



MEMORANDUM

TO: Mayor and Council Members

FROM: Howard S. Lazarus, City Administrator

DATE: August 31, 2016

SUBJECT: Implementation Plan for Review of Ann Arbor Police-Community Relationships

REFERENCES: Civilian Police Review: Recommendations for Strengthening the Police-Community Relations in Ann Arbor, prepared by The Human Rights Commission, November 4, 2015 (hereafter, "the HRC Report").

Police Department Response to Human Rights Commission Report, dated June 6, 2016 (hereafter "the Police Response").

Ann Arbor Human Rights Commission Statement on Responses to Its Civilian Police Review Report and Recommendations, undated (hereafter "the HRC Response")

PURPOSE: My purpose in forwarding this memorandum is to provide Mayor and Council with a structure for the review and implementation of the recommendations contained within the HRC Report in consideration of the Police Response. Under the direction of the City Administrator, the City's intent is to undergo a process that openly and objectively examines the means and methods the Ann Arbor Police Department (AAPD) employs and should adopt to support and sustain a safe and inclusive community and explores how those means and methods are perceived by the community. Its ultimate purpose is to receive and adopt recommendations to enhance the AAPD's service to and relationship with the community, which is a critical part of the exceptional quality of life we strive to provide to all of Ann Arbor's residents, visitors, businesses, and institutions.

BACKGROUND: In November 2015, the Ann Arbor Human Rights Commission (HRC) published a report addressing its concerns over the practices the AAPD employs in policing our community. The report mentioned "incidents of apparent police misconduct nationwide – and by the shooting of Aura Rosser locally" as the trigger for its review,

and cited calls from the community, implicit racial bias, and the lack of police transparency and external review, among other reasons, as the basis for it. At the conclusion of report, the HRC provided the following recommendations to “strengthen the critical community-police relationship”:

1. Engage the services of a police auditor-consultant on a temporary basis.
2. Create and maintain a civilian police review board.
3. Implement alternative disputes resolution methods.
4. Implement the use of crisis intervention teams and community policing more fully.

In its review of the HRC Report, AAPD agreed with the first recommendation, but deferred its support of the remaining recommendations until an audit was completed. The rationale for the AAPD response is that the second through the fourth recommendations should be viewed as outcomes of the audit, and the actual implementation of best practices should be applied in the context of the audit findings. However, concurrent with and independent of the audit AAPD is pursuing accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA).

In its statement on the AAPD Response, the HRC argued that the decision to create a civilian police review board should not be deferred until the completion of the audit and should turn on the City’s vision of police-community partnership. The Commission urged City Officials to express their commitment now to establish that board and task the auditor with helping to create an efficient one.

As discussed in the EXECUTION section below, the City Administrator’s Office will be the responsible unit for soliciting and managing the audit contract to ensure appropriate organizational separation, and will provide for robust and appropriate community engagement in the process. The City Administrator will receive support in this process from various units throughout City government.

GOALS AND OBJECTIVES: The goals of the audit are to analyze the operations of AAPD in light of the HRC Report and provide a path forward that achieves the following objectives:

- **OBJECTIVE 1: Build acceptance and trust of the process.** The mechanisms for evaluating public acceptance and trust may include querying community members directly and may also involve quantifying the degree of public engagement; conducting a “before and after” survey; and the use of the periodic and recurring ICMA Citizen Survey to survey the public at large.
- **OBJECTIVE 2: Assess the effectiveness of the methods AAPD employs to engage with the community.** The assessment will include a peer city comparison, which will include a data/statistical analysis, the participation of peer city police agency representatives, community input, and recommendations for training and process improvement.

- **OBJECTIVE 3: Provide for periodic assessment and adjustment.** The audit report will include a proposed plan for implementation of recommendations (including schedules, resources, cost estimates, and measures of success); a progress review at the 18-month anniversary of the audit's completion; and the mechanisms for recurring assessment of performance and review and integration of best practices.

EXECUTION: Successful implementation of the plan for the review of AAPD – Community relationships requires the execution of the tasks identified below. Components of these tasks may be carried out concurrently rather than sequentially, so that schedule slippage in one task should not necessarily delay completion of the overall effort.

- **Development of Scope of Work (SOW) (targeted completion 10/31/2016):** This task focuses on preparing a detailed work statement for the auditing firm to accomplish. The SOW will prescribe the process to be used, the questions to be addressed, the comparable cities and agencies to be referenced, and the form and content of the final report. The City Administrator will prepare the SOW with input from the AAPD and the HRC for the following reasons (a) the City Administrator and the AAPD know what they want and need from the audit; (b) the HRC received input from the community before preparing its report, and therefore is positioned to represent some community members' perspective in preparing the SOW; and (c) the HRC learned a tremendous amount about the key issues to be examined in evaluating police departments while preparing its report. The draft SOW will be publicized and public comments encouraged to ensure the audit will reflect the community's wishes and interests, and comments will be received through a variety of means. Once the public comment period ends, those comments will be carefully considered and the SOW will be finalized. During this time, we will also develop a list of potential vendors to whom we will send the Request for Proposals (RFP).
- **Solicitation of Auditor (targeted completion 12/31/2016):** The completed SOW will be worked into an RFP and sent to the identified potential vendors. We will collaborate with HRC and other interested stakeholders to review the proposals, and will factor their input into the final selection. The decision to award will be made using a "best qualified" criteria model, and the recommendation for award will be sent to Council for approval.
- **Performance of Audit (targeted completion 6/30/2017):** We will target a six-month performance period for the audit, however the actual time required will be set in discussions with the selected vendor. During this period, the auditor will review police community engagement practices, interview members of both AAPD and the community, and provide periodic updates. The SOW will also include a plan to communicate the findings and recommendations to the Council and the public. We anticipate that discussions with the HRC will be intrinsic in this process.

- ***Communicating the Results (targeted completion 7/31/2017):*** At the completion of the process, the auditor will provide a written report and will present the findings and recommendations to the Council, HRC and the public per the established communications plan.
- ***Analysis and Implementation (targeted start 8/1/2017):*** As the results of the audit are communicated, the City and the stakeholder community will work with the auditor to prepare an implementation plan. I expect that some provisions will be made within the 2017-2018 budget request, however it is also likely that a budget amendment will be required to fully address the implementation of the auditor's recommendations. An implementation schedule will be a deliverable requirement in the audit SOW.
- ***Follow-Up and Sustainment (targeted start 2/2/2019):*** The SOW will include a requirement for the auditor to conduct a follow-up review at the 18-month anniversary of the completion of the audit. At the conclusion of this review, the auditor will provide an analysis of the progress made and recommendations for long term sustainability of the initiatives contained within the report.

LOGISTICS: Funding in the amount of \$50,000 to engage an auditor-consultant was included in the Fiscal Year 2017 (FY17) budget to conduct the audit. A budget amendment may be needed depending upon the cost proposals received from the vendors and any additional costs outside of the audit contract that may be incurred. City staff time is assumed to be already funded for the support efforts required for purchasing, communications and outreach, and support of the audit process. We also anticipate that administrative support, facilities use, and other minor logistical support required will be included within the current operating budget.

COMMUNICATION AND COORDINATION: I am the primary point of contact for this action, and can be reached at 734-794-6110 x41101 or at hlazarus@a2gov.org. The concepts in this plan have been communicated to and discussed with several stakeholders, including representatives of the HRC, the Ann Arbor Branch of the NAACP, AAPD, and police union representatives. All feedback to date has been positive. These contacts will remain engaged, and will more than likely provide the core of the communication network throughout the process while we seek a wider audience. We welcome additional feedback from Mayor and Council prior to launching into a larger community engagement process within the next 2-4 weeks.