

Auditor's Eighth Quarterly Report
Quarter Ending August 16, 1999

1 Introduction

This document represents the eighth 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

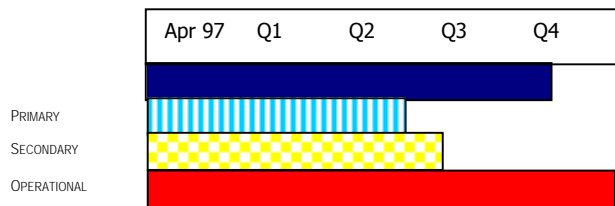
1.1.2 Dates of Project Deliverables

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. For each section of the decree, a graphic representation of the city's compliance status is presented. The

graphic is designed as follows. The “label” depicts the start date for the city’s compliance actions (almost always April 16, 1997). The blue bar, below the label, depicts the time allotted, by the decree, for the city to comply with the decree. The light blue, yellow, orange or red bars, below the blue bars indicate the time expired since the start date. The vertically patterned light blue bars  indicate expired time equal to or less than that allowed by the decree. The checkered Yellow bars  indicate expired time that is more than that allowed by the decree, but which, in the judgment of the auditor, does not seriously threaten the city’s successful compliance with the decree. The horizontally patterned Orange bars  indicate expired time that is more than that allowed by the decree, and which, in the judgment of the auditor, *may* seriously threaten the city’s successful compliance with the decree. Red bars  indicate expired time which is more than that allowed by the decree, and which, in the judgment of the auditor *does* seriously threaten the city’s successful compliance with the decree.



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 August 15, 1999. In order to allow time for completion of the report, the auditor completed assessment activities on August 6, 1999.

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 this 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.

Substantial progress has been made during the eighth quarter, including progress in the critical areas of training and crafting systems of documentation of compliance efforts, as well as in development of an operational PARS. In addition, significant progress has been made in the area of OMI operations and management.

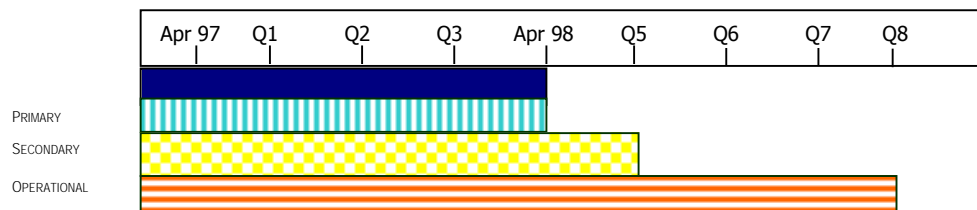
2 Assessment of Compliance

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 eighth Auditor's Quarterly Report contain a detailed assessment of the degree to which the city has complied with the 73 tasks to which it agreed on April 16, 1997.

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



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

In order to accomplish this task, the city has formed a "protocol committee," and charged this committee with responsibility for defining policies, procedures, manual and automated systems, and oversight practices for each of required elements of the PARS. The decree requires development of protocols in the following areas:

- Citizens' complaints;
- Officer-involved shootings;
- Criminal investigations of officers;
- Civil or administrative claims arising from PBP operations;
- Civil claims against the PBP;
- Law suits against the PBP;
- Warrantless searches by officers;
- Use of force by officers;

- Traffic stops by officers; and
- Discretionary charges filed by officers.

The city has completed work on the various protocols designed to serve as policy guidance for the PARS, and is currently revising these protocols based on the results of the first quarterly analysis of PARS data, which took place in August, 1999.

Further, the city has implemented a supplementary supervisory device, the Supervisor's Activity Report (and supporting policy and training), which requires supervisors to provide an on-scene presence at selected patrol activities conducted by personnel under their command. The process requires supervisors to exhibit a field presence, assessing the quality of work of patrol officers regarding performance, adherence to policy and procedure, use of equipment, safety practices, communication skills, or exhibition of prohibited bias. Further, the form requires the supervisor to note recommended actions to remedy any deficiencies noted. The auditor has reviewed each of the city's protocols, and has assessed their viability in sections 2.2-2.6, following.

Recent developments include implementation of a "production version" Early Warning System, now known as PARS, consisting of an Officer Management System component which allows PBP command and supervisory personnel to monitor the activity levels of individual personnel, and PARS, which allows unit-wide analysis. The production version of the PARS has been in-place—and under near-constant review and revision—since October, 1998.

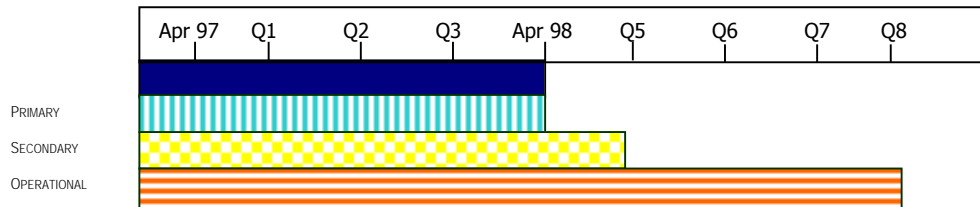
Methodology

During the site visit for the eighth quarterly audit, the auditor reviewed the operational PARS for conformance to the requirements of the decree. The review was conducted in the city's CIS conference room, using the "live" database from the operational PARS.

The city has had a "production" version of the PARS on-line and operational, as of November. Entry of pre-consent decree information (from September, 1995 forward) has been completed and is accessible through the PARS and OMS database. The city has resolved earlier bugs in the OMS, and as of the last audit, both PARS and the OMS are fully functional.

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



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 eighth quarterly audit, the auditor reviewed the city's automated information system with which it intends to replace the previous version of the EWS. The new system, labeled "PARS" for Performance Assessment and Review System, is now completely operational, and was used by the PBP command staff to conduct its first quarterly analysis during the month of August, 1999. The auditor's review was conducted four days prior to the command staff review, in the city's CIS conference room, using a "live" database from the operational PARS.

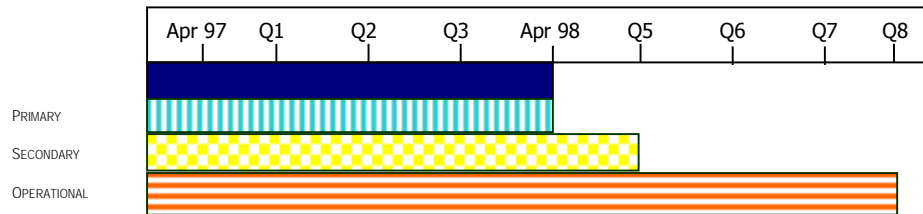
The city's PARS is currently on-line, and reports electronically officer status on each of the elements required by the decree. The system is a well-designed, improvement over the previous EWS, improving levels of accuracy (problems with redundant reporting were eliminated) and ease of use. The bureau and the city are judged to be in secondary compliance with task 12-a. The bureau and the city continue to inspect and audit the records in the PARS, and quality control is an on-going process. In-place inspections and audit are required components of secondary compliance. During the week of the auditor's site-visit, the command staff conducted its first quarterly analysis of PARS data. During that analysis, the command staff identified 21 officers who, based on their performance records, required additional supervision, training or counseling. The 21 officers noted by command staff exactly matched the 21 officers noted by the auditor in his earlier review of PARS data. In addition, the command staff review identified numerous officers who had performed well above the norm, and whose actions over the previous quarter were recommended for commendation. In addition, command staff began the process of pushing responsibility for quarterly analysis of PARS data to the level of sergeants and lieutenants.

The auditor's electronic assessment of the PARs was validated with a review of paper-based records at the Office of Municipal Investigations and three of the

police patrol zones. A total of 35 officers' files were selected from the PARS for validation against the paper records at the zones and in OMI. In each of the 35 cases, the PARS records were virtually the same as the records maintained in the zones and in the files in OMI. The auditor found the records in PARS to be reasonably accurate and dependable. Any differences found between the paper files and PARS/OMS files were inconsequential to the purposes of 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



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,”¹ traffic stops, searches and seizures, and use of force.

Methodology

During the site visit for the eighth quarterly audit, the auditor reviewed the operational PARS for conformance to the requirements of the decree. The review was conducted in the city’s CIS conference room, using a “live” database from the operational PARS.

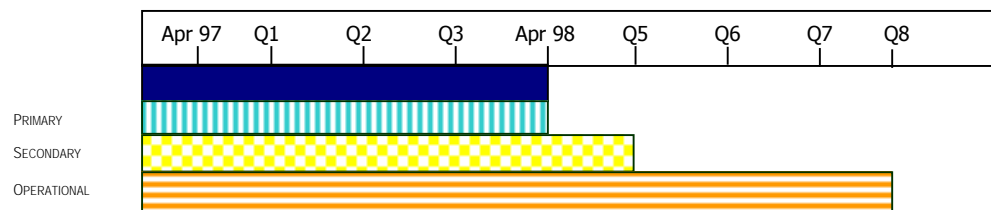
A review of the capabilities of the PARS indicates that the system is capable of retrieving, analyzing, and reporting data across each of the variables required by the decree. A total of 35 separate tests were performed, using the PARS and its supporting OMS. The OMS reported accurately in each of the 35 separate tests, and the PARS accurately reflected the data contained in the OMS. The problem with duplicate reporting, evident in the earlier versions of OMS, is not carried

¹ Defined by the decree as resisting arrest, disorderly, public intoxication, and interfering with the administration of justice.

forward into the reporting formats of the PARS. The command staff notification system (red and yellow “flags” for officers registering more than one standard deviation above the mean) reported accurately during the testing. Modifications to the PARS have been made allowing tabular data to be reported along with graphic information in the PARS. During the week of the auditor’s site visit, command staff conducted a quarterly analysis, using the PARS, and independently identified each of the 21 officers the auditor had previously identified as requiring additional scrutiny, based on their performance in the area of discretionary arrests, traffic stops, searches and seizures, and use of force.

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



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

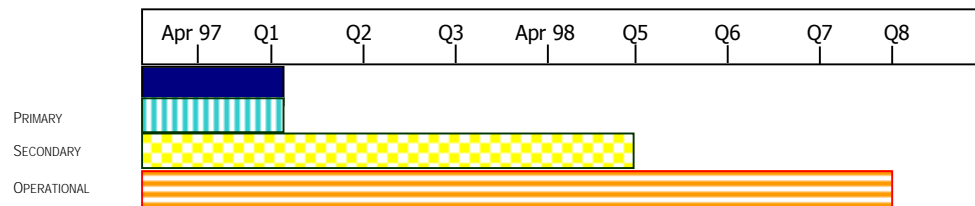
During the site visit for the eighth quarterly audit, the auditor reviewed the operational PARS for conformance to the requirements of the decree. The review was conducted in the city’s CIS police systems room, using a “live database” from the operational PARS.

Data retention protocols for the PARS have been established which will meet the requirements of task 12-c. Data entry for the PARS for information related to bureau activities prior to April 16, 1997 has been completed for all data that could be found which were accurate. In some cases, this does not include all data between April 15, 1995 and April 16, 1999; however, the data that do exist in the PARS are the best available accurate data, based on information obtained from the city, the bureau and the Computer Information Services department of the city. After implementation of the PARS and Officer Management System during

the fifth quarter, some data which had been entered into the system were found to be inaccurate. The city has implemented steps to clean that data, and inaccurate data have been eliminated from the system. This major process of cleaning existing data was finally completed, as of the auditor's last site visit, in August, 1999. Based on an independent review of 35 officers' records, and matching those records with paper files at the zones and OMI records, it appears that data in the PARS are reasonably accurate and reliable. All 35 officers' records, as reflected in the PARS, matched records included in the zone performance files and OMI records.

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



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.

The city has developed protocols for use of the PARS, including those controlling:

- Weapons discharges by a Bureau member;
- Citizens complaints;
- Civil claims arising from Bureau operations;
- Initiation of criminal investigations against Bureau members;
- Lawsuits arising from Bureau operations;

- Reporting subject resistance incidents;
- Trend analysis;
- Processing allegations of untruthfulness, racial bias, domestic violence, and physical force;
- Managing search and seizure activity; and
- Reporting and review of traffic stop and arrest data.

These protocols have been reviewed by the auditor, and found to be reasonable and effective responses to the requirements of the consent decree, and in fact, in many cases, to move beyond the requirements of the decree. The protocols also address the supervisory and managerial responses required by those reviewing officers' actions. These protocols have been revised by the city, based on training provided by the auditor in August, 1999.

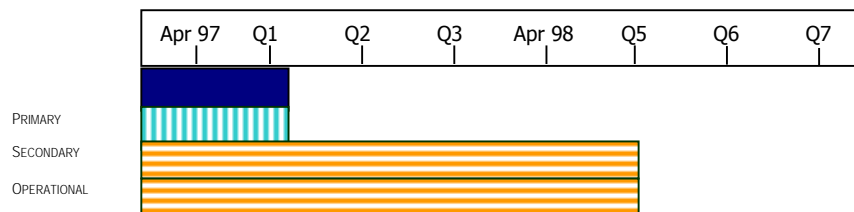
Methodology

During the site visit for the eighth 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 behavior, in compliance with the requirements of the decree. The first use of the PARS for quarterly analyses of PBP operational performance was conducted August 6, 1999. The system provided all necessary information (see section 2.2.1, above), as required by this section of the decree, and given the implementation of the new protocols, the city is deemed to be in operational compliance with this section of the decree.

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

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



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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

The auditor has reviewed the PBP's use of force policy, which was completed prior to the deadline, and has assessed the policy for conformance to national standards and applicable law. The newly drafted policy, effective August 15, 1997 is well written, and is designed to allow the bureau to control effectively the use of force by the bureau's officers.

Promulgation of the policy and the necessary training to implement it have been completed. Reporting and supervisory review processes have been implemented, and the bureau's Subject Resistance Reports have been developed, disseminated, and implemented, and are currently being completed by PBP personnel.

Further, the auditor conducted a thorough review of a random sample of 32 incidents which generated Subject Resistance Reports by PBP personnel during the quarter. This quarter's review of the SRRs was based on a larger sample than normal (17 percent v. 10 percent). The review conducted by the auditor indicates an acceptable level of command review, suggested by the fact that numerous reports were noted in which requests for additional information or re-writes of SRRs were made by supervisory, command or executive staff. Bureau SRRs were reviewed appropriately in 100 percent of the cases selected for review. This figure exceeds the required 95 percent compliance rate.

Other factors also indicate that the monitoring of use of force at the bureau is taken seriously.

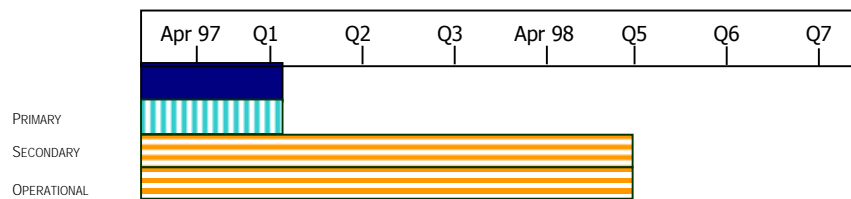
- First, the files reviewed continue to indicate an apparent under-use of force on the part of the officers of the PBP, e.g., multiple instances in which the articulated facts supported higher levels of police force than was used.
- Second, evidence exists, in the form of follow-up memoranda command staff personnel to indicate that the PBP command staff are carefully scrutinizing field reports (SRRs and Field Contact Reports) for sufficiency. Further, incomplete reports, or reports that indicate officers took actions outside PBP policy, are returned to the reporting officers chains of command, along with requirements for appropriate re-training or counseling; and

- Third, in instances in which supervisory or command personnel **approved** problematic reports, they are being counseled, retrained or disciplined.

The final indicator of the improvements in review of use of force reports is that this is the first quarter that the audit of SRRs found no errors in the reporting and review process. It should be noted, however, that the “active supervisory presence” noted in previous audits of SRR reporting—comments from supervisors noting that they had been on the scene of the event documented in the report—was not present in the reports reviewed by the auditor for this quarter.

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

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



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

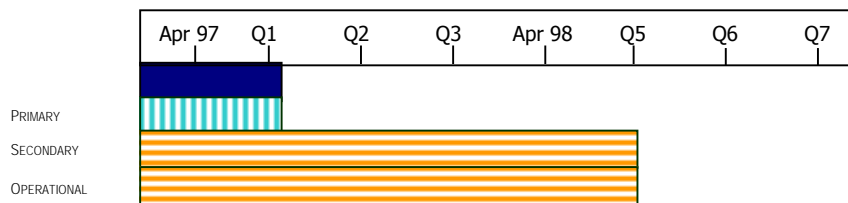
The auditor has reviewed PBP policy 45-1, “Strip and Body Cavity Searches.” The policy conforms to all requirements of the decree, and was promulgated and effective November 10, 1997. A review of the training records of the bureau indicates that, as of May, 1999, the department had trained all active duty officers in its strip search policy.² In addition, the auditor has reviewed a randomly

² The only officers not yet trained are those on extended medical, or similar, leave, and not performing law enforcement functions.

selected sample of 89 completed “Field Contact/Search/Seizure Reports” (FCSSRs forms generated between May 16 and August 15, 1999). One of these reports dealt with a strip search. Command-level review noted execution of the strip search in an unapproved area of the zone station, and counseling was ordered for the officer conducting the search. Further, the error was noted at the station level by a shift lieutenant. In addition, the auditor reviewed **all** completed electronic records dealing with FCSSRs for the quarter, and found that none reported a strip search. As noted in earlier quarterly audit reports, however, the department has established an effective review policy, and has, in the past through its inspections and audit process, noted the conduct of strip searches which fell outside of policy. The officers conducting these inappropriate strip searches were retrained, in addition to receiving written memoranda regarding their actions. The bureau is judged to remain in operational compliance on this task.

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

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



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.

The city has conformed to paragraph 15 through development of several related policies, each of which requires a written report any time a police officer performs any of the above-listed actions. In addition, these protocols are supported by specific policies (12-6, Use of Force, 45-2 Warrantless Searches and Seizures, and 45-1 Strip and Body Cavity Searches). Each of these policies stipulates specific reporting procedures that are in conformance with the requirements of the decree, c.f., policies 12-6 @ 6.6, 45-1 @ 5.1, and 45-2 @ 3.1. The Department of Justice has approved these protocols *viz. a viz.* the decree (Use of Force on August 4, 1997 and Search and Seizure on November 10, 1997) based on the city’s submission on July 16, 1997. The Search and Seizure

protocol approval was delayed by discussion between the city and justice regarding specific provisions.

Methodology

The auditor reviewed training records for search and seizure and use of force topics. In addition, a randomly selected sample of Subject Resistance Reports and Field Contact/Search/Seizure Reports was reviewed to assess the level of accuracy of reporting and supervisory review for these reports. A sample of SRRs written on 32 incidents was selected for review, constituting a 17 percent sample of all SRRs for the quarter.

Training regarding Use of Force reporting was completed during the fourth quarter, and the reporting forms and guidelines have been implemented. Subject Resistance Reports are being processed by the department, and the day-to-day operation of controlling use of force by PBP officers appears to be moving forward.

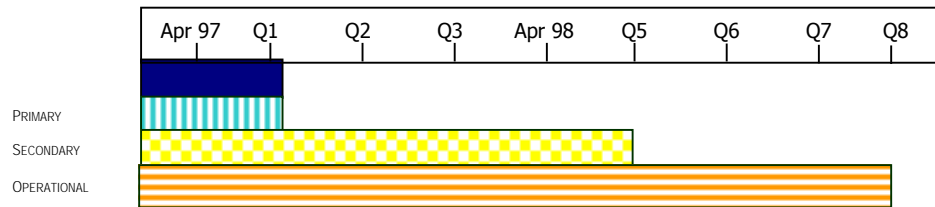
During the fourth quarter, training for "all officers" in search and seizure policies was substantially completed. As of May 15, 1999, all of the bureau's 1,080 active-duty officers had been trained in search and seizure policies, except those on extended medical, or similar, leave. All had received a passing score on the content examination given by the training academy.

The average review time for all SRRs continues to be well within the required seven day period (at three days), and evidence exists to indicate that the supervisory review is an active review, often requiring additional information, re-writing of reports, or other actions on the part of the originating officer. None of the 32 SRRs reviewed for this quarter exhibited problems with reporting or review. Further, none of the 89 FCSRRs reviewed by the auditor this quarter exhibited problems with reporting or review. The "error rate" of zero falls well within the required 95 percent compliance rate for critical areas of the decree.

Of more import, perhaps, is that the PBP has established a formalized, universal command review of its FCSRRs and SRRs. Personnel at the command staff level now review for sufficiency **every report** filed by PBP personnel, and return for revision those which exhibit problems. More importantly, however, officers who prepare, and supervisors and commanders who approve, problematic reports are scheduled for retraining, counseling or discipline.

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

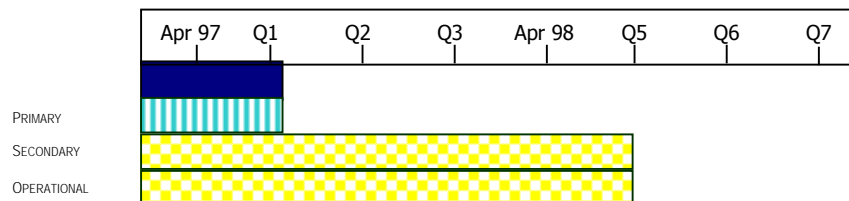
2.6 Assessing Compliance with Task 16: Reporting Traffic Stops



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. During the auditor’s site visit, PBP command staff conducted a quarterly analysis of PARS data, including traffic stop data, reported both in graphic and tabular form. The auditor identified four officers whose traffic stop demographics were substantially higher than the group norm. All but one of the zone commanders reported checking traffic stop data as part of their routine quarterly analysis, and all four of the officers identified by the auditor were also noted by zone commanders. The process of checking traffic stop data requires a comparison of the non-minority/minority ratio of drivers stopped for each officer checked, compared to similar statistics for the officer’s work group. Officers with substantially different “stop rates” than their peer work group are easily identified. Each commander’s explanation of the anomalies with traffic stops for their officers was related to the officer’s location and type of assignment, with one exception. With this officer, a tendency to focus on one specific area within his beat was noted, and further monitoring was discussed.

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

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

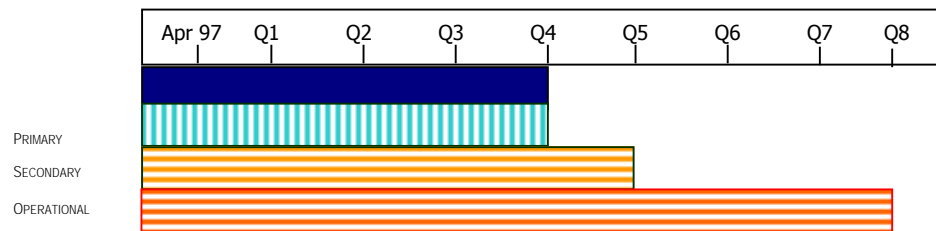


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Paragraph 17 requires the city to enter data regarding use of force, traffic stops, warrantless searches and seizures, and other indicators of police activity levels into the planned automated Early Warning System. The city has developed protocols requiring such entry. The automated PARS has begun accepting data on police use of force and searches, and traffic stops are currently being entered into the system, as well. Data entry for pre-decree activities has been completed, although some data were not available, or were deemed inaccurate, and thus were not entered into the system. All pre-1998 data that were available and considered accurate have been entered into the PARS system, and are included in that system's reports processes. Some data that were released through the "production" version of the Officer Management System were found to be inaccurate, and have been updated by CIS staff. The "repetitive reporting" problem which existed in the Officer Management System, as discussed in last quarter's report in section 2.2, has been corrected as of the eighth quarter.

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

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



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 audit team conducted a random selection of 32 **incidents** resulting in the completion of "Subject Resistance Reports" (a 17 percent sample of incidents for this quarter). The policy requires PBP officers to complete a SRR any time they use force to subdue a subject. Each of the reports selected was reviewed to ensure that the:

- Form was properly executed;
- Form was reviewed by supervisors and senior supervisors within one week;

- Supervisory review identifies problems with the use of force, where appropriate; and
- The review process is being implemented as required by the decree.

The results of the review indicate that the city is in primary compliance with the requirement of the decree: the policy regarding use of force reporting has been written and disseminated; the forms are being completed and reviewed; the forms are being forwarded to the training academy and to the administration division; and the forms are being filed as would be expected.

The city is in primary compliance with this task. Of the 42 SRRs reviewed, based on 32 incidents, all were appropriately reviewed. An error rate of zero is laudatory. More promising, however, is the PBP's internal command review, established this quarter, for FCSRRs. The police legal advisor reviews **every** FCSSR completed by PBP personnel, and returns those reports deemed problematic for revision. More importantly, officers completing poor reports, or conducting searches or seizures outside PBP policy, are retrained or counseled. Commanders and supervisors who approve problematic reports are counseled, retrained or disciplined by the bureau.

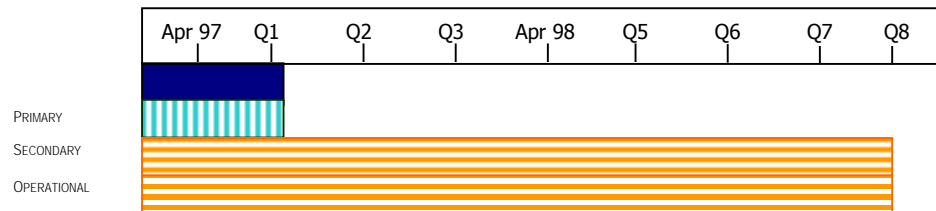
In addition, while the city is currently assessing Section 18-a of the consent decree, which requires an OMI investigation of use-of-force incidents which result in "serious injury," which is defined (at 11-f of the decree) as "any injury that results in death or that the city has reason to know requires or results in professional medical care or treatment" (decree, p. 5), progress has been made in managing the investigative process for use-of-force incidents which result in "serious injury". Of the 32 incidents reviewed this quarter, only two of the SRR reports reviewed by the auditor indicated that the subject arrested received medical attention at hospital for injuries other than those attributable to OC spray. OMI selected each of the injury-related SRRs for review this quarter. Current OMI practice is to select for investigation all SRRs reporting professional treatment at hospitals.

Currently, the city is working to resolve this implementation issue. The potential re-interpretation of "serious injury" has been referred to the City Solicitor's Office and the Department of Justice. Until this area of the decree is better-defined, however, the current working definition established by the decree was used to assess compliance.

During the eighth quarter, OMI selected for review four incidents resulting in "serious injury" to suspects. Also during the eighth quarter, OMI forwarded one of these cases to the auditor for review. The OMI review was reasonably complete and thorough. The city is judged to be in operational compliance with the requirements of this task.

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

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

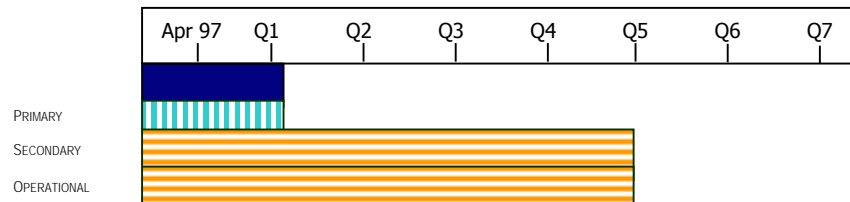


Paragraph 18-b requires senior supervisors to analyze use of force data quarterly. The bureau has completed its first quarterly analysis of use of force data, using the Officer Management System and PARS. The analysis identified use of force trends, as well as focusing on officers who recorded higher 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 first quarterly “Personnel Command Staff” (PCS) 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.

Using the PARS/OMS system, the auditor identified five officers whose use of force statistics were substantially 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 five of the officers identified by the auditor were also noted by zone commanders. The process of checking use of force data requires a complete PARS/OMS review, including actually pulling paper reports, for all officers who score one or more standard deviations above their work group norm in reporting use of force. Officers with substantially different “use of force rates” than their peer work group are easily identified.

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



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

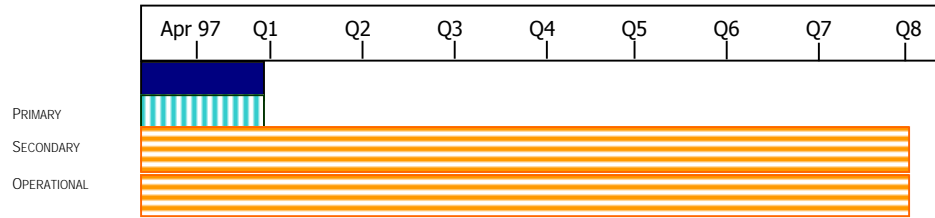
During the eighth quarter, the bureau completed 546 reports of field contacts or search and seizure activity. A random sample of 89 FCSSRs completed during the eighth quarter was selected and analyzed to ensure the reports met the requirements of task 19-a.

Further, each of the 89 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 89 reports was assessed, and supporting documentation, where available, was reviewed.

The review process for FCSSRs has improved markedly this quarter. The police legal advisor now reviews each FCSSR for legal sufficiency, and staff in the Assistant Chief's (Administration) review the reports for form and timeliness. None of the 89 files reviewed by the auditor this quarter contained errors in reporting or exhibited poor probable cause of "reason to suspect." Officers who wrote problematic reports were requested to revise them, and were assigned to counseling or re-training. Supervisory and command staff personnel who approved problematic reports were assigned to counseling, retraining or discipline.

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



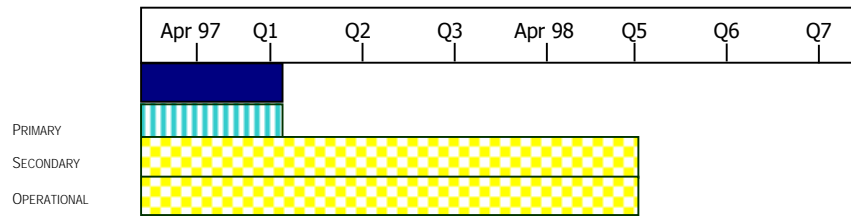
Paragraph 19-b requires the city to analyze the search and seizure activity of its officers on a quarterly basis. The protocols and policies for search and seizure reporting have been completed, and training and implementation are completed. The PARS is now operational, and was used this quarter to review bureau performance in the area of field contacts and search and seizure. 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.

Overall, PARS data showed a general decline in the number of search and seizure reports completed by PBP operations personnel during the first three quarters of the reporting year. Fourth quarter statistics showed a dramatic increase in the number of reports; however, command staff analysis connected this increase to a "zero tolerance" policy implemented in two zones as a response to an increase in gang violence.

Using the PARS/OMS, the auditor identified four officers whose FCSSR data indicated a need for further scrutiny. 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 FCSSR completed by these officers. The command staff review noted each of the four officers earlier identified, independently, by the auditor as indicating a need for further scrutiny.

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

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



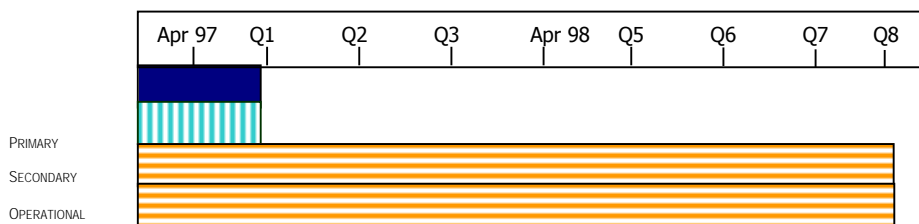
Paragraph 20-a requires the city to review all allegations of racial bias through the officers’ chains of command within one week of completion of the investigation. The bureau currently relies on OMI for notice of allegations of racial bias and requires review after notification.

Methodology

During the course of reviewing OMI completed investigations, the auditor screened these complaints for allegations of racial bias. During the eighth quarter, no allegations of racial bias on the part of Bureau officers were lodged with OMI. During the fourth quarter, however, three were found that were investigated between May 16 and August 15, 1998: AQR4-E, AQR4-J, and AQR4-P. Of these three, one was sustained. The single sustained complaint alleging racial bias was reviewed by the officer’s chain of command within seven days of receipt of notice of the sustained finding from OMI. Appropriate disciplinary action was taken in this case (suspension).

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

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



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.
- During the week of August 2, 1999, the command staff updated the protocol for quarterly analysis of potential racial bias. The protocol requires the command staff to review an officer's **complete PARS file** (use of force, search and seizure, discretionary arrests and traffic stops) if any of eight specific events (noted above) involving the officer occur during any given quarter.

The quarterly analysis conducted by command staff during the week of August 2, 1999 identified four officers with at least one of these "trigger" events. In addition, all command personnel reviewed use of force and search and seizure data, reported in PARS, for **all** of their personnel indicating activity levels one or more standard deviations above their work group norms in these areas. Five of the six zone commanders reviewed discretionary arrests and traffic stop data as part of their racial bias review. The sixth commander commands a low volume zone, and had no officers—based on the auditor's review—who required additional scrutiny based on performance measures in the PARS (traffic stops, discretionary arrests, use of force, or search and seizure activity). Commanders of SDD and the Community Oriented Policing Unit also reviewed use of force, search and seizure, traffic stop and discretionary arrest data for their personnel.

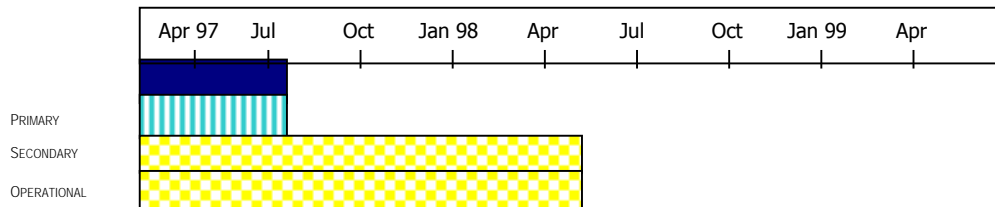
In each of the four cases noted by the auditor as requiring additional scrutiny, the command staff reviewed the officers' entire OMS/PARS files, and recommended appropriate remedial or supervisory measures. In addition, all zone and unit commanders conducted a thorough and perceptive review of officer activity in the

areas of use of force, and search and seizure, **pulling and reviewing paper file reports of use of force and search and seizure activity** for officers indicated as one or more standard deviations above the mean in either category. The bureau is judged to be in operational compliance with the requirements of task 20-a.

Preliminary steps have been taken to move responsibilities for this type of review to the supervisory ranks of sergeant and lieutenant, in addition to the responsibilities currently assigned to the command staff. Continued compliance is dependent upon satisfactory performance of sergeants and lieutenants as they review OMS/PARS data on the officers under their command, and respond reasonably to indications of potential problems and indicators of superior performance.

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

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



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 three-year period, or five or more complaints in a two-year period.

Methodology

Based on records obtained from the office of the chief of police, 11 individual disciplinary actions were taken by the bureau during the period of time covered by this report—down substantially from the seventh quarter. Of these 11, only two involved citizen complaints or interactions with citizens. Disciplinary actions for those two incidents were taken during this quarter. The auditor reviewed both disciplinary actions reported for the eighth quarter, and found the decisions of the command staff to be reasonable, based on the tenets of progressive discipline. For example, departmental discipline included:

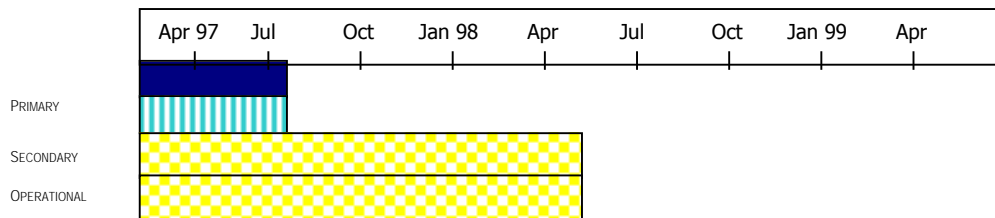
- Oral reprimand and referral for anger management classes for conduct toward the public and conduct unbecoming a police officer; and
- A five-day suspension pending termination for violation of the police code of ethics.

Based on the protocols of progressive discipline, the bureau is responding within its anticipated range of responses in delivering discipline.

As noted in Section 2.35 below, the Bureau has been taking consistent action with officers who receive three “similar” citizen’s complaints in a three-year period, or five citizen’s complaints of any nature in a five-year period. The Bureau protocol calls for a “Preliminary Complaint Review” to be conducted with officers meeting either of these trigger thresholds. Each quarter, for the past eight quarters, the on-site audit has included an on-site assessment of performance files at the zones (randomly selected each quarter). Part of this on-site audit at the zones is to ensure that officers who have met the three-in-two or five-in-two thresholds are processed appropriately. With the exception of the fifth quarterly report, the Bureau has been in compliance with the requirements of the decree in dealing appropriately with officers exhibiting citizen complaints in excess of the numbers stipulated. That compliance continues this quarter, as confirmed by a zone audit at zones one, three and five. A review by the auditor noted six officers in these three zones meeting the three-in-two or five-in-two threshold. Each of these officer’s performance files in the zones included a Preliminary Complaint Review form noting a supervisory counseling upon the officer reaching the complaint threshold.

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

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



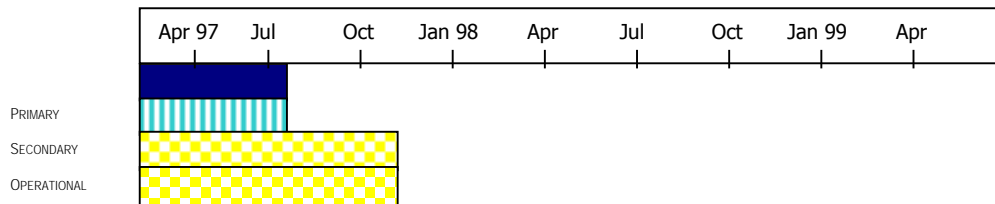
Paragraph 21-b requires the city to also impose retraining or counseling in all cases in which a citizen’s complaint has been sustained, except those resulting in termination, based on review of officer behavior.

Methodology

The auditor reviewed the bureau’s disciplinary processes for the period from May 16, 1999 to August 15, 1999. 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, one-on-one discussions with the legal advisor, and other appropriate forms of “retraining” and “counseling.” One incident of assigned discipline related to a requirement for counseling in response to a sustained citizen’s complaint. That discipline included an oral reprimand and referral to anger management classes for the use of profanity during an altercation with the complaining citizen. It was the officer’s first citizen’s complaint.

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

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



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

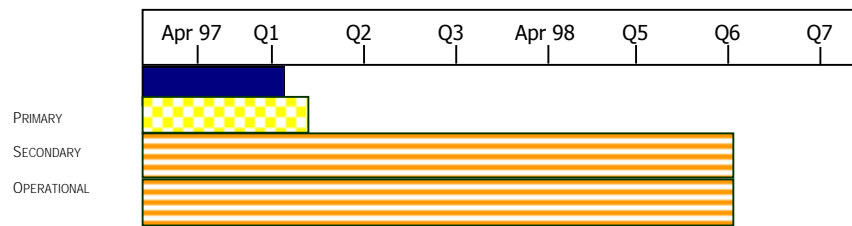
Methodology

According to records provided by the bureau and the Office of Municipal Investigations, 11 individual disciplinary actions were taken by the bureau this quarter. Each of the 11 disciplinary actions taken by the bureau was reviewed for evidence that prior disciplinary records were considered when imposing discipline. None of the disciplinary actions taken this quarter indicated a modification to discipline based on past record. However, given the bureau’s previous performance in this area the bureau is deemed to continue, absent evidence to the contrary, in operational compliance with this task.

Status: Primary: In Compliance
 Secondary: In Compliance

Operational: In Compliance

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



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

Methodology

The audit of the “performance files” at the zone levels for this quarter consisted of assessing both electronic and paper files. Officers’ electronic files were assessed at three zones this quarter, zones one, three and five, to determine if any of the officers had, in the last quarter, received a sufficient number of citizens’ complaints, disciplinary actions, etc. to require new entries in their performance files. The electronic review, using the on-line Officer Management System indicated that zones one, three and five had eight active officers who would have been required to have updates made to their performance files this quarter. All of the officers’ files was found to have had the appropriate updates made in their performance files. In addition, 27 other officer’s files were reviewed for accuracy during this assessment.

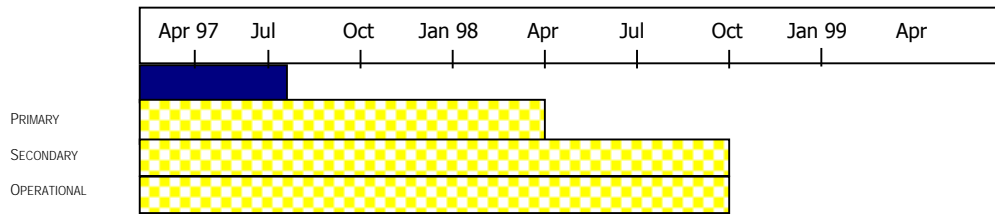
As with the requirement to assess use of force issues, the bureau is in primary compliance with the stipulation of task 22: A series of chief’s orders has been promulgated (97-009 and 97-024), establishing a requirement for zone commanders to maintain “performance files” which conform to the requirements of the consent decree.

An assessment of the zones’ performance on this task indicates that the bureau is also in secondary compliance with this task: systems for developing, transferring, disseminating, filing and managing officers’ performance files have been developed. Based on the complete sample of records in zones one, three and five, the bureau is judged to be in operational compliance with the requirements of this task.

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

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2.13 Compliance with Task 23: Annual Performance Evaluation



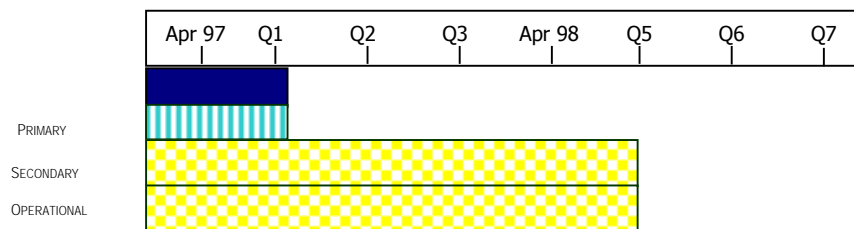
Paragraph 23 requires the city to implement an annual performance evaluation process for all officers, supervisors and senior supervisors. Further, it requires supervisors and senior supervisors to be evaluated based on their ability to prevent and address misconduct by officers. In addition, paragraph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

Methodology

The bureau has developed a performance evaluation policy which meets the requirements of the decree, and which was approved and disseminated in April, 1998. Training regarding the performance evaluation system has been completed. The third wave of performance evaluations was completed in June, 1999, and the fourth wave is planned for December, 1999. During the course of its review of zones one, three and five, the audit team reviewed selected officers' files for the presence of completed performance reviews. All of the officers' files were found to be complete, with performance review documentation present in each.

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

2.14 Compliance with Task 24: Performance Based Promotion



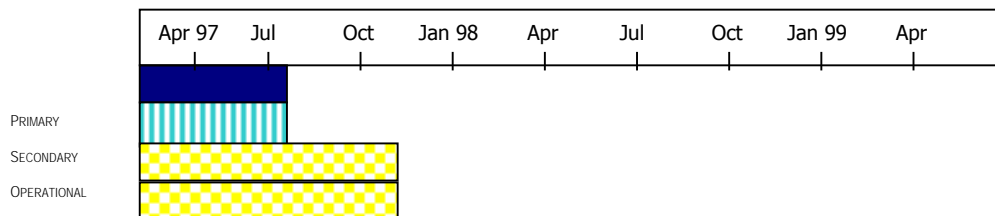
Paragraph 24 requires the city to use performance evaluations as a factor in promotional decisions.

Methodology

The bureau has developed a performance evaluation policy which meets the requirements of the decree, and the policy was implemented in June, 1998. The bureau promoted 17 individuals during the fifth quarter, and each of their performance evaluations was reviewed. No remarks, actions or characteristics were found in any of the 17 files that would have indicated inappropriate decisions were made in any of the promotions. No promotions were made during the seventh or eighth quarters. The bureau is judged to remain in compliance with this task.

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

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



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

The auditor’s team visited three randomly selected unit location (zone one, three and five) to assess the degree of compliance with paragraph 25. During the site visits, the auditor conducted walk through inspections of zone facilities such as bulletin boards and office space.

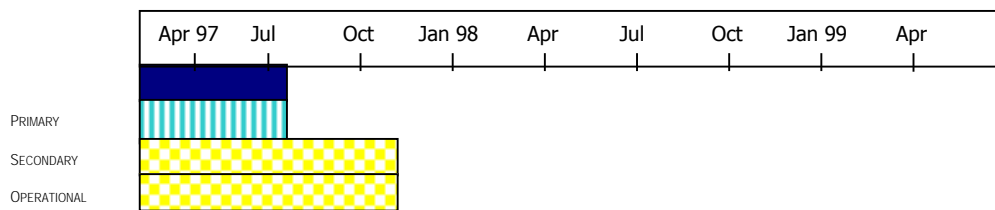
Evidence exists to support the bureau’s operational compliance with paragraph 25. Past reviews of zone “performance files” indicate that the EAP is being used by departmental personnel and departmental managers. The counselors assigned to the EAP were interviewed during the first quarter by the auditor’s staff, and appear to be both experienced and knowledgeable concerning EAP practice and standards. It appears that EAP participation is non-retributive and meets established practice for such programs. Bureau discipline continues to use the EAP as part of its progressive discipline campaign. One officer was

assigned to anger management classes this quarter as a result of a confrontation with a citizen.

Departmental policy requires the posting of EAP flyers at each of the zone stations, at the zones visited, the flyers were readily visible in the station.

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

2.16 Compliance with Task 26: Notification of Adverse Involvement



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

During the auditor’s review of departmental personnel files, the files were assessed for evidence of implementation of PBP Policy 44-5, effective 8-25-97, which requires notification of the chain of command any time:

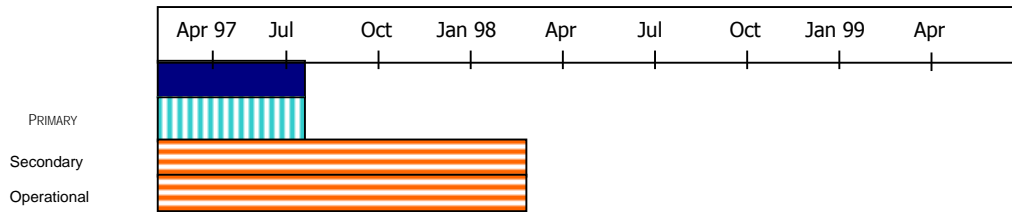
- A warrant is to be served on a member of the service;
- A protective order is to be served on a member of the service;
- An on-scene arrest is made of a member of the service;
- An officer is arrested by another agency other than the PBP; or
- An officer of the service is the subject of a civil suit.

A review of Bureau records indicates that the bureau continues to monitor its officers’ activities for adverse involvement. One such notice was found, involving an arrest for an indecent assault. The bureau continues to monitor these activities and provide appropriate discipline, where necessary. None of the DARs filed by the bureau this quarter involved adverse involvement reports.

Status: Primary: In compliance
 Secondary: In Compliance

Operational: In Compliance

2.17 Compliance with Task 27: OMI to Monitor Criminal Proceedings



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

A review of records available during the time frame of the eighth quarterly audit indicated three criminal proceedings in progress against PBP officers, none of which involve allegations of false arrest. One of the criminal charges does involve an allegation of an unconstitutional and unwarranted strip search. This case, along with two others, have been monitored by OMI since the seventh quarterly report. The office has completed investigations involving these three officers, and has forwarded these investigations to the bureau for review.

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."

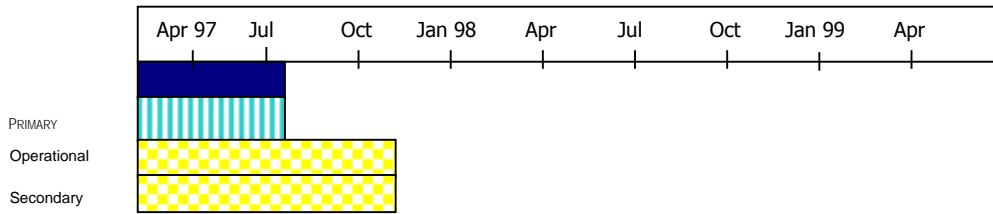
PBP policy calls for these memoranda to be forwarded to OMI for their review. Based on concerns expressed by the auditor that the DA's office has forwarded no notifications of lost suppression hearings, etc., the chief of police has modified the reporting practice between the district attorney and the bureau. Court liaison personnel will begin to specifically inquire, during monthly meetings with DA staff, about lost suppression hearings, and allegations of false arrest or improper searches on the part of PBP officers.

Status: Primary: In Compliance
 Secondary: In Compliance

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Operational: In Compliance

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



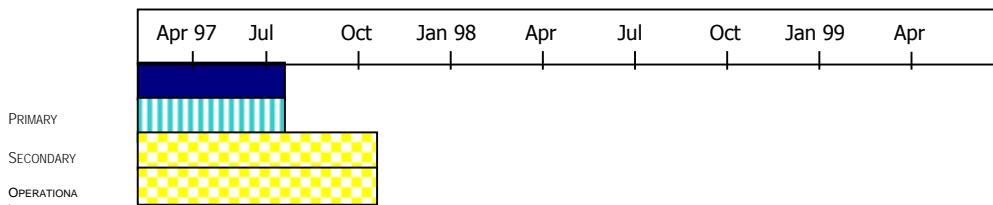
Paragraph 28 requires the city to implement appropriate discipline “as the circumstances and OMI investigation warrant,” in all instances in which PBP officers are the subject of civil litigation.

Methodology

Personnel files were reviewed for evidence of PBP officers involved in settled civil litigation. No settled litigation was noted during the eighth quarter. During the sixth quarterly audit, 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 department 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



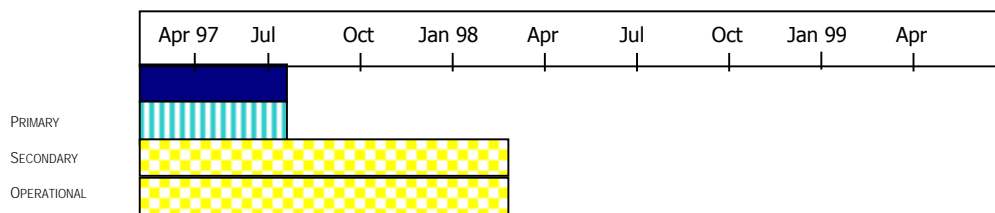
Paragraph 29 requires the city to provide PBP officers with legal advice on a 24/7 basis. Further the paragraph requires the legal advisor to provide training regarding legal aspects of search and seizure, use of force, and racial bias.

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, seven during the eighth quarter, 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



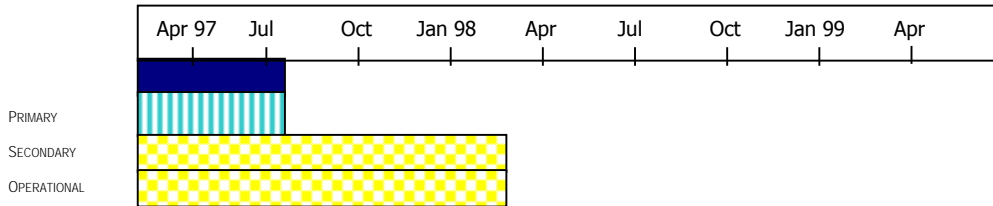
Paragraph 30 requires the PBP to develop a department-wide rotation schedule to ensure that officers are regularly supervised by different sergeants and lieutenants and that they regularly work with different officers.

Methodology

The PBP has developed a personnel rotation plan, and has implemented the first phase of the plan during the second quarter. The plan, supported by Chief's Memo 97-550, has transferred 91 officers to other assignments through January 1, 1998. Additional officers continue to be transferred as part of this rotation policy, with 95 officers transferred in December, 1998, and an additional 157 officers transferred in September, 1998. Transfers have continued through the eighth quarter, with all assistant chiefs having been transferred to new duty assignments in May, 1999, and an additional 29 officers transferred to new duty assignments during the quarter. Many of these transfers are routine transfers of personnel, necessitated by normal operational decisions. Decree-related, large-scale transfers are planned annually, for implementation in January. The next cycle of consent-decree transfers is anticipated in January, 2000.

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

2.21 Compliance with Task 31: PBP Attendance at Community Meetings



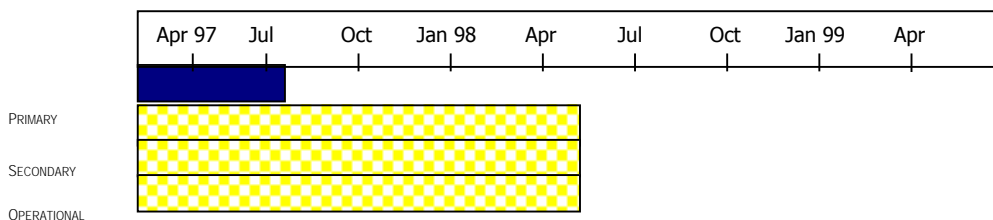
Paragraph 31 requires the PBP to “make every effort” to participate in community meetings, including those oriented toward minority groups.

Methodology

The auditor reviewed monthly attendance logs for police zones for the months of May 16, 1999, through August 2, 1999. The logs show multiple community meetings attended by PBP personnel, although the volume of meetings is reduced, presumably due to the fact that community meetings are more sparse during the summer months. 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: *Televis OMI’s Function*



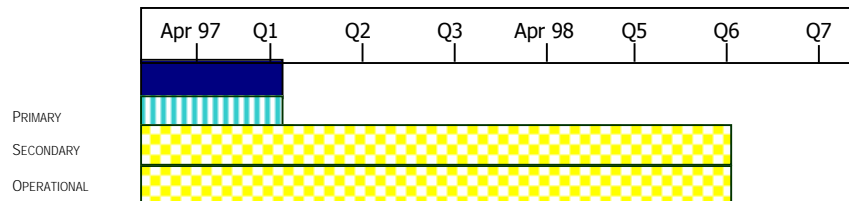
Paragraph 32 requires the city to televise to the public information concerning OMI’s function, location, etc. The paragraph also requires the city to have PBP personnel present at community meetings, and to publish and distribute pamphlets describing the OMI complaint process.

Methodology

The auditor reviewed community meeting logs maintained by OMI staff, and determined that personnel from the unit are in attendance at community meetings. For the last six quarters, the city has developed and aired (on average eight times daily) on the city’s public access cable channel a professionally created video tape explaining OMI’s function in investigating complaints of alleged misconduct against city employees. The video covers all important aspects of the internal investigations process, and according to the city, reaches 105,000 households throughout the Pittsburgh area. Based on 2.7 residents per household (a national average), the video is reaching nearly all of Pittsburgh’s residents. 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. Members of the audit team noted the presence of these brochures at all zones visited (one, three and five) during the site visit for the eighth quarterly report.

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

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



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

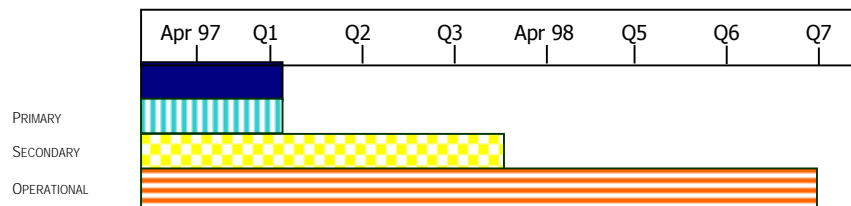
The auditor and the auditor’s staff have reviewed the PBP’s training curricula for in-service training, have conducted a site-visit of the training academy, and have interviewed many of the personnel assigned to the training academy. The bureau has developed (through contract) curricula for the cultural diversity training, and has begun implementation. Throughout 1999, the bureau has continued to train its officers in the topics of cultural diversity, “effective communication” and ethics. To date, according to the training academy’s records, all but eleven Bureau personnel have received training in cultural

diversity for the 1998-99 training cycle. The next quarterly audit, in November of 1999, will again focus on an intensive review of the training academy function.

More importantly, perhaps, the department is currently engaged in a re-engineering effort for its cultural diversity program. The revised curriculum for this topic is being developed by a Cultural Diversity Task Force Team, which will assist the training academy in developing the new curriculum. Research for the revised training curriculum is complete, and entails a careful analysis of demographics, linguistics, process and impact of diversity. This is exactly the nature of the processes identified as needed for operational compliance—moving beyond mere “letter of the law” compliance to a process of critically assessing the *impact* of tasks on the policing environment.

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

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



Paragraph 34 requires the city to establish monitoring systems which will assess citizens 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

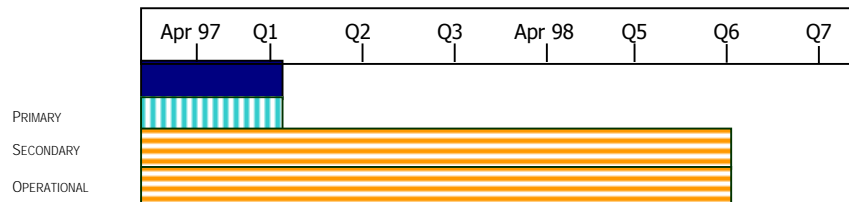
In order to assess this requirement, the auditor reviewed Training Academy records, reviewed the notes of PBP command staff meetings, and reviewed OMI monthly and quarterly reports.

It is 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 seventh quarter, training academy staff completed a review of citizens complaints and use of force reports

with the aim of improving, where applicable, training curricula. Reports from the academy are 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



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

The city and the bureau continue to make progress toward compliance with this task. The city is currently under contract with a nationally recognized consultant to deliver a series of classes on “verbal judo,” a process of verbal de-escalation which is recognized nationally as effective in reducing police-involved violence. To date, the bureau has trained all but 14 of its 1,080 eligible officers (with the exception being those on extended medical or similar leave, and thus not performing police duties) in “verbal judo” and/or tactical communications.

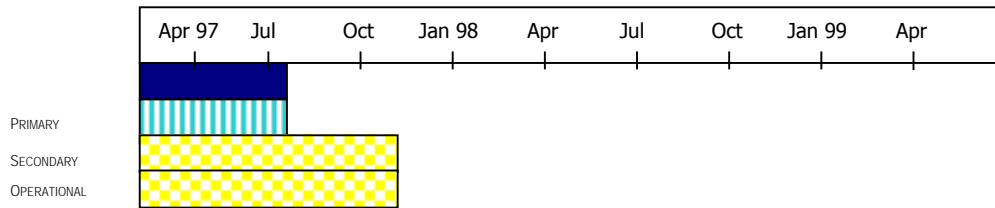
The bureau-wide process of reviewing all use-of-force curricula is currently continuing, in a joint program between the City Law Department and the bureau of Police. One staff attorney from the City Solicitor’s office is working with Training Academy staff to develop a comprehensive review of the PBP’s training curriculum with respect to use of force training.

The goal is development of a five-year training plan and a revision/rewrite of all aspects of the curriculum which entail police use of force—or avoidance thereof. The process has proven an effective policy review and revision mechanism, as it has developed plans for the removal of the “neck restraint” and “neck restraint to retrieve narcotics,” two problematic use of force activities, from the inventory of acceptable methods of use of force. The “neck restraint” will be replaced with the Lateral Vascular Neck Restraint, and this process will be

classified—appropriately—as deadly force. These changes have not been incorporated into PBP policy as of the eighth quarterly audit; however, the auditor has noted a significant drop in the occurrences of one problematic use of force maneuver, the “chokehold to recover narcotics.”

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

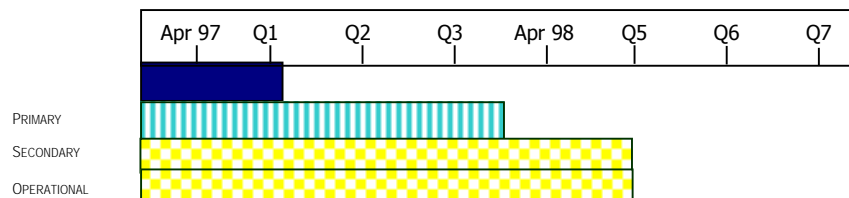
2.26 Compliance with Task 36: Training in Ethics and Integrity for Recruits



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.” No recruits were trained in the eighth quarter. The last recruit class offered by the PBP ran from May 19, 1997 through October 24, 1997. The recruit curriculum offered “ethics” training in weeks three and four, human relations skills in weeks four and five, multi-cultural training in week six. The auditor has reviewed the curriculum outlines for cultural diversity and ethics, and finds the curricula to be appropriate and responsive to the decree. No new recruit classes have been offered since October, 1997, thus no additional audit of the recruit training curriculum was possible.

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

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



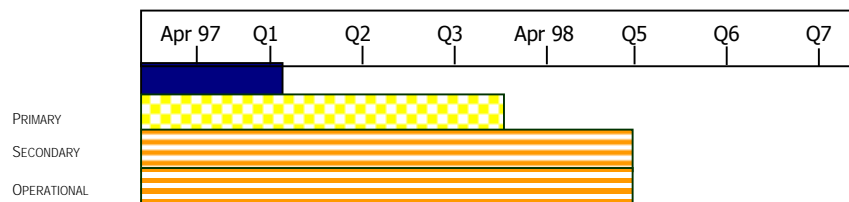
Paragraph 37 requires the city to train all officers in integrity, ethics, the PBP's mission and values, and cultural diversity. The training requires inclusion of the topics of truthfulness, reporting misconduct by fellow officers, the importance of avoiding misconduct, and professionalism.

Methodology

The auditor has reviewed the bureau's curriculum outlines for cultural diversity and ethics. In addition, the auditor has reviewed other curriculum components which he asked to be forwarded for review. The Academy's maintenance of training records for non-mandatory training has been substantially updated since the third quarterly report. According to academy records, all but 19 of the department's 1,074³ eligible personnel (98 percent) have received training in ethics. The bureau has contracted with a nationally-recognized provider of training in police ethics, and has substantially revised the curriculum for the 1999 calendar year. The latest ethics training was conducted in July, 1999 as part of the State of Pennsylvania's mandatory training cycle.

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

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



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

Methodology

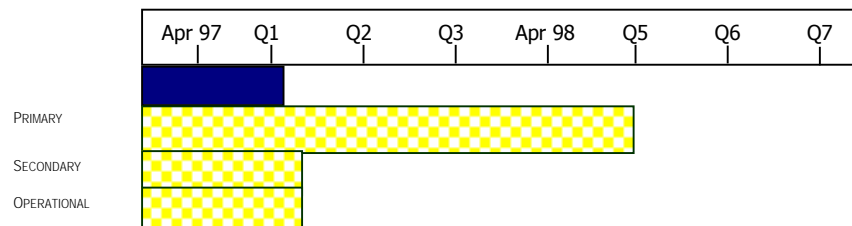
The auditor assessed primary steps necessary to complete the tasks required by this paragraph. The bureau has completed work on a script for a training video;

³ The Academy's training records appear to have been cleared of retired officers, terminated officers, and deceased officers, bringing the total number of employees in the database to 1,074 currently working officers, and 19 officers on extended leave or other non-functional assignments.

the script has passed legal review, and the initial taping has been completed. An initial session was presented by the OMI manager to recruits. The training of “all officers” in the OMI complaint process has been completed for all officers except those on extended leave. Based on a review of the training records, the department has trained approximately 98 percent of its officers in the OMI process.

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

2.29 Compliance with Task 39: Encourage Qualified FTO



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

During the first quarterly report, the auditor selected slightly more than a 50 percent sample of the 25 newly appointed FTOs selected by the bureau for its new recruits. Each of the 13 records selected was screened for poor disciplinary record, complaint history, and past performance. Given the bureau’s delay in implementing paragraph 23 (performance evaluations) these evaluations could not be used in *selecting* the FTOs appointed in July, 1997; however, recent re-evaluations of FTO performance included performance evaluations in the evaluation packet.

The auditor found all of the 13 officers’ files to be reflective of police careers that would recommend a role as an FTO. The field training officers’ records were clean of any civilian complaints that would require disqualification as an FTO. No new FTOs were appointed during the fourth quarter.

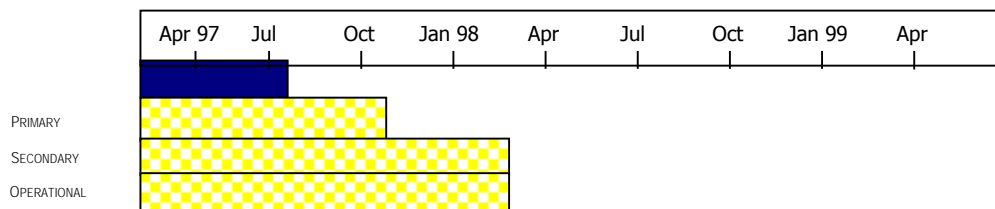
In addition, the auditor pulled a random sample of 15 PBP instructors’ files to assess completeness, accuracy, and conformance to established standards.

Further, the auditor checked each instructor who taught at the Academy during the second quarter to ensure that they were certified to teach the subjects they taught during the quarter. Each file checked was complete, accurate, and organized as one would expect. All instructors checked were certified by the state—or other certifying agency—to teach the topics they were assigned.

No new FTOs have been appointed by the bureau since July, 1997, thus the bureau remains in operational compliance with this task.

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

2.30 Compliance with Task 40: Train all FTOs and Instructors



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

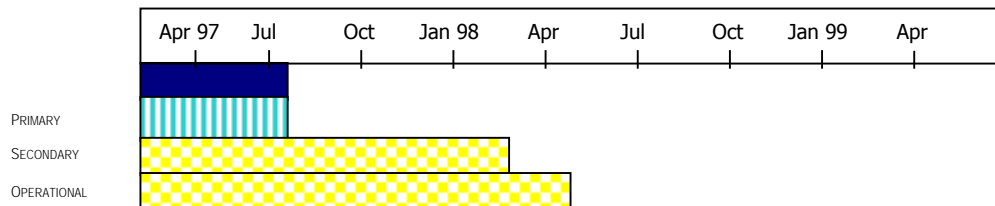
The auditor reviewed the training curriculum for FTOs and instructors provided through contract for the PBP. All instructors and FTOs are first “instructor development certified” by either the Federal Bureau of Investigation or Indiana University-Pennsylvania. FTOs then receive an additional five days of training at the PBP Academy for specific FTO-related topics. The specific provisions of paragraph 40 requires “demonstration on a regular basis...[of] proficiency in their areas of instruction.” The Police Bureau requires a formal assessment, using two forms specifically designed for evaluation, of the FTOs. The first (“Field Training and Evaluation Program—FTO Critique Form) is a two-page evaluation completed by field trainees. The form evaluates FTOs relative to the trainees’ assessment of the FTO’s ability, interest, knowledge, skill, ability to communicate, and fairness. The aggregate data collected through this process is shared with the FTO by the Academy commander. In addition, the PBP assesses FTOs by requiring their supervisors to complete an evaluation form (Field Training and Evaluation Program—FTS Critique Form). This form requires

supervisors to rate FTOs on their skill as a trainer, their ability to communicate, their fairness, promptness, and attendance. These data as well are shared with the FTO.

In addition, the Academy tests for all consent-decree and state mandated training classes. The Academy evaluates instructor proficiency through these test scores, assuming that effective instructors produce students who can pass Bureau and State exams. The process of testing for all consent decree-related training is relatively new; however, during the fifth quarter, more than 1,000 exam scores were reviewed by the auditor. The vast majority of test scores of PBP personnel were in the 85-100 range (of a possible 100). The examinations that the auditor reviewed indicated a close correlation between the instructor's syllabus and the exams. Further, a review of the examinations indicated that they are substantive and not, on their face, overly simple or easy to pass.

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

2.31 Compliance with Task 41: Maintenance of Training Records



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."

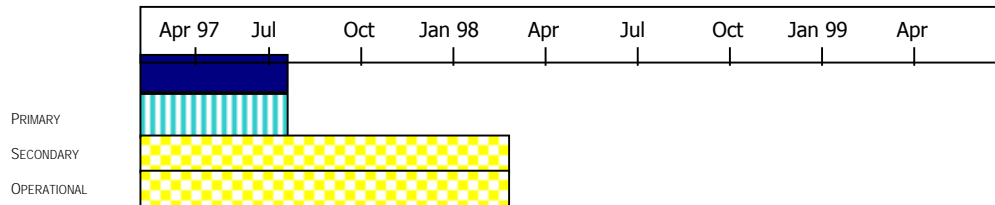
Methodology

The auditor conducted a thorough second-quarter review of the Academy's training records during a site visit to the Academy. Selected training curricula were assessed, and specific documents were selected for further analysis. This included training records for state-mandated and consent decree-related training. These records now appear to be up to date and complete. The records are kept in useable format, and are managed by a sworn officer, adept in manipulation of the database, and capable of generating *ad hoc* reports. The records currently can generate reports by officer, training topic, hours, date and test score.

Changes to the Academy’s record-keeping processes continue to evolve. In addition, this quarter’s assessment shows the records to be free from error, and to exhibit a “living” quality, i.e., they are updated frequently, and are subjected to error checking and correction processes. The Academy currently forwards training records to the auditor electronically. The bureau continues to be in compliance with this task. A review of new training curricula and syllabi during the seventh quarter indicates continued adherence to national standards regarding documentation of the training process. A second full-scale review of the training academy is scheduled for the ninth quarter.

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

2.32 Compliance with Task 42: Document Mandatory Counselings



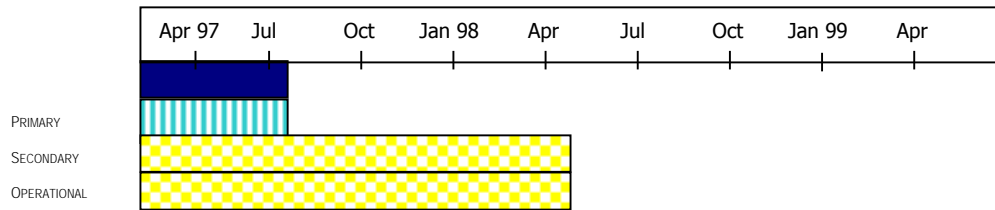
Paragraph 42 requires the city to document in writing all mandatory counselings by name of officer, reasons for the referral, OMI file number, related cross index number, the subject matter of the counseling, and the status of the officer’s attendance.

Methodology

During the auditor’s review of data for the eighth quarterly report, the department’s centralized file which is used to document mandatory counselings was reviewed. No mandatory counseling sessions were ordered this quarter for PBP personnel. Based on past performance, however, the bureau is judged to remain in compliance with this task.

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

2.33 Compliance with Task 43: Annual Supervisory and Leadership Training



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

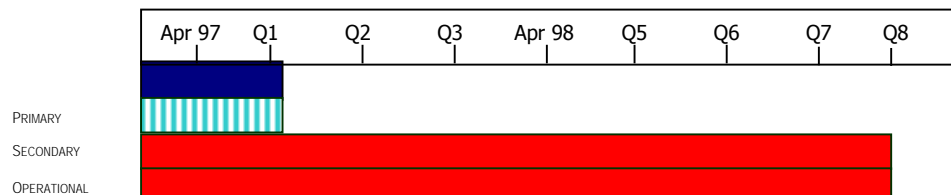
The auditor assessed the training records for PBP senior supervisors. The bureau continues to move forward with training for its senior supervisors. All supervisors have received the updated ethics training being designed by the bureau. Test scores for senior supervisors continue to average in the high 80s.

It appears, from the records available at this time, that nearly all senior supervisors have been trained at Pennsylvania State University's "POLEX" command staff training program. An in-service component on "integrity" has been developed, and all senior supervisors have received this updated training, offered by one of the most respected names in the field.

The bureau continues to avail itself of annual in-service training for command personnel, with topics including cultural diversity, ethics, and command accountability, although some topics are not received annually by all command personnel. A complete review of command staff leadership training is scheduled for the ninth quarter.

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

2.34 Compliance with Task 44: OMI Quality Assurance



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

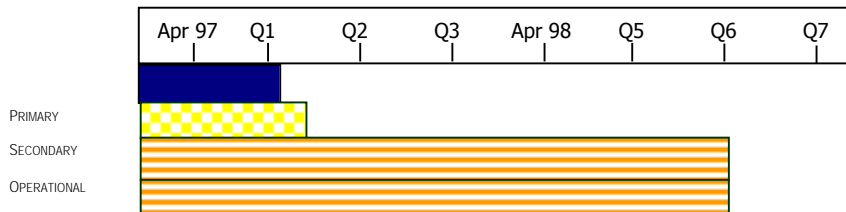
The auditor and the auditor’s team assessed the records management systems and electronic databases currently in place within the OMI office. They observed OMI personnel as they worked with the databases, and reviewed output from the databases.

Current OMI databases have been brought up to date, through the assignment of a temporary data entry clerk. At present, data are available for OMI investigations from 1986 through 1999. Using this database, records of complaints for individual officers can be easily identified; however, assessment of complaint history on a routine basis, for all officers, is cumbersome and difficult. As of September 1, 1999, the OMI manager, the intake coordinator and one investigator have been trained in the new PARS program.

Given several innate weaknesses in the OMI database, the system is currently being re-written, transitioning it into a more suitable management tool. The audit team met with representatives of CIS during the May site visit and discussed plans for revision of the OMI management information system. The auditor reviewed the prototype of the new system during the August site visit, and has found it to be an acceptable response to the requirements of this section of the consent decree. Projections call for the new OMI management system to be on-line in November, 1999.

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

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



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

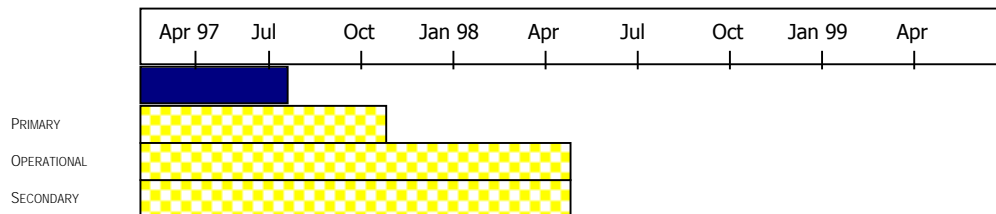
The auditor has reviewed Chief’s Orders 97-009 and 97-024 which established the zone “performance files.” These orders required the creation of disciplinary files at the zone level which “contain all OMI and non-OMI complaints that have been filed against the officer,” (CO 97-009). CO 97-024 requires that performance files “shall be available to personnel within the officers’ chain of command ... responsible for the officers’ training, counseling, or discipline.”

The PBP continues to provide access to police officers’ files in an area of each zone station house which is accessible to sergeants and lieutenants working evening and night turns.

All officers at zones one, three and five who had received three complaints of a similar nature in the past two years or five complaints within the last two years were appropriately noted in the performance files. The bureau remains 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



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.

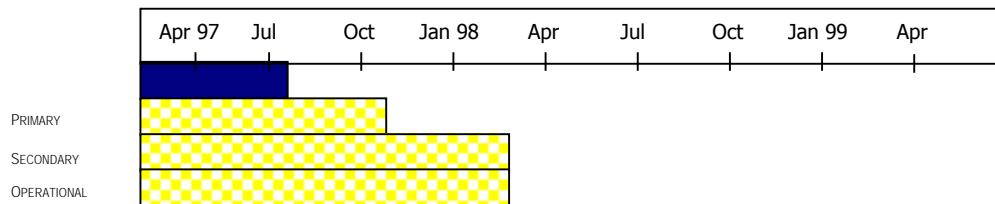
Methodology

The auditor reviewed the OMI manual, as promulgated on December 1, 1997, for revisions and assessed OMI training documents. In addition, the auditor reviewed training records for OMI personnel. Records provided by OMI indicate that all new civilian OMI investigators have received on-site training during the eighth quarter, and the office continues to implement its training plan for investigative personnel.

The Office is in primary compliance with the requirements relating to promulgation of an OMI manual, and provision of training for OMI staff. In addition, the Office has developed an annual training plan for 1998-99, and made all suggested revisions in the OMI manual during the last quarter. No new revisions were made this quarter. As part of the scheduled review of training during the ninth (next) quarterly site visit, a comprehensive review of OMI training will also be conducted.

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

2.37 Compliance with Task 47: Receipt of Complaints



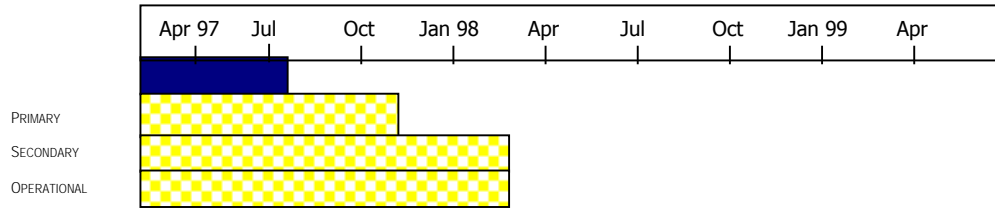
Paragraph 47 requires the city to accept citizen complaints at OMI via telephone, mail, facsimile, or in person, and that no complainant be required to complete a complaint form to initiate an investigation.

Methodology

The auditor reviewed final reports of all of 12 completed OMI investigations of citizens' complaints (completed this quarter) 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. A more detailed review of supporting documentation was conducted of five cases completed this quarter.

Secondary: In Compliance
 Operational: In Compliance

2.39 Compliance with Task 49: Closure of OMI Investigations



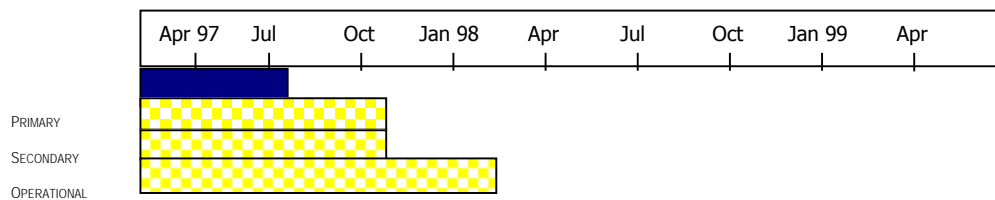
Paragraph 49 of the consent decree requires OMI to refrain from closing an investigation without rendering a disposition solely because a complainant withdraws the complaint or is unavailable to make a statement.

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. In addition, a sample of completed investigations over the last five quarters was assessed to determine if any of the complainants in these cases had withdrawn the complaint. One such complaint was found, during the fourth quarter, in which the complainant signed an official “notice” of withdrawal of his complaint. The OMI investigation, nonetheless, was completed, and was thorough. No withdrawn complaints were found during the eighth quarterly audit.

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

2.40 Compliance with Task 50: Relocate OMI



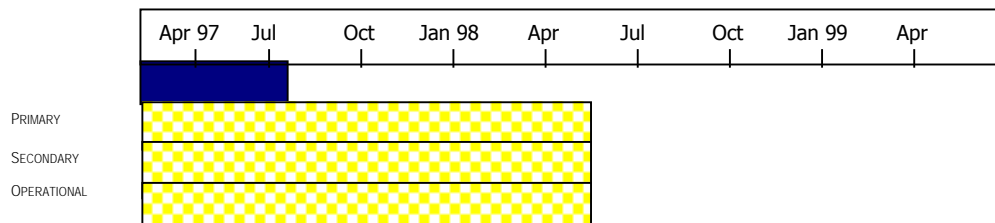
Paragraph 50 requires the city to relocate the Office of Municipal Investigations to an office that is separate from any building occupied by PBP personnel. It further requires that the new facility be convenient to public transportation, and that the city publicize the new OMI location.

Methodology

During the second quarter, the auditor verified that OMI had been relocated, and assessed the relocation as meeting the requirements of the decree. The only element precluding operational compliance with section 50 of the decree, at that time, was lack of “notice” to the public of the relocation. During the auditor’s site visit for the fourth quarter’s audit, the level of notice of the relocation was assessed. The city has taken proactive steps to publicize the location or function of OMI since the last quarter. A public-access video has been aired detailing the Office’s new location, and thousands of brochures have been printed and distributed noting the Office’s new location. These brochures were available at all city buildings visited by the auditor this quarter.

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

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



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

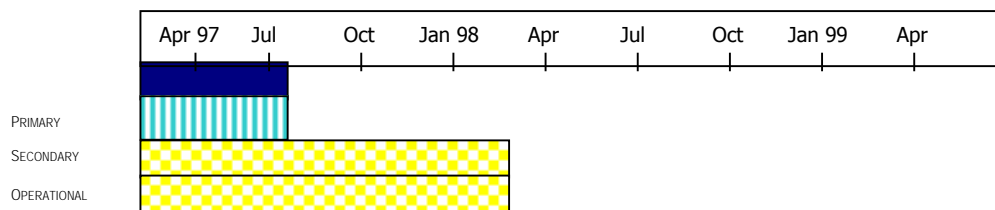
The auditor reviewed supporting documentation for five of the 12 citizens’ complaint investigations completed during this quarter to determine if OMI personnel or police personnel required any complainant to come to a city facility to file a complaint or provide a statement. Ample evidence existed, in 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. The auditor reviewed attendance logs for OMI's quarterly meetings (held May 16, 1999 and August 2, 1999), and reviewed the newly revised OMI manual to determine policy or procedural guidance relative to attendance at quarterly community meetings. Further, the auditor assessed completed OMI investigations to attempt to identify whether or not complainants were required to come to a PBP facility to register a complaint or make a statement.

The quarterly attendance logs indicate that OMI personnel have conformed to the requirement to attend quarterly meetings. While they offer to take complaints at these meetings, according to staff, no such complaints have been registered or investigated. The OMI manual, at section 4-1(B) stipulates that "OMI also accepts complaints during quarterly, off-premises meetings in rotating zones." This quarter, the city advertised zone meetings in city buildings, and provided copies of publicity notices used to publicize the OMI quarterly meetings in city buildings. Further, the brochures printed by the city and the video completed and aired to all cable recipients, provides further information regarding identifying the location of zone meetings (by providing a contact name and a telephone number). While no logs were provided to ensure that "all city buildings" had posted notices of zone meeting dates, time and locations, the use of the OMI public-access video, coupled with the printed OMI brochure, gives, in the opinion of the auditor, ample notice allowing those interested to attend zone meetings. Further, it should be noted that each city facility the audit team visited this quarter had the OMI brochures prominently displayed in public areas.

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

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



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

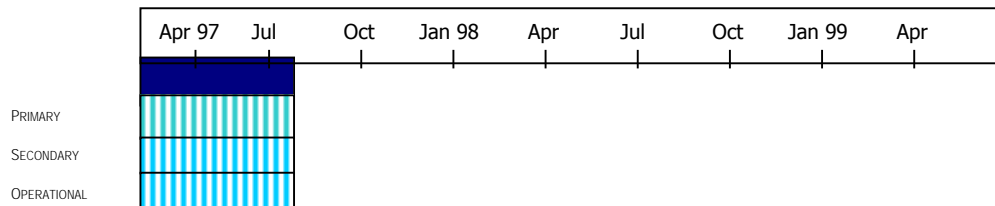
The auditor attempted to track the paper trail from OMI to zone-level senior supervisors, and to find any evidence at the zone level of notification from OMI of use of force, improper search or seizure or racial bias. OMI does issues monthly reports identifying officers complained against, the type of complaint and a brief narrative. These reports are forwarded to the Chief of Police, and the Deputy Chief for Operations, and through them to the zone commanders. In addition, any complaint alleging racial bias is automatically forwarded to the Human Relations Commission (although this process is not treated in the new OMI manual).

During this quarter's site visit, the auditor was able to track a "paper trail" of notice to senior supervisors of complaints filed by citizens, noting dissemination of quarterly and monthly OMI reports to senior supervisors of the bureau of Police. In addition, notice is sent to each zone, and filed in the zone performance file, of OMI investigations of allegations against officers assigned to the zones. This includes all allegations, including those of improper use of force, search and seizure and racial bias.

The bureau is deemed to be in operational compliance for task 52.

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

2.43 Compliance with Task 53: Responsibility for Complaint Investigation



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.

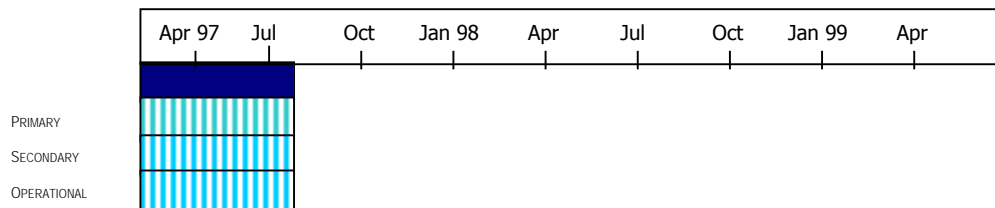
Methodology

The auditor reviewed the OMI manual for sections relating to paragraph 53, interviewed OMI personnel, and reviewed OMI case files for any indication of incompleting or "withdrawn or settled" OMI cases. Section 2-1 of OMI's new manual charges OMI with jurisdiction to "investigate all personnel of any

department of the city of Pittsburgh...” and specifically notes the departments over which OMI has investigative authority, including the PBP. A review of all 12 of the completed OMI investigations for this quarter reveals no evidence to indicate that the city does not remain in compliance with this task. No cases were found in this quarter which the complainant officially notified OMI of his desire to withdraw his complaint.

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



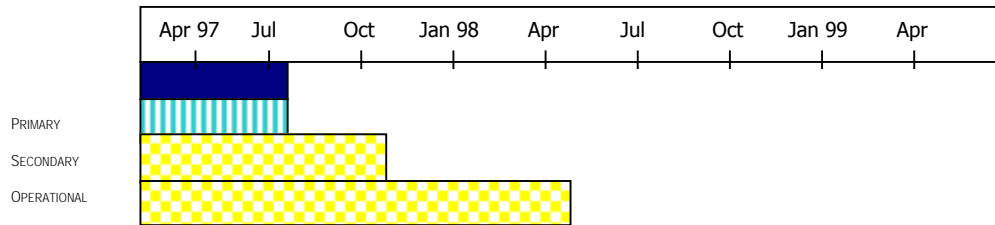
Paragraph 54 requires officers to provide citizens with their names or badge numbers, upon request. Section 101-4.06, “Conduct Toward the Public” requires that “when requested by any person, a member shall give his name and badge number in a courteous manner.”

Methodology

The auditor reviewed a sample of completed OMI cases for the eighth quarter (May 16, 1999 through August 2, 1999) to determine if allegations of failure to provide name and badge number were made to OMI. None were found; however, the bureau did sustain 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



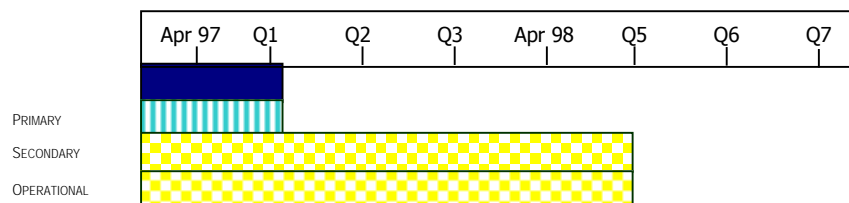
Paragraph 55 stipulates that OMI will interview witnesses at alternative sites if they are unavailable for interviews at OMI offices. The paragraph also requires reasonable notice before all interviews. Section 4-2(B) of the OMI manual stipulates that OMI will arrange to interview complainants “off-site,”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

Methodology

The auditor reviewed completed OMI case investigations to determine if interviews were being conducted “off site.” Among the 12 completed investigations assessed during this quarter, ample 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



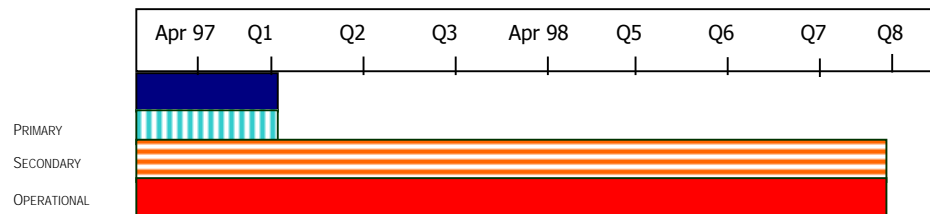
Paragraph 56 requires OMI to tape-record and transcribe all interviews, and to refuse to accept “special reports” in lieu of an interview. Further OMI is required to reserve the right to question all interviewees, and to challenge their version of the facts.

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 five (of 11) completed investigations of citizens' complaints provided 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

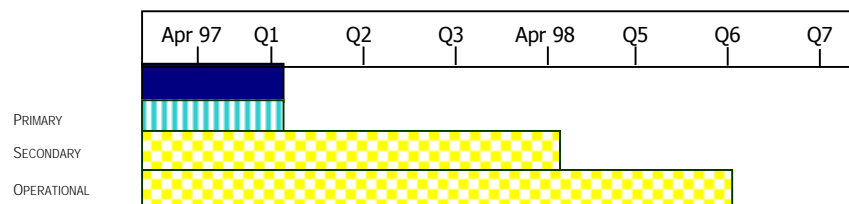
2.47 Compliance with Task 57: OMI Staff Access to PARS



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. OMI currently is not using OMS/PARS to prepare complaint histories, assignment histories, etc.

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

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



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.

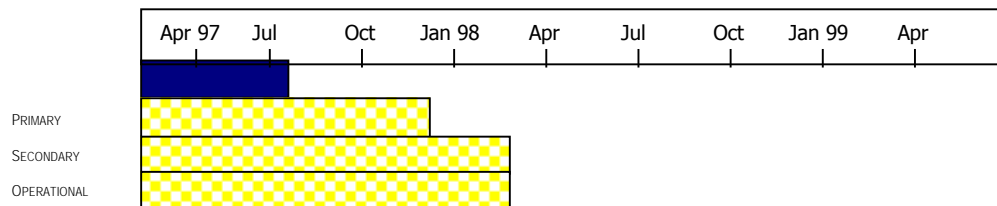
Methodology

As noted in the first auditor’s quarterly report, the OMI manual contains language concerning the need to interview senior supervisors and supervisors; its revised version requires OMI investigators to determine the supervisors’ “handling of ... situation[s] during and after the alleged incident[s]” and their “observations of the complainant[s] and the accused officers.”

Further, OMI case reports which were reviewed were assessed for any evidence that the investigator had attempted to locate any potential supervisors at the scene. None of the 12 cases reviewed during the eighth quarter produced an indication that supervisory personnel were present. Based on previous performance, however, the city remains in compliance with the requirements of this task.

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

2.49 Compliance with Task 59: OMI to Canvass for Witnesses



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

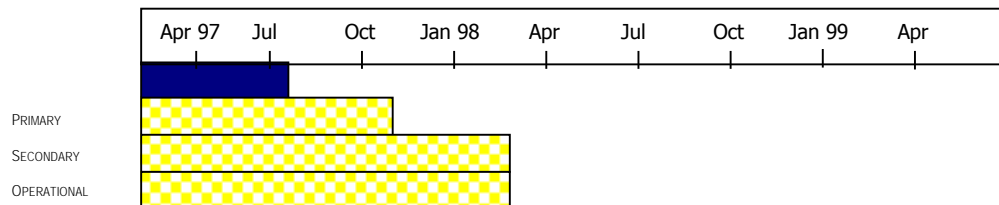
Methodology

The auditor reviewed the OMI manual, Section 6-1G, which requires neighborhood canvasses, “as soon as possible” after receiving a complaint. Case tracking forms also include a “check off” box for witnesses located through the canvassing process.

The auditor reviewed all 12 completed OMI cases for the eighth quarter (May 16, 1999 through August 6) to determine if OMI personnel were conducting canvasses as required by this paragraph of the decree. Of the five cases reviewed, all included documented efforts to reach witnesses.

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

2.50 Compliance with Task 60: OMI to Review Police Shootings



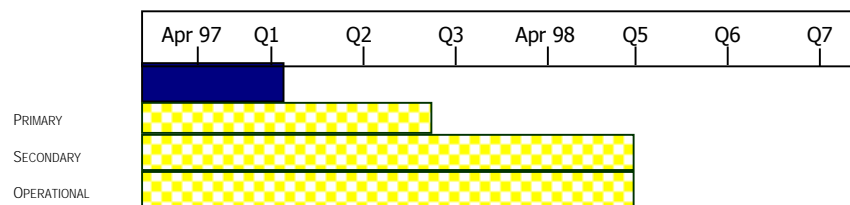
Paragraph 60 requires OMI to review all police firearms discharges, and all reports prepared by the coroner relating to deaths caused by police shootings.

Methodology

The auditor assessed, through departmental records, the number of police-involved shootings that occurred during the eighth quarter and found one (the same number investigated during the last quarter). The Office reviewed this shooting, using a newly developed officer-involved shooting protocol. The Office is judged to have remained in compliance with this task.

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

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



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

Methodology

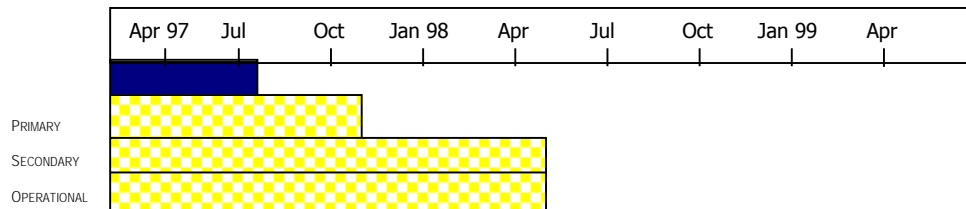
The auditor reviewed 12 of 12 OMI investigations completed from, February 16 1999, to May 15, 1999, to assess the level of compliance with paragraph 61.

The investigations were evaluated regarding complaint receipt and processing, case management, investigation and documentation, findings and determinations and reporting.

Of the five investigations assessed for the eighth quarter, all appeared to have been professionally conducted, and to meet minimum standards for professional internal investigations.

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”



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.

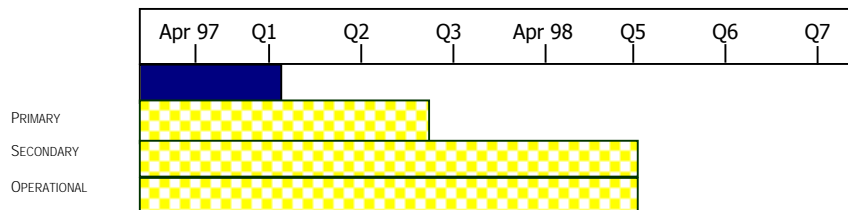
Methodology

The auditor reviewed the OMI manual for reference to the requirement to note conduct “outside the four corners” of the complaint which violates departmental policy or procedures. The OMI manual refers to such complaints as “collateral misconduct,” and stipulates in Section 6-8 that “if, during the course of an OMI investigation, an OMI investigator has reason to believe that ... collateral

misconduct [occurred] the investigator must investigate and make findings with regard to such collateral misconduct.”

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

2.53 Compliance with Task 63: OMI to Issue Final Reports



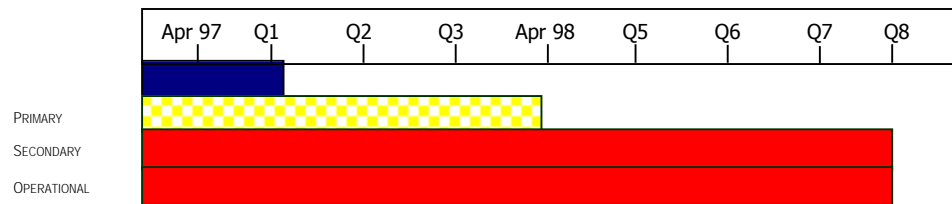
Paragraph 63 requires OMI to issue final reports on all investigations. The final report is required to identify any misconduct noted, to provide a summary of evidence gathered, document credibility determinations, document findings, and identify the officer’s complaint history. The final report is required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

Methodology

The auditor reviewed final reports of all 12 investigations completed by OMI between May 16, 1999 and August 6, 1999. In addition, the auditor reviewed supporting documentation for five of the 12 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. Each of the 12 files assessed contained evidence of continued improvement in form, style and substance. All requisite reports, checklists, forms and documentation were present in each of the reports reviewed for supporting documentation. All of the investigations were conducted in a manner that meets acceptable standards for internal investigations.

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

2.54 Compliance with Task 64: OMI to be Adequately Staffed



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

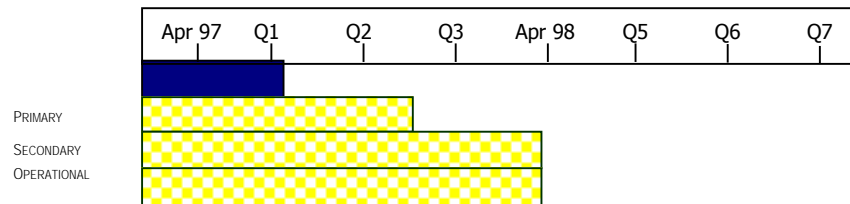
Adequate staffing for the Office of Municipal Investigations, as it relates to the requirements of the consent decree, is relatively easy to define: the Office is adequately staffed when the number of completed cases equals the number of cases received by the Office, over a protracted period of time. During the last eight quarters, the ratio of complaints cleared to complaints received has never exceeded 75 percent. While additional personnel were added to the OMI complement during the eighth quarter, yielding a total of nine investigators assigned to police cases, the Office continued to run a backlog of cases for this quarter. While the Office completed and forwarded to the auditor for review a total of 12 investigations the office received an additional 42 complaints during the eighth quarter, adding an additional 31 cases to the backlog of 463 cases currently pending.⁴

An additional two investigators have been assigned to OMI this quarter, and plans are underway to add two more. Once these additional (temporary) investigators are assigned and trained, OMI will have seven full-time investigators assigned to police cases, and two part-time investigators assigned to police cases. A walk-through of OMI offices, conducted this quarter, indicates that other resources for OMI investigators, such as computers, desks, interview rooms, etc. appear adequate for the new staffing levels.

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

⁴ Data in the OMI database reflect more cases resolved by OMI than have been provided to the auditor for review. An assessment is underway to determine the reason for this contradiction.

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



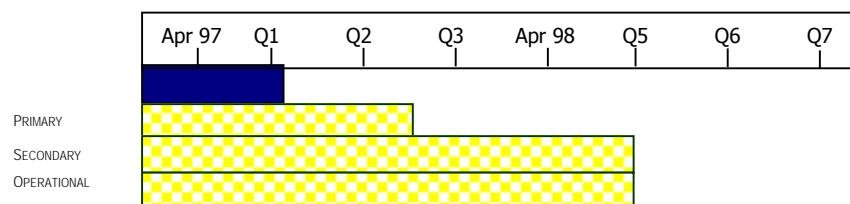
Paragraph 65 requires OMI to use the preponderance of the evidence standard in determining findings on cases assigned for investigation.

Methodology

The auditor reviewed the OMI *Manual of Policy & Procedure*, which states at Section 7-4 that “all findings by OMI shall be based upon the ‘preponderance of the evidence standard.’” The revised (5/98) document defines this standard for the reader, using applicable civil law definitions. The auditor reviewed all 11 OMI investigations completed this quarter, and found each to conform to the preponderance of the evidence standard, as articulated in the OMI manual.

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

2.56 Compliance with Task 66: No Preference for Officers’ Statements



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.

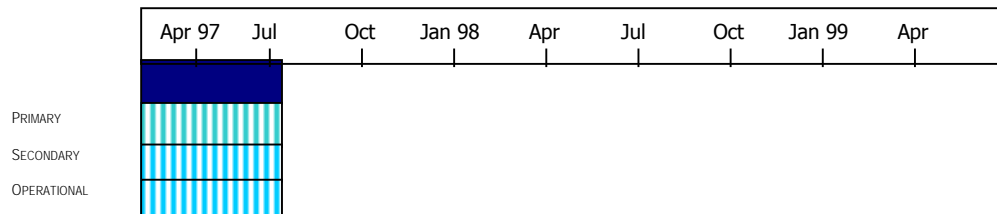
Methodology

The auditor reviewed the OMI *Manual of Policy and Procedure* for references to preferences to officer’s statements, and found a reference in the revised (5/98) Section 6-9. There were also references to credibility determinations (Section 6-9) which conform to the requirements of paragraph 66.

In addition, the auditor reviewed the 12 investigations of citizens’ complaints completed during the eighth quarter for conformance to this requirement. In each of these 12, credibility assessments were documented in the final report.

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

2.57 Compliance with Task 67: OMI Retains Final Investigative Authority



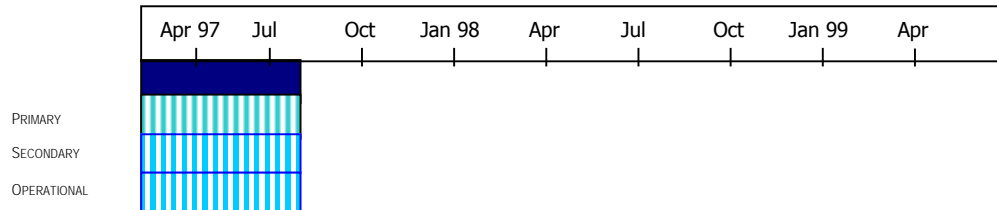
Paragraph 67 stipulates that OMI will retain final authority for investigations of police personnel. It stipulates that OMI retains final authority for determining findings and dispositions of all investigations, and specifically precludes supervisors and senior supervisors from modifying or reversing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

Methodology

The auditor reviewed all OMI investigations completed between May 16 and August 15, 1999, searching for a case which resulted in a sustained finding, with evidence of a “reversed” OMI finding by a supervisor or senior supervisor. No such evidence was found. The city is deemed 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”



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

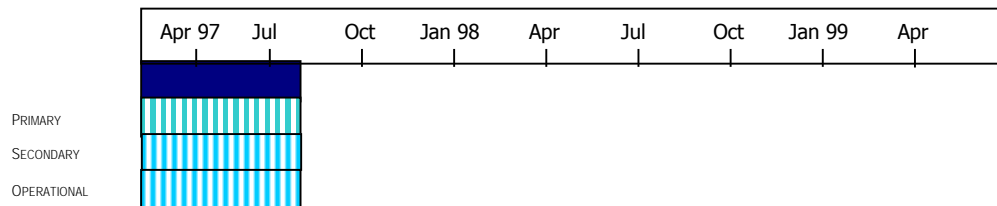
Methodology

The auditor reviewed the OMI manual, which stipulates at 7-1B, that cases which generate “evidence that is insufficient to prove or disprove that accountability standards have been violated” will be classified as “Not Resolved.” Further, the auditor assessed all completed OMI investigations for the period May 16, 1999 through August 6, 1999, to determine if the disposition of “Not Resolved” was appropriately used.

During the seventh quarter, the auditor noted a discrepancy in case resolution between the “not resolved” classification and “unfounded” classification. As a result of this discrepancy, the auditor reviewed all final reports prepared by OMI during the eighth quarter, particularly with respect to the disposition classification of “not resolved.” One of the twelve cases completed this quarter was classified as “not resolved,” and, in the judgment of the auditor, this classification was justified.

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

2.59 Compliance with Task 69: OMI to Issue Quarterly Reports



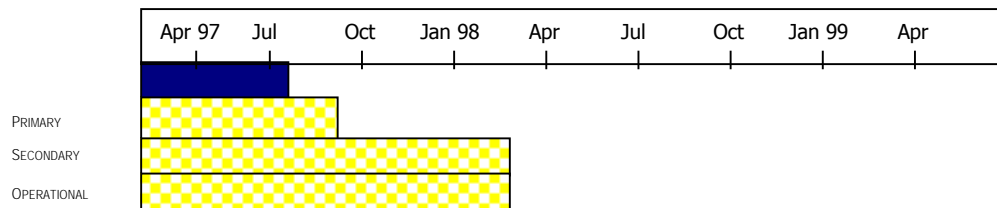
Paragraph 69 requires OMI to issue quarterly reports on its activities. The report is required to list each investigation’s significant dates, general allegations, disposition and resulting discipline.

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



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. 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;

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- 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 seven 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.⁵ Table One, below, depicts the number and type of citizens' complaints received by OMI during the seven quarters covered by the consent decree.

The data reflected in Table One are presented in Figure One, below, which depicts the percent of complaints received, by type of complaint, by quarter. As Figure One indicates, the relative percentage of the more serious complaints (Type 2 and Type 3 complaints) have dropped substantially since the beginning of the decree.

⁵ Exact classifications are still under discussion with the City and the Department of Justice.

Table One: Complaints Received by the Office of Municipal Investigations, 1st through 8th Quarters (1997-1999)

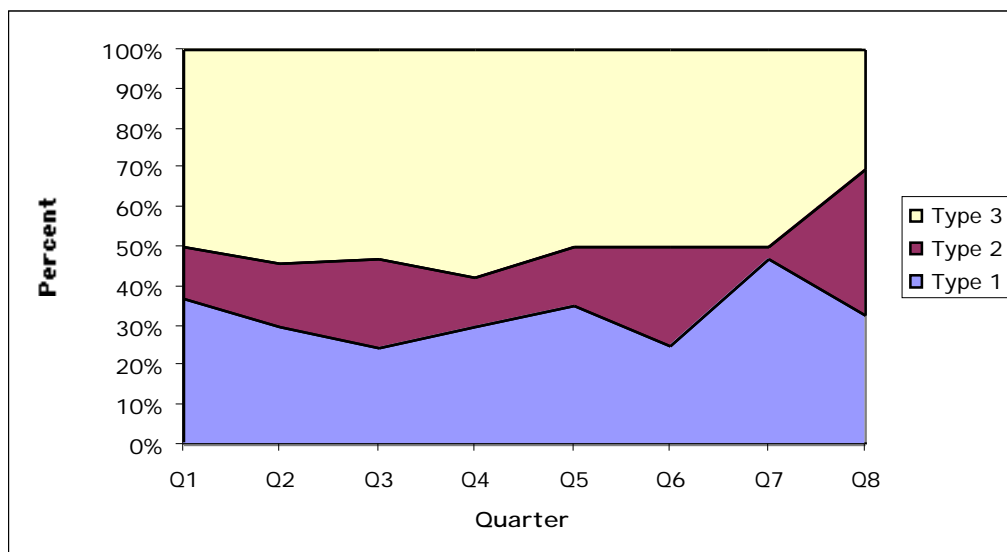
Quarter	Type 1	Type 2	Type 3	Total
1	18	9	26	53
2	22	15	39	51
3	33	32	59	124
4	42	19	84	145
5	33	18	58	109
6	8	12	24	44
7	25	1	15	41
8	14	16	13	43
Total	192	121	321	610

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 seven quarters covered by this report. The average (mean) severity of complaints filed with the office are represented in Figure Two, below.

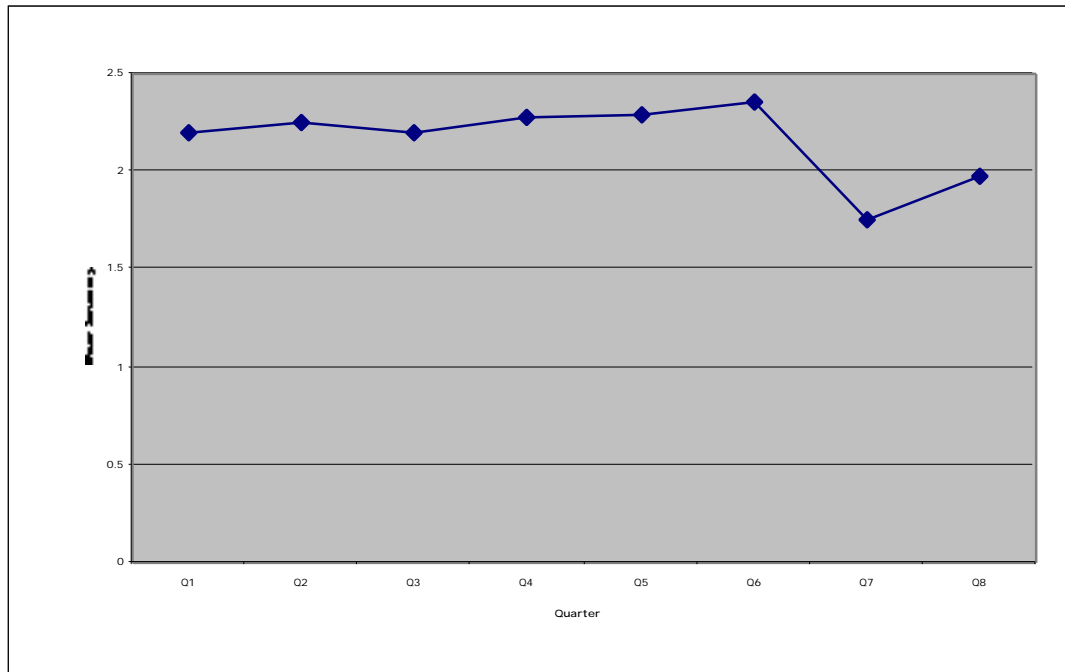
Figure One: Percentage of Type 1,2 & 3 Complaints Received by Quarter (1997-1999)



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

Average (mean) severity was calculated by computing an arithmetic average for each quarter covered by this report, using the “Type 1,” “Type 2” and “Type 3” designations. As Figure Two indicates, after holding relatively steady through quarters 1-6, the average complaint severity dropped substantially in quarter seven and eight.

Figure Two: Mean Complaint Severity by Quarter (1997-1999)



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

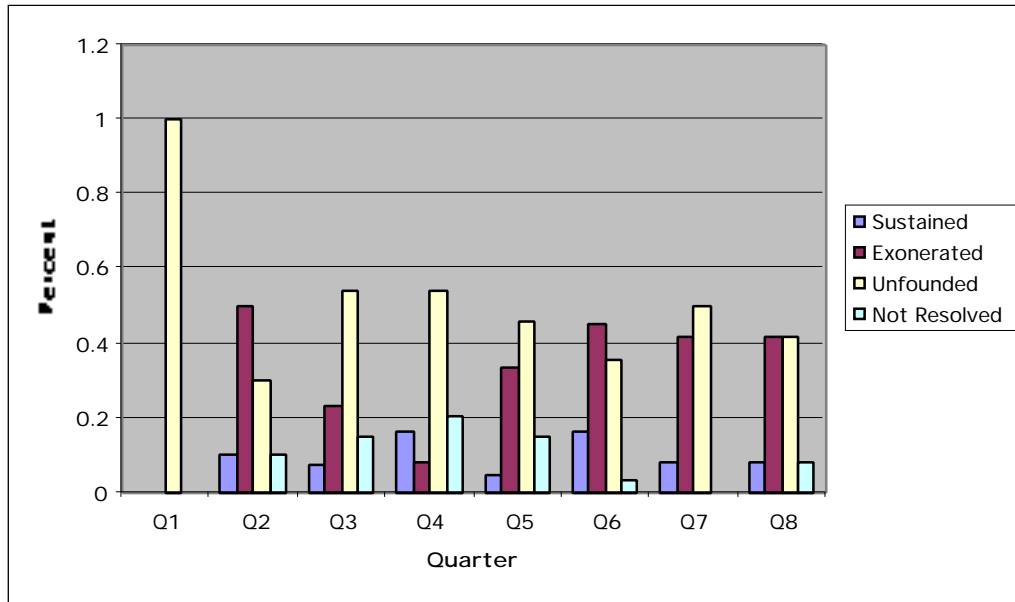
Rates of Sustained Citizens' Complaints

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 Three, below, depicts the rates at which OMI resolved the complaints received during the first eight quarters covered by this report.

Figure Three: Resolved Complaints by Disposition, by Quarter (1997-1999)



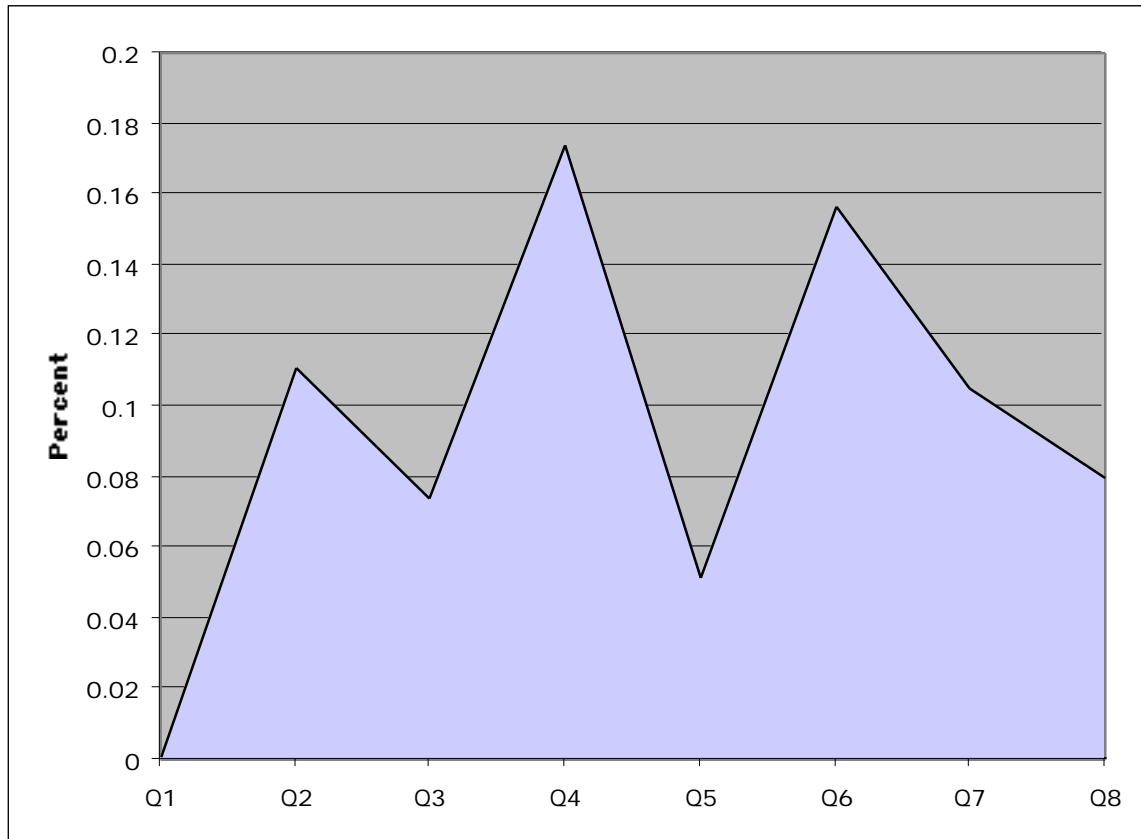
Source: Electronic database provided by City of Pittsburgh, CIS and calculations by the auditor.

Rate of Sustained Complaints

The rate at which the Office of Municipal Investigations sustained citizens' complaints are reported in Figure Four, below. The data depicted in Figure Four 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 other finding except "sustained."

Figure Four 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 Four 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.

*Figure Four: Rate of Sustained Citizens' Complaints
By Quarter (1997-1999)*



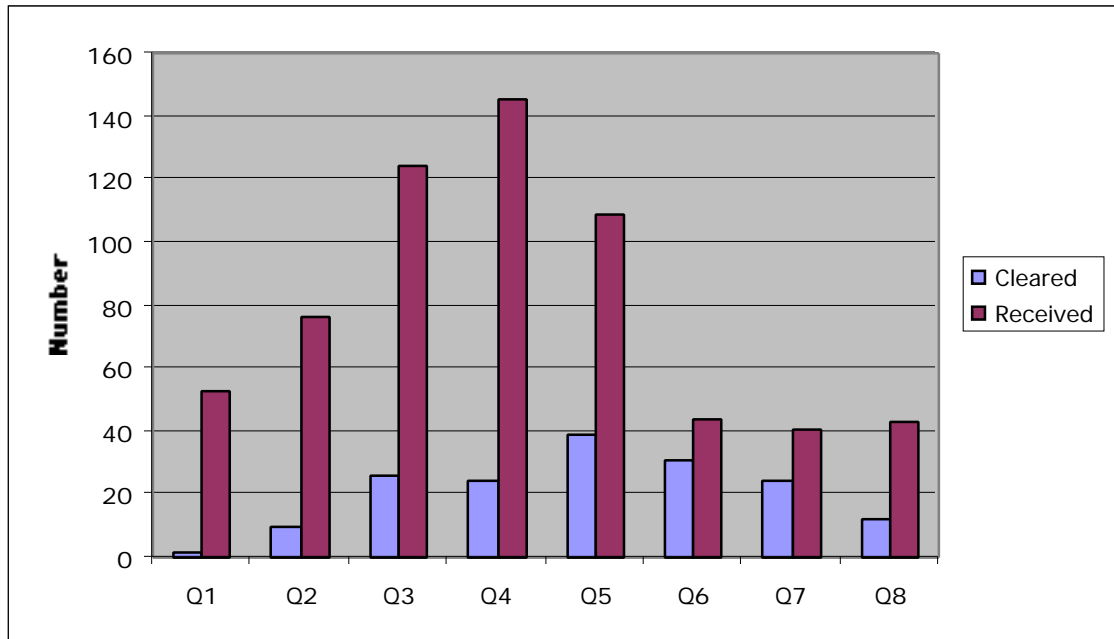
Source: Electronic database provided by City of Pittsburgh, CIS and calculations by the auditor.

Complaints Received and Complaints Cleared

The number of citizens complaints received by OMI during the last seven quarters, compared to the number of complaints resolved by the Office is reported in Figure Five, 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 Five reports two categories of data for the seven 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 Five: Complaints Received v. Complaints Resolved, By Quarter (1997-1999)⁶



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

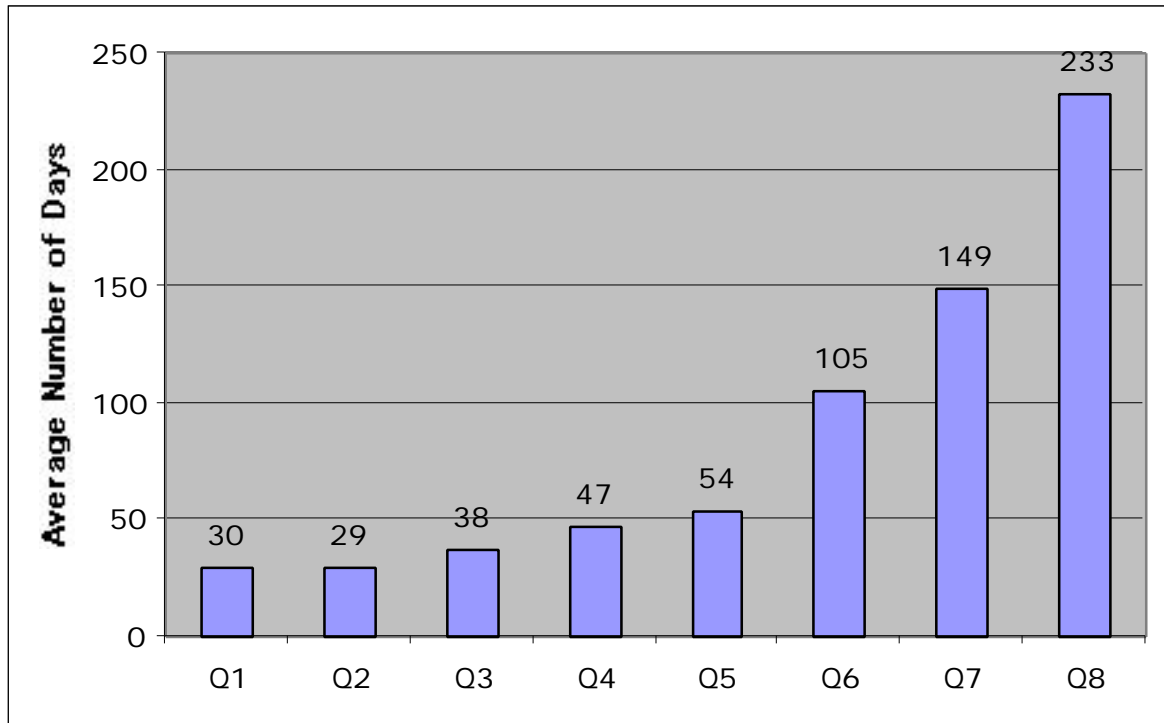
Length of OMI Investigations

Figure Six depicts the average length of time (in number of days) required to complete an OMI investigations during the last seven quarters covered by this report. The data depicted in Figure Six were calculated by determining the number of days from complaint receipt to compliant resolution, as reported in the OMI database, for each investigation completed during each of the seven quarters covered by this report. An arithmetic average (mean) was then calculated for each quarter.

Data for Figure Six reflect an intensive training schedule for OMI personnel, beginning in the third quarter. In addition, two cases (one each in the first and second quarters) had missing data in the received/resolved columns, which skewed reported data for those quarters. These data also reflect the fact that OMI is beginning to “clear up” long-term pending cases.

⁶ Cases cleared as reported by the OMI database differ from cases forwarded by OMI to the auditor for review. An assessment is currently underway to determine the source of this error.

Figure Six: Average Length of Time Required to Complete OMI Investigations, by Quarter (1997-1999)



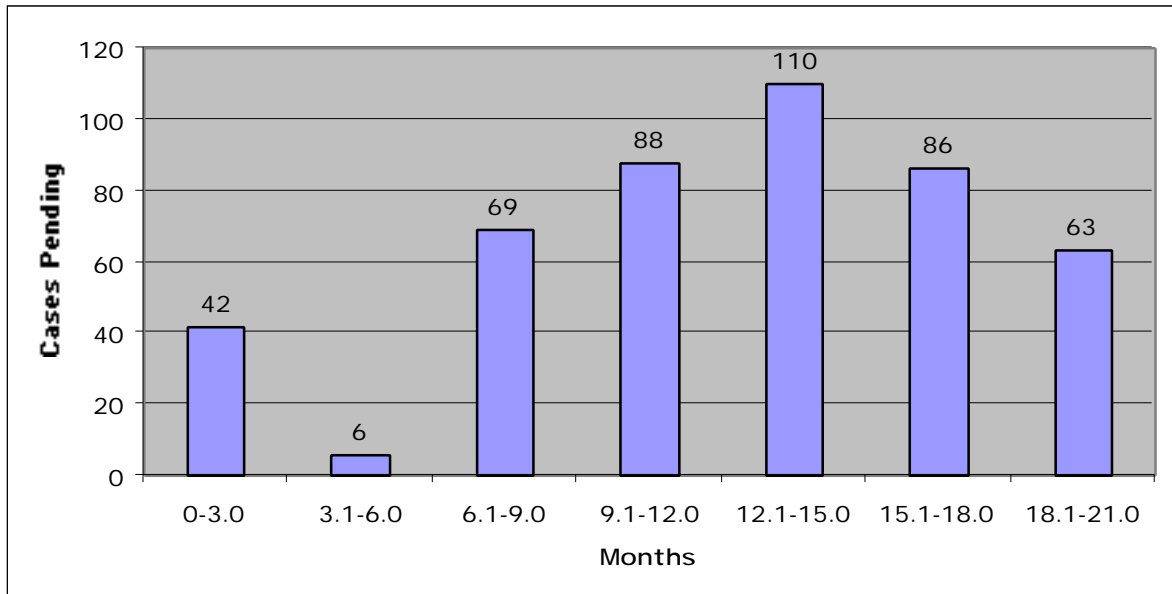
Source: Electronic database provided by City of Pittsburgh, CIS and calculations by the auditor.

Length of Pending Investigations

The length of time OMI investigations are pending is reported in Figure Seven, below. The number of citizens' complaints currently pending for each period of time (0-3 months, through more than 18 months) are depicted.

The data were collected by subtracting the date the complaint was received by OMI from the effective date of the end of the eighth quarter (August 15, 1999). For the purposes of this report, a "month" was operationalized as 30 calendar days. Using 30 as the divisor, the total number of "pending" months was calculated for each complaint. For example, Figure Seven indicates that OMI has 88 citizens' complaints which are classified as "open" nine-twelve months after they were filed.

Figure Seven: Length of Pending Investigations of Citizens' Complaints (1997-1999)



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

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

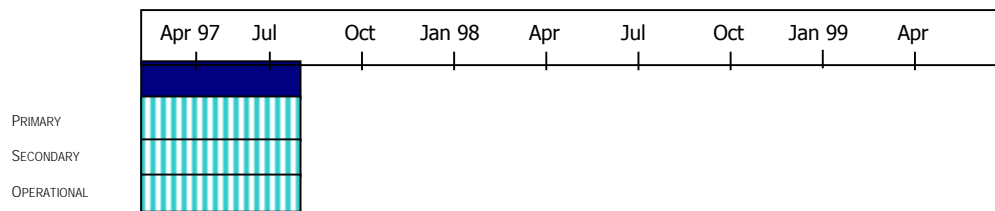
The auditor has reviewed all twelve final reports of OMI investigations of citizens' complaints completed between May 16 and August 15, 1999. In addition, the auditor conducted a comprehensive review of supporting documentation for five cases completed during this time frame. All completed investigations reviewed for the eighth quarter were conducted in a manner that meets minimum standards for professionally conducted internal investigations. No cases were remanded for reopening this quarter. The city currently has a backlog of several cases which have been remanded for reinvestigation and have not been returned to the auditor. To remain in compliance with this task, these remanded cases should be completed and resubmitted expeditiously.

2.63 Compliance with Task 73: City to Prepare Progress Reports

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 73

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

2.64 Compliance with Task 74: City to Maintain Records Necessary



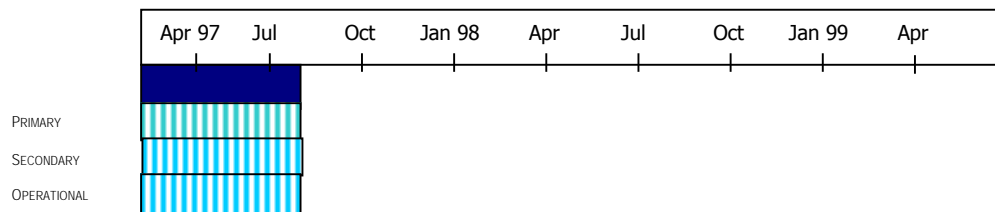
Paragraph 74 requires the city to maintain all records necessary to document their compliance with all terms of this decree. Further, it requires the city to maintain records required by or developed under this decree.

Methodology

The auditor asked for all pertinent copies of records required to document compliance with the decree, and received same in a timely manner.

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

2.65 Compliance with Task 75: Unrestricted Access for Auditor



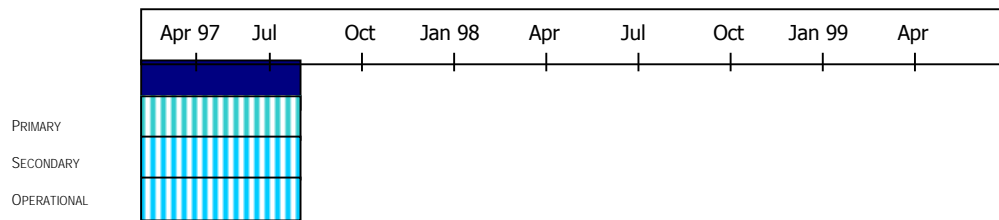
Paragraph 75 requires the city to provide the auditor with unlimited access to PBP records relating to the decree and conformance thereto. Further, access to all staff and facilities as needed to effectively monitor the decree is also required.

Methodology

During the course of development of the first Auditor’s Quarterly Report, the auditor made dozens of specific requests of the city, OMI and the Pittsburgh Bureau of Police. All requests were responded to in a professional and timely manner.

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

2.66 Compliance with Task 76: Unrestricted Access for Justice



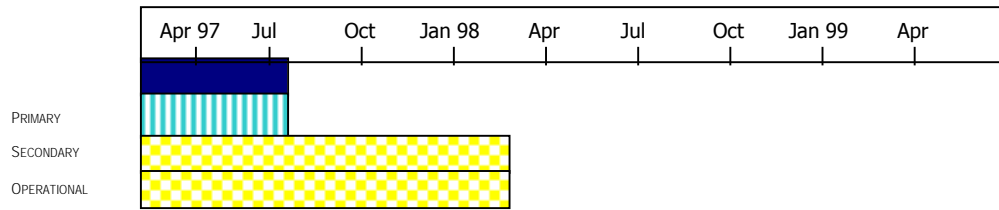
Paragraph 76 requires the city to provide the Department of Justice with access to documents, databases, and other data necessary to evaluate compliance with this decree. Further it requires access to staff and facilities upon appropriate notice.

Methodology

During the course of the implementation of this decree, the Department of Justice has made numerous requests for information, data and access. These requests have always been honored.

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

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



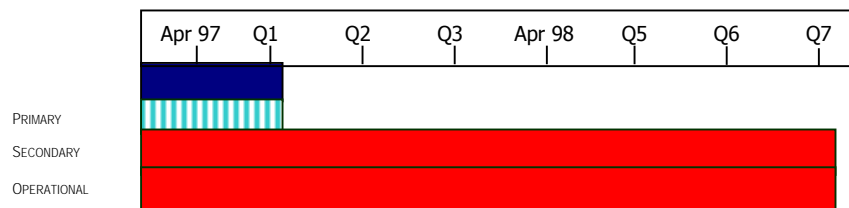
Paragraph 77 of the decree requires the city to provide copies of the consent decree to all officers, and to explain the terms of this decree to all current and future officers, OMI employees, and all DPS employees with oversight or responsibility for PBP operations. All such individuals are further 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 video⁷. 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



⁷ Officers on extended leave and who are otherwise excused for duty for extended periods of time have not viewed the video, nor have they signed the statement of understanding.

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 74⁸ provisions to which the city should have complied by now. The city is in **secondary compliance** with 71 of the 74 provisions due as of August 15, 1998. It is also in **operational compliance** with 70 of the 74 tasks, due as of August 15, 1998.⁹

⁸ Two of the 76 tasks in the decree accrue to the auditor.

⁹ The auditor was unable to audit three secondary and operational compliance statistics, as noted previously in the report. This inability to audit was in all cases due to a lack of occurrences of events related to the task, e.g., no promotions during the quarter or no completed disciplinary action reports during the quarter, etc.

3.0 Summary

The city, the bureau and the Office of Municipal Investigations have improved compliance with the elements of the consent decree during the last quarter. They have continued to take a professional approach towards the decree, insisting on complying with both the letter and the spirit of the decree, and moving with deliberate speed to ensure compliance. All of the auditor's requests for information have been responded to with rapid compliance, and the routine response of the city to the auditor's suggestions has been to implement them enthusiastically.

The city and the Pittsburgh Bureau of Police are nearing the end of the first phase of one of the most complex organizational change projects in the history of American policing. The consent decree has outlined changes to nearly every administrative component of the bureau. As the first phase ends, the second phase calls for Bureau personnel to begin to institutionalize the changes forged under the first phase. The city and the bureau continue to pursue both the letter and the spirit of the decree.

The city has recorded a **primary compliance** rate of 100 percent, a **secondary compliance** rate of 96 percent, and an **operational compliance** rate of 94 percent.¹⁰ The city has come into compliance in all but three areas; however, these are among the most difficult areas to control, as quality assurance in the internal investigations process is among the more difficult tasks confronting American law enforcement. It appears that citizens' complaints have leveled off, with approximately 15 complaints being generated each month. Once the case backlog is cleared, current staffing levels should be capable of maintaining pace with this rate.

On the police side, as well, the most difficult problem remains: moving responsibility for review and control of unwarranted police behavior, and recognition and award of exemplary police behavior to the sergeant's and lieutenant's level. Increasing supervisory presence and improving supervisory control and leadership are critical factors for the bureau, and are essential to maintain compliance.

Overall compliance status is depicted in the Table Two, below.

¹⁰ The auditor was unable to audit three operational compliance statistics, as noted previously in the report. This inability to audit was in all cases due to a lack of occurrences of events related to the task, e.g., quarterly review of Bureau actions using the PARS etc. Thus, the auditor found the City in operational compliance with 55 of the 70 tasks which could be audited this quarter.

*Table Two: Overall Compliance Status,
Tasks 12-38*

Task No.	Primary Compliance	Secondary Compliance	Operational Compliance
12	Yes	Yes	Yes
12a	Yes	Yes	Yes
12b	Yes	Yes	Yes
12c	Yes	Yes	Yes
12d	Yes	Yes	Yes
13	Yes	Yes	Yes
14	Yes	Yes	Yes
15	Yes	Yes	Yes
16	Yes	Yes	Yes
17	Yes	Yes	Yes
18	Yes	Yes	Yes
18b	Yes	Yes	Yes
19a	Yes	Yes	Yes
19b	Yes	Yes	Yes
20a	Yes	Yes	Yes
20b	Yes	Yes	Yes
21a	Yes	Yes	Yes
21b	Yes	Yes	Yes
21c	Yes	Yes	Yes
22	Yes	Yes	Yes
23	Yes	Yes	Yes
24	Yes	Yes	Yes
25	Yes	Yes	Yes
26	Yes	Yes	Yes
27	Yes	Yes	Yes
28	Yes	Yes	Yes
29	Yes	Yes	Yes
30	Yes	Yes	Yes
31	Yes	Yes	Yes
32	Yes	Yes	Yes
33	Yes	Yes	Yes
34	Yes	Yes	Yes
35	Yes	Yes	Yes
36	Yes	Yes	Yes
37	Yes	Yes	Yes
38	Yes	Yes	Yes

*Table Two: Overall Compliance Status,
Tasks 39-78*

Task No.	Primary Compliance	Secondary Compliance	Operational Compliance
39	Yes	Yes	Yes
40	Yes	Yes	Yes
41	Yes	Yes	Yes
42	Yes	Yes	Yes
43	Yes	Yes	Yes
44	Yes	NO	NO
45	Yes	Yes	Yes
46	Yes	Yes	Yes
47	Yes	Yes	Yes
48	Yes	Yes	Yes
49	Yes	Yes	Yes
50	Yes	Yes	Yes
51	Yes	Yes	Yes
52	Yes	Yes	Yes
53	Yes	Yes	Yes
54	Yes	Yes	Yes
55	Yes	Yes	Yes
56	Yes	Yes	Yes
57	Yes	Yes	NO
58	Yes	Yes	Yes
59	Yes	Yes	Yes
60	Yes	Yes	Yes
61	Yes	Yes	Yes
62	Yes	Yes	Yes
63	Yes	Yes	Yes
64	Yes	NO	NO
65	Yes	Yes	Yes
66	Yes	Yes	Yes
67	Yes	Yes	Yes
68	Yes	Yes	Yes
69	Yes	Yes	Yes
70	Yes	Yes	Yes
73 ¹¹	Yes	Yes	Yes
74	Yes	Yes	Yes
75	Yes	Yes	Yes
76	Yes	Yes	Yes
77	Yes	Yes	Yes
78	Yes	NO	NO

¹¹ Tasks 71 and 72 accrue to the auditor.

Table Three: Overall Compliance Status, by Percent

	Primary Compliance	Secondary Compliance	Operational Compliance
Number in Compliance	74	70	70
Percent in Compliance	100 %	96 %	94 %

The city is well within reach of 100 percent operational compliance within the next quarter or two. Maintenance and refinement of compliance process will then become the focus of the quarterly audits.