



City of Albuquerque

Office of Internal Audit

FOLLOW-UP
DWI OVERTIME
Report #18-14-105F
October 25, 2017

INTRODUCTION

The Office of Internal Audit (OIA) performed a follow-up of Audit No. 14-105, DWI Overtime during fiscal year (FY) 2018. The purpose of this follow-up is to report on the progress made by the Albuquerque Police Department (APD) in addressing the audit's findings and recommendations. Our follow-up procedures rely on the department providing the status of the recommendations.

A follow-up is substantially less in scope than an audit. The objective is to report on the status of corrective action regarding the audit's findings and recommendations.

We limited our scope to actions taken to address our audit recommendations from the final audit report dated May 8, 2014 through the submission of actions and final contact with APD on October 19, 2017.

BACKGROUND

Overtime associated with law enforcement and court-related activities is a reality of any law enforcement agency. DWI overtime is an essential component for APD in providing quality law enforcement services to the citizens of Albuquerque. APD envisions a safe, secure community where the rights, history and culture of each citizen is valued and respected. APD's mission, in partnership with the community, is to engage in proactive policing to maintain order, reduce crime and the fear of crime through education, prevention and enforcement. This audit addressed grant funded DWI overtime and DWI court-related overtime.

APD's involvement with DWI cases does not end at the time of arrest. Though DWI charges may appear straightforward, the subsequent court-related overtime and proceedings are not. According to APD, some complicating factors involve public defenders, criminal defense attorneys, staff turnover at the District Attorney's office, and Metro Court case scheduling.

SUMMARY

Of the five recommendations addressed in the original audit report, all have been either fully implemented or resolved.

The status of the recommendations is identified by the symbols in the following legend:



Fully
Implemented



Resolved



In
Process



Not
Implemented

Recommendation #1:

APD should consider establishing a Memorandum of Understanding (MOU) or other means of working with the Metro Court to obtain a comprehensive understanding regarding the Court's case scheduling methodology. At a minimum, APD should work with Metro Court on the following processes:

- Automated scheduling:
 - Ensure the system applies the officer's preferred court day for initial hearing and subsequent hearings.
 - Establish a maximum number of cases an officer may be scheduled for simultaneously.
- Manual scheduling overrides:
 - Determine the process for scheduling overrides.
 - Determine the criteria for overrides.
 - Establish the required supporting documentation for manual scheduling overrides.
- Ensure APD's access to electronic data captured by the Court's check-in kiosk.

Response: *"Recently, Metro Court did switch to a new program called Odyssey which is mandated by the State of New Mexico for the entire state. This program is not just for Metro Court, but rather it is for all agencies in every city, town and village in New Mexico. There are many limitations and unanticipated issues with the application of the program to the Metro Court. It is a cookie-cutter program designed for multiple agencies without much ability to tailor the design to accommodate the large volume of information that Metro Court deals with."*

"As APD became aware of the change in programs at Metro Court, APD IT and Court Services actively worked with a company called Speridian to design a module to interact with the Odyssey program. Currently, they do have some access to Odyssey, but their ability to retrieve information once afforded to them from the previous AS400 system has been severely restricted by Metro Court. In doing so, the workload of APD Court Services personnel has increased three-fold without a change in the number of people completing the tasks."

"Originally, the design of the Speridian program was to limit scheduling of officers to specific days and times. However, APD does not have access to or the ability to tell Metro Court when to schedule officers. In contrast, that would be like Metro Court telling APD when officers have to appear to work for their assigned shifts. Metro Court is a separate agency, and they have made it very clear that based on the volume of cases they have it is essential to book officers on multiple court settings at various times and days throughout the week. Additionally, when Speridian went online for Court Services, it originally allowed for officer scheduling to be limited from outside sources other than the Metro Court. The District Attorney is a major stakeholder that was not identified in this audit, and they routinely

schedule cases in Speridian. The DA's Office was very upset that they were limited in case scheduling, and ultimately the restrictions were removed allowing them to schedule officers as needed.

"As for the recommendations in the audit, APD is not able to mandate how or when the court schedules officers. Metro Court was approached with a recommendation for an MOU, and they were not receptive to this. The Speridian system does identify and supply Metro Court with officers' primary court day and preferred times. The scheduling is completed by Metro Court staff, and they schedule officers when court schedules allow. There is not any rule that an officer can be scheduled for a maximum number of cases, and even if that was done there are other appearances such as pre-trial, MVD hearings, seizure hearings and other cases that will simply continue to get scheduled in open gaps when they are needed. APD is at the mercy of the judicial system for this.

"Regarding the recommendation that APD have access to electronic data captured by Metro Court's check-in kiosk; an attempt was made to gain access to this information, and Metro Court personnel were not willing to provide that information. This information may be a public record, and it may be possible to IPRA the information. However, that would be burdensome and time consuming, and the data received would not be current."

Estimated Completion Date: None provided

Status Reported by APD: "APD has met with Metro Court to request their compliance with the City of Albuquerque Office of Internal Audit recommendations. APD communicates with the Court on a regular basis and will continue to encourage the Court to make improvements in the process.

"Court discovery timelines are one factor in the override scheduling by Metro Court staff. As defense attorneys have 100 days following arraignment in which to conduct interviews, this leaves only 82 days in which the court may set the trial. Additionally, almost every judge in Metro Court will set a final pretrial conference prior to the trial setting, further reducing the available 82 days. If the officer provides prior notice of unavailability, the court will set the final trial setting on whatever day they wish, and point out there is no further time "on the rule" so they did not/could not follow the officer's court days. When Metro Court adopted their Odyssey program, the judges only concern was the ability to override the officer's schedule, and they were granted that ability.

"With 16 judges in Metro Court independently setting their cases, officers may be required to attend a large number of cases around the building, and APD has no control over that situation. Additionally, consider the seizure hearings, MVD hearings, pretrial interviews, and District Court settings.

"Another consideration is the time officers are in court waiting for their case to be called. Judges

prioritize their docket and will call “in custody” cases before “out of custody” cases. They will call “private attorney” cases before they will call “public defender” cases. Additionally, each judge’s docket is a daily combination of revocation hearings, arraignments, pretrial conferences, traffic cases, parking cases, officer prosecuted misdemeanors, domestic violence and DWI cases. The judge may call all cases before calling a specific officer’s case. So even in situations where an officer is present on a single case, they may be present and waiting for hours. This prevents the officer from clocking out, attending other hearings/settings, or returning to field work. Additionally, an officer must be present when the case is initially called, for example at 0900 hours, or the case will be dismissed/continued, but the judge may not be ready to receive testimony on the case until the afternoon. This is an area where APD could make further efforts to suggest cost/time saving opportunities for both Metro Court and APD, though again, APD does not dictate how Metro Court assigns their cases.”



Fully Implemented

APD considered establishing an MOU with Metro Court and continues to encourage the court to make improvements.

Recommendation #2

APD should:

- Work closely with ITSD to ensure that the Kronos/Workforce TeleStaff system will provide APD with the capability and tools necessary to effectively analyze various timekeeping data.
- Communicate the Department’s business needs, express any concerns regarding the new timekeeping system to ITSD, and address any limitations that may hinder the effective management of APD officer overtime.
- Determine the types of information and reports needed for comprehensive data analysis and effective management of overtime. At a minimum, the following information should be captured:
 - Various categories of overtime
 - Dates worked
 - Employee Number/Man Number
 - Case Number
 - Case Disposition
- Take an active and involved role in the planning and implementation of the new timekeeping system.

Response: *“The City of Albuquerque (COA) will be implementing TeleStaff for the APD in the upcoming months. The COA chose TeleStaff because it will address the APD’s specific scheduling changes by utilizing state of the art police scheduling and communications technology. Through the use of TeleStaff, APD will automate daily scheduling processes,*

communications, and routine workflow between employees and managers to achieve greater efficiency and accuracy in all areas of workforce management. Paper timesheets and overtime slips will be replaced with TeleStaff scheduling system.

“A highly skilled project team was selected and will begin the implementation, configuration, and training process with Kronos; the TeleStaff vendor. TeleStaff will be uniquely configured to address APD’s specific staffing practices/objectives, and will include their collective bargaining agreement rules; as well as other labor guidelines to which they are held accountable. This will result in a centralized and standardized framework of our policies and procedures encapsulated in TeleStaff from which staffing decisions will be made fairly, accurately, and with much more ease and compliancy.

“Once TeleStaff is implemented and personnel are trained, users will have their own secure login for the application providing them access to functionality they need to perform various staffing tasks, such as: access to their own personal calendar, receive and respond to work notification(s), enter their schedule preferences for overtime or extra duty work, submit time-off requests and review payroll information.”

Estimated Completion Date: None provided

Status Reported by APD: “The TeleStaff system was implemented in 2015 and 2016. Paper timesheets have been replaced with the on line system. APD continues to work with DTI on an on-going basis to make improvements to the time keeping and scheduling system.

“Categories of overtime, dates worked, employee numbers, case number and disposition are available in the system for court overtime.

“Sergeants, Lieutenants and Commanders have the ability to run overtime reports through the MyPal system each month. In that report, supervisors can review the number of overtime hours an officer worked for the month.”



Fully Implemented

APD involved DTI (formerly ITSD) during the latter stages of TeleStaff implementation to ensure that the program would capture the necessary overtime codes and data. APD continues to work with/request technical support from DTI as needed.

Recommendation #3:

APD should:

- Independently track, manage and enforce officer court attendance by:

- Analyzing compliance with the attendance policy,
- Recording the underlying reasons for officer Failure to Appear (FTA),
- Holding officers accountable for unjustified FTA, and
- Supporting change in case scheduling methodology.
- Establish a centralized process and location that maintains court attendance data.

Response: *“Due to many different systems and agencies involved in the judicial process and prosecution of cases, it is very difficult to accurately implement and track the failure to appear for all officers on the Albuquerque Police Department. With the implementation of the new Odyssey program for Metro Court, APD Court Services has very little ability to access information regarding FTA's. APD relies upon the District Attorney's Office to make notification of officer FTA's, and with the high turnover of DA personnel and the reluctance or inability to issue the FTA notice with proper information it is often difficult to obtain proper information.”*

“When supervisors receive a proper FTA notification for an officer that is within a timely manner as dictated by the collective bargaining agreement, the Albuquerque Police Department does conduct an investigation and takes appropriate action when the FTA is not justified.”

“As discussed in Recommendation No. 1, a change in case scheduling is not feasible as this is a Metro Court I District Attorney function. Metro Court has to schedule officers for court cases, and they only have a certain amount of time slots to hear each and every scheduled case. Furthermore, the courts have the ability to order officers to conduct pre-trial hearings with private attorneys. These orders take precedence and may result in contempt of court if the order is not complied with. It is a great idea to try and change the way scheduling is done, but unfortunately this is all done through external stakeholders that have an authority to force officers to appear or face consequences.”

Estimated Completion Date: None provided

Status Reported by APD: “APD follows up on all FTA reported to the Department from the District Attorney's Office. Any reported FTA is sent to the officer's Commander to determine if the absence was in compliance with the attendance policy.

“Recently, DTI created a sharepoint site which allows the District Attorney's Office to submit FTA notices online. This has streamlined the notification process and has the potential to allow the department to better track and react to trends in FTAs. Of importance, this has allowed the department to receive notice faster, so investigation into the reason behind an FTA is simplified.”



Fully Implemented

APD has established a central portal through which the District Attorney's office reports

FTAs. APD is currently running parallel operations (both manual process and sharpoint) and will be fully transitioned to using only sharepoint by January 2018.

Recommendation #4:

APD should:

- Enforce the Standard Operating Procedure 1-11-2 pertaining to court overtime so that required information is properly documented on overtime slips. The overtime slips should include:
 - Date
 - Court entry time
 - Court exit time
 - Case number
 - Case disposition (plea, trial, continuation, etc.)
- Conduct a comprehensive review of all SOPs related to overtime to verify relevance and accuracy following the implementation of the new timekeeping and administration system.

Response: “*The TeleStaff system will replace the usage of paper timesheets, overtime slips, and payroll correction forms. Department business process change will be delivered through user and supervisory training to include revised policies and procedures pertaining to regular and overtime hours scheduled and worked.*

“PeopleSoft (payroll system) does not have the functionality to "piece" overtime hours paid for one type of court appearance. For example, an officer paid 2-hours of metropolitan court (Metro Court OT) overtime could consist of several metropolitan court cases, one of which may be for a DWI case. The payroll system cannot "earmark" blocks of time paid by Court setting and/or case number or disposition. In addition, overtime data capture on an overtime slip is not relevant to compensation.”

Estimated Completion Date: None provided

Status Reported by APD: “Standard Operating Procedure 1-11-2 no longer exists and has been updated and replaced with Standard Operating Procedure 3-20.”



Fully Implemented

APD’s Telestaff system captures data pertaining to DWI overtime that the previous manual process did not. The previous SOP pertaining to overtime has been replaced with a new, updated SOP.

Recommendation #5

APD should require that all supporting documentation for timesheets be filed electronically with the corresponding timesheets.

Response: *"APD Payroll processes payroll according to corresponding timesheet(s) which is in accordance with the Fair Labor Standards Act. Again, with the implementation of the new timekeeping system, this issue should be alleviated."*

Estimated Completion Date: None provided

Status Reported by APD: "The Telestaff system has replaced all paper timesheets and is functioning as the input and approval system for information before it is transferred into the PeopleSoft system for final check processing."



Resolved

APD's Telestaff system has replaced paper timesheets; however, grant-related overtime still requires paper slips. TeleStaff does not have the functionality to store electronic supporting documentation. APD Planning retains all grant-related overtime slips and uploads the electronic records to the applicable grant.

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