

*Independent Monitoring Report*  
Data Collection, Analysis & Management  
Compliance Assessments by Paragraph

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## Data Collection, Analysis & Management: ¶570

*570. The City will ensure that reasonably available documents related to reportable uses of force that are or become subject to misconduct complaints or investigations are promptly provided to the appropriate investigative entity (e.g., COPA, BIA). The City will ensure that any reasonably available documents related to reportable uses of force subject to misconduct complaints or investigations, except for open confidential investigations, are accessible in the CMS the City is working to create, or in any similar electronic system, by June 30, 2020. Within seven days of the receipt of a misconduct complaint or the initiation of an administrative investigation, whichever occurs first, the City will identify any available reportable use of force documentation associated with the incident and ensure such documentation is accessible via the CMS or similar system. By June 30, 2020, whenever a reportable use of force incident becomes the subject of a misconduct investigation, COPA will notify CPD via the CMS within three days of the initiation of the investigation.*

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### Compliance Progress

(Reporting Period: January 1, 2024, through June 30, 2024)

**Preliminary:** *In Compliance* (NEW: REGAINED COMPLIANCE)  
**Secondary:** *In Compliance* (NEW: REGAINED COMPLIANCE)  
**Full:** *Not Yet Assessed*

In the tenth reporting period, the City regained Secondary compliance with ¶570.

Historically, the CPD’s Bureau of Internal Affairs (BIA) and Civilian Office of Police Accountability (COPA) both had a Case Management System (CMS), which allowed access to the “documents related to reportable uses of force that are or become subject to misconduct complaints or investigations.” See ¶570. In the ninth reporting period, the City lost both Preliminary and Secondary compliance with ¶570 due to COPA’s inability to access CPD records, thereby rendering their CMS unusable, even if technically operable. This reporting period, COPA’s access was restored for all pertinent systems required by ¶570 (*i.e.*, “reasonably available documents related to reportable uses of force”). Accordingly, the City regained compliance with this paragraph.

This reporting period, COPA maintained Directive 3.1.6 (*CLEAR and COLUMN CMS Systems*), which sufficiently memorializes the operation of the Case Management System (CMS). Additionally, the CMS code continues to allow for COPA to access CPD systems for reasonably available documents and evidence related to administrative investigations of use-of-force events. Therefore, the City has maintained Preliminary compliance with the requirements of ¶570. Furthermore, COPA had previously been in Secondary compliance with the requirements of ¶570 based on evidence of three years of COPA in-service training related to their CMS. As noted in prior reports, these training materials provided sufficient guidance for COPA investigators to navigate their CMS and store investigative

material as necessary. The City therefore maintained Secondary compliance with the requirements of ¶570, though in our next reporting period, we will expect to see recent evidence demonstrating ongoing compliance.

To maintain Secondary compliance moving forward, we continue to stress the need for the CPD to develop a policy memorializing its responsibilities for facilitating a full and complete investigation by COPA, including when COPA’s access to the CPD’s data systems is restricted. As we noted in *Independent Monitoring Report 9*, having such a policy in place may have prevented the loss of compliance levels in the first place, and will create an organizational system to maintain future compliance. For Full compliance, we will look for evidence that the requirements of ¶570 have been operationalized.

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A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Supervision section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2024/06/IMR8-Appendix-10-Data-Collection-Analysis-and-Management-2023.11.01.pdf>.

### Paragraph 570 Compliance Progress History

FIRST REPORTING PERIOD MARCH 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: None	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: None	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Preliminary
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Preliminary	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Preliminary	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Secondary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Secondary	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Secondary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: None
TENTH REPORTING PERIOD JANUARY 1, 2024 – JUNE 30, 2024 COMPLIANCE PROGRESS: Secondary		

## Data Collection, Analysis & Management: ¶573

*573. Prior to conducting the initial assessment required by Paragraph 572, CPD will share its proposed methodology, including any proposed factors to be considered as part of the assessment, with the Monitor for review and approval. The Monitor will approve CPD's proposed methodology provided that the Monitor determines that CPD's methodology comports with published, peer-reviewed methodologies and this Agreement.*

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### Compliance Progress

(Reporting Period: January 1, 2024, through June 30, 2024)

**Recurring Schedule:** Ongoing  **Met**  **Missed**

**Preliminary:** *In Compliance (NEW)*

**Secondary:** *Not Yet Assessed*

**Full:** *Not Yet Assessed*

In the tenth reporting period, the City and the CPD achieved Preliminary compliance with ¶573.

This reporting period, the CPD provided the IMT with a draft methodology for conducting the analysis of use of force required by ¶572. The methodology was developed by research partners from the University of Texas San Antonio (UTSA) and the University of Pennsylvania (UPenn) and largely reflects an approach that is consistent with current standards in use-of-force analyses. Late in the tenth reporting period, the IMT met with the research partners to discuss the methodology, raise questions, and provide comments. While the IMT did not provide approval for the methodology during the tenth reporting period, the methodology provided for our initial review demonstrates commendable progress on this paragraph and is consistent with our methodology for Preliminary compliance with ¶573.

Moving forward, the IMT will provide written feedback on the proposed methodology and engage in further discussion with CPD, the City, and the research partners. From there, the IMT expects to receive a final methodology for approval. Once approved, the IMT looks forward to continued engagement with the research partners in reviewing and commenting on their assessment in fulfillment of ¶572.

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A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Supervision section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp->

### Paragraph 573 Compliance Progress History

FIRST REPORTING PERIOD MARCH 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: None	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: None	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Status Update
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: None	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: None	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: None
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: None	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: None	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: None
TENTH REPORTING PERIOD JANUARY 1, 2024 – JUNE 30, 2024 COMPLIANCE PROGRESS: Preliminary		

## Data Collection, Analysis & Management: ¶577

577. CPD will create a Force Review Board (“FRB”) to review, from a Department improvement perspective: (a) any level 3 reportable use of force incident, except for accidental firearms discharges and animal destructions with no human injuries, and (b) any reportable uses of force by a CPD command staff member.

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### Compliance Progress

(Reporting Period: January 1, 2023, through June 30, 2023)

**Preliminary:** *In Compliance* (THIRD REPORTING PERIOD)  
**Secondary:** *In Compliance* (SEVENTH REPORTING PERIOD)  
**Full:** *In Compliance* (NEW)

In the tenth reporting period, the City and the CPD achieved Full compliance with ¶577.

To assess Preliminary compliance with ¶577, the IMT reviewed the CPD’s relevant policies and documents following the process described in the Consent Decree (¶¶626–41), and the CPD’s data. Additionally, the IMT reviewed records demonstrating that the CPD has qualified personnel to meet the requirements of this paragraph. To assess Secondary compliance, the IMT reviewed the CPD’s training development, implementation, and evaluation (¶286), including the implementation of a decision-point analysis. To assess Full compliance, the IMT considered whether the CPD has sufficiently implemented its policy and training.

The CPD has maintained General Order G03-02-08, *Department Review of Use of Force*, which memorializes the role of the Force Review Board (FRB) in reviewing Level 3 uses of force and reportable uses of force by a CPD command staff member. As the FRB continues to be detailed in policy, the CPD has remained in Preliminary compliance with ¶577. Additionally, the CPD continues to have Standard Operating Procedure (SOP) 2020-03, *Force Review Board*, which we have previously noted as demonstrating Secondary compliance.

In the tenth reporting period, the IMT and the CPD discussed the paragraphs related to the FRB (¶¶577–580), and specifically, documentation that could be provided to demonstrate Full compliance. Paragraph 577 requires the creation of the FRB and sets forth the reportable uses of force that shall be reviewed by the FRB. During the tenth monitoring period, we continued to observe the CPD utilize FRBs for the types of force identified in subsections (a) and (b)—consistent with the requirements of ¶577.<sup>1</sup>

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<sup>1</sup> To achieve Full compliance with the requirements of ¶578 and ¶580, the CPD must demonstrate that the FRB is consistently engaging in a critical review of the incidents and making a decision-point analysis that enhances the CPD.

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A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Data Collection, Analysis, and Management section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-10-Data-Collection-Analysis-and-Management-2023.11.01.pdf>.

### Paragraph 577 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: None	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Preliminary
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Preliminary	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Preliminary	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Preliminary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Secondary	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Secondary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Secondary
TENTH REPORTING PERIOD JANUARY 1, 2024 – JUNE 30, 2024 COMPLIANCE PROGRESS: Full		