by pouring water over their

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<sup>4</sup> California Penal Code Sections 407 and 408.



faces, a group in protective clothing rushed the officers. Some of the individuals in this group engaged in physical altercations with officers and kicked and threw chemical agent canisters back at the officers.

As indicated above, CVPD had arrived in La Mesa in response to a mutual aid request for assistance. CVPD officers arrived in patrol vehicles on Baltimore Drive and maneuvered through the large crowd into the north side of the parking lot to assist the officers deployed at the police station. These CVPD officers received the same violent reaction from members of the crowd as LMPD and SDCSD.

Similarly, the attempts of the officers in the bearcat to leave the area were met with hostility and increased attacks on the vehicle. Rather than releasing a cloud of the chemical agent, the officers fired pepper ball rounds at the ground and low extremities of obvious aggressors to prompt them to retreat from the path of the vehicle. During our review of video from the body-worn camera systems of the officers inside the bearcat, we observed an officer removing the pin from a CS cannister in anticipation of releasing the chemical agent. However, as the crowd persisted in the attack on the vehicle, the officer held the pin in one hand and the canister in the other while assessing the need to deploy the widespread release, only to insert the pin minutes later as the vehicle successfully maneuvered out of the crowd.

#### Response to Looting and Vandalism

As the incident continued, the LMPD began receiving calls of vandalism, looting and fires at locations and businesses throughout the city. One of the first incidents occurred at the entrance to City Hall at approximately 7:45 p.m., when individuals forced entry, opened water sources to begin flooding the building and attempted to set a fire. Similarly, individuals broke windows at the nearby American Legion building, lit a paint can on fire and threw it into the building. Individuals also burned the American flag posted in front of the building. This criminal behavior began to permeate throughout the area. A grocery delivery truck across the street from City Hall was lit on fire. The Heartland chief responded to City Hall, parking in front of the building. Once he entered the building to do whatever possible to protect it, individuals set his parked vehicle on fire.

The community at large has expressed concerns that this criminal behavior, which culminated in structure fires involving the nearby Chase and Union Banks and the Randall Lamb building was not effectively addressed by the police response. These buildings all became fully engulfed and were quickly lost to fire due to the actions of the arsonists, suspected to involve accelerants, and because efforts by the public safety entities were impacted by the large and violent crowds. Our review revealed that due to the size and intensity of the crowd that remained at the police station and the actions of individuals threatening forced entry while throwing dangerous projectiles into the dispatch center, the number of available officers to respond to the vandalism and arson calls was limited. Where deemed appropriate, smaller groups of officers assembled and responded to some of the incidents.





Although some have asked why officers did not respond to all the incidents, such as at the activities at the Grossmont Center, there simply were not enough officers available to do so in an organized and effective manner. Sending a smaller group of officers to areas with hundreds of individuals would likely have created a situation in which officers could be seriously injured and placed into confrontations that may have led to the use of lethal force to protect themselves or others from serious physical harm or death. Simply put, the risk was too great to send insufficient numbers of officers to some incidents in an attempt to prevent property damage.

#### Fires and Looting at Vons and the La Mesa Springs Shopping Center

After the fire chief's vehicle was set on fire, some of the group moved across Allison Avenue to set fire to a grocery delivery truck just before 9 p.m. Within minutes, the group moved around to the front of the Vons grocery store, forced entry, damaged property and lit a fire inside. They continued down the line of retail stores in the shopping center where Vons is located, vandalizing, looting and attempting to start fires. Despite the risk the crowd posed to its personnel, Heartland fire commanders approved the response. Fire and police personnel responded to the scene and observed smoke emanating from Vons. Police officers advised the fire commanders that the presence of anyone within the store could not be confirmed.

At this point, an LMPD officer donned a self-contained breathing apparatus and led firefighters into the building to provide security while the firefighters assessed the structure for active fires and damage. It is important to note that firefighters' response to fire or emergency scenes involving violence in San Diego County is governed by San Diego County Operational Area Policy # 15-A Stage/Stand Back for Law Enforcement, Effective Date: 2/1/2018. This policy provides staging and stand-back protocols for fire personnel responding to dangerous or suspicious incidents. It states that they should be out of view and approximately two blocks away or within a one-minute response when emergency communications dispatchers give a "Clear to Enter" advisement.

Despite this policy, which is well known by the fire personnel we interviewed, they assessed each call received that night and responded in many cases – which is in conflict with the policy. The fire personnel responded and assessed the structures for any occupancy hazards and risk of conflagration and provided basic fire response to "knock down" flames<sup>5</sup> before departing due to the ongoing rioting. Their efforts at the two banks and the Randall Lamb Building fires are examples of these types of efforts.

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<sup>5</sup> This term describes basic firefighting operations of extinguishing the flames by means of water or chemical saturation but does not include continuing the saturation or monitoring to ensure it does not rekindle.



### Chase and Union Banks and Randall-Lamb Building

When calls to 911 reported structure fires at the banks, a group of police officers assembled to respond. Approximately 15 officers responded and set a perimeter between the burning banks and the individuals outside. As these individuals launched fireworks and threw rocks and bottles, the officers held the line while awaiting fire personnel. Given the circumstances and the policy, the fire personnel we interviewed indicated they normally would not have responded. However, despite rocks striking the fire truck on the way in, the firefighters parked near the banks and engaged in an hour-long effort to extinguish the fires fully engulfing the structures.

When the Incident Commander advised officers and deputies on the scene that a much larger crowd was headed their way, the officers informed fire personnel that they would not be able to hold the larger crowd back, resulting in the on-scene fire commander making the decision to leave the area. During our interviews, fire commanders described how they continually assessed the safety of their crews and how they resigned themselves to continue performing their duties despite the obvious danger involved. Fire personnel consistently told us that they performed their duties in an environment of violence never before encountered that was clearly not aligned with the agencies' stand-back policy.

Similarly, Emergency Medical Services (EMS), operating under the umbrella of fire personnel and the same operational policy, engaged in responses that were inconsistent with policy. They too stated they had not previously encountered such a chaotic and violent situation. At approximately 6:15 p.m., the EMS provider, AMR, responded to a treatment call and was encircled by a large group of protestors before AMR personnel could depart the scene.

In the early morning hours of May 31, the tactical commander assigned two four-officer groups of SRT personnel to begin patrolling the city and making arrests for criminal violations they may observe. This constituted the first proactive law enforcement action during the incident. One such arrest occurred when officers observed a male suspect striking a woman with a bat and took him into custody. A total of seven arrests were made throughout the evening. The LMPD has sought charges for an additional 30 suspects for crimes associated with the rioting activity. The LMPD sent a press release on October 6, 2020 requesting assistance from the community to identify criminal suspects from surveillance videos. As of December 17, 2020, 26 adults have been arrested in connection with crimes committed during the riot, including the arrest of some individuals responsible for the arson fires at the Randall Lamb Building and Union and Chase Banks. The LMPD continues to work diligently to identify additional suspects with assistance from the community.





## Field Response and Tactics

### Use of Force, Crowd Control and De-Escalation Training

We began our assessment of the LMPD by reviewing the Department's training addressing use of force, crowd-control techniques and de-escalation. All LMPD officers receive use of force update training once per year during their defensive tactics and weapons qualifications. The Department's use-of-force training includes a policy review. The LMPD also focuses on de-escalation as an important tool in officer contacts. Our review of the LMPD's training records revealed this was last completed in the first quarter of 2020.

The LMPD has not formalized its training on crowd-control techniques. Although officers receive training for crowd-control mitigation measures in the basic academy, follow-up or refresher training is limited to a select few officers. The mutual aid agreement in San Diego County sends MFF officers, who are specifically trained in crowd-control tactics, to any participating agency in the county that assesses the need for such a response in their area. The MFF officers are assembled into composite platoons, which may include officers from multiple departments or from a specific department, such as with SDCSD, which can support such a personnel allocation due to the agency's size. As a result of this countywide process and the relatively low number of LMPD officers, the LMPD has few officers trained in crowd control.

However, the LMPD ensured that it trained all SRT officers several years ago and designated them as the MFF from the Department. In 2017, the LMPD assessed its training and assignment needs and opted to move SRT into a secondary role for crowd control. The LMPD designated MFF as a Patrol Division function and selected some of its officers to attend crowd-control training at the SDCSD to support the composite platoons for San Diego County Mutual Aid. Additionally, LMPD senior leadership sought a financial grant to purchase protective equipment for officers engaged in crowd control. The Department purchased 30 protective apparel gear bags for its officers.

As stated earlier, when the Incident Commander was designated to command the law enforcement response to the protest, he began contacting specific officers for assignment to the MFF, most of whom were SRT members who had received the crowd-control tactics training. As information regarding the protest continued to develop, many of those officers were reassigned back into their SRT role. When the LMPD finalized its MFF roster of personnel staged for response, it was comprised of two SRT sergeants. However, neither sergeant had MFF training, nor did the officers assigned to their squads, aside from basic academy training. These LMPD officers were designated to work with the SDCSD MFF team at the police station staged for response through the mutual aid request.



### Analysis of Crowd-Control Efforts

Although the LMPD officers were not specifically trained for crowd-control tactics, they were equipped in protective equipment and worked in conjunction with SDCSD. To assess their competency in crowd control, we compared the LMPD's effort to that of the CHP personnel at the I-8 Freeway as the CHP offers significant training and its personnel have experience in crowd control. When a large crowd departed the LMPD's police station and marched onto University Avenue and onto the I-8 on-ramp, they quickly pushed past CHP patrol officers posted on the ramp. As the crowd entered the freeway, they were met by approximately 40 CHP officers. These officers were equipped for crowd control and strategically stretched across the roadway in a diagonal formation to force the crowd to stop and then move along the line of officers to the berm. Within seconds, the crowd penetrated the line of officers and spread out across both lanes of the freeway. The only way to have stopped such a large crowd, even with highly trained and capable officers like those at the CHP, would have been to resort to a significant use of physical force. We provide this analysis to demonstrate that although LMPD officers were not specifically trained in crowd control, it did not negatively impact the response when considering the intensity of the crowd. However, through our interviews, we learned of the officers' high level of stress and anxiety as they were thrust into the crowd control response while lacking training and experience.

Ultimately, LMPD senior leadership's focus on respecting the crowd's First Amendment rights to assemble and protest guided the response. Even after the group demonstrated disobedience to law enforcement on the freeway and individuals engaged in aggressive actions at the police station upon their return, the crowd was granted the autonomy to express themselves for approximately two hours and 40 minutes. Officers were not deployed at the police station until the escalation of the crowd continued, destruction of property began and documented attempts to gain access to the police station occurred. This deployment was not intended as an effort to engage the crowd but rather to provide a barrier between the destructive individuals and the front of the police station, where only glass panes protected those inside – including the civilian employees situated near the front doors in the dispatch area – from the individuals seeking to enter the station. The community widely criticized this protective and defensive stance as a seemingly selfish act to protect their "castle" while individuals moved through the city vandalizing, looting and burning properties.

We assessed this stance taken by the LMPD by interviewing LMPD personnel from all ranks and requested further explanations. The officers unanimously referred to the inherent risk to life and property had they tried to leave the station. It is uncertain that any attempt to leave the police station could have occurred as the station was surrounded by aggressive crowd members. Individuals had aggressively attacked the armored vehicle and officers while assembled shoulder to shoulder in crowd control gear. Additionally, protestors destroyed the key-card access stations outside of both garage entrances, preventing officers from gaining entry into the police station parking. Any attempts by officers individually or in small groups to attempt to drive out in a patrol vehicle or walk out would most certainly have been met with hostility from members of the crowd.





One of the circumstances guiding its decision was that the LMPD had several civilian employees, dispatchers and supervisors present and no means to provide for their own personal safety had they left the building or had it been overrun. The LMPD would also have lost its radio communications capabilities. The LMPD has only one station from which to operate while providing police services. Giving that up would render the LMPD and the city vulnerable for quite some time. Additionally, any unauthorized access to the facility would have created the potential for individuals in the crowd to access weapons, police radios and confidential records and reports.

### Use of Less-Lethal Munitions

Our review revealed an hours-long strategy of attempting to move the crowd away from the police station and maintain a safe distance as a defensive posture. It is important to note that although the LMPD deployed chemical agents and less-lethal munitions, the officers remained in a defensive posture. The LMPD policy governing the use of less-lethal munitions provides general guidance for officers in the application of these tools, but it lacks clarity regarding the specific requirements for their use and supervisory oversight. Department Instruction 627 provides that officers are to use Department-approved, less-lethal weapons to stop aggressive behavior which, if not stopped, may result in serious injury or death. The use of impact weapons, such as bean bag rounds and foam batons, fired from a less-lethal shotgun do not require supervisory approval and officers are authorized to use them if reasonable and necessary based on the circumstances.

We found that the LMPD would be better served if the less-lethal munitions policy specifically referred to its use of force policy or clearly restated use of force criteria rather than more general descriptions of circumstances of an incident for which it is permitted. Additionally, although the policy requires supervisory approval prior to the use of 37mm or 40 mm less-lethal munitions, the intensity of the protest and aggression from the crowd on May 30 made individual supervisory approvals difficult at best. Supervisors established rules of engagement for actions, not specific incidents. Subordinate officers were instructed that they were authorized to deploy less-lethal munitions for a subject observed as being engaged in, attempting to or returning chemical agent canisters toward officers, as well as those attempting to or launching injurious projectiles such as rocks, bricks and fireworks toward officers.

The LMPD's deployment of chemical agents followed the general guidance of its policies, although it was not consistent with all stated requirements. Supervisory approval is required for the release of chemical agents, and it was granted during the protests on May 30. The policy includes the following considerations to precede the deployment of a chemical agent:

- + Personnel on scene or immediately available are insufficient to control the incident.
- + Other less-lethal means have been ineffective in establishing substantial control of the incident.
- + Significant harm to life or property is likely without intervention with CS chemical agent.



Based on our examination, the deployment of a chemical agent was consistent with the considerations listed in the policy, whereby the release precedes the use of less-lethal munitions. However, the use of a chemical agent as a deterrent and crowd-control tactic rather than the application of physical force through a munition is acceptable and reasonable given the totality of the circumstances. This choice to use a chemical agent aligns with the best practice of using the least amount of force necessary and reasonable to achieve the lawful objective.

In the days and weeks that followed the incident on May 30, the LMPD received phone calls, letters and emails expressing dissatisfaction with the Department. However, only four formal complaints were received from citizens regarding the Department's response to the protest. Two of the four complaints are associated with litigation regarding the use of less-lethal munitions.

### **Mutual Aid Coordination and Response**

Mutual aid agreements are common in law enforcement and provide the legal basis for jurisdictions to share resources and services, as necessary. The San Diego County Sheriff is the Operational Area Law Enforcement and Mutual Aid Coordinator for San Diego County. The sheriff leads the mutual aid agreement for providing law enforcement resources through the San Diego Regional Law Enforcement Mutual Aid Operational Agreement, of which LMPD is a signatory and participating agency since signing the agreement in 2009. Select provisions of the mutual aid agreement state the following:

“Whereas, it is also necessary and desirable that the resources, personnel, equipment and facilities of any one party to this plan be made available to any other party to prevent, combat, or eliminate a probable or imminent threat to life or property resulting from local peril, local emergency, local disaster, or civil disturbance, or a duly proclaimed ‘state of emergency’ or ‘state of disaster,’ ‘state of war emergency’ and to render mutual and supplementary public safety services one to the other as the need may arise; and

...

“Whereas the California Law Enforcement Mutual Aid Plan provides, in pertinent part, ‘When an emergency develops or appears to be developing which cannot be resolved by a law enforcement agency within an Operational Area, it is the responsibility of the Operational Area Mutual Aid Coordinator to provide assistance and coordination to control the problem; and

...





“The responsible local official in whose jurisdiction and incident requiring mutual aid has occurred, unless otherwise provided, shall remain in charge at such incident including direction of such personnel and equipment provided him through the operation of such mutual aid operations agreement.

“Nothing contained in this agreement shall require or relieve any party hereto from the necessity and obligation of furnishing adequate protection to life and property within their own jurisdiction and no party shall be required to deplete unreasonably his own resources, facilities, and services in furnishing such mutual aid.”

As previously noted, this mutual aid agreement was implemented before the May 30 protest when the Incident Commander made a request for personnel. The Incident Commander’s request was granted and one SDCSD platoon, including commanders, responded and staged at the LMPD police station. A second SDCSD platoon was staged at a sheriff’s facility for county-wide response. Our interviews revealed that subsequent requests were made throughout the evening through the formal mutual aid request and informal contacts with other agencies, in which LMPD senior leadership pleaded for any assistance that could be provided. By the end of the incident, the LMPD was receiving assistance from every agency in the county except one that could not spare resources due to its own operational issues. The El Cajon Police Department assisted with radio dispatching and opened its facility to the LMPD dispatchers for the afternoon shift on May 30 for remote radio communications.

Although beneficial, this mutual aid agreement cultivated a situation wherein the LMPD had not invested in specialized training, such as crowd-control techniques, as it has been expected that any such need would be fulfilled by trained officers through the mutual aid agreement. The LMPD purchased protective crowd-control gear for officers, but absent a select few, most LMPD officers had only received crowd-control training in the basic police academy.

### **Coordination with Other City-Led Departments**

The City of La Mesa has a five-year strategic goal of identifying “targets for action,” which includes the following goals for the LMPD and fire department:

- + Facilitate training and education for City staff on emergency operations and safety.
- + Provide citizen training and education on the importance of emergency preparedness and safety for their families.
- + Improve effectiveness of the City’s emergency and non-emergency communication tools to provide the City information to existing and potential residents and businesses.

These targeted strategic goals were tested throughout the incident, and our examination of their effectiveness supports the need for the police and fire departments to continue their work toward improved emergency response and communication with the community.



In our examination of city officials' role in the response to the protests, we found that the severity of the event called for the city leaders to convene formally to monitor and potentially support the response; however, this did not occur, although some city officials with whom we spoke advocated for such a meeting at the time. Such an action would have convened city officials with senior leadership of the police and fire departments, allowing for a collective and inclusive dialogue regarding the incident to occur. This meeting would have increased awareness and communication about the incident, operational strategy and challenges, which would have created opportunities for additional support and resources.

The Mayor and City Council members expressed concern that they received very little information while the incident was occurring. Although not requested by LMPD, City Council members convened around 12:30 a.m. on May 31 to discuss the response to the protest and issue a curfew. Although no records of that meeting are posted on the City's website, the City Council met again at 9 a.m. that morning to confirm the City Manager's early morning proclamation of an emergency and the establishment of a citywide curfew "commencing on May 31, 2020 at 1:30 a.m. and ending at 7 a.m. on May 31."<sup>6</sup>

Some city officials appeared at the LMPD's DOC for the August 1 protest. Given the risk of loss of the LMPD station due to the events of May 30, we find the decision puzzling to have the DOC located there and to allow city officials to be present. When comparing how and where the city officials convened to the standards of the NIMS system, ICS and best practices, we find that, as with the May 30 protest, the city officials would have been better served in a separate location.

Recognizing the impact of May 30 incident and the potential impact of the August 1 protest, the City officials should have convened in an off-site location to monitor the event. A liaison from the LMPD, Heartland and any other relevant city departments could convene with the city officials to ensure effective communication and discussion. Although it became clear in our interviews that the city officials were frustrated with the lack of communication from the LMPD during the May 30 protest, their presence in the DOC on August 1 to attempt to ensure they were informed and engaged was not appropriate per NIMS and ICS guidelines. We fully acknowledge that these individuals are key stakeholders with an extremely important role to play in addressing constituents' concerns. However, the presence of city officials in the law enforcement command center creates a distraction and disruption to the careful analysis and response to an active incident. The specific needs of city officials are best met by their presence at a separate location alongside other leaders of city departments, such as Public Works, and where the LMPD chief should serve as the liaison for information about the ongoing operations.

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<sup>6</sup> The City Manager was appointed in March as the Director of Emergency and Disaster in accordance with La Mesa Municipal Code Section 2.56.050. As Director, the City Manager was authorized to proclaim the existence of emergencies and issues rules and regulations related to the protection of life and property as affected by the emergency.





## Application of National and Statewide Best Practices

It is important to note that although crowd-control tactics and training are a key focus area for most agencies and leading public safety agencies have a robust and well-structured MFF, it is difficult to adhere to best practices when responding to an incident like that which occurred in La Mesa on May 30. The many variables, including the degree of unrest and the attitude and criminality of crowd members, are significant factors when assessing what operational practices may have been successful. However, the adherence to ICS principles in the management of these incidents is a best practice that the LMPD did not follow well. Many of the operational issues that we discovered could have been reduced with the appropriate command structure and associated communication.

Tactical responses to protests and civil unrest can vary from event to event depending on the circumstances. However, several best practices followed by leading public safety agencies can help ensure proper decision making and response to incidents including:

- + Establishing policies that clearly establish the police department's respect for protecting citizens' First Amendment rights to free speech and peaceful assembly
- + Providing recurring training on crowd-control tactics for all officers and quarterly training on crowd-control tactics for officers assigned to a dedicated MFF team
- + Engaging in communication with event or protest leaders so each can communicate their plans and expectations
- + Ensuring ongoing communications with key stakeholders, including city officials, to keep them apprised of operational efforts and outcomes
- + Implementing the policies, training and principles contained in the NIMS and ICS
- + Providing robust communication platforms and emergency communications systems that allow the police department and/or city officials to keep the public informed during large-scale events

The LMPD's actions on May 30 were consistent with the recognized best practice of respecting citizens' First Amendment rights and providing them with the opportunity to express their freedom of speech. As described above, even when the crowd became aggressive and began vandalizing property, the LMPD allowed the crowd to continue to protest for a significant amount of time. Although the LMPD has several operational policies that specifically refer to civil unrest, the Department does not have a specific policy to guide crowd control.

During the protest on May 30, the LMPD did not appear to attempt to connect with any formal or informal leaders or organizers in the group, nor did it provide any visible law enforcement presence for protestors to interact. When leaders emerged within the group, the LMPD chief or other leadership should have offered to meet with them to respond to inquiries and to communicate behavior expectations. Officers could have continued patrolling the city while others were strategically located throughout the city to interact with citizens and provide a visual deterrent to criminal activity. Instead,



officers, including those assigned to patrol functions, were instructed to be inside the station or were staged at a location away from the police station.

Leading public safety agencies provide initial and ongoing training on crowd-control tactics for their officers and quarterly training for officers assigned to MFF teams. The LMPD assigned officers who had not received any recent training in crowd control tactics to the plaza to address a large and angry crowd. Although they deployed with the SDCSD officers, these officers experienced anxiety and stress as they faced an uncertain environment. They witnessed other officers being struck by projectiles and stumbling to the ground. They were clearly outnumbered and received little direction, leaving them standing in front of the crowd wondering how long they would be there and what they were going to do. The fear of the unknown was undeniably present for this group of officers.

Although Department Policy #122 Emergency Operations – Department aligns with the recognized principles of the NIMS and ICS, the LMPD can strengthen its operations through enhanced training and application of ICS principles. Although the policy is clear in the establishment of the formal ICS process, it was not established properly during the events of May 30, nor did the officers and LMPD senior leadership embrace the opportunity to do so when it was most necessary.

Leading public safety agencies have robust communications platforms and emergency communications. Agencies use reverse 911, Nixle messaging, Facebook, Twitter and other tools to communicate with their residents. Although the LMPD has access to and uses many of these tools, it did not use these systems in planning and preparation. The extreme level of chaos during the incident on May 30 consumed the staff, and they did not use the notification tools, except for the one Nixle message sent out by the dispatch center at 3:27 p.m. The message, directed by LMPD leadership, stated, "Protest on city streets near University/Baltimore, please avoid the area." This message and the absence of any follow-up message gave recipients limited information to determine the threat level posed by the protest. It should be noted that had communications between the Department and the city officials matured, the city could have engaged in coordinated messaging with the public through a dedicated city spokesperson in lieu of city officials putting out information on their own.

Specifically, once the protest began moving away from the University and Baltimore Street area, additional messages should have been sent to inform the public, whose only previous instruction had been to avoid the area, that the protest could be moving into neighborhoods or nearby businesses. Additionally, under the ICS, the LMPD chief would have assumed the role of liaison to the city officials to inform them of the incident and associated response, which did not occur.





## *Community Perspectives*

As a part of our after-action assessment, we spoke with local business owners, members of the Police Oversight Task Force and other community members in person and virtually. In addition, we received emails from La Mesa residents about their experiences during the protests. Finally, we conducted a Virtual Community Listening Session during which we heard from nearly 60 people regarding:

- + Their impressions of the LMPD and whether those impressions changed over the last six months
- + Their recommendations for the LMPD to improve its relationship with the community
- + The top qualities they would like to see in a new LMPD chief.

Many of the people from whom we heard participated in the protests or were firsthand witnesses to the protest and subsequent unrest. Although some of the comments that individuals offered may be perceived as criticism, all our interactions with interviewees were candid and constructive. All interviewees expressed a desire for the community and the LMPD to move forward in a positive manner. The following summarizes the themes we heard from our interviews, received emails and the listening session.

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### *Disbelief*

Interviewees described La Mesa as a quiet community with a small-town feel. They were shocked that such a large protest could occur in La Mesa and that it could turn violent.

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### *Disappointment in the LMPD Response*

Although interviewees were generally supportive of the LMPD, they expressed concern about what they perceived as its inadequate response to the protest, although several interviewees noted that they thought that the Department did the best that it could under the circumstances. Some interviewees noted that they thought that many of those who attended the protests were outside agitators who did not live in the community.

Some specific concerns expressed about the LMPD's response are as follows:

- + The LMPD appeared to not have planned and prepared for the incident. Some attributed this to La Mesa being a small city that has never experienced this type of "big city" event. They believed that the LMPD was overwhelmed and had not coordinated effectively with other jurisdictions.
- + The LMPD appeared more interested in protecting its own station than protecting protestors, residents and local businesses



- + Several interviewees criticized some LMPD tactics, expressing concerns about the use of “military equipment.” Their perception was that the LMPD used tear gas indiscriminately and without warning. These individuals believed that the LMPD’s aggressiveness contributed to the violence.

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### *Transparency and Communications*

Interviewees complained about a lack of communication during and after the events. Many noted that the only information they received was from the news. Many of those we spoke with indicated that neither city officials nor the LMPD provided enough information to them about what was happening while the protests and riot were occurring. Likewise, some city officials indicated they wanted to be able to assist in such an effort, but they were frustrated in that they did not believe they had enough accurate information to put out a coordinated message.

This concern about the lack of communication continued after the event in that they believe they never received:

- + An explanation from the City about what happened
- + Apologies from the Mayor and City Council that businesses were damaged
- + Acknowledgement from the City or the LMPD that the protests may have been mishandled

While the mayor offered an apology, these individuals indicated that the communication they received appeared to be intended to absolve the City of any wrongdoing rather than to make efforts toward improvement. Interviewees wanted the City to acknowledge that mistakes were made and take ownership.

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### *Changed Impression of the LMPD*

Interviewees generally indicated that they thought highly of the LMPD prior to the protests. Although they indicated that they are still supportive, their views of the Department changed following the incident, and they were now less satisfied with the LMPD. However, not all impressions of the Department were negative. Some interviewees mentioned positive interactions with the Department, including incidents during which they were victims of crime and when they had opportunities to meet officers at community events, such as Coffee with a Cop.

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### *Other Issues*

Although the focus on this after-action report was the planning and response to the protests and riot in May 2020, interviewees connected the protests to the stop of Amaurie Johnson at Trolley Station and a 2018 incident involving an officer at Helix High School. Interviewees noted that although they were concerned about how the LMPD handled the protests in May 2020, they were also concerned that these previous incidents are indications of other unresolved issues in the Department.





Some of the individuals we spoke with believed that without the awareness of the Trolley Station incident and the LMPD's response, protestors would not have come to La Mesa. Further discussion and emails with several individuals raised perceptions that the LMPD conducts a disproportionate number of traffic and field stops targeting people of color in La Mesa. These concerns about the LMPD's approach to people of color also included examples in which community members thought that the Department responded in an overly aggressive manner to calls for service involving people of color. They indicated they believed that the protests were a call to change the LMPD in some ways.

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### *Improvement in the LMPD's Responses*

Interviewees indicated that the LMPD's responses to protestors has improved, as evidenced by the peaceful protests on August 1. They stated that they saw officers engaging in peaceful conversations with protestors, which they said is a good practice.

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### *A Path Forward*

Interviewees stated that they believed the LMPD has an opportunity to create a new path forward with its relationship with the community. Their recommendations to achieve this goal included the following:

- + Create more open, proactive and transparent communication between the LMPD and the community by sharing more information about the response to the protests and other incidents that have occurred or may occur in La Mesa
- + Embrace the creation of the oversight task force and ensure the task force includes people of color and youth
- + Improve the Department's community policing, community outreach and relationship building efforts
- + Research and implement alternative responses to calls for service, such as calls regarding individuals experiencing a mental health crisis
- + Increase diversity within the Department's ranks
- + Emphasize de-escalation as a philosophy and tactic
- + Deliver training to LMPD officers that focuses on working with different populations, including individuals experiencing homelessness and behavioral health concerns
- + Document data from field and traffic stops and provide regular updates to the public



## *Assessment of the LMPD's Policies, Procedures and Training*

We reviewed the LMPD's policies, procedures and training, particularly to identify policies regarding the response to special threat situations, use of force and community engagement. Our primary observation is that policy updates and review in accordance with Department Instruction 101 have not been documented, indicating that some policies may not have been updated in a decade. The LMPD informed us that while it has regularly reviewed its policies, it did not have a process in place to note on each policy the date it was last reviewed and updated. We also noted that the Department has promulgated policies to cover most issues an officer may face; however, in some instances, we observed a lack of clarity and absence of policies that should be present given the level of service expected of police departments in the U.S., as discussed below. LMPD Command Staff has informed us that the LMPD is currently in the process of updating all its policies using an outside policy vendor. This is a positive step toward ensuring that all policies are consistent with best practices and regularly reviewed and updated.

### **De-Escalation**

De-escalation has emerged as a foundational principle governing the relationship of the police and the community. De-escalation promotes procedural justice and legitimacy as allowing a person the freedom to voice their concerns is paramount in any attempt to resolve conflict. De-escalation can be used in any situation involving conflict. Debate exists regarding whether police departments should promulgate de-escalation as single policy or include de-escalation in related policy, as La Mesa has done in its use of force policy. Our review reveals that although de-escalation is described in the Department's use of force policy, the language is limiting and does not promote effective use of de-escalation to resolve conflict.

Although various definitions of de-escalation exist, the National Consensus Policy on Use of Force defines de-escalation as follows:

"Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning."

The LMPD includes de-escalation in its use of force policy and although generally descriptive, the policy does not adequately describe what de-escalation is or explain why its use is important. Although the policy mentions de-escalation techniques, it does not mention the recognized de-escalation tactics described by the National Consensus Policy on Use of Force and how the tactics can be used to calm any conflict involving the police and community members. The best practice to institutionalize de-escalation as a department practice is to describe the de-escalation process so it





can be incorporated by reference into any policy, especially those addressing peaceful demonstrations or crowd control.

## Use of Force

We reviewed the LMPD's policies on use of force in the context of the Department's response to the May 30 protests and riot. We found that although the use of force policy builds on the principles of *Graham v. Connor* in that the policy states officers shall only use "the amount of force which appears objectively reasonable and necessary, given the facts and circumstances known to or perceived by the officer at the time of the event," we find that the policy is not consistent with model use of force policies such as the IACP's Model Consensus Policy on Use of Force.

For example, the Department's current policies do not adequately emphasize or provide guidance regarding de-escalation. Consistent with best practices and model policies, the LMPD's use of force policy includes language regarding an officer's duty to intervene and prevent use of excessive force and requires officers to report the incident to a supervisor. The duty to intervene policy could be improved by adding clear language explaining what a supervisor should do with the information and explain sanctions for the failure to intervene. The LMPD should ensure this is included in the review of its policies, specifically those addressing or associated with use of force, to ensure compliance with best practices and California law.

## Crowd Control and Demonstrations

Special response or special event circumstances include police response to planned or unplanned incidents, peaceful demonstrations, crowd and riot control, and active-shooter incidents. As with de-escalation, some policing agencies address each component in a separate policy or combine them into a single special response protocol. Regardless of the approach, it is essential that the policy define each type of event and describe officers' responsibilities when responding to the event.

Department Instruction 122- Emergency Operation provides overall guidance on providing a coordinated response to critical emergencies. However, the LMPD does not provide specific guidance on crowd control such as:

- + A clear statement that the goal is to protect individuals' rights to free speech and peaceful assembly
- + Preparation and planning protocols
- + Use of the ICS
- + General guidance regarding the use of less-lethal and chemical weapons<sup>7</sup>

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<sup>7</sup> The use of these weapons should be guided by the LMPD's Use of Force policy, but the Department may have some limitations during demonstrations and civil disturbances.



- + Procedures for crowd dispersal
- + Communication and media strategies
- + Mass arrests and booking protocols
- + De-activation protocols
- + Training requirements
- + After-action documentation and reports

The LMPD should promulgate a revised policy that includes all topics described above and stresses the importance of de-escalation tactics when communicating with leaders of large crowds or demonstrations.

### **Community Engagement and Cultural Competency**

The City of La Mesa requested we review the LMPD's policies and approach toward community engagement and cultural competency. Community engagement describes all action taken by a police department to establish a partnership with a community, including community policing. Cultural competency refers to the unique characteristics of certain communities, including racial groups, and the level of awareness the policing agency has of those characteristics. Understanding the need for community engagement and cultural competency allows a police department to work collaboratively with the community to establish relationships that respect individuals' rights and promote police legitimacy. Although most of our interviews did not directly focus on community engagement and cultural competency, some community members indicated a need for improvement of the LMPD in these areas.

The LMPD has a Community Resource Unit and lists various activities or programs in which it engages with the community, including the La Mesa Citizen's Police Academy, Neighborhood Watch, and Crime Prevention Education. Although these programs and activities are important, they are not indicative of the existence of a robust community policing program, nor do they identify community engagement as a focal point of the Department's operations. Police departments that embrace community policing develop comprehensive community policing strategic plans and ensure that the entire department, not just a community policing unit or the patrol division, has community policing and community engagement responsibilities.

While the LMPD appears to have a fairly good relationship with many community members, the scrutiny on the Department regarding how it handled the May 30 incident revealed concern from members of the public about how engaged the LMPD is with the community, especially people of color. Community members expressed concern about the Department's lack of community engagement before, during and after the protest events. We heard several accounts about people of color being the subject of a disproportionate number of traffic or street stops, as well as accounts of the LMPD responding over aggressively to behaviors by people of color. Our assessment did not





( *La Mesa Police Department* )

**AN INDEPENDENT AFTER-ACTION REPORT**

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include a review of data to confirm whether people of color are stopped disproportionately. However, it was clear that, at a minimum, some community members believe that the LMPD treats people of color differently.

LMPD officers have participated in the Principled Policing Program, which focuses on procedural justice police legitimacy and implicit bias, as well as understanding the roles policing has played throughout history and its effect on community trust and support for police. Several LMPD officers are instructors for this course. This course can serve as a baseline for the Department to improve its relationship with the community and engage the community in discussions about the LMPD, its policies and other critical issues related to police-community relations.

To build on this training, the LMPD should consider creating new policies and training regarding community policing, community engagement, cultural competency and bias-based policing. Additionally, the LMPD should consider developing a written comprehensive community policing and community engagement strategy which identifies goals, objective and measurable outcomes for all units of the Department.



## Recommendations

Rec. #	Recommendation
1	Adhere to the regular schedule of review and modification of policies referenced in Department Instruction 101 to ensure that they are compliant with emerging law and current best practices. Ensure all reviewed and modified policies reflect the review date on the policy.
2	Regularly review applicable revisions of the LMPD's use of force policies to reflect best practices including, but not limited to, considering increasing its emphasis and guidance on de-escalation and force options, and banning chokeholds or similar holds except under deadly force circumstances.
3	Consider developing new policies and training regarding community policing, community engagement, cultural competency and bias-based policing.  Consider developing a written comprehensive community policing and community engagement strategy that identifies goals, objectives and measurable outcomes for all units of the Department.
4	Consider developing and issuing a crowd-control policy that emphasizes First Amendment rights to free speech and peaceful protest, outlines preparation and planning efforts, describes use of force options, emphasizes de-escalation, provides guidance on the use of the ICS, and other guidance and procedures related to controlling crowds.
5	Review and revise the Department Instruction 122 – Emergency Operation to include: <ul style="list-style-type: none"><li>+ Detailed and robust adherence to the principles of NIMS and ICS to provide the structure and framework for the effective management of emergencies and critical incidents.</li><li>+ Mandatory recurring training and a routine exercise schedule to evaluate performance and identify areas for improvement. Consider providing regular training to City officials who may be called upon to respond to the EOC during emergencies.</li><li>+ Detailed information regarding the site-selection criteria for the DOC and the necessary technological and clerical support equipment required for the effective management of a large-scale incident.</li><li>+ Assignment of an operations section chief, planning and intelligence section chief, logistics section chiefs, public affairs liaison, and scribe when activating the DOC</li></ul>





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 Assignment a tactical dispatcher or, at a minimum, a communications liaison when the DOC is activated.
- 6

 Develop a policy to guide the planning process for special events and critical incidents, including specific criteria and the development of operations plans that align with recognized best practices.
- 7

 Ensure the strategic operations plan considers officer allocation and assignments in the stages of response. Patrol officers should be the primary responders, supported by properly equipped and trained officers for effective crowd control management, and finally tactical response officers.
- 8

 Ensure recurring hands-on crowd-control tactics training for all officers. Training should occur no less than once annually for dedicated MFF officers.  
  
Participate in countywide emergency response training sessions to test and evaluate the mutual aid response capabilities, including incident command, span of control, inter-agency coordination and communications.
- 9

 Develop a formalized intelligence monitoring and reporting procedure to ensure the timely dissemination of critical or pertinent information impacting LMPD or City operations.  
  
The procedure should include the assignment of dedicated analysts for monitoring intelligence information and liaising with federal, state and local intelligence partners and proscribe specific reporting requirements for analysts.
- 10

 Routinely review and update a formalized emergency communications plan for the City of La Mesa that includes all city departments. Assign trained personnel to ensure when emergency information will be communicated across city departments and to the community.
- 11

 Maintain a radio communication plan to support the effective inter-agency communications for multi-agency mutual aid response, including necessary equipment, radio frequencies and contingencies. The plan should be reviewed frequently to address any necessary programming changes.
- 12

 Ensure officers involved in emergency or critical incidents are provided with an opportunity for an after-action review and includes wellness support when needed.
- 13

 Enhance awareness and access to employee wellness programs to focus on officers and civilians who experienced stress during and after the vandalism and violence aimed at LMPD employees and the police station.



( La Mesa Police Department )

**AN INDEPENDENT AFTER-ACTION REPORT**

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### *Summary Statement*

The protests and riots of May 30 and 31 were unprecedented for San Diego County, the City of La Mesa, and in particular, for the La Mesa Police Department. The magnitude of the incident far exceeded the expectations of the LMPD, as well as those of other law enforcement agencies across the county. In fact, multiple cities across the country faced similar challenges during that same time period. Our assessment of the preparation, planning and response has identified areas where LMPD command staff could enhance their performance in future critical incidents, some of which they already addressed during subsequent protests this summer. While we acknowledge the size and complexity of the incident overwhelmed the department, the adherence to the principles of ICS, including a comprehensive operations plan, would have provided a better foundation from which to work. It would have clarified roles and responsibilities, decreased the level of operational confusion and fostered critical communication to support a more positive outcome. However, the collaboration of multiple first responder agencies and departments, city officials and the community, who came together to work through the adversity of the incident and the lengthy recovery is both commendable and impressive. Although many we interviewed expressed that they still have on-going concerns about what happened and how it is being addressed, the City of La Mesa has indicated that it is dedicated to learning from the incident, implementing change and looking forward, not allowing this single riot incident to define their community.





## Appendix: Timeline

Time	Event
May 25, 2020	
N/A	Minneapolis Police Department officers kill George Floyd while he is in their custody
May 27, 2020	
N/A	La Mesa Police Department (LMPD) officers arrest Amaurie Johnson at trolley station
N/A	LMPD personnel discover the video recording of Amaurie Johnson's arrest going viral on social media
May 28, 2020	
N/A	LMPD social media monitoring reveals a protest scheduled for May 30 in San Diego changed location to focus on the LMPD at 2 p.m.
May 29, 2020	
N/A	Incident Commander and LMPD officers assigned for the May 30 protest. San Diego County Sheriff's Department (SDCSD) personnel assigned through mutual aid request
5:30 p.m.	About 50 individuals protest peacefully at the LMPD station
May 30, 2020	
10 a.m.	LMPD senior leadership meet at station to plan for response to planned protest
2:07 p.m.	LMPD officers report that approximately 200 people are protesting in front of the station
2:14 p.m.	Two drones launched by crowd members fly over the police station
2:17 p.m.	Two platoons of SDCSD deputies respond for assistance
2:59 p.m.	Citizen reporting large group walking toward incoming traffic on University Avenue
3:20 p.m.	Large group marches onto ramp to I-8 freeway



Time	Event
3:27 p.m.	Nixle message sent regarding protest activity at police station
3:41 p.m.	California Highway Patrol (CHP) reports that I-8 freeway is shut down and requests mutual aid for assistance
3:59 p.m.	CHP reports that individuals are throwing bottles at officers
4:00 p.m.	Instagram user initiates a livestream, and a woman says, "We're going to raid Walmart and get free shit"
4:03 p.m.	CHP reports that some individuals at the protest are aggressive
4:08 p.m.	Reports of approximately 1,000 protestors on Murray Drive near Grossmont Center
4:11 p.m.	LMPD officers report that a large crowd is still in front of the police station
4:42 p.m.	Caller reports to 911 that an individual struck him in the face in the Olive Garden parking lot
4:44 p.m.	A large crowd from I-8 arrives back at police station
4:47 p.m.	An individual cut down the American flag and draped it over the police memorial on the plaza at the police station. They attempt to light it on fire.  <b>LMPD give first dispersal order.</b> Individuals start throwing landscape rocks.
4:48 p.m.	Individuals vandalize east gate at police station.  <b>First group of LMPD officers and SDCSD deputies move outside of station to plaza.</b>
4:49 p.m.	Individuals spray paint the LMPD station  Individuals move down west ramp to LMPD garage  Individuals attack a squad car near the intersection of Baltimore and University
5 p.m.	Individual tries to jump onto wall at dispatch area on east side of station
5:07 p.m.	Individual in the crowd strikes a SDCSD deputy with water bottle
5:08 p.m.	Individual in the crowd strikes a SDCSD deputy with a rock





Time	Event
5:09 p.m.	LMPD gives a dispersal order and request for additional officers
5:21 p.m.	LMPD gives dispersal orders
5:27 p.m.	LMPD gives dispersal orders from plaza and lobby area
5:29 p.m.	<b>LMPD gives dispersal order continuously for five minutes</b>
5:32 p.m.	Another large group from freeway march back toward police station
5:34 p.m.	Bearcat armored vehicle move to the rear of the parking lot to enforce dispersal orders for the back of the crowd assembled at the police station
5:37 p.m.	Individuals climb on top of the bearcat while others vandalize vehicle with rocks and paint
5:41 p.m.	Individuals break window of the bearcat
5:42 p.m.	<b>SDSDC SWAT deploys a pepper-ball from the bearcat to clear path of retreat</b>
5:43 p.m.	Bearcat is free from the crowd; several unknown individuals follow it back to the staging area in vehicles
5:47 p.m.	Individuals attempt to use large planter to break glass of community room at police station
5:50 p.m.	<b>LMPD first uses less-lethal means to stop forced entry into community room</b>
6:04 p.m.	Individuals throw rocks at police station from all sides Officers first release a chemical agent from the ground and balcony level onto plaza
6:10 p.m.	A SDCSD sergeant is down after an individual strikes them with a rock; individuals break windows to LMPD garage
6:11 p.m.	Individuals break a latch to the LMPD dispatch area
6:14 p.m.	Officers again release a chemical agent released onto plaza
6:24 p.m.	Heartland Fire & Rescue crews report that they will not respond unless law enforcement can provide an escort for their safety



Time	Event
6:32 p.m.	Individuals continue to throw rocks and other projectiles at the LMPD station; officers release a chemical agent
6:46 p.m.	Law enforcement helicopter gives dispersal orders to group remaining in the area of the freeway and then moves to Baltimore and El Cajon for additional dispersal orders  These orders continue intermittently for 30 minutes
6:52 p.m.	Additional SDCSO deputies arrive at LMPD
7:01 p.m.	Personnel observe an individual in the crowd near police station with a long rifle partially concealed under a flag
7:12 p.m.	Officers give dispersal orders
7:16 p.m.	Individual strikes deputy with a projectile, injuring the deputy
7:22 p.m.	Individuals forced entry into City Hall and opened water sources
7:27 p.m.	Individuals on roof of City Hall launch projectiles at officers and break windows in a patrol vehicle
7:32 p.m.	Individual at American Legion lights a paint can and throws it into building  The flag in front of the building catches fire
7:35 p.m.	LMPD use a long-range acoustical device to give dispersal orders
7:54 p.m.	Smoke begins to emit from City Hall
7:55 p.m.	Additional officers respond to the police station
8 p.m.	Additional officers attempt to reach the police station  The roadway is blocked, and individuals throw rocks at patrol vehicles
8:10 p.m.	<b>Officers begin offensive engagement to move crowd back from police station</b>
8:15 p.m.	Individual throws projectile toward officers and station; officers strike them with less-lethal munition





( La Mesa Police Department )  
AN INDEPENDENT AFTER-ACTION REPORT

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Time	Event
8:17 p.m.	Fire erupts in police station sally port
8:30 p.m.	Individuals attempt to overturn fire vehicle parked at City Hall, conduct a forced entry into the vehicle and begin looting its contents
8:34 p.m.	Individuals break windows in patrol vehicles
8:40 p.m.	Individuals set the fire vehicle on fire
8:46 p.m.	Individuals begin to broadcast police radio transmissions on Instagram Live
8:56 p.m.	Individuals set delivery truck behind Vons, across Allison Ave. from the burning fire vehicle, on fire
9:01 p.m.	LMPD observe an individual walking toward police station from USA Gas with a gas can
9:07 p.m.	LMPD gives dispersal orders and initiates arrests
9:12 p.m.	Individuals begin looting Vons A helicopter captures the activity, and it appears to be about 100 people in the area
9:18 p.m.	LMPD officers observe individuals filling trash cans with landscaping rocks and moving toward the police station
9:37 p.m.	Individual strikes a deputy at Date and Allison with a rock, injuring the deputy
9:51 p.m.	Reports of looting and fire at Play it Again Sports
9:52 p.m.	Vehicle crashes into H&R Block sign, and individuals attempt to set the vehicle on fire
10:02 p.m.	Individuals set fire to a vehicle on La Mesa Boulevard at University Avenue
10:04 p.m.	Reports of widespread vandalism and looting
10:08 p.m.	An estimated 150 to 200 people surround a Sally's Beauty Supply, some of whom loot it and attempt to set it on fire Individuals throw rocks at officers



Time	Event
10:41 p.m.	Individuals loot a Walmart and other businesses on Grossmont Center Drive
10:56 p.m.	About 200 people gather at a Chase Bank, and several break the windows
11:04 p.m.	Individuals burglarize a gun shop on University Avenue
11:11 p.m.	<b>Individuals set Chase Bank on fire</b>
11:12 p.m.	Individuals loot Target
11:24 p.m.	<b>Individuals tear money from an ATM at Union Bank, which they then set on fire</b>
11:38 p.m.	Subjects throw projectiles at officers on scene at bank fires

May 31, 2020

12:40 a.m.	LMPD struggled to clear crowd from bank fires where approximately 300 individuals are present, some of whom are throwing projectiles
1:10 a.m.	The La Mesa City Manager declares an emergency curfew from 1:30 a.m. to 7 a.m.
1:12 a.m.	LMPD call in the CHP to provide force protection for fire personnel at Randall Lamb Building, which is on fire





DATE: January 21, 2021

TO: Greg Humora, City Manager

FROM: Matt Nicholass, Acting Chief of Police *MN*

SUBJECT: Response to Hillard-Heintze After-Action Report Recommendations

The La Mesa Police Department Command Staff reviewed the May 30, 2020, civil unrest After-Action Report prepared by Hillard-Heintze. The events of that day had a tremendous impact on our community as a whole and have changed the way the La Mesa Police Department ("LMPD") operates. We have noted areas where improvement is needed and will continue to learn from and train for any future incidents of this magnitude. As highlighted in this memorandum, LMPD's approach moving forward will be to consistently reassess policies and practices internally, leverage national best practices through Lexipol, and work with the Citizen's Public Safety Oversight Board ("CPOB") and the Chief of Police to address additional recommendations made throughout the After-Action Report.

In the Hillard-Heintze After-Action Report, the consultant addressed areas of improvement that could assist in planning for and managing such an incident in the future. The La Mesa Police Department has already drawn on its experience from May 30th to implement new practices during subsequent protest events that address many of these areas. We will further embrace all of the after-action report recommendations to build on these new practices and continuously strive for improvement.

Below are the recommendations presented by Hillard-Heintze, followed by the current status of addressing each recommendation:

- 1. Adhere to regular schedule of review and modification of policies referenced in Department Instruction 101 to ensure that they are compliant with emerging law and current best practices. Ensure all reviewed and modified policies reflect the review date on the policy.**

The La Mesa Police Department is currently in the process of updating and transitioning all of our policies to Lexipol. The company provides policy manuals, training bulletins, and consulting services to law enforcement agencies, fire departments, and other public safety departments across the country. The Lexipol platform will provide regular updates and legal policy reviews to ensure that these conform to State and Federal law and are within the best practices of law enforcement. Once Lexipol is implemented, it will contain a robust tracking system for policies that have been reviewed by all employees and includes daily training bulletins. The implementation process is expected to be completed by the end of 2021. As policies are updated and/or amended, these will be documented and posted on the City's website as well.

In the meantime, the staff is reviewing our current policies to ensure these align with best practices.

**2. Regularly review applicable revisions of the LMPD’s Use of Force policies to reflect best practices including, but not limited to, considering increasing its emphasis and guidance on de-escalation and force options.**

The La Mesa Police Department Use of Force policy was updated in 2019, 2020, and most recently in December 2020 with a Lexipol policy to reflect changes made to Section 832.7 of the Penal Code, in compliance with AB 392, and the policy included “Alternative tactics- De-escalation.”

**3. Consider developing new policies and training regarding community policing, community engagement, cultural competency and bias-based policing.**

LMPD management staff is working with Lexipol and reaching out to other San Diego regional agencies to review existing policies and training in these areas. We look forward to working with the Community Police Oversight Board (“CPOB”) to assist us in coming up with the best policy and training for our community. The Department understands the importance of implementing such policies as soon as practical.

**Consider developing a written comprehensive community policing and community engagement strategy that identifies goals, objectives and measurable outcomes for all units of the Department.**

As mentioned above, the La Mesa Police Department will work on building a comprehensive plan to address these critical issues. Discussions with the new Chief of Police, Department, City Staff, and CPOB will be an essential piece of developing measurable outcomes. The police department staff has already begun research on expanding and building upon our current engagement strategies.

**4. Consider developing and issuing a crowd-control policy that emphasizes First Amendment rights to free speech and peaceful protest, outlines preparation and planning efforts, describes use of force options, emphasizes de-escalation, provides guidance on the use of the ICS, and other guidance and procedures related to controlling crowds.**

The Department is currently reviewing Lexipol policy regarding crowd control and planning efforts. We will also review other county and national agency policies to ensure we develop a policy that incorporates all of the listed recommendations. This will include additional required training in the area of Incident Command Structure (ICS) for all supervisory personnel.

**5. Review and revise the Department Instruction 122- Emergency Operation to include:**

- **Detailed and robust adherence to the principles of National Incident Management System (“NIMS”) and Incident Command Structure (“ICS”) to provide the structure and framework for the effective management of emergencies and critical incidents.**
- **Mandatory recurring training and a routine exercise schedule to evaluate performance and identify areas for improvement. Consider providing regular**



training to City officials who may be called upon to respond to the EOC during emergencies.

- **Detailed information regarding the site selection criteria for the Department Operations Center (“DOC”) and the necessary technological and clerical support equipment required for the effective management of a large-scale incident.**
- **Assignment of an operations section chief, planning and intelligence section chief, logistics section chief, public affairs liaison, and scribe when activating the DOC.**
- **Assignment of a tactical dispatcher or, at a minimum, a communications liaison when the DOC is activated.**

Department Instruction 122 will be rewritten in accordance with the best protocols listed. The Department has implemented formal ICS into our operational plans. There are many robust policies in existence that cover the areas listed, and LMPD will be reviewing all of those to develop the best NIMS/ ICS protocols.

Along with the EOC training that has occurred in mid-January 2021, the LMPD will work with City staff to train and prepare for a significant event and the roles involved.

- 6. Develop a policy to guide the planning process for special events and critical incidents, including specific criteria and the development of operations plans that align with recognized best practices.**

The Department will coordinate with local mutual aid partners to identify best practices to be incorporated into a newly developed policy.

- 7. Ensure the strategic operations plan considers officer allocation and assignments in the stages of response. Patrol officers should be the primary responders, supported by properly equipped and trained officers for effective crowd control management, and finally tactical response officers.**

The newly developed policy will incorporate the specifics identified in this recommendation, outlining the roles and responsibilities of personnel during the various stages of the response.

- 8. Ensure recurring hands-on crowd-control tactics training for all officers. Training should occur no less than once annually for dedicated Mobile Field Force (“MFF”) officers.**

The La Mesa Police Department sent 17 officers to a county-wide MMF training presented by the San Diego County Sheriff’s Department in October 2020. LMPD followed up the training with additional internal training in January 2021, where 41 officers attended. This mandatory training will be incorporated into the future policy.

- 9. Develop a formalized intelligence monitoring and reporting procedure to secure the timely dissemination of critical or pertinent information impacting LMPD or City operations.**

**The procedure should include the assignment of dedicated analysts for monitoring intelligence information and liaising with federal, state and local intelligence partners and proscribe specific reporting requirements for analysts.**

During the subsequent protests, LMPD increased intelligence collaboration with our federal, state, and regional partners and continue to identify best practices for La Mesa. The Department will incorporate the best practices into a written policy with the support of Lexipol.

**10. Routinely review and update a formalized emergency communications plan for the City of La Mesa that includes all city departments. Assign trained personnel to ensure when emergency information will be communicated across city departments and to the community.**

The La Mesa Police Department will work with other city staff to develop a comprehensive emergency communication plan that is consistent with NIMS/ICS protocols. Since the events on May 30th, the police department has increased its use of social media platforms to aid in information sharing with the community. The LMPD's goal is to share more frequent updates before, during, and after scheduled protest events and/or emergency incidents to provide the community with the most up-to-date information available. The Department has also made a conscious effort to work with other City staff to improve internal communications.

**11. Maintain a radio communication plan to support the effective inter-agency communications for multi-agency mutual aid response, including necessary equipment, radio frequencies and contingencies. The plan should be reviewed frequently to address any necessary programming changes.**

This was completed shortly after the May 30th event. Working with the County of San Diego Regional Communications System ("RCS"), all agencies are now able to communicate on encrypted frequencies when needed for large scale events.

**12. Ensure officers involved in emergency or critical incidents are provided with an opportunity for an after-action review and includes wellness support when needed.**

This has been addressed, and all critical incidents and those employees involved receive a critical incident debriefing, which is attended by members of the Peer Support Team, Department Psychologist, and Chaplain. Employees are given an opportunity to review their involvement and have discussions on what went well and what could have been done better. Our Wellness Program is documented in Department Instruction 116.

**13. Enhance awareness and access to employee wellness programs to focus on officers and civilians who experienced stress during and after the vandalism and violence aimed at LMPD employees and the police station.**

Post-May 30th, and to date, we have reminded the employees of their options for involvement in wellness programs. The LMPD has a robust Peer Support Team/Wellness Program that assists officers and employees with guidance through the available systems and any help they may need for loved ones. The Police Department has a Psychologist who is available to the employees at all times. The City's Employee Assistance Program is also an option, along with Focus and Counseling Team International.

AFTER-ACTION ASSESSMENT REPORT  
*La Mesa Police Department*

City Council Briefing  
January 26, 2021



## About Hillard Heintze

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*Hillard Heintze is the leading security risk management firm in the United States. We help clients protect their people, performance, interests and reputations by offering services that provide insight, deliver assurance and instill confidence.*

## Our Team

### *Subject matter experts*



Robert Davis  
Senior Vice  
President  
Law Enforcement  
Consulting



Robert Boehmer,  
Esq.  
Vice President  
Law Enforcement  
Consulting



Chad McGinty  
Senior Director



Michael Dirden  
Senior Advisor



## What you asked us to do

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### *After-action report and recommendations on law enforcement best practices based upon the civil unrest event of May 30, 2020*

- + Assess LMPD's actions before, during and after the protest and riot incidents of May 30, 2020
- + Understand the La Mesa community's perspective on the protest and the LMPD overall
- + Gain preliminary understanding of the Community's desired qualities of a new police chief



## What is an After-Action Assessment?

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*Opportunity to understand what happened, why it happened and identify strengths and weaknesses*

- + Focus on pre-incident planning, incident response and post-incident follow up
- + Helps LMPD prepare the department for future incidents
- + Measured in part against principles of the National Incident Management System (NIMS) and Incident Command System (ICS)

## A comprehensive process

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- + Reviewed documents
- + Visited the sites of the destroyed and damaged properties and the looting incidents
- + Interviewed
  - Police
  - Fire
  - Government officials
  - Community members
  - Business Owners
  - Citizen Public Safety Oversight Task Force Members
- + Conducted Community Listening Session
- + Compared what we are learning about LMPD's planning, response and follow-up to best practices employed by similar agencies



## Key Findings

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### *Overall Observations/findings*

- + La Mesa has a strong sense of community spirit and resilience
- + Residents are supportive of the LMPD but want the department to reform and improve its relationship with the community
- + LMPD and the community showed incredible restraint
- + The protests and resulting riots had a significant emotional impact on the community and LMPD employees
- + LMPD dispatchers did an exemplary job of remaining calm considering the circumstances



## Key Findings

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### *Planning and Coordination Efforts*

- + Proper centralized command was not clearly established
- + The Incident Command Post was not clearly identified
- + Operational plans were not sufficiently detailed
- + Span of control was less than optimal
- + LMPD improved its efforts during subsequent protests

## Key Findings

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### *Information and Communication*

- + Lack of formalized intelligence gathering and reporting process
- + No defined communication plan between LMPD, City officials and community
- + Inadequate radio interoperability between jurisdictions
- + Initial Mutual Aid support was limited due to the threat of widespread civil disturbances throughout the county

## Key Findings

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### *Training, policies and other*

- + Crowd control training was minimal
- + Heartland Fire and Rescue was operating in a hostile environment, which prevented them from staying on the scene to extinguish fires
- + Several LMPD's policies and procedures are out of date
- + LMPD does not have robust written policies and strategies directly related to community policing, community engagement and biased policing.



## Recommendations

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### *Policy Revisions – crowds and protests*

- + Response to First Amendment Events
- + Detailed and robust adherence to the principles of NIMS and ICS.
- + Clear criteria for establishing the Department Operations Center
- + Clear Criteria and guidance for the development of operations plans



# Recommendations

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## *Training and Communications*

- + Crowd Control Tactics
- + County-Wide Emergency Response Training
- + A formal City-Wide Emergency Communications Plan
- + Work with other agencies to develop a formal radio communications plan
- + Conduct regular after-action reviews



## Recommendations

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### *Employee Wellness*

- + Enhance awareness and access to employee wellness programs to focus on officers and LMPD professional staff who experienced stress during and after the vandalism and violence aimed at LMPD employees and the police station.



## Recommendations

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### *LMPD Current Implementation Efforts*

- + Updating and transitioning policies to Lexipol
- + Updated Use-of-Force Policy
- + Implemented formal ICS into Operational Plans
- + Implemented secure channel communication with San Diego County
- + Increased intelligence collaboration with Federal and State agencies
- + Provided Crowd-Control Training to Officers
- + Provided wellness support to LMPD officers and support staff



## Recommendations

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### *LMPD Future Implementation Efforts*

- + Work with CPOB to develop comprehensive Community Engagement, Cultural Competency, and Bias-Based Policing policies and training
- + Continue updating policies to national best practice standards
- + Develop Crowd Control Policies
- + Coordinate with local mutual aid agencies to develop best practices and policies
- + Provide ongoing crowd control training to officers
- + Provide additional Emergency Operations training to City Council and staff
- + Continue providing access to wellness programs for LMPD employees



*Questions?*

