



Final Audit Follow-Up

TPD General Order 60 - *Response to Resistance*

Report #AR-2406
August 30, 2024

Original Report #2402 Issued November 27, 2023
Follow-Up Period Ending March 31, 2024

Summary from Original Report

We conducted this audit to evaluate TPD's use of force policy (General Order 60 – *Response to Resistance*) dated November 27, 2023. The audit's objective was to determine if GO-60 is consistent with modern policing standards and best practices, ensuring it promotes safety and maintains public trust.

We concluded that overall, GO-60 aligns with best practices and promotes the safety of the public and police officers. To help enhance the policy, we made recommendations for improvement. These recommendations were intended to mitigate risks associated with positional asphyxia, establish an explicit prohibition against retaliation directed at individuals who intervene in or report instances of excessive force, and provide for the publication of an annual use of force analysis report.

Management established 3 action plan steps in response to our audit recommendations. Of these, 2 were completed during this audit period with no further action required, and 1 needs management attention. This status report is the first and final follow-up on audit report #AR-2402.

Complete

2

In Progress

0

Needs Attention

1

Action Plan Step 1

Observation 1 identified best practices related to use of force policies incorporated into GO-60. Accordingly, no recommendations or action plans were necessary.

Action Plan Step 2

Objective: Enhance policy provisions related to restraining individuals who resist lawful orders and may be at a higher risk for breathing complications.

Management's Action Plan:

Current policy has already been updated to incorporate recommendations.

Action Plan Status: COMPLETE

General Order 60 was updated to incorporate all but one of the recommended enhancements. The one enhancement not addressed through policy (related to defining breathing complications) was addressed through officer training.

Action Plan Step 3

Objective: Revise GO-60 to prohibit retaliation against officers who intervene or report excessive use of force.

Management's Action Plan:

Current policy has already been updated to incorporate all of the above recommendations. Language was added that explicitly prohibit officers from retaliating against those who intervene in or report instances they believe to be excessive use of force.

Action Plan Status: COMPLETE

Our review of applicable policies show they have been updated to explicitly prohibit retaliation against officers who intervene or report excessive force. Thereby providing clear direction that retaliation will not be tolerated.

Action Plan Step 4

Objective: Provide an annual report on use of force incidents to the public. The report should include details and conclusions.

Management's Action Plan:

The City's Citizen Police Review Board (CPRB) was established by the City Commission for the review of these very types of incidents. Any and all information requested by the CPRB on these incidents is provided to them by TPD. We support the Commission's directions by providing information and details regarding all use of force incidents for CPRB review. The CPRB produces an annual report regarding these incidents. TPD supports the current process and approach.

Action Plan Status: NEEDS ATTENTION

In response to recent legislation (Chapter 2024-86, Laws of Florida), the City's CPRB is no longer active, thereby eliminating the proposed mechanism for making a report on use of force incidents publicly available. Therefore, an alternate approach should be considered to ensure an annual report on use of force incidents is made available to the public.

Conclusion

Management developed 3 action plan steps to address recommendations in our audit of the Tallahassee Police Department's General Order 60 – *Response to Resistance* (audit report #AR-2402). Management successfully completed 2 of the 3 action plan steps. The action plan step not resolved related to public reporting of use of force incidents. The risks of not implementing this step have been discussed with management.

Appointed Official's Response

City Manager:

I would like to sincerely thank the staff of the Office of the Inspector General for their professional review and ongoing effort to strengthen our City controls and processes. We would like to acknowledge their thorough review of the Tallahassee Police Department's comprehensive Use of Force Policy, General Order 60. In addition, staff from the Tallahassee Police Department collaborated with staff from the Office of the Inspector General to ensure all action steps in the audit were successfully addressed.

Acknowledgements

We appreciate the cooperation and assistance provided by management and staff during this audit follow-up.

Project Team

Engagement conducted by: Randy Ditty, CISA, CPM, CICA - Senior IT Auditor

Engagement reviewed by: Jane Sukuro, CPA, CIA, CIG - Deputy Inspector General

Approved by: Dennis R. Sutton, CPA, CIA, CIG - Inspector General

Statement of Accordance

The Office of Inspector General's mission is to advance integrity, accountability, transparency, and efficiency and effectiveness within City government by providing professional, independent, and objective audit and investigative services.

We conducted this audit follow-up in conformance with the Institute of Internal Auditors International Standards for the Professional Practice of Internal Auditing and Generally Accepted Government Auditing Standards. Those standards require we plan and perform the audit follow-up to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our objectives.

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