



ACCOUNTABILITY LEG BRIEFING

February 1, 2017

SUMMARY OF SYSTEMIC CHANGES

- The roles and responsibilities of the OPA Auditor are assumed by a more independent and powerful Inspector General
- The Office of Police Accountability becomes more independent from SPD by civilianizing its supervisory staff and adding civilian investigators
- The Community Police Commission becomes permanent with a formal role in review of and recommendations for SPD policies that affect public trust

OPA SUMMARY

- Official name change to Office of Police (not professional) Accountability
- Adds requirement for Rapid Adjudication program:
 - “Rapid Adjudication” means a complaint resolution for certain types of alleged misconduct whereby the employee self-reports or immediately acknowledges a policy violation occurred, waives the right to an investigation, and signs an agreement acknowledging the violation and accepting the imposition of pre-determined discipline or other resolution.
- Clarifies that OPA has role to coordinate (not conduct) criminal investigations with outside investigators

OPA SUMMARY

- Physically housed outside any SPD facility and operationally independent, but organizationally in SPD to ensure unfettered access to information
- A budget with sufficient staff and resources for effective OPA operations shall be submitted annually by the OPA Director separate and distinct from SPD's budget
- Formalized relationship with CPC
 - Quarterly meetings, and as reasonably requested
 - Review and Input on OPA Reports
- Director Appointed/Removed by Mayor (three, four year terms)
 - CPC co-chair on search committee
 - Confirmed by majority vote of full City Council
 - Removal only for cause, with process, and majority confirmation by council

OPA SUMMARY

- Now a condition of employment for all SPD employees to participate in OPA investigations
- Subpoena power to compel witnesses or information
- New OPA Investigation Plans:
 - For approval by OIG
 - Includes concept of prioritization
- New Tolling of 180 Day Investigation Timeline
 - Any postponement of interview is added to 180 day
 - Tolloed if paused for parallel criminal investigation
 - 60 additional days where OIG orders additional investigation

OPA SUMMARY

- Failure to timely report is cause for separate investigation
- Termination is presumed discipline for finding of material dishonesty (Court Order)
- Civilianization
 - All supervisors civilian within 18 months
 - 12 months intake and investigator personnel shall be mix of civilian and sworn

OIG SUMMARY

- OIG has jurisdiction to review any police policy and practice, including other city departments in areas related to SPD
- Has authority to be present at any scene or interview
- Subpoena power to compel witnesses or information
- Formal role in policy recommendations including CBAs
- New provisions prohibiting interference with OIG

OIG SUMMARY

- Independent work plan with identification of emergent issues by CPC (44)
- New hotline to receive reports from public related to OIG role
- Relationship with OPA
 - Quarterly audits of classifications
 - May require all classifications submitted to OIG
 - Certifies all serious/public-trust investigations (46)
 - Discretion to only conduct random audits if OPA satisfactory

OIG SUMMARY

- Appointed/Removed by City Council Special Committee (51)
 - Three member special committee of City Council
 - CPC as search committee co-chair
- Limited to two six year terms
- Removal by two-thirds of City Council only for cause with process
- Semi-annual reporting requirements

CPC SUMMARY

- The purpose of CPC is to provide the public with meaningful participatory oversight of SPD policies and practices of particular significance to the public or affecting public trust
- Explicit intent to enhance and broaden CPC's scope beyond Consent Decree role
- Executive Director appointed by Mayor, confirmed by council, removed for cause, with approval by council majority
 - 4 year terms (current term ends December 31, 2018)
 - Hires, supervises, discharges all CPC employees

CPC SUMMARY

- Co-chair on search committees for OIG and OPA Director
- Advisory body to OIG and OPA Director (Quarterly Meetings)
 - No performance evaluations
- Appointments/terms
 - 5 Mayor, 5 Council, 5 CPC (including public def. and civil liberty)
 - First terms expire December 31, 2017
 - Three, three-year terms
 - Removed only by appointing authority for cause with majority vote of Council

CONTINUOUS IMPROVEMENT

- Following the issuance of **any written report with recommendations by the OPA Director, the Inspector General, or CPC** issued pursuant to this Chapter 3.29, **SPD shall meet and confer with and respond in writing** to the issuing agency within 30 days following the release of the recommendations. **SPD shall provide a plan for implementation of accepted recommendations**, including for regular timely written reports on progress made in implementing accepted recommendations, **and an explanation for those recommendations not accepted** or not scheduled for implementation
- Same processes for OPA and SPD schedule for policy review

ADDITIONAL ACCOUNTABILITY

- MO must notify Council and CPC when recommendations in official reports are not included for funding in the budget proposal
- The Chief of Police shall have the authority to place an SPD employee on leave without pay prior to the completion of an OPA administrative investigation where the employee has been charged with a felony or gross misdemeanor.
- SPD employees shall not use accrued time balances to be compensated while satisfying a disciplinary penalty that includes an unpaid suspension.
- SPD shall develop and implement recruitment, hiring, testing, training, mentoring, assignment, and promotional practices that emphasize leadership and policing skills consistent with accountability, which support equity and the goals set forth in the Consent Decree.

ADDITIONAL ACCOUNTABILITY -PSCSC

- The Public Safety Civil Service Commission (PSCSC) shall be the only avenue for SPD employee disciplinary appeals when brought by the employee.
- The PSCSC shall be comprised of three members, none of whom shall be City employees. Two members shall be appointed by the Mayor and one member shall be appointed by the City Council...Members may serve up to three, three-year terms, and their terms shall be staggered.
- The PSCSC may delegate its authority to hear appeals to a City hearing examiner with appropriate subject matter expertise. Employees must provide written notification of their intent to appeal to the Chief of Police, City Attorney, and the PSCSC within 10 days of receiving the Chief's final disciplinary determination. All hearings related to disciplinary appeals shall be open to complainants and the public without limitation.

ADDITIONAL ACCOUNTABILITY

- SPD may use civilians with specialized skills and expertise to perform any SPD management and operational functions, including, but not limited to, training, human resources, technology, budget and finance, crime analysis, recruiting, hiring, and testing, which in the judgment of the Chief of Police do not require law enforcement commissioned personnel
- SPD shall use preference points in hiring sworn employees who are multi-lingual and/or have work experience or educational background providing important skills needed in modern policing, such as experience working with diverse communities, and social work, mental health or domestic violence counseling, Peace Corps, AmeriCorps, or other similar work or community service backgrounds
- SPD shall establish an internal office, directed and staffed by civilians, to manage the secondary employment of its employees...all other SPD policies shall apply when employees perform secondary employment work