



DATE: APRIL 10, 2024

TO: HONORABLE CITY COUNCIL

FROM: CHIEF ANDREW BINDER

SUBJECT: RESPONSE TO IPA RECOMMENDATIONS IN REPORT COVERING INVESTIGATIONS AS OF NOVEMBER 30, 2023

RECOMMENDATION 1: PAPD should assign administrative investigations to outside investigators when factors such as failure to report force, multiple involved subjects, and discovery delays suggest inherent complications.

The Department agrees and will assign administrative investigations to outside investigators in appropriate circumstances, which could include cases with the above complicating factors.

RECOMMENDATION 2: PAPD should develop protocols that instruct internal investigators to document any discussions with the District Attorney regarding potential criminal investigations into alleged officer misconduct.

The Department agrees that such discussions should be documented as appropriate for the investigation being conducted.

RECOMMENDATION 3: PAPD should develop protocols that call for the completion and resolution of administrative investigations absent special circumstances, even when it could delay them because of outstanding criminal proceedings or other tolling provisions.

The Department agrees and will continue to strive to complete and resolve administrative investigations as expeditiously as possible, considering all of the relevant circumstances, and proceeding in the City's best interests.

RECOMMENDATION 4: PAPD should instruct internal affairs investigators to ensure that any potential performance issues are identified and addressed in the investigative report.

The Department agrees and will reinforce with investigators that any potential performance issues are identified and addressed in investigative reports.

RECOMMENDATION 5: PAPD should work to devise an effective system so that officer performance issues that undermine a criminal prosecution can be communicated back to the agency for any appropriate investigation and corrective action.

The Department agrees and will work with court liaison staff and the District Attorney's Office to access the feasibility of an effective procedure to communicate such issues for any appropriate follow-up action.

RECOMMENDATION 6: PAPD should continue to identify and promote problem-solving strategies that result in less conflict and reduce potential use of force situations.

The Department agrees and will continue to emphasize problem-solving strategies designed to reduce conflict and de-escalate situations whenever possible.

RECOMMENDATION 7: PAPD should use this or similar scenarios to reinforce to officers how their use of discretion should be wisely employed and to avoid taking any action that could be interpreted as retaliatory.

The Department agrees and will stress the wise use of discretion and the avoidance of actions that could be perceived as retaliatory in nature.

RECOMMENDATION 8: When information emerges during an internal investigation about potential shortcomings in managerial response to the underlying performance issues in the case, those issues should be pursued through additional lines of inquiry – including follow-up interviews of named personnel.

The Department agrees and will ensure that future investigations include such additional lines of inquiry whenever appropriate.

RECOMMENDATION 9: PAPD should devise protocols so that every claim that alleges misconduct is thoroughly reviewed and investigated as if a civilian complaint had been received.

The Department has since created a procedure where a captain evaluates every claim received, ensures that any alleged misconduct is thoroughly reviewed, and initiates any necessary follow-up investigation (to include a complaint investigation if warranted).

RECOMMENDATION 10: In future negotiations with the PAPOA, the City should consider the viability of other options than binding arbitration for appealing officer discipline.

The Department does not have a response to this recommendation, as it pertains to labor negotiations that are in the ultimate purview of the City Council.

RECOMMENDATION 11: PAPD should provide annual training to its officers and supervisors about what constitutes a use of force, what is reportable force and how it should be documented, what the review of force process entails, and documentation requirements about alleged force and/or injury from arrestees.

The Department agrees and provided this specific training to all supervisors in December 2023, and to all sworn personnel in January 2024. The Department will continue to provide similar refresher training on an annual basis, as well as continue our longstanding practice of regular and ongoing team-level review of critical policies (such as use of force).

RECOMMENDATION 12: PAPD should review its training recordkeeping and compliance protocols to ensure that newly promoted supervisors complete the POST-mandated training in an appropriate timely fashion.

All current supervisors are in compliance with the POST-mandated training, and the Department has a protocol in place to send future newly-promoted supervisors to the training in a timely fashion.

RECOMMENDATION 13: PAPD leadership should formalize and promote its expectation that supervisors take advantage of MAV and body-worn-camera footage as an aid to reviewing officer performance in the field.

The Department agrees and has a policy in place that governs the supervisory review of field-based video evidence, with the expectation that the evidence be accessed in accordance with that policy as an aid to review officer performance.