

Late Backup

Independent Review by KeyPoint Solutions (September 30, 2009)

1. How and why was KeyPoint selected?
2. What information from the report was not made public and why?
3. What changed to make publication of the full report possible on May 13, 2010?
4. How does release of the KeyPoint report compare to releases of other independent reports in the past?



How the Law Department Determines What Parts of an Independent Report Can be Released

Before the Memo of Understanding:

- Is it already public information?
- Is it information about matters not related to an ongoing investigation of alleged officer misconduct?
- Is it information about an allegation of officer misconduct that has been sustained?

If “**YES**” to any of these – then release the information

After the Memo of Understanding:

- Is it contained in the independent report?

If “**YES**” – then release the information



Releases of the KeyPoint Report

September 30, 2009 – report received

October 5, 2009 – first release

- Voluntary release
- Content that was already public
- Content that wasn't part of ongoing investigation

November 5, 2009 – second release

- Same day as APD Chief issues disciplinary notice
- Includes information about charge that was sustained
- City receives open records requests for parts not released

Attorney General Ruling

- City's letter requesting ruling – November 18, 2009
- Attorney General opinion letter – January 29, 2010



The Memorandum of Understanding (MOU)

1. MOU = a document that clarifies the intent of the parties about the meaning of a part of the meet-and-confer agreement
2. MOU doesn't change or modify the contract
3. Catalyst – media publication (5/10/10) of those parts of the report that hadn't been released
4. Effect of the MOU:
 - The entire independent report can be released
 - Investigation materials remain confidential



Independent Reports in the Citizen Oversight Process

Year	Officer Involved	Part(s) of Independent Report Released	Discussion
2004	John Coffey	Entire Summary Report	Report was summary of findings, conclusions, and recommendations; no un-sustained allegations from the incident [Note: the "evidentiary facts" compiled by the investigator were not released]
2007	Michael Olsen	Virtually Entire Report	Almost the entire report concerned allegations of misconduct that were sustained (very minor redactions)
2009-10	Leonardo Quintana	10/05/09 – Partial Release	<ul style="list-style-type: none"> ▪ Already public information ▪ Not related to charges in an ongoing investigation
		11/05/09 – Additional Parts Released	<ul style="list-style-type: none"> ▪ Additional release of "evidentiary" information related to the charge that was sustained
		5/13/10 – Entire Report Released	<ul style="list-style-type: none"> ▪ Memorandum of Understanding



Additional Steps

1. The MOU will commemorate the intent of the parties concerning releases of independent reports in the future
2. Labor Relations Office will retain the original document and participate in future questions concerning interpretation
3. Law Dept. will provide improved direction on format and structure (not content) of independent reports
4. Law Dept. will better coordinate its activities when numerous individuals are handling different legal issues arising from a common set of events

