

Auditor's Fifteenth Draft Quarterly Report  
Quarter Ending May 16, 2001

## **1 Introduction**

This document represents the fifteenth of an anticipated 20 "Auditor's Quarterly Reports" (AQR) assessing the levels of compliance of the City of Pittsburgh (city) with the requirements of the consent decree (decree) entered into between the city and the United States Department of Justice (justice) on April 16, 1997. The document consists of three sections, identified below:

- Introduction;
- Compliance Assessment; and
- Summary.

The methodology employed by the auditor, definitions used by the auditor, key dates for the audit process, a description of the compliance audit process, and operational definitions of "compliance" are described in Section One, "Introduction." Section Two, "Compliance Assessment," includes the findings of the audit, and specific examples of compliance and non-compliance observed during the audit process. Section Three, "Summary," provides an overall assessment of the city's performance for this quarter.

### **1.1 Overall Status Assessment**

#### **1.1.2 Dates of Project Deliverables**

Two specific dates accrue to deliverables for the decree: the date of entry of the decree (April 16, 1997), which times deliverables of the city; and the date of appointment of the auditor (September 16, 1997), which times deliverables for the compliance audit.

### **1.2 Format for Compliance Assessment**

The AQR is organized to be congruent with the structure of the consent decree. It reports on the city's compliance using the individual requirements of the decree. For example, the first section of actual compliance assessment deals with the requirements, in paragraph 12 of the decree, relating to development of an automated "early warning system," now known to the Bureau of Police as the Performance Assessment and Review System (PARS). The following components of the decree are treated similarly. Compliance is classified as primary, secondary and "operational," with the definitions specified in Section 1.4, below.

### **1.3 Compliance Assessment Processes**

#### 1.3.1 Structure of the Task Assessment Process

Members of the audit team have collected data on-site and have been provided data, pursuant to specific requests, by the Pittsburgh Bureau of Police (PBP) and the Office of Municipal Investigations (OMI). All data collected were of one of two types. They were either collected by:

- Selection of a random sample, or
- Selecting all available records of that type.

Under no circumstances were the data selected by the audit team based on provision of records of preference by personnel from the Police Bureau or OMI. In every instance of selection of random samples, PBP personnel were provided with lists requesting specific data, or the samples were drawn directly by the auditor or the auditor's staff while on-site.

The performance of the PBP and the City of Pittsburgh (city) on each task outlined in the consent decree was assessed by the auditor during the quarter ending May 16, 2001. The site visit for this quarterly report was conducted on July 10-13, 2001.

All determinations of status for the city and the PBP are data-based, and were formed by review of the following types of documents:

- Official PBP documents prepared in the normal course of business;
- Official Office of Municipal Investigations (OMI) documents prepared during the normal course of business; and/or
- Electronic documents prepared by the city or components of city government during the normal course of business.

Where practicable, documentation forming the database for this audit was selected by the auditor and the auditor's staff directly from PBP, OMI or city files. Where this was not the case, the auditor verified the accuracy of documents provided by checking secondary sources. For example, records of complaints filed against police officers, and the status of those complaints, were assessed by reviewing OMI files, OMI electronic files, and zone performance files.

### **1.4 Operational Definition of Compliance**

For the purposes of this audit, "compliance" consists of three components: primary compliance, secondary compliance, and operational compliance.

Primary compliance is viewed as the administrative piece of compliance. It entails the creation of policy, procedure, rule, regulation, directive or command to "comply" as required by the text of the decree. Secondary compliance deals with training, supervision, audit and inspection, and discipline to ensure that a specific policy is being implemented as designed. To achieve operational compliance, both the primary—policy and directives—and secondary—training, supervision, audit and inspection, and discipline—must be achieved, and the directives must, by matter of evidence, be followed in day-to-day operations of the bureau.

During the fifteenth quarter of the decree, the city, the bureau and OMI have continued to implement the changes required by the decree. The commitment continues to be to implement both the letter and the spirit of the decree.

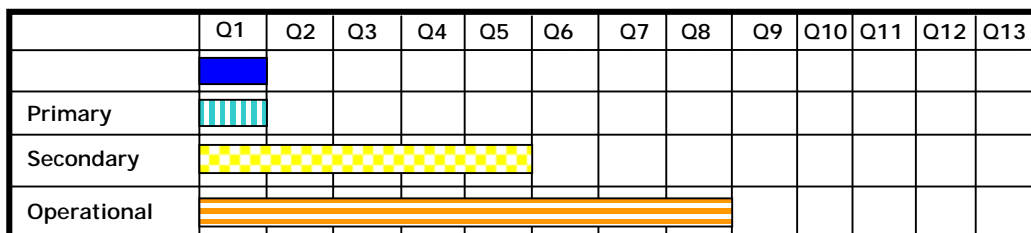
### 1.5 Depicting Compliance Levels

This report uses both a narrative and graphic schema to depict compliance levels with the requirements of the consent decree. The narrative depiction labels compliance in the three categories as follows:



Status:            Primary:        Compliance Level  
                           Secondary:    Compliance Level  
                           Operational:   Compliance Level

With appropriate compliance levels reported for each level of assessment.

The graphical depiction shows each level of compliance in relation to the time provided by the decree to reach compliance. The figure below depicts compliance levels on a hypothetical task.



The solid blue bar indicates the time allowed by the decree to reach compliance, in this case, one quarter. The “primary,” “secondary,” and “operational” task bars indicate the time the agency took to achieve the various levels of compliance. A vertically patterned light blue bar indicates compliance achieved within the time allowed. A checkered yellow-bar depicts compliance which was achieved in a period of time that was longer than that allowed by the decree, but which does not, in the opinion of the auditor, seriously affect the city’s successful compliance with the decree. A horizontally

patterned orange bar  indicates that compliance was achieved in a period of time that was longer than that allowed by the decree, and which *may* affect eventual compliance. A solid red bar  depicts that compliance was achieved in a period of time that was longer than that allowed by the decree, and which, in the opinion of the auditor, *does* affect eventual compliance.

## 2 Assessment of Compliance

### 2.1 Methodology

The auditor assessed the city's compliance using the *Auditor's Manual*, included as Appendix A of the first quarterly report. The *Manual* identifies each task required by the consent decree and stipulates the methodology used to assess compliance. Compliance was assessed as primary, secondary and "operational" (see section 1.4, above).

The following sections of the fifteenth Auditor's Quarterly Report contain a detailed assessment of the degree to which the city has complied with the 74 tasks to which it agreed on April 16, 1997.

### 2.2 Assessing Compliance with Task 12: Automate the PBP Early Warning System (PARS)

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 12-a of the decree requires the city and the PBP to automate the database tracking system currently in use to assess police officer performance, and to add functionality to the system, transitioning it to an "early warning system" which will assist the bureau in identifying and managing officer performance which may need improvement. The bureau has expanded the EWS concept into a Performance Assessment and Review System (PARS).

#### Methodology

During the site visit for the fifteenth quarterly audit, the auditor reviewed the operational PARS for conformance to the requirements of the decree. The review was conducted by obtaining PARS-specific data for the first quarter of

2001 and reviewing the performance factors for all PBP personnel. As part of this review, data were assessed for all active police officers, assessing particularly the officers whose activity levels were assessed to be one or more standard deviations above the mean for their workgroups in the areas of citizen complaints, search and seizure activity, use of force, discretionary arrests and traffic stop activity. Results of the auditor’s review are noted below.

A review of PARs data by command staff this quarter noted:

- 48 police officers who were continued on monitoring status based on previous indicators from earlier quarterly audits;
- 94 police officers whose performance in the area of warrantless search and seizure fell one or more standard deviations above their work group means;
- 118 officers whose performance in the area of the application of force fell one or more standard deviations above their work group means;
- 63 officers who were selected for review due to combined rankings for sick leave, citizens complaints, missed court, discretionary arrests and other indicators; and
- Two officers who were the subject of gender or racial bias complaints.

In each of these cases, command staff review was appropriate, and related to the tenets of good supervision. A total of 58 supervisory actions (monitoring, discipline, counseling, etc) were taken by command staff based on this quarter’s COMPSTAR review and associated information. A continued supervisory presence was also noted this quarter compared to last, with clear evidence that supervisory personnel are using PARS, in conjunction with the performance evaluation process, to identify and respond to personnel not in compliance with departmental policies and to prevent possible infractions.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.2.1 Assessing Compliance with Task 12-a: Nature of Early Warning System Record Keeping**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 12-a of the decree requires the city to collect, analyze and report specific items related to officer performance and behavior through an automated early warning system.

Methodology

During the site visit for the fifteenth quarterly audit, the auditor reviewed the city's Performance Assessment and Review System (PARS). PARS is now completely operational, and was used by the PBP command staff to conduct its sixth quarterly analysis during the month of May, 2001. The auditor's review for the fifteenth quarter was conducted by reviewing 100 percent of the related data included in the PARS. The bureau and the city continue to inspect and audit the records in the PARS, and quality control is an on-going process. During the week of the auditor's site visit, the command staff conducted its quarterly analysis of PARS data. During that analysis, the command staff reviewed the performance parameters of 315 officers who, based on their performance records during the quarter, fell one or more standard deviations above the mean for their work groups on the various tasks assessed by PARS, or who had higher numbers of overall performance indicators than their peers. From those 315 officers, command staff selected 58 for some form of continued or increased scrutiny, based on their performance over the last quarter. The PARS reports accurately on each of the parameters required by the consent decree.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.2.2 Assessing Compliance with Task 12-b: Nature of PARS Retrieval Systems**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 12-b of the decree requires the city to build into the PARS the ability to retrieve information from the PARS by officer, squad, zone, unit, regarding the execution of "discretionary arrests," traffic stops, searches and seizures, and use of force.

Methodology

During the site visit for the fifteenth quarterly audit, the auditor reviewed the operational PARS for conformance to the requirements of the decree. A review of the capabilities of the PARS indicates that the system is capable of retrieving, analyzing, and reporting data across each of the variables required by the decree. More than 300 separate tests were performed, using the PARS and its supporting OMS. The OMS reported accurately in each of the tests, and the PARS accurately reflected the data contained in the OMS.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.2.3 Assessing Compliance with Task 12-c: Establishing Data Retention Schedules for the PARS**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 12-c of the decree requires the city to archive the records in the PARS for three years after the involved officers' separation from service, and requires that all records be archived indefinitely. In addition, it requires the city to enter all relevant data for three years prior to April 16, 1997.

Methodology

During the site visit for the fifteenth quarterly audit, the auditor reviewed the operational PARS for conformance to the requirements of the decree. Data continue to be entered as required by the decree. The auditor found no instances of data being purged from the PARS in conflict with the requirements of the decree.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.2.4 Assessing Compliance with Task 12-d: Developing Written Protocols for Operation of the PARS**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 12-d requires the city to develop a protocol for use of the PARS that would:

- Establish trigger thresholds for review of officer records by senior supervisors;
- Establish requirements for frequency of review of officer records by senior supervisors;
- Establish the types of corrective actions to be taken by senior supervisors;
- Establish confidentiality and security provisions for the PARS;
- Establish requirements for quality assurance checks of data input; and
- Have the protocol submitted for review 30 days before implementation.

Methodology

During the site visit for the fifteenth quarterly audit, the auditor reviewed the operational PARS for conformance to the requirements of the decree. The review was conducted using a live database from the operational PARS.

Now that the PARS is on-line and in daily production, the auditor was able to assess each of the 16 factors required of the PARS by the consent decree. The operational system reports and tracks each of the 16 required factors, and does so in a manner that would make it reasonably practicable for a line supervisor or command officer to use the system to monitor officer performance, in compliance with the requirements of the decree. Command staff use PARS and supporting systems to conduct quarterly analysis of personnel performance.

Status:           Primary:       In Compliance  
                       Secondary:   In Compliance  
                       Operational: In Compliance

**2.3 Assessing Compliance with Task 13: Developing a Use of Force Policy**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 13 requires the city to develop, within four months of entry of the decree, a use of force policy which conforms to professional standards and applicable state law. The paragraph further requires the city to submit the policy to justice for approval prior to implementation.

Methodology

Further, the auditor conducted a thorough review of a random sample of 7.6 percent of 169 Subject Resistance Reports generated by PBP personnel during the quarter. The review conducted by the auditor indicates an acceptable level of command review. Bureau SRRs were reviewed appropriately in 100 percent of the cases selected for review. This figure exceeds the required 95 percent compliance rate.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.4 Assessing Compliance with Task 14: Development of an Effective Strip Search Policy**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 14 requires the city to develop effective strip search policies, allowing PBP officers to conduct strip searches only when authorized by a supervisor, and then only if specifically trained to do so. The searches must be performed in conformance with hygienic procedures, in a room specially designated for strip

searches, under specific controls. The policy further must preclude field strip searches in all but exigent circumstances.

Methodology

The auditor reviewed **all** completed electronic records dealing with FCSSRs for the quarter, and found five that reported a strip search. All of these searches were approved in advance by supervisory personnel, and were conducted in locations expressly approved for such procedures. All strip searches were conducted in accordance with policy, although the auditor did note reporting problems with three of the searches (see section 2.5, below)

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.5 Assessing Compliance with Task 15: Written Reports of Specific Police Actions**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 15 requires the city to establish reporting requirements each time a police officer uses force, conducts a warrantless search or seizure, or conducts a body cavity search.

Methodology

The auditor reviewed a randomly selected sample of Subject Resistance Reports (SRRs) and Field Contact/Search/Seizure Reports (FCSSRs) to assess the level of accuracy of reporting and supervisory review for these reports. A 7.6 percent sample of 169 SRRs written during the fifteenth quarter was selected for review. In addition an eight percent sample of 576 completed search and seizure reports was selected for review. A 100 percent sample of five strip searches was selected for review. While these samples are lower than in past audit cycles, this reflects eight straight quarters of 100 percent compliance on these tasks. All of the reports (with the exception of three strip search reports) reviewed this quarter were found to be in compliance with the requirements for search and seizure and use of force reporting. For the first time in seven quarters, the auditor found evidence of reporting problems with strip search processes reported by

bureau personnel. Of the five searches reported, one used problematic language, noting that during a pat-down search of a suspect, the officer felt a bulge in the suspect’s trousers which he “immediately recognized as a package containing cocaine.” While the officer would have certainly **suspected** the presence of drugs, based on his training and experience, it is not possible, by touch alone, to “immediately recognize” cocaine. Supervisory review failed to note this problem. A second report was an example of poor reporting, relating to “reason to suspect” an individual not under arrest might be carrying a weapon. A third report, a verbal “consent” did not make it clear that the required warnings were read to the suspect, possibly resulting in a consent search that may not have been knowingly consented to. Supervisory review did not note these problems. The error rate, however, remains within the acceptable margin of error, with only three problematic reports noted from among 750 reports reviewed, and error rate of 0.004 percent.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.6 Assessing Compliance with Task 16: Reporting Traffic Stops**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 16 requires the city to establish reporting requirements each time a police officer makes a traffic stop. The city has promulgated a protocol requiring officers to report traffic stops, and establishing a review function for these activities. Training for PBP personnel regarding reporting traffic stop information was completed during the third quarter. The bureau has begun collecting traffic stop data, using the form designed by the city. These data are available at the Zones, and have been entered into the PARS. The eighth quarter was the first quarter in which detailed assessment of traffic stop information was possible, as the tabular data from the PARS regarding traffic stops was available through the PARS as of this audit cycle.

Methodology

Traffic stop data for 4,421 stops were assessed by the monitoring team during the fifteenth quarter. The auditor found the traffic stop data to accurately reflect information included in the COMPSTAR review conducted by command staff. In

addition, the audit team noted that the bureau has initiated disciplinary proceedings against at least one officer this quarter for failure to report traffic stops in accordance with bureau policy (the same number as last quarter). This is the second quarter in which disciplinary proceedings have been noted for failure to complete traffic stop reports. Discipline assigned by the bureau for these infractions, in both cases, was a suspension of five days, pending termination. The bureau is judged to be in compliance with this task based on current and past performance.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.7    Assessing Compliance with Task 17: Entry of Data into the PARS**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 17 requires the city to enter data regarding use of force, traffic stops, warrantless searches and seizures, and other indicators of police activity levels into the planned automated Early Warning System. The city has developed protocols requiring entry of data as required by the consent decree.

Methodology

The auditor has reviewed these protocols and found them to be acceptable. During his fifteenth quarterly site visit, the auditor tested data entry protocols by performing more than 100 individual tests of the system. The PARs and OMS reported accurately in each of these tests.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.8 Assessing Compliance with Task 18: Audits of Use of Force**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 18 requires the city to cause supervisors and senior supervisors to conduct "regular audits" of PBP officers' use of force, and to act on information concerning the use of force with the goal of reducing or preventing use of excessive force.

Methodology

The auditor reviewed a 7.6 percent sample of the 169 completed SRRs for the quarter. Each report was appropriately reviewed by command staff, and reports incorrectly completed were noted and re-routed for remediation. No errors were noted in the SRRs reviewed by the auditor.

Status:           Primary:       In Compliance  
                       Secondary:   In Compliance  
                       Operational: In Compliance

**2.8.1 Compliance with Task 18-b: Analyze Use of Force Quarterly**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 18-b requires senior supervisors to analyze use of force data quarterly. The bureau continues to complete quarterly analyses of use of force data, using the Officer Management System and PARS. The analysis identified use of force trends, as well as focusing on officers who recorded higher than average use-of-force rates. The command staff used the OMS and PARS to identify officers receiving complaints of excessive force, officers who had higher-than average levels of use-of-force rates in any one of the past four quarters, and to assess overall trends in use of force. These assessments became part of the quarterly "Computer Statistical Trend Analysis and Review" (COMPSTAR) meeting minutes, along with recommendations for counseling, retraining or other

solutions to issues raised with specific officers' use of force practices. Protocols require follow-up at the next quarterly PCS meeting to evaluate the effectiveness of these solutions.

Methodology

Using the PARS/OMS system, the auditor identified, during the fifteenth quarterly audit, 94 officers whose use of force statistics (or associated activity levels) were one or more standard deviations higher than their group norms, and who, in the auditor's opinion, required further scrutiny. All zone commanders checked subject resistance report data as part of their routine quarterly analysis, and all 94 of the officers identified by the auditor were also noted by zone commanders. The increase in the rate of officers noted by the auditor this quarter, over previous quarters is due to the fact that, during the thirteenth and fifteenth quarters, the auditor reviewed a 100 percent sample of SRR reports (electronically, using PARS data), rather than selecting a sample for review. Command staff selected five officers for increased scrutiny, based on their review of use-of-force performance factors this quarter.

Status:           Primary:        In Compliance  
                       Secondary:    In Compliance  
                       Operational:  In Compliance

**2.9                    Compliance with Task 19-a: Review Search and Seizure Reports through Chain of Command**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 19-a requires the city to review search and seizure reports, through the officers' chains of command, within one week of the search or seizure. The protocol for searches and seizures has been approved, and training and implementation have been completed.

Methodology

During the site visit for the fifteenth quarter, the auditor selected a random sample of 7.6 percent of 576 FCSSRs completed during the quarter. Each of these reports was analyzed to ensure the report met the requirements of task 19-

a. Further, each of the selected reports was reviewed for probable cause (in the event of a search) or reason to suspect (in the event of a field stop and investigation). The narrative of each of the reports was assessed, and supporting documentation, where available, was reviewed. The bureau continues to note incidents of poor reporting, when they occur, and continues to retrain officers who exhibit problematic reporting on search and seizure events.

Of the reports reviewed, none were judged to be problematic. The error rate for FCSSRs for the fifteenth quarter is zero. This is attributable, in part, to the internal review process established by the bureau, as well as increased scrutiny of FCSSRs by zone supervisors.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.9.1 Compliance with Task 19-b: Quarterly Analysis of Search and Seizure Data**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 19-b requires the city to analyze the search and seizure activity of its officers on a quarterly basis.

Methodology

Command staff used search and seizure data, generated by PARS, to assess officers' performance, identifying officers who were above average in this category. These officers were noted to be of two types: those who were active in search and seizure processes, but whose reports indicated no problematic behavior, and those whose activities indicated additional training, counseling, or supervision. The command staff selected the first group of officers for potential commendation, and the second group for potential remediation.

Using the PARS/OMS, the auditor identified 118 officers whose FCSSR data fell one or more standard deviations above the mean for their work groups. All of the zone commanders reviewed each officer under their command whose FCSSR data exceeded work group norms by one or more standard deviation. This review included a thorough review of both electronic data, and a review of actual

FCSSRs completed by these officers. The command staff review noted each of the 118 officers identified, independently, by the auditor as indicating a need for further scrutiny. The increase in numbers of officers identified by the auditor is due to the fact that, during the last three quarters, the auditor drew a 100 percent sample of PARS FCSSR data for analysis. Command staff selected four officers for additional scrutiny, based on a review of their performance factors.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.10 Compliance with Task 20-a: Review of Allegations of Racial Bias**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 20-a requires the city to review all allegations of racial bias through the officers' chains of command within one week of completion of the investigation. The bureau currently relies on OMI for notice of allegations of racial bias and requires review after notification.

Methodology

During the course of reviewing OMI completed investigations, the auditor screened these complaints for allegations of racial or gender bias. During the fifteenth quarter, two allegations of racial or gender bias on the part of bureau officers were completed by OMI, and forwarded to the bureau for review during the fifteenth quarter. Racial bias complaints are monitored closely by command staff, and each quarterly COMPSTAR review includes a discussion of the status of these complaints, as well as the nature of the review conducted pursuant to the policy outlining PARS protocols for racial bias complaints.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.10.1 Compliance with Task 20-b: Quarterly Analysis of Racial Bias**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 20-b requires supervisors to use the PARS on a quarterly basis to assess allegations of racial bias for patterns or irregularities. The bureau, during the week of August 2, 1999, developed a specific protocol for quarterly analysis of potential indicators of racial bias. The protocol requires the command staff to review an officer's complete PARS file if any of eight events involving the officer occur during any given quarter.

These events include:

- Notation on the Supervisor's Daily Activity Report (SDAR) of any indication of racial or gender bias on the part of a given officer;
- A complaint by a supervisor of racial or gender bias against an officer;
- A peer complaint of racial or gender bias;
- An OMI complaint of racial or gender bias;
- Filing of a lawsuit, in which the officer is named, contending racial or gender bias;
- Any indication, during a normal review of routine police reports (offense reports, arrest reports, search and seizure reports, subject resistance reports, etc.) that an officer indicates potential racial or gender bias;
- Comments made by an officer indicating racial or gender bias; or
- A non-OMI complaint of gender or racial bias.

The quarterly analysis conducted by command staff during the week of May 12, 2001 identified two officers with at least one of these "trigger" events. Each of the two events was analyzed by command staff in accordance with the requirements of the decree.

Status:            Primary:        In Compliance  
                       Secondary:    In Compliance  
                       Operational: In Compliance

**2.11 Compliance with Task 21-a: Imposing Appropriate Remedial Action**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 21-a requires the city to impose appropriate remedial action after evaluating officer behavior, and to take appropriate action for officers who have received three or more similar citizens' complaints in a two-year period, or five or more complaints in a two-year period.

Methodology

The auditor reviewed all discipline imposed by the bureau for the fifteenth quarter. Based on records obtained from the office of the chief of police, eight individual disciplinary actions, involving citizens' complaints, were taken by the bureau during the period of time covered by this report. The auditor reviewed all disciplinary actions reported for the fifteenth quarter, and found the decisions of the command staff to be reasonable, based on the tenets of progressive discipline.

Based on the protocols of progressive discipline, the bureau is responding within its anticipated range of responses in delivering discipline. Offenses recorded for these eight disciplinary actions included:

- Failure to complete Track III requirements;
- Failure to report a traffic stop;
- Unprofessional conduct; and
- Truthfulness.

Discipline for the eight incidents involving interactions with the public included:

- Oral reprimands;
- Written reprimands;
- Anger management training;
- Demotion;
- One day suspension; and
- Five day suspension pending termination.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.11.1 Compliance with Task 21-b: Imposing Retraining and Counseling**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 21-b requires the city to also impose retraining or counseling in all cases in which a citizen's complaint has been sustained, except those resulting in termination, based on review of officer behavior.

Methodology

The auditor reviewed the bureau's disciplinary processes for February 16, 2000 to May 15, 2001. The bureau's disciplinary process was reviewed in detail in Section 2.11, above. In addition to a review of the data included in that section, the audit team reviewed disciplinary action reports for all officers disciplined during the quarter. Disciplinary action taken by the bureau included retraining, counseling, and other appropriate forms of "retraining" and "counseling."

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.11.2 Compliance with Task 21-c: Consider Prior Record in Determining Discipline**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 21-c requires the city to consider an officer's prior record in determining discipline.

Methodology

According to records provided by the bureau and the Office of Municipal Investigations, 24 individual disciplinary actions were taken by the bureau this quarter. Each of the 24 disciplinary actions taken by the bureau was reviewed for evidence that prior disciplinary records were considered when imposing discipline. Three of the disciplinary actions taken this quarter indicated a modification to discipline based on past record.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.12 Compliance with Task 22: Disciplinary Files at the Zone Level**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 22 requires the PBP to establish disciplinary action files, or "performance files" at the zone level.

Methodology

During the site visit for the fifteenth quarterly report, members of the monitoring team reviewed performance files and supervisory daily activity reporting at five zones (One, Five and SDD) Partial audits of both the supervisory daily activity reporting systems were conducted during the fifteenth site visit. Supervisory activity remains at acceptable levels, with officers (and some supervisory personnel) selected for "monitoring" showing an active supervisory review of their activities. Minor problems with "canned language" and insufficient detail in supervisory reports at SDD were noted.

Status:           Primary:       In compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.13 Compliance with Task 23: Annual Performance Evaluation**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 23 requires the city to implement an annual performance evaluation process for all officers, supervisors and senior supervisors. Further, it requires supervisors and senior supervisors to be evaluated based on their ability to prevent and address misconduct by officers. In addition, paragraph 23 requires officers to be evaluated, in part, on their complaint history.

Methodology

No performance evaluations were audited during this quarter. During the course of the thirteenth quarterly audit, a total of seven police officers' files were reviewed in detail. Each contained performance evaluations completed in accordance with established policy. This 100 percent compliance follows similar audits during previous site visits in which the performance assessment forms were present in all files reviewed.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.14 Compliance with Task 24: Performance Based Promotion**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 24 requires the city to use performance evaluations as a factor in promotional decisions.

Methodology

The bureau has promoted several officers to sergeant, lieutenant, or commander during the 15<sup>th</sup> quarter. A complete audit of performance evaluations will be conducted during the 16<sup>th</sup> quarterly site visit. The bureau remains in compliance based on the review conducted for the thirteenth quarter.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.15 Compliance with Task 25: Provision of an Employee Assistance Program**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 25 requires the city to continue to provide PBP employees with an Employee Assistance Program, including counseling and stress management services for officers, offered by certified, trained and experienced counselors, and supported by department-wide publicity of EAP availability, non-retributive attendance for employees, and non-binding referrals to the EAP.

Methodology

Evidence continues to exist to support the bureau’s operational compliance with paragraph 25. Reviews of zone "performance files" indicate that the EAP is being used by departmental personnel and departmental managers. Bureau discipline continues to use the EAP as part of its progressive discipline campaign. The city continues to sponsor EAP-related forums and to advertise the availability of EAP offerings. One employee was placed on extensive “Track III” employee assistance during the fifteenth quarter, in lieu of termination, and two employees were suspended for five days (pending termination) for violation of their Track III agreements.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.16 Compliance with Task 26: Notification of Adverse Involvement**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 26 requires the city to obtain notice of adverse involvement from its officers any time they are arrested, criminally charged, or named as a party to a civil suit. In addition, the paragraph requires the city to discipline or retrain officers found guilty or liable by a court. Further, the paragraph requires OMI to conduct investigations of such events.

Methodology

A review of Bureau records indicates that the bureau continues to monitor its officers' activities for adverse involvement. The bureau's records included notice regarding pending civil litigation (not related to duty incidents), and filed civil court orders. Discipline during the 13th quarter involved one incident of disciplinary action for failure to provide notice of adverse involvement. No finding of liability was noted this quarter. No incidents of adverse involvement were noted this quarter.

Status:           Primary:       In compliance  
                       Secondary:   In Compliance  
                       Operational: In Compliance

**2.17 Compliance with Task 27: OMI to Monitor Criminal Proceedings**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 27 requires the Office of Municipal Investigations to monitor all criminal proceedings containing allegations of false arrest or improper search and seizure by PBP officers. This paragraph also requires the bureau to implement appropriate discipline for officers who are found to have committed misconduct as a result of these reviews.

Methodology

The bureau has established an agreement with the district attorney in which the DA will notify the PBP in the event that criminal charges are filed, at the county level, against any PBP personnel. This agreement includes notice of suppression hearings lost as a result of illegal activity. Further refinement of this process was achieved during the sixth quarter, with publication of deputy chief's memo DCOP 98-309, requiring officers who have arrested PBP officers for any criminal charge to file a memorandum "detailing the results of the hearing."

PBP policy calls for these memoranda to be forwarded to OMI for their review. Based on concerns expressed by the auditor that the DA's office has forwarded no notifications of lost suppression hearings, etc., the chief of police has modified the reporting practice between the district attorney and the bureau. Court liaison personnel have begun to specifically inquire monthly, about allegations of false arrest or improper searches on the part of PBP officers. During the fifteenth quarter, three such inquiries were made of the DA's staff. The auditor reviewed reports of these inquiries, which noted no lost suppression hearings due to poor probable cause, etc.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.18 Compliance with Task 28: Sanctions for Officers Involved in Settled Litigation**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 28 requires the city to implement appropriate discipline "as the circumstances and OMI investigation warrant," in all instances in which PBP officers are the subject of civil litigation.

Methodology

Personnel files were reviewed for evidence of PBP officers involved in settled civil litigation noted during the fifteenth quarter, and none was found. During the sixth quarterly audit, however, the department received notification of settled

litigation involving two Bureau officers. During the seventh quarter, this case was reviewed by command staff, and disciplinary action was taken in April, 1999. It is clear from the review that the bureau continues to be in compliance with this task.

Status:           Primary:       In Compliance  
                       Secondary:   In Compliance  
                       Operational: In Compliance

**2.19 Compliance with Task 29: Provision of Legal Advisor Services**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 29 requires the city to provide PBP officers with legal advice on a 24/7 basis. Further the paragraph requires the legal advisor to provide training regarding legal aspects of search and seizure, use of force, and racial bias.

Methodology

The auditor has interviewed the police legal advisor, assessed the degree to which his legal bulletins are available to police personnel, and assessed the viability of the policy which announces and controls his availability. Chief’s Memo 97-245 announces the availability of a police legal advisor on a 24-hour basis, seven days per week, providing a pager number, and a home telephone number. Further, the policy provides a back-up process for those occasions when the legal advisor is not available. The legal advisor continues to provide support for the bureau, publishing legal bulletins, and providing in-service training and remedial training for Bureau officers. The legal advisor is also active in reviewing Field Contact/Search and Seizure reports filed by Bureau officers. The bureau continues its compliance with this task.

Status:           Primary:       In compliance  
                       Secondary:   In Compliance  
                       Operational: In Compliance

**2.20 Compliance with Task 30: Develop a Rotation Schedule**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 30 requires the PBP to develop a department-wide rotation schedule to ensure that officers are regularly supervised by different sergeants and lieutenants and that they regularly work with different officers.

Methodology

The PBP continues to implement its rotation plan. The plan, supported by Chief's Memo 97-550, requires routine consent-decree transfers in January of each year. Each January since implementation of this policy, the bureau has transferred sufficient numbers of personnel to remain in compliance with this task. In January, 2001, the bureau transferred a total of 77 officers and supervisors. In addition, during the thirteenth quarter, the bureau transferred all but two of its commanders, assigning each to new duties. No transfers related to this requirement were made this quarter.

Status:           Primary:       In Compliance  
                       Secondary:   In Compliance  
                       Operational: In Compliance

**2.21 Compliance with Task 31: PBP Attendance at Community Meetings**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 31 requires the PBP to "make every effort" to participate in community meetings, including those oriented toward minority groups.

Methodology

The auditor reviewed monthly attendance logs for police zones for the months of February 16, 2000 to May 15, 2001. The logs show multiple community

meetings attended by PBP personnel. The meetings were attended by command level personnel, line personnel, OMI personnel and supervisory personnel. No agendas for these meetings are available.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.22 Compliance with Task 32:        Televising OMI's Function**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 32 requires the city to televise to the public information concerning OMI's function, location, etc. The paragraph also requires the city to have PBP personnel present at community meetings, and to publish and distribute pamphlets describing the OMI complaint process.

Methodology

The auditor reviewed community meeting logs maintained by OMI staff, and determined that personnel from the unit are in attendance at community meetings. The city continues to air television "spots" highlighting the function and process of the Office of Municipal Investigations. The city has also printed a brochure explaining the OMI function and has distributed the brochure to all of the city's community organizations and placed these brochures in all city buildings. Television PSAs have been revised, but not reviewed by the auditor, as of this writing.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.23 Compliance with Task 33: Provision of Training in Cultural Diversity**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 33 requires the city to provide cultural diversity training to all PBP officers, with the training covering: relating to persons of different groups, relating to persons of the opposite gender, and communications skills.

Methodology

The auditor and the auditor’s staff have reviewed the PBP’s training curricula for in-service training, have conducted three site-visits of the training academy, and have interviewed many of the personnel assigned to the training academy. The bureau has developed (through contract) curricula for the cultural diversity training, and has begun implementation. Throughout 2001, the bureau has continued to train its officers in the topics of cultural diversity, "effective communication" and ethics.

Status:                      Primary:        In Compliance  
                                       Secondary:    In Compliance  
                                       Operational: In Compliance

**2.24 Compliance with Task 34: Monitoring Citizen Complaints for Training Indicators**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 34 requires the city to establish monitoring systems which will assess citizen’s complaints for indicators of needs in training or re-training. The bureau has established a system in which OMI forwards a copy of a summary of all citizen complaints to the Chief of Police, who also provides a copy to the Deputy Chief for Operations. Additional copies are also sent to the training academy for review.

Methodology

In order to assess this requirement, the auditor reviewed Training Academy records, reviewed the notes of PBP command staff meetings, and reviewed OMI monthly and quarterly reports. In addition, the auditor reviewed the academy's quarterly training assessment report.

It continues to be clear that the command staff is reviewing citizen complaints and reports of infractions and communicating that review to subordinates. Discipline, based on internal infractions, often involves retraining. During the past seven quarters, training academy staff completed a review of citizen's complaints and use of force reports with the aim of improving, where applicable, training curricula. Reports from the academy continue to be reviewed, assessed and critiqued by command staff.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.25 Compliance with Task 35: Training in Verbal De-Escalation**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 35 requires the city to train all officers in the use of verbal de-escalation techniques as an alternative to the use of force and to incorporate verbal de escalation training "into all other training that implicates the use of force."

Methodology

To date, for the training year 2001, the bureau continues to train its eligible officers (excluding officers on extended medical or similar leave, and thus not performing police duties) in "verbal judo" and/or tactical communications. The bureau-wide process of reviewing all use-of-force curricula has been completed, and a new "use of force" training curriculum has been implemented by the bureau.

Status: Primary: In Compliance  
 Secondary: In Compliance

Operational: In Compliance

**2.26 Compliance with Task 36: Training in Ethics and Integrity for Recruits**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 36 requires the city to provide training for recruits in integrity, ethics, cultural diversity and verbal de-escalation "at the beginning of the training curriculum to serve as a foundation for all other classes. The recruit curriculum offered "ethics" training and "verbal judo" in week one, and cultural diversity in week two. Additional training in weeks 21 and 23 cover additional topics in cultural diversity and verbal judo. The auditor has reviewed the curriculum outlines for cultural diversity and ethics, and finds the curricula to be appropriate and responsive to the decree.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.27 Compliance with Task 37: In-Service Training in Ethics and Integrity**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 37 requires the city to train all officers in integrity, ethics, the PBP's mission and values, and cultural diversity. The training requires inclusion of the topics of truthfulness, reporting misconduct by fellow officers, the importance of avoiding misconduct, and professionalism.

Methodology

The auditor has reviewed the bureau's curriculum outlines for cultural diversity and ethics. According to academy records, all of the department's sworn personnel have received training in ethics through the bureau's new "career and personal survival" training component. The bureau has contracted with a

nationally-recognized provider of training in police ethics, and has substantially revised the curriculum for the 2000 calendar year. The latest ethics training was conducted as part of the State of Pennsylvania’s mandatory training cycle. During the tenth quarter, the bureau received accreditation from the National Institute of Ethics. The agency’s eligible officers (excluding those officers on extended leave) continue to receive the state’s mandated “Leadership and Integrity” class during the 2001 training year.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.28 Compliance with Task 38: Train all Officers re OMI Complaint Process**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 38 requires the city to train all police officers regarding the OMI complaint process, and their obligation to cooperate with OMI investigations.

Methodology

Based on a review of the training records, the department has trained all of its officers in the OMI process, with the exception of officers who are on extended leave. All new recruits receive the training regarding the OMI complaint process as part of the academy training program.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.29 Compliance with Task 39: Encourage Qualified FTO**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 39 requires the city to recruit "highly qualified" Field Training Officers and instructors by establishing formal eligibility requirements, basing selection on performance evaluations and superior performance as police officers. The paragraph further requires the city to disqualify any FTO or instructor (or candidates for the positions) with a poor disciplinary record or complaint history.

Methodology

The bureau has added 25 new FTOs to its complement of training officers in order to provide field training for two sections of recruits currently working through the training process. Discussion at the last quarterly COMPSTAR meeting addressed methods for ensuring that quality FTOs are recruited, trained and deployed. The auditor will conduct a complete assessment of the personnel files of these 25 officers during the 16<sup>th</sup> quarter. The agency remains in compliance with this task, based on past performance.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.30 Compliance with Task 40: Train all FTOs and Instructors**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 40 requires the city to ensure that all FTOs and instructors receive adequate training to ensure that they are capable of meeting their job expectations. Further, the paragraph requires that the city require FTOs and instructors to "demonstrate on a regular basis, their proficiency in their areas of instruction."

Methodology

The bureau has trained an additional 25 officers as instructors/FTOs, using its five-day "Instructor Development" training syllabus previously approved by the audit team. The academy has made no changes in its evaluation processes used to assess the effectiveness of the FTO program, which has been previously approved by the audit team.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.31 Compliance with Task 41: Maintenance of Training Records**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 41 requires the city to maintain written records documenting all training of officers, including the officers’ names, dates of training, reasons for mandatory training, subject matter, and “whether the training was completed satisfactorily.”

Methodology

A review of training records for the fifteenth quarter indicates the academy has continued its established processes for maintenance of training records. A full on-site review of training records was conducted by the audit team during the 13<sup>th</sup> quarter. No discrepancies were noted in training records. All instructors’ files reviewed contained certifications to teach the topics which they were teaching, and no missing data or other irregularities were noted.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.32 Compliance with Task 42: Document Mandatory Counselings**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 42 requires the city to document in writing all mandatory counselings by name of officer, reasons for the referral, OMI file number, related cross index number, the subject matter of the counseling, and the status of the officer’s attendance.

Methodology

During the auditor’s review of data for the fifteenth quarterly report, the audit team reviewed the department’s centralized file that is used to document mandatory counseling sessions ordered this quarter for PBP personnel. The Bureau continues to use, and document, mandatory counseling as part of its disciplinary processes, and documents these counselings in files maintained in the office of the chief of police. A total of 15 mandatory counselings were issued by the bureau this quarter.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.33 Compliance with Task 43: Annual Supervisory and Leadership Training**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 43 requires the city to provide mandatory annual in-service training for senior supervisors in the topics of command accountability, integrity, and cultural diversity.

Methodology

The auditor assessed the training records for PBP senior supervisors (commanders and above). Command staff continue to receive training in integrity, command accountability, and cultural diversity through a series of courses offered by the training academy and the "POLEX" program. In addition, all command staff have received specialized training in managing organizational conflict. The mixture of training provided for command staff meets, in the opinion of the auditor, the requirements of this task.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.34 Compliance with Task 44: OMI Quality Assurance**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 44 requires the city to update the existing OMI database to serve as an interim management tool. The paragraph also stipulates records retention schedules and develops specification for preparing complaint histories.

Methodology

The auditor and the auditor’s team assessed the records management systems and electronic databases currently in place within the OMI office. They observed OMI personnel as they worked with the databases, and reviewed output from the databases.

The current OMI database is an effective management tool. Upgrades are currently underway for the system, which should make it even more effective in managing OMI caseload.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.35 Compliance with Task 45: Chain of Command Access to Disciplinary Records**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 45 requires the city to make OMI files and records relating to a particular officer available to personnel within that officer’s chain of command who are responsible for officers’ training, counseling and discipline.

Methodology

Members of the audit team reviewed disciplinary actions of the PBP command staff, and observed discussions among command personnel regarding disciplinary actions at the quarterly COMPSTAR personnel assessment. In addition, members of the audit team assessed DARs for evidence that past record and past performance is considered in assigning discipline. During the 12<sup>th</sup> and 13<sup>th</sup> quarters, members of the command staff, using PARS and OMS, identified several members of the bureau for commendations based on their review, in part, of officers’ disciplinary records available in PARS. All records and actions observed by the members of the audit team indicate that the supervisory and command staff routinely access PARS in making disciplinary and performance decisions. The bureau is judged to continue to be in compliance with this task.

Status:           Primary:        In Compliance  
                       Secondary:   In Compliance  
                       Operational: In Compliance

**2.36 Compliance with Task 46: Maintenance of OMI Manuals and Training**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 46 requires the city maintain an OMI manual, detailing OMI investigative policies and procedures, and to ensure that all OMI investigators receive adequate training. This paragraph also requires the city to provide OMI civilian investigators with police academy training on 15 specific topics related to police operations, conduct and processes. The paragraph stipulates that the training provided to OMI civilian investigators will be "identical" to that received by OMI police investigators. The paragraph further requires that the city make the OMI manual available for inspection at PBP facilities and at the OMI office.

Methodology

During the site visit for the fifteenth quarter, the auditor reviewed the training records for OMI personnel. All new civilian personnel who have not received training at the academy have been scheduled for, or are currently attending, the recruit training process currently underway at the police academy. Also during the twelfth quarter OMI published its updated investigative manual. This update was completed during the site visit for the twelfth quarter, and was reviewed by the audit team during the thirteenth quarter. All revisions to the manual conform to reasonably accepted practice in the conduct of internal investigations.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.37 Compliance with Task 47: Receipt of Complaints**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 47 requires the city to accept citizen complaints at OMI via telephone, mail, facsimile, or in person, and that no complainant be required to complete a complaint form to initiate an investigation.

Methodology

The auditor reviewed 32 of 46<sup>1</sup> final reports of completed OMI investigations of citizens' complaints to assess the method of receipt and to determine if any complainants were "required" to complete any OMI form prior to receipt of the complaint and initiation of the investigation. None of the 32 files reviewed included any form completed by a complainant. Further, ample evidence exists to support the fact that complaints are received by telephone, letter and facsimile.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

<sup>1</sup> Cases logged as cleared during the 15<sup>th</sup> quarter include 17 cases actually cleared during the 14<sup>th</sup> quarter, but not included in the auditor's review of OMI cases.

**2.38 Compliance with Task 48: Receipt of Anonymous Complaints**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 48 requires that the city accept anonymous and third party complaints through the OMI process, and to investigate these complaints thoroughly. This paragraph also allows the OMI unit to require corroborating information or evidence from complainants.

Methodology

Completed OMI complaints were assessed for the source of the complaint. One anonymous complaint was resolved this quarter, and it was as completely investigated as possible. The city is judged to remain in operational compliance with task 48.

Status:           Primary:       In Compliance  
                       Secondary:   In Compliance  
                       Operational: In Compliance

**2.39 Compliance with Task 49: Closure of OMI Investigations**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 49 of the consent decree requires OMI to refrain from closing an investigation without rendering a disposition solely because a complainant withdraws the complaint or is unavailable to make a statement.

Methodology

The auditor reviewed the OMI Policy and Procedures Manual, which states in section 6-11 that withdrawal of complaints will not cause OMI to cease its investigation. Interviews with OMI staff indicate that it is customary not to terminate investigations upon the complainant's withdrawal of same. During the

fifteenth quarterly review, the auditor found two complaints filed with the Office of Municipal Investigations which were either "officially" withdrawn by the complainant filing the complaint, or in which the complainant refused further cooperation with the Office. Both of these complaints were investigated to completion by the Office.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.40 Compliance with Task 50: Relocate OMI**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 50 requires the city to relocate the Office of Municipal Investigations to an office that is separate from any building occupied by PBP personnel. It further requires that the new facility be convenient to public transportation, and that the city publicize the new OMI location.

Methodology

No change in compliance status was noted for this task during the fifteenth quarter.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.41 Compliance with Task 51: Reporting and Receipt of Citizens' Complaints**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 51 precludes the city from requiring any complainant to come to PBP facilities to file a complaint or provide a statement. In addition, the paragraph requires the city to hold quarterly open meetings in rotating zones to educate the public about proper police functions, misconduct and other topics. The city is further required to accept complaints at the quarterly meetings, and to publicize the location and time of the quarterly meetings "in all city buildings."

Methodology

The auditor reviewed supporting documentation for 32 of the 46 citizens' complaint investigations completed during this quarter to determine if OMI personnel or police personnel required any complainant to come to a city facility to file a complaint or provide a statement. Ample evidence existed, in the Case Investigation Checklist, to indicate that OMI personnel conduct interviews at complainants' and witnesses' homes, over the telephone, and by meeting individuals at locations convenient to them. Of the 32 cases reviewed this quarter, evidence existed in eight cases suggesting that the office routinely makes itself available to citizens "in the field," either at alternative sites, the complainant's home, or over the telephone. The auditor reviewed attendance logs for OMI's quarterly meetings (February 16, 2000 through May 15, 2001), and reviewed the OMI manual to determine policy or procedural guidance relative to attendance at quarterly community meetings. Records maintained by OMI reflect that the office continues to attend public meetings.

Status:           Primary:       In Compliance  
                       Secondary:   In Compliance  
                       Operational: In Compliance

**2.42 Compliance with Task 52: Notification to Senior Supervisors of Citizens' Complaints**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 52 requires the city to provide notification to senior supervisors of an accused officer who has been the subject of a complaint to OMI regarding use of force, improper search or seizure, or racial bias.

Methodology

Notification of supervisory personnel of citizens' complaints for officers under their command is accomplished through the PARS/OMS systems, and supervisors are held accountable for appropriate action in the quarterly COMPSTAR meetings. The city continues in compliance with this task.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.43 Compliance with Task 53: Responsibility for Complaint Investigation**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 53 requires the city to ensure that responsibility for investigation of citizen complaints rests solely with OMI, to require OMI to monitor the progress of investigations, to require OMI to accept all complaints, to disallow the process of officers attempting to "settle" OMI complaints, and to require OMI to document all officer-initiated settlements of citizens' complaints.

Methodology

A review of all 46 of the completed OMI investigations for this quarter reveals no evidence to indicate that the city does not remain in compliance with this task.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.44 Compliance with Task 54: Officers to Provide Name and Badge Number on Request**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 54 requires officers to provide citizens with their names or badge numbers, upon request. Section 101-4.06, "Conduct Toward the Public" requires that "when requested by any person, a member shall give his name and badge number in a courteous manner."

Methodology

The auditor reviewed a sample of 32 completed OMI cases for the fifteenth quarter (February 16, 2000 through May 15, 2001) to determine if allegations of failure to provide name and badge number were made to OMI and sustained by investigation. One allegation was completed this quarter, the same number received during last quarter. The complaint was sustained. The bureau also sustained one allegation of failure to provide name and badge number during the sixth quarter. The bureau is judged to remain in compliance with this task.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.45 Compliance with Task 55: Interview of Complainants at Alternative Sites**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 55 stipulates that OMI will interview witnesses at alternative sites if they are unavailable for interviews at OMI offices. The paragraph also requires reasonable notice before all interviews. Section 4-2(B) of the OMI manual stipulates that OMI will arrange to interview complainants "off-site," if necessary.

Methodology

The auditor reviewed completed OMI case investigations to determine if interviews were being conducted "off site." Among the 32 completed investigations assessed during this quarter, evidence of OMI investigators conducting interviews off-site (usually at the witnesses' homes) was noted. The frequency of these off-site interviews was high enough to indicate that these interviews were a normal practice for the office.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.46 Compliance with Task 56: OMI to Tape and Transcribe Interviews**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 56 requires OMI to tape-record and transcribe all interviews, and to refuse to accept "special reports" in lieu of an interview. Further OMI is required to reserve the right to question all interviewees, and to challenge their version of the facts.

Methodology

The OMI manual stipulates a "Tape Recorded Statement Form" and Section 4-2 stipulates that all statements will be tape recorded. Section 6-3 stipulates that all tape-recorded statements will be transcribed. The auditor reviewed 32 of 46 cases completed this quarter by OMI, based on a selection by the auditor's staff. These cases were reviewed to ensure that all interviews were tape-recorded and transcribed. All cases in which interviews were conducted after resolution of the Fraternal Order of Police's "test case" on this issue included transcriptions of OMI interviews of officers, witnesses or complainants.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.47 Compliance with Task 57: OMI Staff Access to PARS**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 57 stipulates that OMI staff should be provided access to the city's PARS. The manager of OMI, the intake coordinator and one investigator have been trained in the use of the PARS. The office currently has virtually unlimited access to OMS/PARS to prepare complaint histories, assignment histories, etc.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.48 Compliance with Task 58: OMI to Interview Supervisors at Scenes of Incidents Leading to Allegations of Misconduct**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 58 requires that OMI identify all supervisors and senior supervisors who were at the scene of events which result in allegations of misconduct, and to detail their handling of the situation during and after the alleged incident. The supervisors and senior supervisors will be interviewed concerning their observations of the complainant and the accused officers.

Methodology

None of the 32 OMI case reports which were completed this quarter included an apparent indication that a supervisor was on the scene of the event. The city is deemed to be in compliance with this task based on past performance.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.49 Compliance with Task 59: OMI to Canvass for Witnesses**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 59 requires OMI to canvas the scene of an incident for witnesses "as soon as possible" after receiving a complaint where canvassing could "reasonably yield" additional information.

**Methodology**

The auditor reviewed 32 of 46 completed OMI cases for the fifteenth quarter (February 16, 2000 through May 15, 2001) to determine if OMI personnel were conducting canvasses as required by this paragraph of the decree. Four of these cases appeared to involve fact situations or locations in which a canvass would potentially produce witnesses; however, all were "backlogged" cases which were, on average, over three years old. A canvass was not conducted for these four cases, based on the OMI manager's judgment that such canvasses would not be productive three years after the event occurred. Based on the facts of these cases, the auditor concurs with the OMI manager's judgment regarding canvasses in these cases. While the city remains in compliance with this task—due to the difficulty of canvassing for witnesses in three-year old investigations—the city should continue its efforts to identify and locate all possible witnesses to events giving rise to citizen complaints.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.50 Compliance with Task 60: OMI to Review Police Shootings**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 60 requires OMI to review all police firearms discharges, and all reports prepared by the coroner relating to deaths caused by police shootings.

**Methodology**

The auditor assessed, through departmental records, the number of police-involved shootings that occurred during the fifteenth quarter and found two, the same number as last quarter. Both of these cases were adequately reviewed by OMI investigators.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.51 Compliance with Task 61: OMI to Aggressively Investigate Allegations of Misconduct**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15
Primary															
Secondary															
Operational															

Paragraph 61 requires that OMI investigators "aggressively" investigate allegations of misconduct, collecting themselves documents and information needed to resolve allegations of misconduct.

Methodology

The auditor reviewed 32 of 46 OMI investigations completed from February 16, 2001 through May 15, 2001, to assess the level of completeness of the investigations. The investigations were evaluated regarding complaint receipt and processing, case management, investigation and documentation, findings and determinations and reporting. Of the 32 investigations reviewed, all were found to have been appropriately investigated; however, two had final narrative reports that required additional explanation from OMI personnel to allow the auditor to come to a final assessment of the quality of the investigation. These two cases are discussed in section 2.53, below.

All cases reviewed this quarter were "aggressively investigated," even though there were some reporting problems in two of the cases. The city is judged to be in compliance with this task this quarter.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.52 Compliance with Task 62: OMI to Act on Behavior "Outside the Four Corners"**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 62 requires OMI to act on behavior it notices, during the course of an investigation, that is in violation of policy or procedure, but which may not have been a part of the original allegation. Commonly, these types of findings are labeled "outside the four corners" of the original complaint.

Methodology

Of the 32 investigations assessed for the fifteenth quarter, four involved potential allegations of "collateral misconduct." All four of these were completely investigated..

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.53 Compliance with Task 63: OMI to Issue Final Reports**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15
Primary															
Secondary															
Operational															

Paragraph 63 requires OMI to issue final reports on all investigations. The final report is required to identify any misconduct noted, to provide a summary of evidence gathered, document credibility determinations, document findings, and identify the officer's complaint history. The final report is required to be part of the OMI investigative file.

Methodology

The auditor reviewed final reports of all 46 investigations completed by OMI between February 16, 2000 and May 15, 2001. In addition, the auditor reviewed supporting documentation for 32 of the 46 reports issued this quarter. Each of the investigative files contained a final report. The final reports were assessed for completeness, conformance to established practice in internal investigations, and conformance to the requirements of the consent decree. Of the 32 case reports reviewed this quarter, two were deemed to require additional investigative work.

- AQR15-D, which involved a failure to document appropriately the rationale for unbounding the allegations that an arrestee was kicked by officers after being taken to the ground and handcuffed. Contradictory statements and police reports are not clarified or explained in the OMI report.
- AQR15-B, which involved evidence that indicates that an officer pulled his weapon and held it in the low ready position because an individual approached him with “clenched fists.” The investigation contained contradictory statements, and does not dispose of the acknowledgement of the officer that he “pushed on the back of [the suspect’s] shoulders” with his foot after a takedown.

This constitutes an error rate of 6.3 percent, which obviously falls outside the allowable five percent error rate for completed investigations. This is the third consecutive quarter in which the city has demonstrated problems in this task area. Accordingly, the City is judged not to be in compliance with the elements of this task.

Status:           Primary:       In Compliance  
                       Secondary:   In Compliance  
                       Operational: Not In Compliance

**2.54 Compliance with Task 64: OMI to be Adequately Staffed**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 64 requires the city to provide OMI with "sufficient staff, funds and resources to perform the functions required" by the decree, and establishes requirements for selection as an OMI investigator.

Methodology

Adequate staffing for the Office of Municipal Investigations, as it relates to the requirements of the consent decree, is relatively easy to define: the office is adequately staffed when the number of completed cases equals the number of cases received by the office, over a protracted period of time. During the fifteenth quarter, the office completed 46 complaint investigations, and received 56<sup>2</sup>. Substantive problems were noted with two investigations completed this quarter, leaving a total of 44 cases cleared and 56 received.. The total number of cases pending was increased by 12 this quarter. Of 599 cases originally included in the “backlogged” case files, according to OMI data, 212 of those have been completed. More than 64 percent of the original backlog remains, although many of these complaints are lodged against officers no longer with the department, and a large percentage involve minor complaints. Nonetheless, these cases remain to be resolved.

This is the first quarter in the last two in which OMI has cleared fewer cases than it received. This appears to be due to both an increase in the number of complaints received, and a possible diminution in the rate at which cases are cleared. Pursuant to an agreement between the parties, once compliance has been attained, failure to comply for two quarters in a row will result in loss of compliance status. The city is urged to monitor closely incoming and cleared citizens’ complaints, so as to continue to reduce the number of outstanding complaints.

Status:           Primary:        In Compliance  
                       Secondary:   In Compliance  
                       Operational: In Compliance

**2.55 Compliance with Task 65: OMI to Use the Preponderance of Evidence Standard**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

<sup>2</sup> Cases logged as cleared during the 15<sup>th</sup> quarter include 17 cases actually cleared during the 14<sup>th</sup> quarter, but not included in the auditor’s review of OMI cases.

Paragraph 65 requires OMI to use the preponderance of the evidence standard in determining findings on cases assigned for investigation.

Methodology

The auditor reviewed 32 of 46 OMI investigations completed this quarter, and found one, which apparently did not conform to the preponderance of the evidence standard (AQR15-D). An error rate of one of 32 cases (3.1 percent) falls within the allowable margin of error for this task.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.56 Compliance with Task 66: No Preference for Officers' Statements**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 66 stipulates that "there shall be no automatic preference of an officer's statement over a complainant's statement," and further requires that OMI investigators shall consider the officer's history of complaints and disciplinary records and the complainant's history in making credibility determinations, which shall be explained fully in writing.

Methodology

The auditor reviewed 32 of the 46 investigations of citizens' complaints completed during the fifteenth quarter for conformance to this requirement. None of the completed investigations appeared to exhibit an automatic preference for police officers' statements over those of witnesses. The city remains in compliance with this task.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.57 Compliance with Task 67: OMI Retains Final Investigative Authority**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 67 stipulates that OMI will retain final authority for investigations of police personnel. It stipulates that OMI retains final authority for determining findings and dispositions of all investigations, and specifically precludes supervisors and senior supervisors from modifying or reversing any OMI disposition of complaints.

Methodology

The auditor reviewed all OMI investigations completed between February 16, 2000 and May 15, 2001, searching for a case that resulted in a finding which was "reversed" by a supervisor or senior supervisor. No such cases were found. The city is judged to remain in compliance with this task.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

**2.58 Compliance with Task 68: Change "Not Sustained" to "Not Resolved"**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 68 requires the city to change the OMI disposition category of "Not Sustained"

Methodology

The auditor assessed all completed OMI investigations for the period of February 16, 2000 to May 15, 2001 to determine if the disposition of "Not Resolved" was

appropriately used. None was found. The office is judged to remain in compliance with task 68.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.59 Compliance with Task 69: OMI to Issue Quarterly Reports**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 69 requires OMI to issue quarterly reports on its activities. The report is required to list each investigation’s significant dates, general allegations, disposition and resulting discipline.

Methodology

The auditor reviewed the last quarterly report completed by OMI for conformance to the requirements of paragraph 69, and found that the report met the requirements of the decree.

Status: Primary: In Compliance  
 Secondary: In Compliance  
 Operational: In Compliance

**2.60 Compliance with Task 70: Appoint Auditor within 90 Days**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 70 requires the appointment of an auditor for the consent decree by July 16, 1997.

Methodology

Conformance with this paragraph is measured by noting the date of the auditor's appointment. A contract for the audit has been issued, dated December, 4 1997, and has been updated annually. The city is in compliance with the process of appointing the auditor, although tardy in doing so. For the purposes of the audit, the city is considered to be in operational compliance.

Status:           Primary:       In Compliance  
                       Secondary: In Compliance  
                       Operational: In Compliance

### **2.61 Compliance with Task 71: Auditor to Perform Quarterly Assurance Checks**

Paragraph 71 requires the auditor to perform quarterly assurance checks of the following:

- OMI final reports;
- Substance and timeliness of 50 percent of all OMI investigations completed;
- Statistical information on the number and types of complaints filed with OMI;
- Statistical information on discipline imposed on sustained complaints;
- Assessments of officer use of force, searches and seizures, and traffic stops.

#### Methodology

Quarterly assurance checks of OMI final reports are provided in section 2.51, above. Comments regarding substance and timeliness of OMI investigations are included in sections 2.37, 2.43, 2.62 and elsewhere in this quarterly report. Sufficient data now exist to allow comment on statistical information regarding the number and type of complaints filed with OMI, and discipline imposed on sustained complaints. The following sections report statistical information regarding the operation of the Office of Municipal Investigation. Data reported in this section involve citizens' complaints only.

#### **Number and Type of Complaints Filed**

Complaints filed with OMI over the last 15 quarters fall into three categories:

- Type 1 (allegations of rules violations);
- Type 2 (allegations relating to attitude and conduct); and
- Type 3 (allegations of abuse).

Type 1 allegations include failure to perform, neglect of "ministerial" duties, inaccurate reporting, violation of departmental orders such as those regulating secondary employment, minor events of conduct unbecoming an officer, etc. Type 2 allegations include intentional mishandling of property or evidence, intermediate acts of conduct unbecoming (such as rudeness and poor attitude), conduct of self assigned investigations, and failure to perform or neglect of duty "on scene." Type 3 allegations include allegations of excessive force, illegal search, racial discrimination, intimidation, untruthfulness and verbal abuse. Table One, below, depicts the number and type of citizens' complaints received by OMI during the fourteen quarters covered by the consent decree.

Table One: Complaints Received by the Office of Municipal Investigations,  
1st through 15th Quarters (1997-2001)

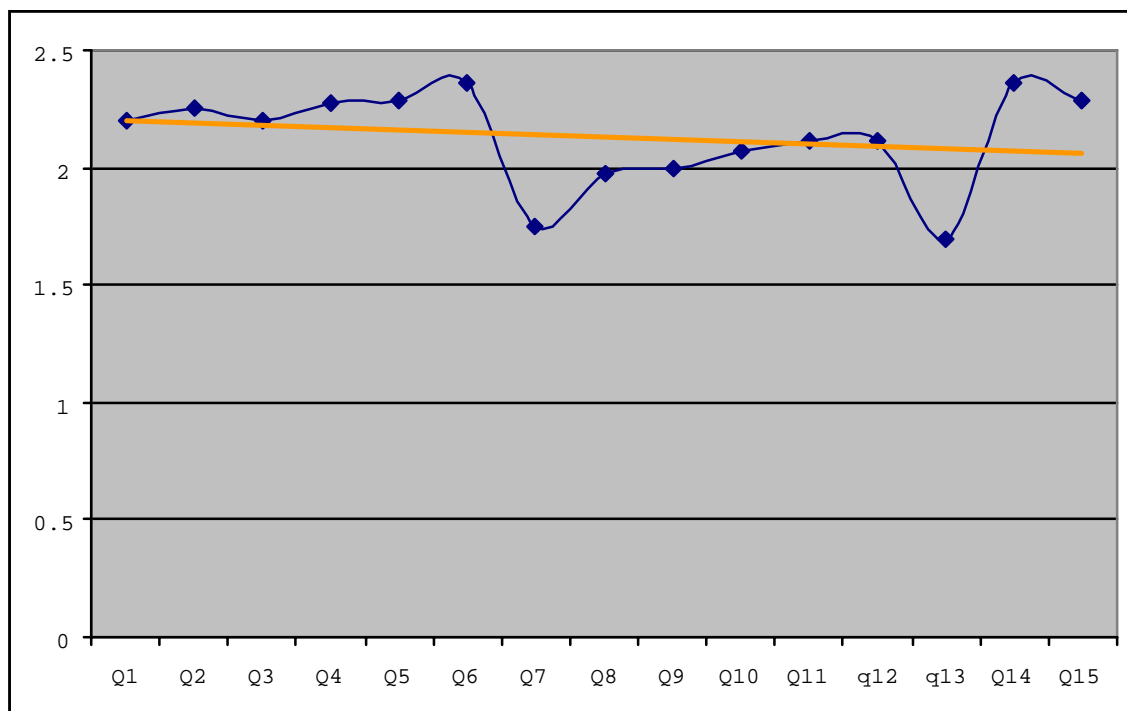
Quarter	Type 1	Type 2	Type 3	Total
1	18	9	26	53
2	22	15	39	76
3	33	32	59	124
4	42	19	84	145
5	33	18	58	109
6	8	12	24	44
7	25	1	15	41
8	14	16	13	43
9	39	0	35	74
10	39	60	48	147
11	18	27	41	86
12	14	0	14	28
13	5	30	7	42
14	4	11	15	30
15	16	8	32	56
	330	256	510	1098

Source: Electronic database provided by City of Pittsburgh, CIS.

## Average Complaint Severity

Using the same typology outlined above, the average severity of citizens' complaints received by the Office of Municipal Investigations can be calculated for the fifteen quarters covered by this report. The average (mean) severity of complaints filed with the office are represented in Figure One, below. As the figure indicates, the average severity of complaints has dropped since the beginning of the consent decree. The orange line in Figure One (and other figures depicted in this report) is a linear regression analysis, designed to allow the reader to determine the "trend line" for a given set of data. This trend line shows a steady decline in the severity of complaints filed with the city.

Figure One: Average Severity  
Of Citizens' Complaints, Quarter 1-15



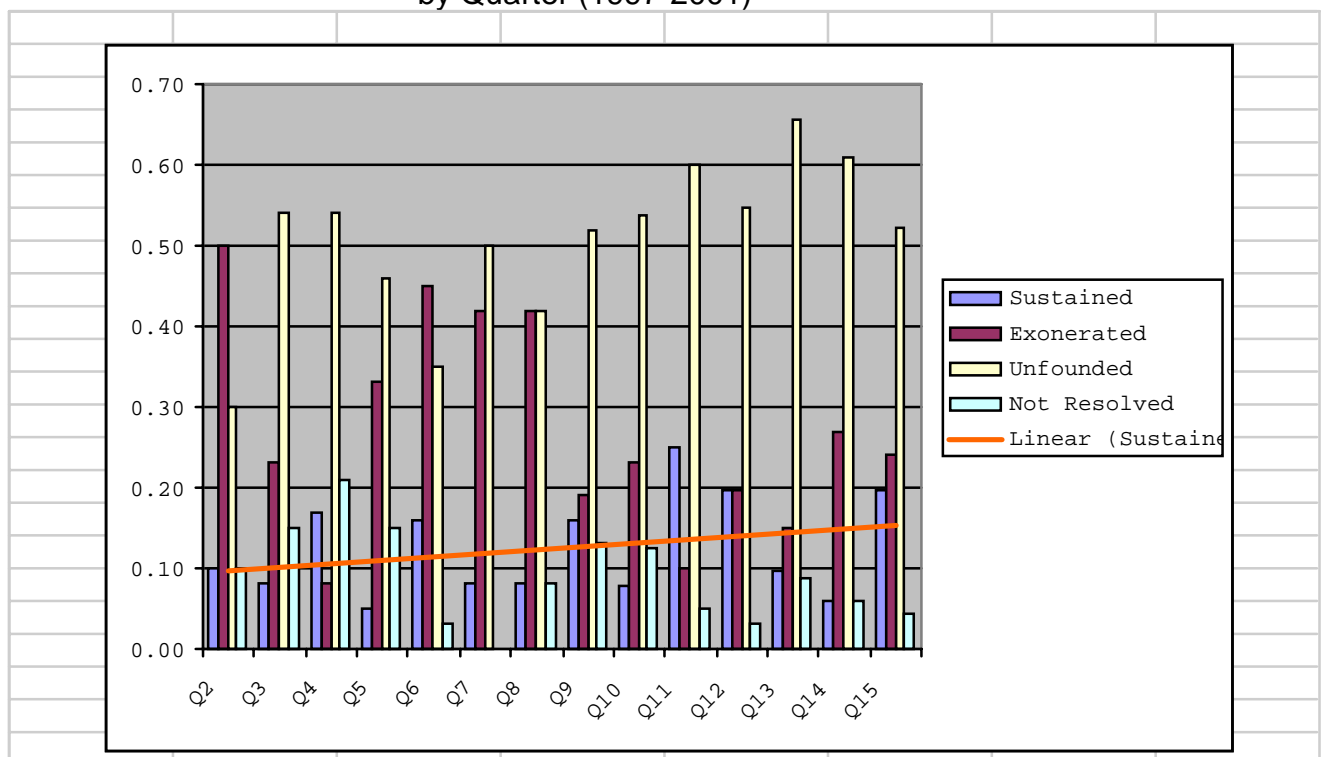
## Disposition of Citizens' Complaints

Complaints investigated by OMI are classified, upon completion, as one of four disposition categories:

- Exonerated (evidence indicated that the event occurred, but that the officer was acting in conformance with the law or PBP policy);
- Not Resolved (not enough information was available to prove or disprove the allegation);
- Sustained (evidence indicated that the allegations were true); or
- Unfounded (evidence indicated that the allegations did not occur).

Figure Two, below, depicts the rates at which OMI resolved the complaints received during the first fifteen quarters covered by this report. The percentage of sustained complaints appears to have risen gradually over the fifteen quarters, as depicted by the orange "trend line" depicted in Figure Three.

Figure Two: Resolved Complaints by Disposition, by Quarter (1997-2001)



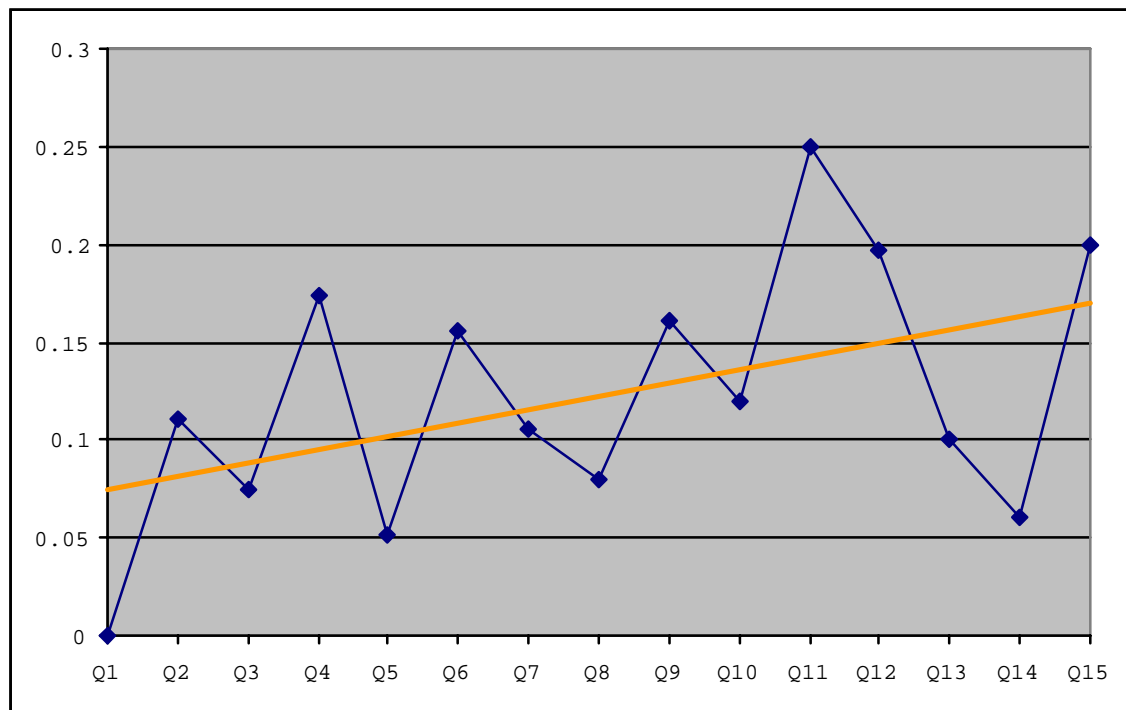
Source: Electronic database provided by City of Pittsburgh, CIS and calculations by the auditor.

### Rate of Sustained Complaints

The rate at which the Office of Municipal Investigations sustained citizens' complaints are reported in Figure Three, below. The data depicted in Figure Three were calculated by determining the number of complaints investigated by OMI during each quarter that were resolved with a "sustained" finding, and comparing that number with the number of complaints that quarter that were resolved with any finding other than "sustained."

Figure Three reports the percentage of complaints, by quarter, which were sustained as a result of the OMI investigation. As with other data reported in this section, Figure Three deals only with investigations of complaints filed by citizens. Complaints investigated by OMI as a result of an internal infraction referred to OMI by the Bureau of Police are not included in these analyses. The precipitous drop in the rate of sustained complaints, at times observable in these data, can, in part, be attributable to the inclusion of "backlog" cases in cleared cases each quarter. Some of these "backlog" cases were nearly three years old. Obviously, it is difficult to locate witnesses and to clearly determine facts in older cases.

Figure Three: Rate of Sustained Citizens' Complaints  
By Quarter (1997-2001)



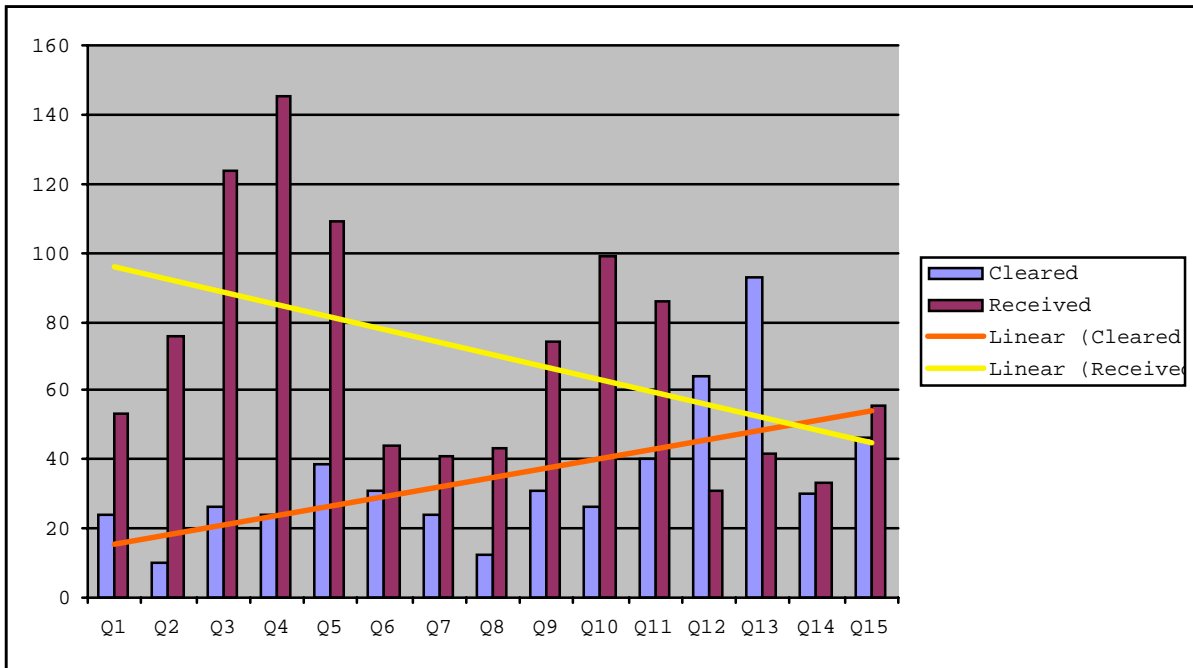
Source: Electronic database provided by City of Pittsburgh, CIS and calculations by the auditor.

### Complaints Received and Complaints Cleared

The number of citizens complaints received by OMI during the last fifteen quarters, compared to the number of complaints resolved by the office is reported in Figure Four, below. As with all other data reported in this section, these data are also calculated using data provided by the city and “cleaned” by the auditor’s staff.

Figure Four reports two categories of data for the fifteen quarters covered by this report. The first category reported identifies the number of citizens’ complaints received by the Office of Municipal Investigations (either by person, telephone, mail or anonymously). The second category reported identifies the number of complaints resolved by OMI investigation.

Figure Four: Received v. Cleared Complaints  
By Quarter (1997-2001)

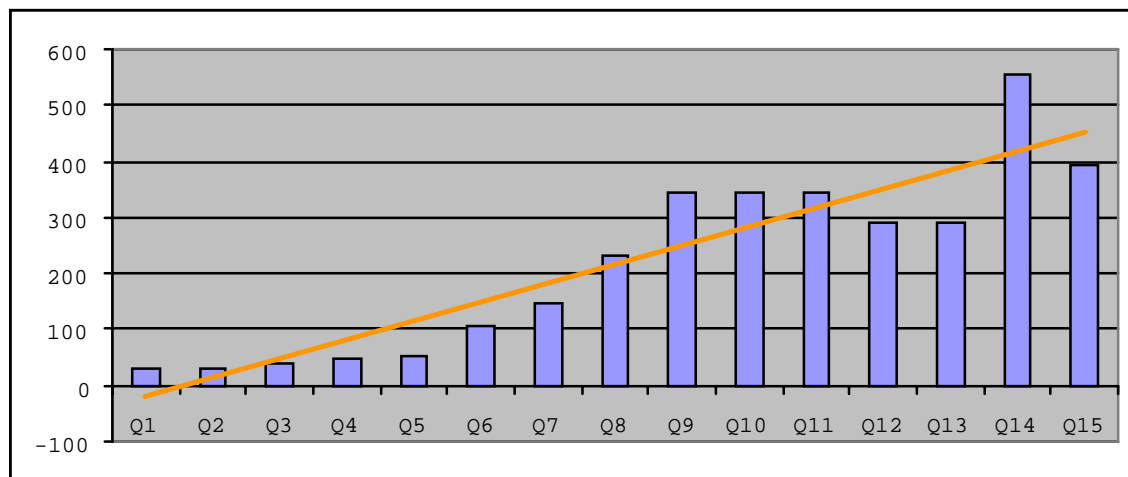


Source: Electronic database provided by City of Pittsburgh, CIS and calculations by the auditor.

## Length of OMI Investigations

Data necessary to calculate the length of OMI investigations for the fifteenth quarter were developed using city electronic databases. Data reflecting the average time required to complete an OMI investigation are reflected in Figure Five, below. The length of time for completing investigations for the fifteenth quarter dropped, from 500 days to 395 days.

Figure Five: Average Number of Days Required to Complete OMI Investigations



### **2.62 Compliance with Task 72: Auditor to Recommend Reopening of Incomplete OMI Investigations**

Paragraph 72 requires the auditor to “reopen” investigations which are deemed to be incomplete. Further, the auditor is required to provide written directions on steps that should be taken to complete the investigation.

#### Methodology

The auditor has reviewed all 46 final reports of OMI investigations of citizens’ complaints completed between February 16, 2000 and May 15, 2001. In addition, the auditor conducted a comprehensive review of supporting documentation for 32 cases completed during this time frame. Of those 46 cases,

two were remanded to the Office of Municipal Investigations for additional work. These cases are described in section 2.51, above.

**2.63 Compliance with Task 73: City to Prepare Progress Reports**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 73 of the decree requires the city to prepare a status report 90 days after entry of the decree, e.g., July 16, 1997, and every six months thereafter. The first report was issued July 11, 1997; the second was issued January 16, 1998. The third was issued in July, 1998, etc. The auditor has reviewed each of these progress reports. The city remains in compliance with the requirements of task.

**2.64 Compliance with Task 74: City to Maintain Records Necessary Methodology**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

All records requested by the auditor were provided in a timely fashion. The city is judged to remain in compliance with this task.

Status:            Primary:        In Compliance  
                       Secondary:    In Compliance  
                       Operational: In Compliance

**2.65 Compliance with Task 75: Unrestricted Access for Auditor**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 75 requires the city to provide the auditor with unlimited access to PBP records relating to the decree and conformance thereto. Further, access to all staff and facilities as needed to effectively monitor the decree is also required.

Methodology

The auditor experienced unlimited access during audit processes for the fifteenth quarter.

Status:           Primary:       In Compliance  
                       Secondary:   In Compliance  
                       Operational: In Compliance

**2.66 Compliance with Task 76: Unrestricted Access for Justice**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 76 requires the city to provide the Department of Justice with access to documents, databases, and other data necessary to evaluate compliance with this decree. Further, it requires access to staff and facilities upon appropriate notice.

Methodology

No changes in the access for Justice was noted this quarter. The city remains in compliance with this task.

Status:           Primary:       In Compliance  
                       Secondary:   In Compliance

Operational: In Compliance

**2.67 Compliance with Task 77: Copies of Consent Decree to All Officers**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
Primary													
Secondary													
Operational													

Paragraph 77 of the decree requires the city to provide copies of the consent decree to all officers, and to explain the terms of this decree to all current and future officers, OMI employees, and all DPS employees with oversight or responsibility for PBP operations All such individuals are further required to sign a statement indicating that they have received, read and understand the statement The city is required to retain these statements

Methodology

The auditor has reviewed signature records retained by the city acknowledging receipt, reading and understanding of the decree. These have been signed by all supervisors, senior supervisors, command personnel, OMI personnel, and appropriate individuals at the Department of Public Safety. A video has been developed explaining the consent decree, and all on-duty sworn personnel have viewed the video. The auditor has reviewed the video, and has found that it adequately explains both the letter and spirit of the decree, as well as the city’s approach to compliance Currently, the department has trained all current active-duty officers, and received officer signatures stating understanding of the decree, except for those on extended leave or otherwise not available

Status:        Primary:        In Compliance  
                   Secondary:    In Compliance  
                   Operational: In Compliance

**2.68 Compliance with Task 78: 90 Day Timeline for Conformance**

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15
Primary															
Secondary															
Operational															

Paragraph 74 establishes a default timeline of 90 days for conformance to all provisions not specifically given another timeline by the decree

#### Methodology

Each of the separate provisions of the decree is assessed for compliance to established timelines in the pages above. With the passage of April 16, 1998, an additional set of tasks came "on-line," those involving automation of the PARS. The city is currently in primary compliance with 100 percent of the 74 provisions to which the city should have complied by now. The city is in secondary compliance with 74 of the 74 provisions due as of August 15, 1998. It is, however, in operational compliance with only 72 of the 74 tasks, due as of August 15, 1998. Issues with the quality of OMI investigations have caused the office to fall out of compliance with two tasks this quarter.

Status:           Primary:       In Compliance  
                      Secondary:   In Compliance  
                      Operational: Not In Compliance

### **3.0 Summary**

The city, the bureau and the Office of Municipal Investigations have continued compliance with most elements of the consent decree during the last quarter.

The city has maintained a primary compliance rate of 100 percent, a secondary compliance rate of 100 percent, and an operational compliance rate of 97 percent. Quality of OMI investigations has proven problematic for the third consecutive quarter. This may, in part, be attributable to the staffing of the office, which is actually staffed with fewer people during the fifteenth quarter than it was during the first quarter of this consent decree.