

IRO Response to Consultant's Report

1. Recommendation 4-1: Develop a brochure to include with the public record letter that defines in plain language the terms used to explain the outcome of the investigation of the CPC to the complainant.

Response: Concur. This should be referred to the POC/LTPC for completion in conjunction with APD review. IRO should be primary and IA coordinating.

Status: Closed. New format of public record letter suffices so no brochure is needed.

2. Recommendation 4-2: Enhance outreach efforts to complainants and potential complainants to encourage the use of mediation.

Response: Concur: The development of this brochure should be referred to the POC/LTPC for completion. POC should consider whether this should be one or two brochures. The brochures will be put on the IRO website and mailed to complainants. (Included in the complaint form?) IRO should be primary and IA coordinating.

Status: Closed. The brochure will be completed after the SOPs are updated. The union has complained and will be included in the SOP updates. See Recommendation 4-4. Internal Affairs coordinated the mediation SOP with the union and prepared a brochure to be given to all officers to hand out to citizens.

3. Recommendation 4-3: Include "successfully mediated" as a complaint disposition category.

Status: Closed. Completed.

4. Recommendation 4-4: Develop a SOP in collaboration with IA that establishes a process and criteria for mediation.

Response: Concur. The SOP should contain time lines for first contact of complainant and officer and a short time to resolve/fail to resolve the complaint. IA should be primary and IRO should coordinate.

Status: Closed. IRO completed draft SOP. Lt Paiz will complete in early 2007 and the draft will be coordinated with the APOA for their input. The union approved the draft SOP and it will be forwarded to Policy Review Committee for final approval.

5. Recommendation 4-5: Change the CPC form to include more forced blocks to provide additional detailed information about the location, offices, and injuries involved in the alleged conflict.

Status: Closed. IRO staff completed changes and we printed the new form and have the new form on our website.

6. Recommendation 4-6: The IRO should not dismiss (inactivate) unsigned complaints and at a minimum should conduct a preliminary investigation if the allegations are serious and the facts can be established.

Response: Concur: For serious allegations such as use of force, false arrest, racial profiling, etc, the IRO should not inactivate without preliminary investigation, even if we cannot get the citizen to sign the complaint. IRO primary and Chief coordinate.

Status: Closed. Changed POC Rules to allow referral to IA as an I and we investigate the serious cases.

7. Recommendation 4-7: Extend the deadline for citizens to file appeals from ten business days to 30 calendar days.

Status: Closed. Pending at City Council to amend Ordinance.

8. Recommendation 5-1: Amend the Police Oversight Ordinance to include any language that was unintentionally omitted during the amendment process.

9. Recommendation 5-2: Remove term limits on POC members.

Response to 5-1 and 5-2: Concur. The POC should recommend to Mayor and City Council that the Ordinance be amended to provide for terms up to three years and no limit on the number of terms.

Status: Closed. Pending at City Council to amend Ordinance.

10. Recommendation 5-3: Create an orientation program for new members.

Response: Concur. IRO primary and IA coordinate.

Status: OPEN. LTPC create orientation program, including video of POC meeting, training on how a meeting is run (Roberts Rules of Order), training on most used SOPs. Ira Rimson will coordinate suggestions with all commissioners and complete in early 2007. This will be delayed due to the hiring for the IRO. Internal Affairs provided suggestions.

11. Recommendation 5-4: Monitor and track POC member attendance at all training and ride-along events to ensure compliance with the ordinance.

Status: Closed. Val monitoring and reporting to POC Chair.

12. Recommendation 5-5: Amend the Police Oversight Commission's Rules and Regulations to clarify if the references to the IRO in sections 8 and 9 include the IRO staff.

Status: Closed. Rules amended 9/14/06.

13. Recommendation 6-1: Hire additional investigators.

Status: Closed. Hired. Now have a total of three independent investigators.

14. Recommendation 6-2: Assign all CPCs to the IRO to investigate.

Response to 6-1 and 6-2: I concur that it would currently take two additional investigators for a total of four in the IRO office to investigate virtually all of the citizen complaints. Not only would this provide independent investigations of all citizen complaints, but it would also significantly reduce Internal Affairs caseload and allow them to investigate only Internal complaints without additional sergeants being taken off the street to conduct investigations. The Mayor and City Council have authorized the hiring of one more investigator by the IRO.

Status: Closed. I recommend we close this until we have reviewed the process after being fully staffed with three independent investigators.

15. Recommendation 6-3: Establish criteria for CPCs that will be handled by the IRO and those that will be referred to IA.

Status: Closed. Criteria agreed upon and signed by IRO and Chief.

16. Recommendation 6-4: Develop a strategic plan for community outreach in collaboration with the long-term planning committee (LTPC) and provide updates in quarterly and annual reports to the POC.

Response: Concur. The LTPC and IRO need to develop a strategic plan for both POC and IRO community outreach efforts.

Status: OPEN. IRO will draft a plan reflecting what is currently being done. LTPC is satisfied with the outreach efforts to the community. This will be delayed due to the hiring of the IRO process.

17. Recommendation 6-5: Team up with the city's Vietnamese Task Force to evaluate the community's understanding of the POC and IRO processes and determine outreach needs.

Status: Closed. IRO visited Vietnamese Task Force and members were satisfied with APD and understood the complaint process, if needed.

18. Recommendation 6-6: Conduct complainant surveys on an on-going basis, but seek ways to increase the number of responses and increase the depth of analysis.

Response: This recommendation requires additional funding for additional surveys and the hiring of an expert to review the survey instrument and assist the IRO with analysis of survey responses. Concur subject to funding.

Status: Closed. LTFC is impressed with current survey and analysis by IRO. Will add surveys for mediation cases in 2007. UNM will be contacted for assistance with analysis.

19. Recommendation 6-7: The Chief of Police and the Chair of the POC should take advantage of existing resources to request legal reviews of public record letters of record as needed.

Status: Closed. Chief and Chair understand they can request legal reviews from the Assistant City Attorneys assigned to them.

20. Recommendation 6-8: Revise the ordinance to extend the IRO contract time-period to more than a two-year contract as currently required.

Status: Closed, pending at City Council for amendments to Ordinance.

21. Recommendation 7-1: Develop criteria that establish the minimum and maximum length of time the IA commander may work in that assignment.

Response: Concur. IA is primary.

Status: Closed. Two year assignments in Internal Affairs.

22. Recommendation 7-2: Develop criteria for sergeants selected to work in IA that requires experience as a supervisor.

Response: Concur. IA is primary.

Status: Closed. The union contract requires any open position in IA to be advertised city wide to all non-probationary supervisors. It is recommended applicants have a year of supervisory experience and experience in investigations outside patrol duties.

23. Recommendation 7-3: Document informal complaints in the EWS.

Response: Concur. The IRO and POC need visibility on these complaints also. IA is primary and the IRO and POC should coordinate.

Status: OPEN, SOP being drafted. This will be delayed due to the hiring process for the IRO.

24. Recommendation 7-4: Move the responsibility of auditing of informal complaints from IA to the Inspections Unit and include in the audit program a review of SOPs, supervisors' reporting, and documentation by IA.

Response: Concur. IA is primary.

Status: Closed. The inspections Unit will audit informal complaints annually.

25. Recommendation 7-5: Reexamine the need for additional investigators in IA.

Response: Internal Affairs' caseload is directly related to how many citizen complaints must be referred to them for investigation. Staffing levels at the IRO office directly impact the number of citizen complaints that must be referred to Internal Affairs for investigation. Currently, neither staff has a sufficient number of investigators for the number of investigations required. IA is primary.

Status: Closed. Internal Affairs will continue to investigate complaints by citizens that the IRO refers to them. It is important that IA sergeants be in touch with the community they are serving.

26. Recommendation 7-6: Consider limiting IA's investigation to "I's only.

Response: See above.

Status: Closed.

27. Recommendation 7-7: Change the quarterly and annual report format to address all IA reporting requirements as delineated in SOPs.

Response: Concur. IA is primary.

Status: Closed. IA Pro will have a standard format that will satisfy this requirement. It is being purchased at this time.

28. Recommendation 7-8: Ensure the process for investigating captains and above is included in the department's SOPs.

Response: Concur. IA is primary and IRO should coordinate.

Status: Closed. Amended SOP was approved by IA and is pending final review by Chief.

29. Recommendation 8-1: Replace IAs EWS tracking spreadsheet software with “off-the-shelf” IA software that assists with the comprehensive analysis of data the generation of reports.

Response: Concur: IA is primary.

Status: Closed. IA has contracted for IA PRO software.

30. Recommendation 8-2: Include the tracking of resisting arrest and assault on police officer data in the EWS.

Response: I concur and further recommend that EWS also track disobeying an officer’s orders. These three are the classic areas of possible abuse and should all be tracked.

Status: Closed. APD will not add these areas onto EWS.

31. Recommendation 8-3: Review the function of the EWS review panel (SOP 3-49) to ensure it is being utilized as required by the SOP.

Response: Concur. Chief is primary and IRO will coordinate.

Status: Closed. The panel will meet quarterly in the future.

32. Recommendation 8-4: Modify the number of EWS entries, which an officer may receive before recommending intervention from an arbitrary set number to a more statistically valid number based on the deviation from a standard or norm for the area and the shift each officer works.

Response: Concur with a review of this process. Chief is primary and IRO should coordinate.

Status: Closed. IA will meet with the EWS panel, but recommends no change.

33. Recommendation 8-5: Assign APD’s Inspections Unit to audit UOF reporting.

Response: Concur. The use of force reporting has improved from 15% to 80+%, but has again dropped off. It is still inadequate. Additionally, the review process is not timely. This process needs significant and continued attention. Chief is primary and IRO should coordinate.

Status: Closed. Completed and IU will conduct an annual audit and produce an analysis for IA, commanders, the Chief and IRO.

34. Recommendation 8-6: Issue the “APD Sergeant Reference Guide” in training for all lieutenants and sergeants.

Response: Concur. Chief is primary.

Status: OPEN.

35. Recommendation 8-7: The APD should task the training committee to review this issue and coordinate in-service training for all supervisors (lieutenants and sergeants) that addresses information contained in the Sergeant Reference Guide and IA section of the OJT program.

Response: Concur. Chief is primary.

Status: OPEN.

36. Recommendation 8-8: Develop a process for monitoring and analyzing tort claim and law suit data that involves the City Attorney’s Office, Risk Management Office, IRO, and IA.

Response: Concur. Chief is primary and IRO should coordinate.

Status: OPEN.

37. Recommendation 8-9: Assign the Inspections Unit to conduct an audit of officers’ SOP manuals.

Response: Concur. Chief is primary.

Status: OPEN.

38. Recommendation 8-10: Distribute SOPs electronically to all APD staff.

Response: Concur. Chief is primary.

Status: OPEN.

39. Recommendation 8-11: Assign the Inspections Unit to audit briefing training to ensure that the training developed is being distributed properly to the field.

Response: Concur. Chief is primary.

Status: OPEN.

40. Recommendation 8-12: Include training about civilian oversight of policing agencies in the APD curriculum.

Response: Concur. Chief is primary. IRO will coordinate.

Status: OPEN.

41. Recommendation 9-1: Revise APD SOPs to include the multi-agency task force and protocols identified in the “Law Enforcement Involved Fatalities/Great Bodily Harm” MOU.

Response: Concur. Chief is primary.

Status: OPEN.

42. Recommendation 9-2: Establish a process and time line that officers will be placed on administrative leave following a shooting incident.

Response: Concur. Chief is primary.

Status: OPEN.

43. Recommendation 9-3: Include a discussion of the Behavioral Sciences Division Staff Psychologist protocol for officer involved shootings in SOP 2-31.

Response: Concur. Chief is primary.

Status: OPEN.

44. Recommendation 9-4: Expand the Critical Incident Review Board to conduct inquiries and make recommendations for officer involved incidents resulting in death or great bodily injury.

Response: Concur. Chief is primary.

Status: OPEN.

45. Recommendation 9-5: Reduce the time it takes APD detectives and the DA to investigate officer involved shootings and make a legal determination.

Response: Concur. While Chief Schultz has substantially reduced the time and changed the processes, it is still excessive and established time-lines for completion of the investigations should be included in SOPs. Chief is primary and IRO will coordinate.

Status: OPEN.

