

Police Executive Research Forum

City Council Work Session
August 8, 2011

Police Executive Research Forum

Police Executive Research Forum was selected to provide Police audit services. Their contract began in July 2010. The presentation will provide an overview of the following services for fiscal year 2010/2011:

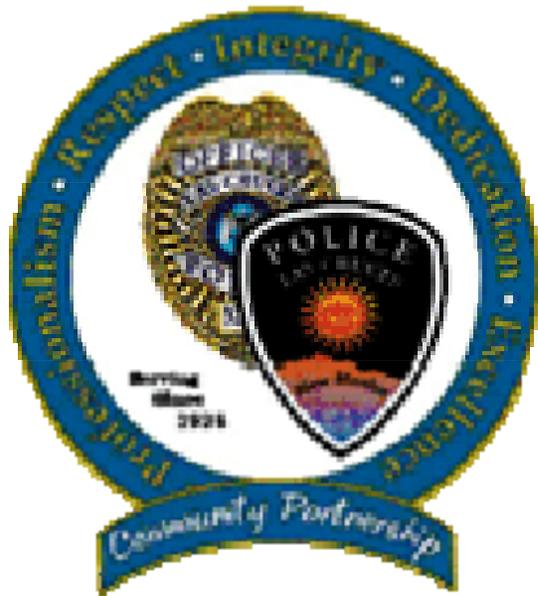
- Report on Community Focus Groups
- Review of LCPD Professional Standards Unit's (PSU) Administrative Investigations into Allegations of Misconduct
- Assessment of "High Risk" Policies
- Identify Implementation Plan



Police Auditor Services for the Las Cruces Police Department by the Police Executive Research Forum

Craig B. Fraser, Ph.D.
Bill Tegeler





Date: August 8, 2011

Time: 1:00 p.m.

Location: Las Cruces City Hall



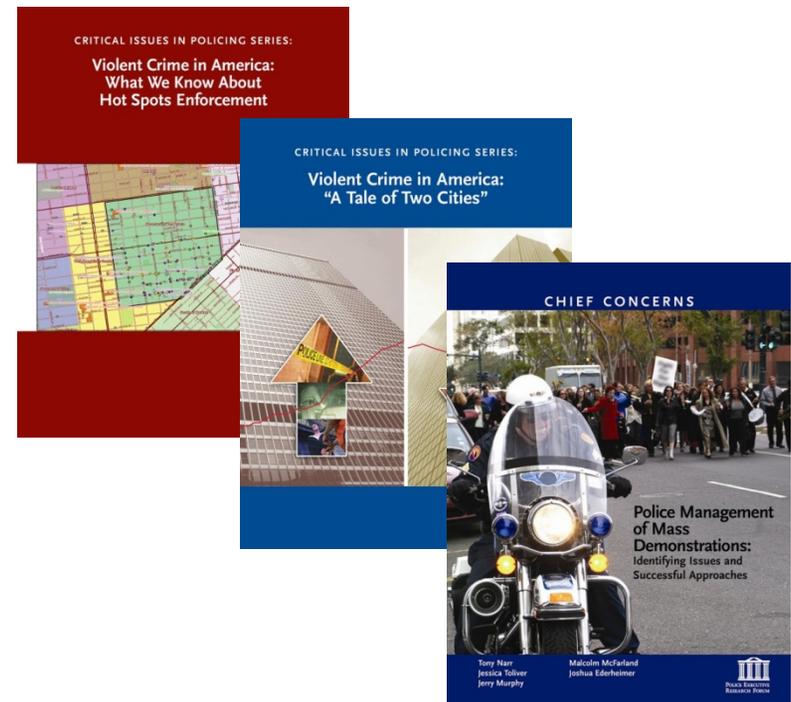
- Present key findings of PERF's year-long Police Auditor Services for the LCPD at a Work Session of the Las Cruces City Council



- Report on Community Focus Groups
- Review of LCPD Professional Standards Unit's (PSU) Administrative Investigations into Allegations of Misconduct
- Assessment of "High Risk" Policies
- Identify Implementation Plan



- PERF is a Washington, D.C. based research and consulting firm specializing in policing.
- PERF has performed more than 200 management studies of police agencies, and has published many other reports on policing issues.
- PERF stimulates debate about police issues within the profession and among policy-makers, the media, and the public.





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GENERAL COMMENTS




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- The LCPD leadership takes seriously its responsibility to “police” itself and the community can trust the department to fulfill this important task with integrity.
- The department should improve transparency of this function so the community may gain knowledge of and confidence in the quality of the agency’s internal discipline system.



- The PSU acts in a fair and impartial manner completing sound investigations into allegations of misconduct by employees.
 - Recommendations by PERF primarily focus on improving the organization of reports and the general operation of the PSU.



- Most “High Risk” LCPD General Orders reviewed by PERF represent acceptable police policies.
 - PERF observed examples of policing “best practices” in components of some General Orders examined.
 - Recommendations focus on updating certain LCPD General Orders to represent “best practice” in policies and procedures.





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COMMUNITY FOCUS GROUP MEETINGS



- Objective: Obtain community perceptions, opinions, beliefs and attitudes of the Las Cruces Police Department.
- Invitations extended by Mayor's Officer for volunteers with knowledge or interaction with the police department.
- Four Focus Groups of 15 members of the community representing various neighborhoods, social service providers and faith based organizations.



- Most members of the department are approachable.
- Members of the police department should be held to a higher standard than citizens.
- The process for filing a citizen complaint against a member of the police department is not generally known by the public.
- Information from the police department is available to the public in a variety of manners including: email, cable television, Neighborhood Watches and the department's website.



- Parts of the community where a disproportionate amount of crime occurs are not as trusting of the police. Trust may be improved with greater transparency and regular reports to the public.
- The community likes the increased presence of the new Chief in the community and with the media.
- Officers should work the same geographic area so they will get to know the community.



- Officers should have an increased presence in schools, increase their interaction with the public and conduct more public meetings with question and answer sessions.
- The Department should use volunteers to a greater extent.
- The Department would benefit from establishing a better relationship with the local press.



- The Department should place a greater emphasis on community policing.
- The Department would benefit from a better understanding of the mentally ill community in Las Cruces.
- The Department should use the Mobile Command Vehicle to perform more outreach in the community.
- The Department should allow citizen ride-alongs.





REVIEW OF PROFESSIONAL STANDARDS UNIT INVESTIGATIONS



- PERF was provided complete and unfettered access to:
 - PSU offices and case files.
 - Employee and citizen notification documentation.
 - Audio recorded interviews conducted by PSU.
 - Photographic and video evidence.
 - PSU investigative notes.
 - All related materials including: crime/supplemental reports, use of force reports, memorandums, e-mail messages, radio transmissions, etc.



- PERF examined a total of 54 investigations: 36 preliminary investigations and 18 full investigations.
 - Preliminary Investigation – The initial inquiry into a potential allegation reveals the accusation lacks merit or no misconduct or violation of policy occurred and the investigation may be closed without further action – or a full investigation is warranted.
 - Full Investigation – The preliminary investigation reveals misconduct has likely occurred which necessitates further investigation; or additional investigation is required to determine if misconduct occurred.



- The LCPD does not hesitate to self-initiate administrative investigations into suspected misconduct by members of the department.
- The Department cooperates with outside agencies in criminal investigations involving a member of the department and properly consults with outside federal, state and local agencies in matters pertaining to information revealed in the course of an internal investigation.
- Investigations completed by the PSU are objective and generally thorough using accepted investigative techniques.



- PSU Investigations are completed in a timely manner with extensions approved by the Chief of Police if necessary.
- Members of the PSU conduct investigations in a fair manner, respecting the rights of LCPD employees.
- The department provides notification to complainants when a complaint is received and at the conclusion of the investigation.



- The findings of PSU investigations are reasonable and based upon the facts uncovered in the case.
- Policy and systemic issues identified in a PSU investigation are followed up by the department.



- The department should expand and standardize the format of PSU investigative reports.
- Case files maintained in the Professional Standards Unit should be purged in a timely manner. (The department is aware of this need and is taking positive action to resolve this situation.)



- The Department should codify clear criteria to determine when a preliminary investigation should be escalated to a full investigation.
- Misconduct identified during an investigation which is outside the scope of the original complaint should be addressed in the administrative report.





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“HIGH RISK” POLICY REVIEW



- PERF examined 33 “High Risk” LCPD General Orders and 1 City of Las Cruces City Policy
- High Priority Recommendations for modification to policies follow.



- LCPD General Order 159 – Early Intervention System
 - “Trigger mechanism” and “threshold” for alert should be clearly defined.
 - Policy should reflect role and responsibilities for each level of the organization and include the review process.



- LCPD General Order 208 – Pursuits
 - Roadblocks and Ramming techniques should no longer be authorized.
 - PERF recommends the PIT Maneuver remain as an option with current limitations and annual training.

- LCPD General Order 255 – Use of Force
 - All reference to “Non-Lethal” should be changed to “Less-Lethal.”
 - Warning shots should not be authorized.



- LCPD General Order 256 - Taser
 - Based upon recent medical studies, legal decisions, technological advancements and modifications to Electronic Control Weapons (ECW) it is recommended G.O. 256 be re-written and should include:
 - Qualifications and training for issuance.
 - Guidelines for using the ECW.
 - Reporting deployments on use of force on form specific to ECW's.
 - Review Process.
 - Require a supervisor respond to the scene of an ECW deployment.
 - Specifically state the requirement for medical attention be provided for all subjects in which a ECW has been deployed.



- LCPD General Order 107 – Administrative Services Division
 - This order should provide a subsection which specifically restricts unauthorized access to the Records Unit and its automated systems. It should further state which members of the department have authorized access.



- LCPD General Order 160 – Complaint Investigation
 - The PSU should expand its responsibilities:
 - Oversight of EIS.
 - Staff Inspection Role.
 - Prepare Annual Report for the Chief and public.

- LCPD should implement a Disciplinary Matrix System



- LCPD General Order 300 – Evidence and Property Control Volume
 - The order should require an annual audit of the Evidence and Property Room and more frequent audits of weapons, narcotics and money.



- LCPD General Order 156 – Officer Involved Shootings
 - An investigation should be initiated in **all** OIS incidents except range training and disposing of animals for humane purposes.
 - A concurrent and bifurcated administrative and criminal investigation should be initiated.
 - A member of the LCPD should not lead the criminal investigation into an OIS.



- LCPD General Order 151 – Use of Audio Recorders
 - The department should expand the incidents in which the use of the audio recorder is required.





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IMPLEMENTATION PLAN



- Each of the nine policy areas identified by PERF as a high priority should be assigned to a member of the department responsible for modifying or drafting the policy.
- Committee work with Chairperson assigned by the COP, should be considered for use to modify or draft some policies such as: Use of Audio Recorders, Report Review, and Disciplinary Matrix.
- The steps outlined in G.O. 163, Policy and Procedure Development should be closely monitored to ensure timely modification to policies.



- Monthly status reports should be provided to the Chief of Police for each policy being modified.
- PERF will perform in-depth review of policies and procedure modifications initiated by the LCPD as a result of Police Auditor recommendations

