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W. Brooks Stillwell
City Attorney
6 E. Bay St., 3rd Floor
Savannah, Georgia 31401

Dear Mr. Stillwell:

Enclosed please find a copy of our final report in the matter pertaining to the Internal Affairs Department. In addition, our final invoice for these investigative services will be submitted later. Please confirm receipt and if there are any questions, please feel free to contact me.

MDB International, LLC, appreciates the opportunity to be of service to you in this matter. Thank you very much and have a great day.

R. Douglas Rhoads

CHAPTER 1 (PREDICATON & SCOPE OF PROJECT)

Manual, Daniels & Burke, International, LLC, (MDBI) is retained to conduct an analysis and review of the current Office of Professional Standards /Internal Affairs Department (OPS/IAD) of the Savannah Chatham Metropolitan Police Department (SCMPD), Savannah, Georgia at the request of the City Manager's Office, City of Savannah and the Office of the City Attorney, Savannah. The general scope of work is to conduct appropriate interviews and a review of relevant documents to determine the state of current operations and to provide findings and recommendations to ensure "best practices" are being utilized.

CHAPTER 2 (NARRATIVE OF EVENTS)

Commencing in September, 2013, considerable publicity and notoriety focused on allegations of misconduct and potential criminal acts by several members of the SCMPD. MDBI was retained by the City of Savannah to investigate several of these allegations, and has previously issued two reports to the City Attorney which have been publicly released.

Although not summarized here, these MDBI investigations, and other investigations conducted by the City, resulted in the termination, resignation or retirement of several senior police officers including former Chief Willie Lovett, and the criminal prosecution of two former SCMPD officers.

MDBI's investigators and other sources developed information that indicated faulty and improper practices by the OPS/IAD, as well as interference at the top command levels. The City Manager has made a number of changes at SCMPD, including naming a new Acting Chief, who in turn designated a new Major over OPS/IAD and replaced the entire previous IAD unit. Although no specific misconduct was attributed to most of the old members, this, as a minimum, demonstrated a full change of personnel and practices of OPS/IAD and provided officers and the public with the evidence of a new direction. These adjustments are noteworthy and ongoing at the present time. They will be detailed later in this report

The SCMPD is an accredited law enforcement agency under the modern model as established by the Commission on Accreditation for Law Enforcement Agencies (CALEA). These policies, which are solid and valid, establish the firm groundwork and roadmap for proper internal affairs administration. If followed, they are reasonable and adequate for the SCMPD to meet all the demands and responsibilities of this aspect of policing. (NOTE: Historically, these policies and protocols *have not necessarily been followed and thus created the current climate. Chapter 4 & 5 below will explain what the proper function of an IAD should be; how it was misapplied under the previous administration at the SCMPD; and what the new direction entails.*)

When accurately examining internal affairs programs of any agency, the following three components must be taken into account:

- What is the "disciplinary system"?
- How does the Internal Affairs Unit function & operate?
- What are the mission, values, and ethics of the department and how is the culture of honesty and credibility promoted?

The Disciplinary System

An effective disciplinary system must have two elements. One, it must ensure discipline is a form of "training" and is designed to change bad behavior and enforce good behavior. Second, self-discipline is the goal.....and officers must operate under that premise and eliminate the

need for imposed discipline. All departments should exercise great discernment in selecting only the best qualified people, support their work activities with well-articulated written and oral directives, and then promote and encourage their correct values. Fairness, equity, accuracy, reasonableness and timeliness are "keywords" in this process. (NOTE: This is something the SCMPD must immediately implement in order to create a new direction moving forward.)

The Internal Affairs Role

The role of the Internal Affairs Department is detailed below and is clearly set out in the SCMPD General Orders. The entire goal of an internal affairs investigation is to find and establish the truth. Although well-written and clearly defined policies are the benchmark of a truly professional department, the very nature of policing requires tremendous discretion and latitude to deal with the myriad of "human" events. No matter how hard a department tries to define and cover all situations, there will always be some vagueness and therefore the role of Internal Affairs is a continuum. It is always difficult to balance between applying the regulatory aspect of "rules & policies" and allowing officers the opportunity to exercise discretion. Simply having a stack of rules and regulations does not suffice----- all members, whether rookies or veterans, must also receive good training and must understand these guidelines. (NOTE: SCMPD has faltered in this aspect in the recent past, but is currently "revamping" the process.)

Values & Ethics

The SCMPD must undertake an internal project to identify their values and the values expected from every officer. Although these are usually straightforward and simple statements, they must be constantly reinforced. Fairness, honesty, courage, compassion, openness, and accountability are just a few to name. These must be inculcated in everything the police employee does. Ethics is simply the decision to choose between right and wrong! And it must be understood this is the minimum standard.

Summary

In the final analysis, a professional, competent and properly functioning internal affairs process protects the public, the department, and the officers---while removing the unfit or corrupt officer. This provides the necessary tools to support SCMPD's dedicated, hardworking and honest officers. Everyone must be held accountable and very high standards are required. A clear understanding of *what is---and what is not acceptable* then results. Every business, agency and organization faces challenges. How those challenges are handled is what creates the entity's reputation. SCMPD must make the development of a values-driven program a priority to restore full confidence and trust---with officers and the public. When Louis Freeh became FBI Director, he stated that he believed the FBI had been "too tolerant of certain types of behavior and he wanted to draw a bright line, which would serve to put all employees on notice of his expectations." Freeh also added that he did not wish to establish "an elaborate table of offenses and penalties." "Rather", he said, "we must acknowledge, uphold---indeed

revere—core values, such as integrity, reliability and trustworthiness.” [To this end,] “lying, cheating or stealing is wholly inconsistent with everything the FBI stands for and cannot be tolerated.”

CHAPTER 3 (METHODOLOGY)

The primary methodology utilized in this project is to conduct in-depth interviews of a broad-based group of both internal (current and former sworn personnel) and external individuals with direct knowledge of the operations of the SCMPD and its OPS/IAD. These interviews are supplemented with a review of pertinent documents, policies and correspondences. All interviewees are granted "confidentiality from attribution" for their specific comments to increase candor and openness. All interviewees appeared candid and forthcoming in their responses. MDBI limited the scope of this report to those findings and recommendations that focus directly on the OPS/IAD operations.

An oral briefing will be conducted if requested.

CHAPTER 4 (SUMMARY OF FINDINGS)

In theory and practice, a proper functioning IAD must have absolute integrity and earn a reputation for fairness, honesty, impartiality, thoroughness and professionalism. The policies and practices as outlined in the Commission on Accreditation for Law Enforcement (CALEA) standards are "best practices" in today's modern law enforcement agency and are spelled out clearly. The SCMPD adoption of this standard is desirable, but only if there is full and total compliance. Outlined below are the "past" and "present" findings.

Past Practices

Whether through conscious indifference or overt interference, the previous top police executive administration failed to properly provide leadership, oversight and management to IAD. The MDBI interviews reflect the following findings prior to the departure of Chief Lovett and others identified in the recent reports:

- 1. Recent history reflects that there have been obstruction and/or interference with the Internal Affairs process by the Chief of Police and other members of his command staff.**
 - Information reveals that some members of the Chief's command staff have intentionally withheld making a decision as to the classification of an Internal Affairs investigation. This was accomplished by withholding the Internal Affairs files and not addressing them. Consequently, the appearance of favoritism and association with the accused Police Officer has created the current environment of mistrust of the leadership by the Police Officer's and the community.
 - Information reveals that there have been inappropriate and inconsistent discipline administered within the Police Department, which again creates the mistrust of leadership by the Police Officers and the Community.
- 2. Important external partnerships and communications have been impaired in the past administration.**
 - There has been a breakdown of necessary and relevant partnerships with federal law enforcement agencies, the District Attorney's Office, and State law enforcement agencies. This situation has led to poor communications, weak or non-existent working relationships, and a general lack of trust over the past several years.
- 3. Current database software and systems do not support the retrieval and analysis of Internal Affairs/disciplinary records as required by CALEA.**

- The ability to store, retrieve and analyze Internal Affairs/Disciplinary records is critical in identifying potential problem employees, in complying with record-keeping requirements, and in providing the Chief of Police with essential personnel information.
 - Information reveals in recent history that there has been a failure by some individuals to completely submit, number, or properly document Internal Affairs complaints. In fact, some commanders (now removed) actually directed that some allegations “not be written up” and therefore not investigated.
 - Information reveals that many completed Internal Affairs complaints have not been forwarded in a timely manner through the proper chain of command. Likewise, several Officers who have been a subject of an Internal Affairs investigation have never been advised of the results.
 - Information also disclosed that in order to close cases (clear out cases that have been placed on hold for a long period of time), a Command Officer took it upon himself to determine the classifications of the complaints without the appropriate approval, and further, these results have been entered into the records system without notification to the affected Officer. In some of these cases, the complaint was classified as “sustained” with no disciplinary action noted.
- 4. A considerable attrition problem has existed in recent years, with the SCMPD losing 108 officers in 2012 and 121 officers in 2013.**
- One of the largest issues in all departments of this size is the negative effects of attrition. Although specific reasons for these losses are not known, many interviewees believe the turmoil created by improper disciplinary actions and ineffective leadership policies has contributed to this. Attrition falls into 4 categories: 1) death; 2) retirement; 3) removal and 4) resignation. There is evidence presented by interviewees that many of the resignations by good police officers were the result of dissatisfaction with the climate of favoritism.
- 5. Review of the Current Police Department General Orders as they pertain to the internal affairs process indicates they are properly worded, but were not being followed.**
- Information reveals that the standards mandated for Internal Affairs were not being followed in the previous administration. Information reveals a deficit in unannounced or regularly scheduled inspections and/or audits. Areas lacking regular audit include property/evidence; department equipment; offense/incident reports; and compliance with CALEA standards, to identify a few. (NOTE: Following

discussion with SCMPD management, it was learned that plans are in place to re-initiate these practices, as soon as the immediate caseload is addressed.)

Recent Changes and Present Direction

- 1. Actions by the City Manager to appoint a new acting Chief, who in turn has appointed new various command and supervisory leadership providing oversight of the Internal Affairs Unit, must be commended.**
 - New Internal Affairs Investigators are being afforded the opportunity to attend appropriate specialized training.
 - Internal Affairs Investigators are individually assigned to cover one of the five precincts.
 - All Internal Affairs Investigators are being required to provide training and education to the precinct Police Officers and be available as a resource to their assigned precinct.
 - The Internal Affairs Investigators will be involved with community outreach programs to educate the community regarding the complaint process.

- 2. There has been an immediate material improvement in the external relationships mentioned above since the initiative to remove the previous commanders has taken effect.**
 - Newly established liaison activities and reciprocal dialogue has commenced as a result
 - In conducting the investigations, and preparing this consulting report, MDBI and the City Attorney's office have received excellent cooperation, and have established collaborative working relationships with the other law enforcement and criminal justice agencies and their legal counsel in the County. These include the Chatham County District Attorney, US Attorney, County Attorney, FBI, GBI, Chatham County Sheriff's Office, and Chatham Narcotics Team.

- 3. Due to the unique agreement between the City of Savannah and Chatham County regarding CNT, there must be careful and close coordination when misconduct allegations are raised.**
 - Whenever a complaint that could lead to written reprimand or higher is received against a member of the Savannah/Chatham Police Department member assigned

to the regional drug unit ("CNT"), the complaint should be handled by the Savannah/Chatham Internal Affairs Unit in coordination with the CNT Director. Likewise, anytime personnel action is taken against a Savannah/Chatham Police Officer by supervisory personnel within the drug unit, all documentation should be forwarded to the Savannah/Chatham Internal Affairs unit. The internal Affairs complaint process must include a "duration" time at each step of the process. When an investigative file is forwarded through the appropriate change of command, it should never "sit" in an office past the established timeline without the express permission of the Chief of Police. In such cases, the accused Officer should be notified of the delay, if appropriate.

CHAPTER 5 (RECOMMENDATIONS)

The Office of Professional Standards, consisting of Internal Affairs, Training, and Recruitment Units, has established an excellent Strategic Plan for 2014. Their goals and objectives for all three divisional components (see attached report), if implemented and followed through with, will meet many of the concerns listed in our findings.

RECOMMENDED ADDITIONS OR EXPANSION IN THEIR STRATEGIC PLAN ARE AS FOLLOWS:

- There needs to be an Inspectional Audit component within the Internal Affairs Section. This responsibility ensures the integrity of critical elements within the department. Scheduled and unannounced Inspectional audits must be conducted of the evidence/property facility; specialized equipment assigned to teams/units; and documents pertaining to CALEA standards and accreditation requirements. It is understood these will commence as soon as the backlog of cases is addressed, but this must be met with full compliance. Command officers must participate in this process.
- The Inspectional Audit responsibility must include the regional drug unit "CNT". This will necessitate an amendment to the existing Intergovernmental Agreement. The drug unit is certainly a law enforcement function that requires audits from outside the unit. Ensuring that the handling of informants, buy money and drug transactions are being handled according to approved Policies and Procedures, is important to the integrity of the SCMPD.
- The scheduled training for the newly assigned Internal Affairs Investigators is to be commended. However, the department should look at other training opportunities available besides the one currently used in Florida. Information reveals that too much of the curriculum pertains to Florida law enforcement issues.
- The current Internal Affairs complaint/disciplinary software is inadequate to meet the needs of the department. The department has begun the process of evaluating the many commercial software packages on the market and must select one that meets their record keeping, reporting and analytical needs. This recommendation is a priority item and requires a full conversion of all historical data. (Note: No accurate analysis and oversight can be conducted without this).

ADDITIONAL RECOMMENDATIONS ARE AS FOLLOWS:

- The previous model of discipline administered throughout the department was widely viewed as being inconsistent and unfair. The department may want to review the disciplinary practice used by many departments around the country that have

instituted a "Matrix" system. This system allows all department personnel to know the range of punishment that for particular violations and provides guidelines for the Command Officers and Supervisory personnel when administering discipline and educating officers.

- There must be development of a long range human resource plan that monitors exit interviews, recruits on a strategic basis, conducts targeted recruiting and performs probative background investigations. These are essential for both hiring and retention success. The development of a human resource plan must be fully integrated into the Office of Professional Standards responsibilities since Recruitment, Training and Internal Affairs are under one Command Officer. (NOTE: The development of a strategic plan specifically related to the recruitment, selection, and training to meet the anticipated personnel needs is a necessary action to reduce wasted costs from excessive resignations. This may also include pay, benefits and other retention issues).

The entire focus of this capability is to ensure the newly recruited officers being hired have the background skills that match up with the character and personal traits that are desired. Although as stated in the SCMPD "Goals & Objectives," the Primary Objective is diversity, this must be modified to equally address hiring people with the predisposition to necessary police work behaviors. (i.e.- ethics, honesty, public service mentality, interpersonal skills, etc.--"quality people that understand the bright line")

An effective means to accurately study the "reasons" for the exceptionally high turnover and develop strategies to reduce them is paramount in moving forward.

- A small working group comprised of the SCMPD/IAD Commander, the Director/CNT, and other relevant representatives should be convened to devise, develop and initiate specific IAD guidelines for handling allegations against SCMPD personnel assigned to CNT.
- One of the mandates for a new chief of police should be his involvement in the continuing development of the OPS/IAD function and the requisite integration of all command staff in supporting this. The development of a viable, fact based hiring plan based on clearly understood guidelines is equally an integral part of this mandate.