



COUNCIL AGENDA: 3-2-10  
ITEM: 33(b)

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Tom Manheim

**SUBJECT:** INDEPENDENT POLICE AUDITOR **DATE:** February 9, 2010  
STATISTICAL REPORTS

Approved

Date

2/9/10

## RECOMMENDATION

1. Adopt the following recommendations from the Rules and Open Government Committee (ROGC) related to *Statistical Reports Prepared by the Independent Police Auditor*.
  - a. The Independent Police Auditor must maintain a report, kept separate from the personnel records of the Police Department, which reports the number and type of citizen-initiated complaints against Police Department officers, the number and types of cases in which discipline is imposed, and the nature of the discipline imposed. This report must be maintained in a format which assures that the names and other identifying information of individual officers are not disclosed directly or indirectly. The report will disclose the number and type of citizen-initiated complaints and how many complaints were received about any one officer so that the public can determine whether multiple complaints have been directed at a single officer within a calendar year as well as in a cumulative, five-year period.
  - b. The Police Department must report the number and type of department-initiated complaints against Police Department officers, the number and types of cases in which discipline is imposed, and the nature of the discipline imposed. This report must be maintained in a format which assures that the names and other identifying information of individual officers are not disclosed directly or indirectly. The report will disclose the number and type of department-initiated complaints and how many complaints were received about any one officer so that the public can determine whether multiple complaints have been directed at a single officer within a calendar year as well as in a cumulative, five-year period.

## BACKGROUND

Following completion of the Sunshine Reform Task Force (SRTF) *Phase II Report and Recommendations*, which includes a section establishing a requirement for *Statistical Reports Prepared by the Independent Police Auditor*, a leadership transition in the Office of the Independent Police Auditor (IPA) occurred. The Acting IPA, who had not previously had an opportunity to review the SRTF recommendation, raised concerns about whether her office would be able to prepare the reports contemplated by the SRTF. The IPA asked for additional time to consider whether the SRTF

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goals could be achieved in a way that would be more sustainable in the IPA's resource-constrained environment. Working together, the Acting IPA and staff from the City Manager's Office, City Attorney's Office and Police Department revised the proposed language to reflect the type of report that the IPA is capable of preparing on a sustained basis. A statistical report for the five-year period of 2004-2008 based on the proposed language is attached to this memo.

## **ANALYSIS—IPA STATISTICAL REPORTS**

The tracked changes incorporated in the following language reflect the SRTF's original proposal as it would be amended under this proposal:

### **6.1.1.050 Statistical Reports Prepared by the Independent Police Auditor**

*The Independent Police Auditor must maintain a report, kept separate from the personnel records of the Police Department, which reports the number and ~~substance~~ type of citizen-initiated complaints against the Police Department ~~or its officers~~, the number and types of cases in which discipline is imposed, and the nature of the discipline imposed. This report must be maintained in a format which assures that the names and other identifying information of individual officers ~~involved is~~ are not disclosed directly or indirectly. ~~However, a unique numerical or alphabetical designation should be assigned to each officer who is the subject of one or more complaints;~~ The report will disclose the number and type of citizen-initiated complaints and how many complaints were received about any one officer so that the public can determine whether multiple complaints have been directed at a single officer and the nature of those complaints within a calendar year as well as in a cumulative, five-year period.*

The SRTF recommendation has been revised as follows:

- Replacing the phrase "substance of citizen complaints" with "type of citizen-initiated complaints" reflects how complaints are actually recorded. For example, complaints may be classified as "citizen issued", "procedure", or "Internal Affairs Command Review", which are better described as a "type" rather than the "substance". In addition, using the phrase "citizen-initiated complaints" rather than "citizen complaints" more accurately describes the sort of complaints directed at individual officers which the IPA can track.
- Deletion of the words "the" and "or its" reflects the fact that citizen-initiated complaints received by the IPA relate to individual officers, not the Police Department generally. The IPA does receive "policy" complaints which are directed at the Department; however, "policy" complaints are not directed or tracked against individual officers.
- The clause "However, a unique numerical or alphabetical designation should be assigned to each officer who is the subject of one or more complaints" has been deleted due to the difficulty of maintaining a single unique identifier for each succeeding report. Instead, a unique number will be assigned to an officer each time the report is created, which staff believes meets the Task Force's goal of highlighting to the public whether or not a particular officer has received more than one complaint. However, the number assigned to a particular officer in one 5-year report will not necessarily be the same in a subsequent report.

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- Insertion of the clause "The report will disclose the number and type of citizen-initiated complaints and how many complaints were received about any one officer" describes the type of report that the IPA is capable of preparing. Deletion of the phrases "and the category of each complaint" and "and the nature of those complaints" is recommended for clarity as the language already contemplates that the type of complaint will be reported.
- Insertion of the phrase "within a calendar year as well as in a cumulative, five-year period" clarifies the type of report the IPA is capable of preparing based on its record retention.

The Acting IPA and staff from the City Manager's Office, City Attorney's Office and Police Department met several times to discuss the intent of the SRTF's recommendation and the information to which the IPA has access. The Acting IPA and staff believe that the proposed language provides the public with meaningful statistical reporting of complaints filed against officers, and at the same time reconciles the SRTF's original intent with the reality of the kind of report the IPA is able to prepare. The first such report from the Acting IPA is attached.

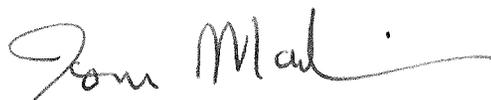
During discussion of IPA Statistical Reports, the ROGC directed staff to add clarifying information to the reports and to also initiate similar reports by the Police Department that would include additional information not found in the IPA reports. Reports produced by the Police Department covering Department Initiated (DI) complaint information, not available to the IPA, will follow the same structure agreed upon for the IPA reporting process. This report is still being compiled and is anticipated to be complete within the next 30 days.

### **PUBLIC OUTREACH**

During the formulation of recommendations on IPA Statistical Reports, the Sunshine Reform Task Force held numerous public meetings, including meetings of the Public Records subcommittee. In addition, staff reached out to a variety of stakeholders during the preparation of its recommendations.

### **COORDINATION**

This memorandum was coordinated with the Office of the City Attorney and the Office of the Independent Police Auditor.



Tom Manheim  
Director of Communications

Attachment

For questions, please contact Tom Manheim, Communications Director, at 535-8170.

