

OIR – 2017 – Recommendations – Responses

Recommendation 1:

BPD should refine its officer-involved shooting protocols so that all police witnesses to the use of deadly force are interviewed as part of the criminal investigation.

- Agreed – moving forward, any officer-involved shooting investigation will require that all police witnesses be interviewed as part of the criminal investigation.

Recommendation 2:

BPD should consider the optimal way for officers to ensure collection of cell phone video and photographic evidence in a critical incident.

- The Department will meet and discuss with Investigative and Internal Affairs personnel to determine the best practice in securing valuable video and photographic evidence.
 - Note: In some instances, the “consent to release” any video/photographs may be required. Consequently, the timeliness of securing video and/or photographic evidence may result in the use of a City cell phone capture video of photographic images. The Department will make every effort to secure voluntary release of video/photographic evidence during their investigations.

Recommendation 3:

BPD should continue to convene tactical debriefs after critical incidents but should ensure that any findings and recommendations are documented.

- Moving forward - The Department will memorialize the content, outcome, and recommendations of a critical tactical debrief into a Memorandum directed to the Chief of Police after the debriefing has concluded.

Recommendation 4:

When a supervisor is requested to conduct a tactical debrief with an officer as a result of identified sub-optimal performance, the CIRB process should request that the briefing be documented.

- **Moving forward – any supervisor providing a tactical debrief involving sub-optimal performance should generate correspondence (email/Memo) to the respective Commanding Officer regarding the outcome of the tactical debriefing session, if warranted based on the complexity of that incident. The document memorializing the debriefing session will be attached to the CIRB Worksheet.**

Recommendation 5:

When sergeants are on-scene for a critical incident, the CIRB process should review their decision-making and document any observations and assessments. The CIRB process should then assign a command staff member to convene a meeting to discuss those findings with the on-scene sergeants.

- **Moving forward - The CIRB process can review/discuss the involved supervisor's decision-making and management of the incident. The respective Commanding Officer can provide feedback to the involved supervisor which can be memorialized in an email and/or Memorandum that will be attached to the CIRB Worksheet.**

Recommendation 6:

The CIRB process should ensure that after an officer-involved shooting is reviewed, meetings are held with the involved officers to discuss the CIRB findings.

- **Agreed – After the Chief of Police has reviewed and opined as to the classification of the OIS – In-and/or-Out of Policy – a formalized meeting with the involved officers will be conducted and memorialized in a Memorandum.**

- **Moving forward, the Department will include most Type 1 use of forces in this process; specifically, head/neck/throat strikes – application of the carotid restraint and force resulting in hospitalization.**

Recommendation 7:

In the aftermath of an officer-involved shooting, BPD should continue to prioritize the prompt interview of involved personnel, and should conduct it before the end of the officers’ shift in the absence of compelling reasons to wait.

- **Agreed – in the absence of compelling circumstances, the Department will make every effort to conduct those interviews before the end of the officers’ shift. In the event an interview of the involved officer was not conducted during or at the end of their shift, an explanation of why the interview was not conducted will be included in the OIS investigation.**
- **Moving forward, the Department will include most Type 1 use of forces in the same interview process as in Recommendation 6; specifically, head/neck/throat strikes – application of the carotid restraint and force resulting in hospitalization.**

Recommendation 8:

BPD’s final audit report should document any after action remediation, including counseling sessions to employees who performed below Departmental expectations.

- **Agreed – in future Department Email Audits, any employee who performed below Departmental expectations (to include language and/or tone of the email) and is counseled and/or remediated will be memorialized in the final draft of the Email Audit.**

Recommendation 9:

BPD’s Department-wide bulletin setting out the results of the audit should indicate if it discovered emails of questionable propriety.

- **Agreed – moving forward, the Department will address any questionable emails in the Department-wide Daily Bulletin at the conclusion of the Email Audit.**

Recommendation 10:

BPD should consider whether briefing training on relevant policy, and/or relevant audits, could better reinforce agency expectations relating to on-duty conduct and personal relationships stemming from police contacts.

- **Moving forward - Department-wide training will be conducted on the consequences of personal relationships that occur from police contacts. Roll Call Training and weekly Supervisor/Watch Commanders' meeting is an additional forum where Department's expectations are discussed and emphasized as it relates to on-duty contacts that result in an off-duty relationship.**
- **Note: During the Chief of Police oral interviews with entry level police candidates, one of the questions that is proffered by the Chief of Police is whether the candidate is capable of notifying a supervisor if there is criminal and/or administrative misconduct; an organizational priority for the staff and Chief of Police.**

Recommendation 11:

BPD should develop and follow standard criteria for evaluating whether officers should be placed on administrative leave, or otherwise restricted from public contact, while serious allegations of misconduct are pending.

- **Agreed – the Department will evaluate each case individually and determine the most appropriate time to place an employee on Administrative Leave and/or restricted duty. Additionally, the Department will cross-staff with Management Services and the City Attorney's Office in developing a standardized criteria for employees who may be placed on administrative leave**

Recommendation 12:

When there is a violation of policy, BPD should consider devising alternative methods of remediation outside the traditional disciplinary structure such as briefings, particularly when the subject is a supervisor.

- **Moving forward - The Department will consider remediation outside of the traditional disciplinary structure where there is potential for a learning moment that will have employee and organizational benefits.**

Recommendation 13:

The City and BPD should consider devising protocols whereby the Independent Auditor is regularly provided a real time report or briefing on the status and age of internal investigations.

- **Since July of 2015, the Department has established and used an electronic software notification system to ensure that there are no statute delays and/or missteps; since July 2015 to date, there have been no missed statutes. Additionally, the Department continually collaborates with City Discipline and the City Attorney’s staff during the investigative review process for statute compliance.**
 - **Note: The Department will provide OIR quarterly Active Case Tracking Reports that include real-time status of all Department internal investigations; the first report was submitted to OIR on January 2, 2018.**

Recommendation 14:

The Department should take advantage of its existing forms, and/or a “bullet point” format, to ensure that the key discussion points from the CIRB process are reflected in the final force package for individual cases.

- **Agreed - This recommendation/process has begun. In mid-October after a discussion with Steve Connelly, it was agreed to incorporate “bullet discussion points” in the final version of the CIRB Worksheet.**

Recommendation 15:

Supervisors should maintain their objectivity during subject interviews after a use of force, focusing on obtaining a detailed statement and avoiding a dynamic in which they are outwardly contesting or rejecting information being shared.

- **Agreed – this is a training issue which the Department will continue to discuss at the weekly Supervisor – Watch Commander Meetings in addition to any Department-wide training that is specific to supervisors.**
 - **Note: It should be noted that over one-half of the patrol supervisors have less than one-half years in that position and are still developing into their new position.**

Recommendation 16:

The CIRB process should set time expectations on when notification of the results of the CIRB review to officers is to occur.

- **Moving forward - The Department will make an effort to shorten the timeline from the time of the use of force/vehicle pursuit to the CIRB process and ultimately notification to the involved officers. However, the turnaround time associated with UOF Investigations does vary; specifically, the levels of review can result in changes/corrections to a particular use of force/pursuit. Any changes and/or corrections will involve the primary investigating supervisor and reviewing Watch Commander additional time to reconcile any issue before submitting to their respective Commanding Officer. The involved Commanding Officer’s review and/or return of the investigation creates additional time. Absence any delay of the review process, the Department will endeavor for a prompter CIRB review and notification process.**
 - **Note: The Department will endeavor to prioritize high-risk incidents and expedite their review and feedback to the involved**

officers; specifically pursuit investigations and K-9 Bites. For example, on November 9 and December 9, 2017 there were two pursuits that were reviewed at the January 16, 2018 CIRB session; both pursuits required additional review and follow-up that will result in a delay in notifying the involved officers.

Recommendation 17:

BPD should assign the initial pursuit review/critique to a sergeant who was not involved with the incident.

- **Agreed – absence supervisory staffing issues, the Department will make every effort to have a non-involved supervisor conduct the Pursuit Investigation. In a critical and/or complicated pursuit, the Department will direct the Watch Commander to request another supervisor off-duty to respond and conduct the Pursuit Investigation.**
- **It should be noted that the Department has convened a working group to review and evaluate the Department’s Pursuit Policy. The working group consists of Captains Dermenjian and Deroian and the two CIRB Peer Members, Detectives Dugas and T. Murphy, who will determine if any revisions and/or modifications to the Pursuit Policy are needed in addition to an implementation and training plan.**

Recommendation 18:

BPD should include the actions and decisions of sergeants and lieutenants among the standard evaluations made by the CIRB about every pursuit.

- **Moving forward – the CIRB Worksheet will have a stand-alone category (bullet point) of the Actions/Decisions of sergeants and lieutenants during the pursuit – management of the pursuit and critical decision making.**