

REPORT OF THE INDEPENDENT  
MONITOR  
FOR THE  
LOS ANGELES POLICE  
DEPARTMENT



THIRD QUARTERLY REPORT  
MAY 15, 2002

**Kroll**

*Office of the Independent Monitor  
of the Los Angeles Police Department*



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## INTRODUCTION

The City of Los Angeles and the Los Angeles Police Department (LAPD) entered into a Consent Decree with the Department of Justice on June 15, 2001. The Consent Decree provides specific guidelines designed to institute new policies and procedures and to reform the conduct of the LAPD. Michael Cherkasky and Kroll Associates have been hired as the Monitor to ensure that Consent Decree reforms are implemented in an effective and timely manner. This is the third in a series of quarterly reports to the Court by the Monitor.

## EXECUTIVE SUMMARY

The quarter ended on March 31, 2002. The LAPD is in non-compliance with a number of significant provisions of the Consent Decree. Among those areas of non-compliance are the following:

- Data entry of information on pedestrian and motor vehicle stops is critically and seriously backlogged. Progress towards the goal of determining whether racially biased stops are being made cannot proceed without this data.
- The internal audit process is seriously flawed and the Monitor is continuing to find substantive errors. Supervisory oversight must be improved and the LAPD needs to hire more qualified audit personnel.
- A misconduct complaint backlog still persists through three reporting periods, and the LAPD is not in compliance with the ten-day deadline to submit new complaints to Internal Affairs. Investigations of misconduct cannot begin until these complaints have been reviewed by Internal Affairs.
- Investigations of Non-Categorical Use of Force incidents are not being completed within the 14-day deadline set by the Consent Decree. Procedures to track these investigations were found deficient.
- The Monitor also found deficiencies in timely notifications to the Inspector General.

Most serious, the Monitor found evidence that certain LAPD officers are intentionally undermining the Consent Decree and the LAPD's efforts at reform. What makes this particularly disturbing is that these officers are members of the Consent Decree Task Force, the unit charged with implementing reform. These officers have publicly denigrated the decree and urged the community to be outraged at the cost to taxpayers.

For reform to succeed, all officers must take their obligations to the Consent Decree seriously. The Monitor has stated repeatedly that this direction must come from senior ranking officers and supervisors. The top leadership must act now to prevent this attitude from undermining the progress made by the LAPD.

Finally, the Monitor found the generalized training being given to all LAPD officers on the Consent Decree of such a low quality that we have asked the training to be suspended, which it has.

Despite these shortcomings, there has been progress in many areas. Substantial progress has been made this quarter in a number of areas related to the development of TEAMS II, a computerized early warning system being designed to identify potential misconduct issues. The LAPD has established a unit responsible for the project. This unit is developing a comprehensive plan and a timeline to ensure that work proceeds in a coherent manner.

Categorical Use of Force cases are being investigated promptly and the LAPD is making proper notifications. The Inspector General is participating in "roll-outs" to investigate these incidents.

Internal Affairs is conducting sting audits to identify and investigate officers engaged in at-risk behavior, and has established a database of complaint intake information that is being used to analyze and identify patterns of potential misconduct.

## **I FOCUS ISSUES**

### **A. UNDERMINING THE CONSENT DECREE**

The Consent Decree directs the LAPD to conduct a community outreach program for each geographic area within the LAPD, which is to include one open Community Affairs meeting each quarter for the first year of the Consent Decree. (CD ¶ 155). The Monitor has attended several of these meetings with notification provided in advance. Each meeting attended from July 2001 through February 7, 2002 was informative and the presentation by the LAPD was appropriate and professional.

This quarter, after receiving tips from the community, the Monitor attended several Community Affairs meetings unannounced and undercover, and discovered alarming evidence that certain officers were making negative statements about the Consent Decree and the Monitor.<sup>1</sup> Since the presenting officers are members of the Consent Decree Task Force charged with leading the reform, their ability to discredit these efforts is enormous. Rather than communicating support for the Consent Decree as a vehicle for necessary changes, the decree has been portrayed as a frivolous exercise imposed from outside that the LAPD must endure for the next five years.

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<sup>1</sup> Other members have continued with fair and appropriate presentations. It is extremely unfortunate that the intemperate comments made by a few has obscured the extremely hard work and dedication of the unit as a whole.

The Monitor maintains that these actions represent a deliberate effort to create resistance to the Consent Decree.<sup>2</sup> The community and the LAPD officers who attend these meetings are affected. If Task Force members denigrate the importance of the decree, the officers who hear such statements will have little incentive to follow through on reform efforts.

Although meetings were held in each geographic area, as required under Paragraph 155 of the Consent Decree, the attitude adopted and the statements made during certain meetings as specified below is completely contrary to the spirit of the Consent Decree. As a result, the LAPD is not in compliance with the Consent Decree. This extremely troubling development requires immediate attention.

### Specific Statements

Evidence of the negative statements comes from members of the community and from the Monitor's unannounced attendance at three specific meetings.<sup>3</sup> Community members report the task force inciting the community to show outrage about the cost to taxpayers, and also instructing the group that the Monitor would never be able to measure compliance.

At the three meetings where negative comments were made,<sup>4</sup> the presentations failed to explain the circumstances that led to the need for reform or to address any of the potential benefits, and instead focused on the costs and administrative burdens involved in complying with the decree. Rather than demonstrating support for the Consent Decree, incomplete and inaccurate information was presented, seemingly intended to discredit the Monitor and provoke the community and the police officers in attendance.

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2 Of course, task force members may have legitimate criticisms and concerns regarding the Consent Decree. However, common sense and professionalism suggest that the Community Affairs meetings are not the appropriate forums for expressing these concerns and criticisms, especially when they are not well-thought out or are simply inaccurate or misleading.

3 The three specific meetings were Wilshire, Van Nuys, and West Valley.

4 The Monitor attended several meetings unannounced where the Consent Decree was presented in a professional and thorough manner with fair representations of the difficulties inherent in the implementation of the Consent Decree mandates.

The following are specific examples of the comments made during the presentations in question:

Regarding History of the Consent Decree:

An officer attempted to distance the LAPD from the Consent Decree, ignoring the impetus of the Rampart scandal: "This is not with the Police Department. This is with the Feds and the City about the Police Department. We are not controlling this. It is coming out of the Mayors office...[other Departments have consent decrees] but the LAPD is the biggest fish that DOJ ever got on the line. They got us."

Regarding Consent Decree Requirements and Costs:

An officer stated that the reform requirements were "unnecessary and time consuming." Citing TEAMS II, the system designed to track potential misconduct, he explained that the system would track "how often an officer went to the bathroom."<sup>5</sup>

Another officer stated that the Consent Decree "makes you roll your eyes...187 paragraphs long and a lot of paragraphs telling us to do something. Those of us in law enforcement have trouble with 187 because that is the penal code for murder."

Regarding the Monitor

The Monitor was described as an "auditing type company like Arthur Andersen" (drawing laughter from the crowd), that was "inexperienced" in day-to-day police work.<sup>6</sup> The Monitor was a New York based company that would fly into town every few weeks for meetings.<sup>7</sup> The Monitor was "Kroll, the company that had the security contract for the World Trade Center" (drawing gasps from the crowd).<sup>8</sup> Finally, an officer also explained that the Monitorship could be extended if the LAPD is not in compliance. He stated: "What is Kroll's incentive to say we are in compliance? I don't have an answer."<sup>9</sup>

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5 It would have been appropriate to explain why the tracking of personnel is important. If such a system had been in place, it may have been possible to detect and avoid the Rampart scandal.

6 The officer stated this despite his knowledge that the majority of the Monitor's team has extensive law enforcement experience, including a current and two former police chiefs of major U.S. cities.

7 This statement was made despite the fact that the Monitor has a significant presence in Los Angeles, including a large office in the city.

8 Kroll was hired to improve security at the WTC in the wake of the 1993 bombing.

9 He did not explain that a methodology exists which would be used to measure compliance.

These statements are particularly insidious given the fact that one of the officers responsible made a thorough and quite professional presentation on the Consent Decree in a meeting in the Foothill division. At this meeting the officer explained that the Consent Decree had been imposed as a result of Rodney King and the Rampart scandal, and because the government believed the Department had engaged in racial profiling. He told the audience: "all of the points included were good and it would not hurt the Department to implement them."<sup>10</sup>

Some of the comments outlined above were also repeated by the same officers in opening remarks to Consent Decree Source Document Training held by the LAPD. Moreover, the content and format of this training, as described below (Section K.3. of this report), communicated to the LAPD officers in attendance that the Department views the Consent Decree more as a series of pointless tasks to be endured, rather than an opportunity for substantive reform.

## **B. MEASUREMENT CRITERIA**

The Monitor has been working with an outside consultant, Dr. James Ginger, who has been hired by the City and the Department of Justice to assist the Monitor in developing criteria to "score" compliance with the specific requirements outlined in the Consent Decree.

A first draft of the criteria was delivered August 2001. A series of meetings and informal comments were solicited from all parties to the Consent Decree, followed by the submission of formal comments from both the City and the DOJ.<sup>11</sup> A second draft was produced and went through a similar comment period. Version 1.0 of "Methodologies to Aid in the Determination of Compliance" was published April 15, 2002. All parties recognize that this document must be tested and revised under real working conditions.<sup>12</sup>

The methodology is both a tool and a starting point for the Monitor. While in most instances the approved criteria will be dispositive on the issue of compliance, the Monitor has explicitly reserved its right to reach conclusions that are at odds with any mechanical formulations enumerated in the methodology document.

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10 He also stated that implementation would be difficult on the LAPD. The Monitor believes that this is fair commentary and does not take issue with such statements.

11 There was a delay in the methodology process of approximately one month due to the events of September 11, 2001.

12 A process has been established for review and implementation of recommended adaptations.

The Monitor has similarly reserved its right to request documents and attend meetings that may not be specifically referred to in the methodology document. The methodology also does not limit the Monitor's ability to utilize a variety of techniques to fulfill the monitoring function.

The results of monitoring pursuant to this methodology will be included in the next quarterly report.

## **C. TEAMS II**

TEAMS II is a computerized early warning system that is being designed to track law enforcement activities and identify potential patterns of at-risk behavior. (CD ¶¶ 39-53). The system will be organized by a central database system called the Risk Management Information System (RMIS). RMIS will pull information from two database components currently in development, the Complaint Management System (CMS) and the Use of Force (UOF) database. A third important database component, a personnel system, will also be linked to RMIS, but its requirements have not yet been collected and reviewed. Finally, RMIS will also pull information from eleven existing database systems to identify potential at-risk behavior.

This project is complex, costly and difficult. At the conclusion of the current reporting period, the Monitor confirms that progress has been made to organize this project and dedicate critical personnel to this assignment.

### **1. MANAGEMENT SYSTEM REENGINEERING PROJECT UNIT**

In January 2002, the City of Los Angeles and the LAPD created the Management System Reengineering Project (MSRP) Unit which is a police unit dedicated solely to the development of TEAMS II. The unit is made up of police officers, police department staff, and information technology staff. During this quarter, the MSRP unit has made significant progress in staffing and structuring its organization and beginning to address issues raised by the Monitor. It is the Monitor's hope that the new unit will work to develop both a coherent implementation plan and a timeline for this project.

## **2. RMIS INITIAL DESIGN**

The City has failed to complete the approval process for the initial design of RMIS. Pursuant to the Consent Decree, an initial Design Document outlining the requirements for RMIS was submitted to the Department of Justice on October 1, 2001.<sup>13</sup> The Consent Decree provides a 30-day interval for the Department of Justice to work with the City and the LAPD to finalize the RMIS Design Document. To date, the City and the LAPD are still negotiating modifications necessary to meet the standards issued by the Department of Justice. Important questions relating to the format of electronic documents and data elements remain unresolved, which could impact the user-friendliness of the system.

It is unknown when the final Design Document for RMIS will be approved.

## **3. COMPLAINT MANAGEMENT SYSTEM**

The City and the LAPD completed their final review of the Design Document for CMS in January. They are currently working with Information Builders, Inc. to contract for the development of a prototype of the CMS System. The prototype will test the concepts developed for CMS to ensure that the final product will work properly and deliver useable information.

Contract negotiations between the City and Information Builders, Inc. have been lengthy due to the City's requirement that at least 90% of the functions of the prototype be reusable in the final construction of the CMS. It has taken significant time to accomplish a plan to assure that this can be done. The prototype itself is projected to take up to nine months to complete.

The Monitor maintains that significant progress has been made in developing CMS. The time invested in developing the CMS prototype is critical, as this step will ensure that a key component of TEAMS II can be studied and tested before the product is finalized.

## **4. PERSONNEL AND SECURITY SYSTEMS**

The City is in the process of collecting requirements for the personnel system that will be the basis of the security system being developed for TEAMS II. Once these requirements have been collected and reviewed, the City is going to weigh the advantages and disadvantages of upgrading their existing system, the Time Management System (TMS), against developing a new system, the Deployment Period System. It is unknown whether it is feasible to upgrade the TMS to meet the City's needs because an assessment of the TMS has not been completed.

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<sup>13</sup> DOJ responded to the October 1, 2001 draft on November 7, 2001. The City answered on December 13, 2001 and January 14, 2002. DOJ responded on February 11, 2002. The City's answer to DOJ is currently pending. On April 8, 2002 the DOJ invoked the dispute resolution provisions of CD ¶ 186 to compel the City to cure this default before the Justice Department seeks a judicial remedy.

Due to the essential role that security plays in TEAMS II, the Monitor encourages the City to expedite this process. The development of the security system for this project cannot be completed before the City finalizes the design of the database that will provide basic information on LAPD personnel.

## **5. TECHNICAL ARCHITECT**

Throughout this quarter, the City and the LAPD worked with IBM as the technical architect for the TEAMS II Project. The IBM team presented a technical report to the City on March 25, 2002. The report describes the overall technical structure of the TEAMS II project and provides a map of the different component systems, detailing the responsibilities and inter-relationships of the component parts. IBM's report also organizes the development of the project and provides recommendations for the hardware and software components necessary to build the TEAMS II system.

To compile this report, IBM analyzed the database systems that will be interacting with RMIS and developed a map of how the separate databases will interact and transfer data. IBM spent substantial time focusing on application development as a result of the City's decision to develop a web-based system, which is new for the City. They also addressed preliminary security issues.

The MSRP Unit has begun to research various software components that would work with the technical architecture laid out by IBM.

## **6. CURRENT DATABASE REVIEW**

This quarter, the Information Technology Agency (ITA) began the process of reviewing the existing database systems. ITA has now developed a table of the current systems, showing how data elements are coded. A database specialist has also analyzed the data that will be brought into the RMIS System. The analyst also worked closely with IBM to familiarize the contractor with existing database systems.

On March 6, 2002, IBM recommended that the LAPD begin to initiate source system "data assessment" as soon as possible. This is a taxing and time consuming task that must be completed in order for RMIS to pull/cull accurate and valuable information from existing database systems.

The City has begun to meet with vendors regarding data assessment. The Monitor maintains that this project is an urgent undertaking that must be executed as quickly and efficiently as possible in order to avoid potential delays for the TEAMS II project.

## **II SUBSTANTIVE PROVISIONS**

### **A. INTERNAL INVESTIGATIONS**

#### **1. CATEGORICAL USE OF FORCE INCIDENTS**

Pursuant to the Consent Decree, the LAPD's Critical Incident Investigation Division (CIID) investigates all Categorical Use of Force incidents. (CD ¶ 55). CIID is composed of three main sections: CIID-OIS is tasked with investigating Officer Involved Shootings (OIS), In Custody Deaths (ICD) and Law Enforcement Activity Related Deaths (LEARD); CIID-LERI is tasked with investigating Law Enforcement Related Injury Incidents (LERII) resulting in hospitalization; and an Administrative section is responsible for reviewing investigative reports and forwarding completed investigations to the Use of Force Review Section.

##### **(a) CIID Investigations**

CIID generates monthly reports on all Categorical Use of Force investigations. These reports identify assigned investigators and the status of the pending investigation, including details on any pending review. The Use of Force Review Section, which is responsible for reviewing all use of force incidents, also tracks the status of Categorical Use of Force cases. The Monitor performed a review of reports from both divisions to check for consistency and accuracy. This reconciliation yielded only minimal discrepancies.

The Monitor also reviewed CIID records to determine compliance with the 60-day requirement on reports provided to the Police Commission. (CD ¶ 67). This review covered the six-month period ending December 31, 2001. With the exception of three investigations commenced prior to the Consent Decree, all completed Categorical Use of Force investigations reviewed by the Monitor were provided to the Police Commission at least 60-days prior to the running of the one-year statute of limitations. The LAPD has recently taken steps to tighten this schedule and has adopted an internal policy requiring all Categorical Use of Force cases to be presented to the Police Commission at least 90 days prior to the running of the statute.

##### **(b) Notification of Categorical Use of Force Incidents**

The LAPD Command Post is responsible for providing notification when a Categorical Use of Force incident occurs. Specific notifications include the CIID, the Chief of Police, the District Attorney's Office and Office of the Inspector General (IG). Notifications are crucial not only for the rollout of CIID investigators, but also for the deployment of representatives from the District Attorney's Office and the Office of the Inspector General. (CD ¶ 58).

A preliminary review of select Command Post logs confirms that notifications are being made timely. During the next reporting period, the Monitor will implement finalized methodologies to review the efficiency of the notification process, including an evaluation of response times for individual incidents.

The Monitor also interviewed a representative of the District Attorney's Office to gain an understanding of the District Attorney's Office's procedures regarding "roll-outs" and to determine the overall relationship between the District Attorney's Office and the LAPD's CIID officers.

The District Attorney's Office schedules two teams to be on-call, 24 hours per day, seven days per week in order to respond to Categorical Use of Force Incidents. All roll-outs are logged by the District Attorney with details that include the time of notification, the time of the incident, the time of the District Attorney's Office response, and a description of what occurred. The Monitor was advised that District Attorney's Office personnel responding to Categorical Use of Force Incidents historically received and continue to receive full cooperation from all CIID officers.

### **(c) Psychological Consultation**

All officers involved in a Categorical Use of Force incident resulting in death or substantial possibility of death must be referred within two working days for a psychological evaluation.<sup>14</sup> (CD ¶ 63). In previous quarters, the Monitor has confirmed that the LAPD is in compliance with this requirement by examining records that include the names of the officers referred for consultation. This quarter the Monitor requested identical records for the period August 1, 2001 through March 31, 2002. The LAPD stated that the Los Angeles City Attorney had determined that the information in these records is privileged and that the Monitor is not entitled to review these files.<sup>15</sup>

Due to its failure to provide the appropriate documentation to the Monitor, the LAPD is not in compliance on this issue.

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14 Internal LAPD guidelines also require the referral of officers involved in accidental discharges, shootings involving "no hits" and shootings involving animals.

15 The City Attorney's Office has indicated that it rendered no such opinion. In addition, the issue regarding access has been resolved and the requisite records were provided on May 7, 2002.

**2. NON-CATEGORICAL USE OF FORCE INCIDENTS**

New procedures standardizing the investigation of Non-Categorical Use of Force incidents have now been in place since September 2001. The LAPD also has implemented a series of measures to track compliance with the Consent Decree requirement to complete internal investigation of these cases within 14 days. (CD ¶ 69). The Use of Force Review Section, which is responsible for reviewing all use of force cases, is using a matrix to monitor the submission of Investigation Reports and Summary Report Logs, which record all Non-Categorical incidents. The logs are submitted seven days after the end of each deployment period<sup>16</sup> and provide a check to ensure that all incidents can be matched to a completed investigation report.

Despite some progress, the Monitor continues to find deficiencies in this process. The 14-day time requirement (CD ¶ 69) and the internal deadline of one week after the close of a deployment period to submit Summary Logs continue to be disregarded.

The following chart summarizes, by Bureau, the percentage of chain of command investigation reports that remain outstanding as of March 28, 2002<sup>17</sup>:

**Deployment Period 11 (ended November 18, 2001)**

Central Bureau	25.0%
South Bureau	14.3%
Valley Bureau	9.1%
West Bureau	57.1 %
Headquarters	100.0%

**Deployment Period 12 (ended December 16, 2001)**

Central Bureau	44.0%
South Bureau	23.1%
Valley Bureau	28.6%
West Bureau	33.3%
Headquarters	50.0%

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16 A deployment period is a 28-day period used to schedule work shifts. The one-week deadline to submit summary logs at the end of the deployment period is not a Consent Decree requirement.

17 The percentages reflect the number of reports outstanding (not received by the Review Section) as of March 28, 2002 as a percentage of all incidents recorded on the Summary Logs. The Monitor did not specifically test for non-compliance with the 14-day rule for those reports that were submitted. Accordingly, the percentages shown reflect the minimum percentage of Non-Categorical Use of Force reports that exceeded the 14-day rule for the respective deployment periods.

**Deployment Period 13 (ended January 13, 2002)**

Central Bureau	80.8%
South Bureau	51.2%
Valley Bureau	36.7%
West Bureau	88.9%
Headquarters	75.0%

The Use of Force Summary Logs are also consistently submitted late. For deployment periods 11, 12 and 13 ending November 18, 2001, December 16, 2001 and January 13, 2002, the Monitor continues to note untimely reporting. For deployment period 11, not one Division submitted a Use of Force Summary Log within seven days of the end of the deployment period. For deployment period 12, only two out of 18 Divisions timely submitted Use of Force Summary Logs. For deployment period 13, only the Divisions in the Valley Bureau submitted Use of Force Summary Logs timely. Further review determined that some Divisions continue to report incidents that occurred in previous deployment periods rather than amend previously submitted Logs.

The Monitor also found that Summary Logs continue to be submitted that do not include all incidents that occurred during the deployment period. The Use of Force Review Section also continues to receive investigation reports not identified on Logs. This indicates a serious failing in the process of tracking use of force incidents.

Finally, the Monitor also found that the "face sheets" that summarize the investigative reports contain errors and omissions, and that the Use of Force Review Section, via a cursory review, attempts to correct these data sheets without referring the report back to the Divisions. This is problematic for several reasons: First, the Review Section's function is strictly administrative; its responsibilities do not and should not include verification of the accuracy of the UOF face sheets. Further, by not referring the reports back to the Divisions, the Divisions are not made aware of the errors and, thus, will not be able to take corrective action to prevent such problems from reoccurring.<sup>18</sup> Finally, given the cursory review and the focus of the Review Section, it is likely that the Review Section is not identifying all errors and omissions on the face sheets. Since the face sheets are used to input data on non-categorical use of force incidents into the TEAMS database, omissions and errors entered into this database will compromise any analysis or reporting on non-categorical incidents.

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18 The Divisions and Bureaus are responsible for the initial review of face sheets, comparing them to the underlying reports and correcting errors and omissions when they occur. It is then a function of the Audit Division to review the face sheets and kick back incorrect / incomplete reports to the Divisions for follow-up and, if necessary, corrective action.

### 3. MISCONDUCT COMPLAINTS

#### (a) Conduct of Investigations

The Consent Decree requires that all misconduct complaints be referred to Internal Affairs within a ten-day deadline. (CD ¶ 79). The Monitor has determined that the LAPD is not in compliance with the requirement to forward misconduct complaints to Internal Affairs in a timely manner.<sup>19</sup>

The Monitor performed a review and analysis of Complaint Intake Logs for the months September 2001 through December 2001:

- For September 2001, of the approximately 298 complaints identified as submitted approximately 188 (63.08%) were forwarded to Internal Affairs in excess of the ten-day requirement. Submission delinquency to Internal Affairs ranged from 1 day to 657 days.
- For October 2001, of the approximately 411 complaints identified as submitted approximately 218 (53.04%) were forwarded to Internal Affairs in excess of the ten-day requirement. Submission delinquency to Internal Affairs ranged from 1 day to 337 days.
- For November 2001, of the approximately 379 complaints identified as submitted approximately 155 (40.89%) were forwarded to Internal Affairs in excess of the ten-day requirement. Submission delinquency to Internal Affairs ranged from 1 day to 1620 days.
- For December 2001, of the approximately 398 complaints identified as submitted approximately 174 (43.72%) were forwarded to Internal Affairs in excess of the ten-day requirement. Submission delinquency to Internal Affairs ranged from 1 day to 616 days.

A review of each month's Complaint Intake log also confirms that in many instances complaints were not reported to Internal Affairs for in excess of 100 days. While these numbers have decreased since July 2001, this remains an issue of serious concern.<sup>20</sup>

Internal Affairs is the body responsible for assigning misconduct complaints for investigation. As a result, a complaint not timely forwarded to Internal Affairs runs a real statute of limitation risk, as well as making it less likely that Internal Affairs will be able to resolve the issue due to problems of stale evidence. Internal Affairs is also required to forward complaint intake information to the Inspector General. Serious delays in referrals to Internal Affairs necessarily result in the failure to notify the IG's Office of current allegations of misconduct.

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<sup>19</sup> This is consistent with the Inspector General's analysis.

<sup>20</sup> Of the complaints submitted to internal affairs each month, the following were in excess of 100 days: 39 in September 2001, 51 in October 2001, 56 in November 2001, and 49 in December 2001.

The IG's Office tracks the receipt of complaint information by reviewing sequential Complaint File (CF) numbers, which are assigned to each misconduct complaint. Any gaps in the CF numbers are an indication that there is a complaint face sheet outstanding that has not been forwarded to the IG's Office. The Monitor found that for each month since July 1, 2001 -- when monitoring began -- there have been a substantial number of gaps in the sequence of CF numbers reported to the IG.<sup>21</sup>

Missing complaint intake information is also significant because the Inspector General uses this data to report on timely referrals and notifications. Reports have now been generated with missing information that may necessarily overstate the LAPD's compliance with these requirements.

The Inspector General recognizes that this is a significant problem and has requested the missing information from the LAPD.

### **(b) Sting Audits**

Pursuant to the Consent Decree, Internal Affairs is responsible for conducting "sting" audits to identify and investigate officers engaging in at-risk behavior. (CD ¶ 97). The LAPD has established a separate unit within the Internal Affairs Group to conduct these audits: the Ethics Enforcement Section (EES).

This quarter, the Monitor met with representatives of the EES and toured EES' facilities. EES' staff is race and gender diverse and of varying seniority. Many of the investigators have prior experience as Internal Affairs investigators and many also have prior surveillance experience.

As of February 21, 2002, EES had completed approximately 36 Sting Audits of which 27 have been reviewed and forwarded to the Police Commission and the Inspector General to be placed on the Police Commission's agenda. EES has also generated two quarterly reports, which have been forwarded to the Police Commission and the Inspector General. (CD ¶ 127).

EES also maintains a database of information that is used to analyze and identify patterns of possible misconduct. In excess of 5,000 complaint face sheets have been entered into this database. There are a number of referred cases that have been researched and developed for proactive investigation.

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21 There were 355 missing CF numbers in July 2002, of which 142 were reported in August 2001; 209 in August 2001, of which 170 were reported in September 2001; 25 in September 2001, of which 1 was reported in October 2001; 81 in October 2001, of which none were reported in November 2001; and, 521 in November 2001, of which 471 were reported in December 2001. December could not be quantified using information documented on the Intake Logs, as a new calendar year commenced and complaints were numbered accordingly.

**B. LAPD AUDITS**

Pursuant to Paragraphs 126 and 128 of the Consent Decree and the LAPD's Annual Audit Plan, the LAPD's Audit Division completed two audits during the quarter ended December 31, 2001:

- Use of Force (UOF) Reports Audit (CD ¶¶ 126, 128), and
- Arrest, Booking and Charging (ABC) Reports Audit (CD ¶ 128).

These audits were evaluated by the Inspector General as required by Paragraph 135 of the Consent Decree.

The following two Special Enforcement Unit (SEU) audits were also required to be completed by LAPD's Detective Support Division by December 31, 2001, pursuant to the Consent Decree and the LAPD's Annual Audit Plan:

- SEU ABC Reports Audit (CD ¶¶ 131c, 128) and
- SEU Work Product Audit (Daily Operational Requirements and Supervisory Roles Audit) (CD ¶¶ 131a, 106a, e, f, g).

These audits were due December 31, 2001 but were not completed as required.<sup>22</sup> The LAPD is, therefore, not in compliance with the Consent Decree on these items.

This quarter, the Monitor reviewed and evaluated the quality and timeliness of the UOF and ABC Audits, and also reviewed the reports on these audits prepared by the Inspector General (CD ¶ 162b). While these audits were completed on a timely basis, the Monitor concludes that these audits are not in compliance with the Consent Decree because the audit process was seriously flawed and many substantive errors were made. This contrasts with the overall conclusion drawn by the Inspector General, who reported that these audits met the requirements of the Consent Decree.

The Monitor found a series of continuing deficiencies:

- Matrix forms developed as tools to identify anomalies in each audit included questions that were poorly constructed, resulting in flawed responses by the auditors who performed the audits.
- There was limited guidance provided either before or during the UOF and ABC audits to ensure that the auditors conducting the fieldwork were consistent in their interpretation of the issues being audited.

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<sup>22</sup> The SEU ABC Reports Audit has since been completed, and was submitted to the Police Commission on April 4, 2002. The SEU Work Product Audit was in process as this report was being finalized.

- Audit Division personnel were unable to ensure that they had a complete population of UOF and ABC reports from which to draw their audit samples.
- The UOF audit sample was not selected using a stratified random sample.
- The ABC Audit Report was not fully supported by the ABC audit working papers.

The most significant result of these deficiencies is the finding that the Audit Division failed to identify numerous issues with the UOF and ABC reports, including a total of 103 substantive issues that were identified by the Monitor. For example, in the 211 UOF reports reviewed by both the Monitor and the Audit Division, the Audit Division failed to identify a total of 46 substantive issues identified by the Monitor.<sup>23</sup> These substantive issues included 5 instances in which the supervisor investigating the UOF was also a witness; 11 incidents with inconsistent information; and 25 instances in which the face sheets failed to list all officers involved or all types of force used. See Table A of Appendix I for further details.

In the ABC Audit, for the 334 ABC reports reviewed by both the Monitor and the Audit Division, the Audit Division failed to identify a total of 57 of the substantive issues identified by the Monitor.<sup>24</sup> These substantive issues included 11 arrests involving “discarded evidence”; 15 arrests with “spontaneous statements” admitting to possession of contraband or other evidence seized; and 11 arrests in which the supervisor’s approval was printed rather than signed.<sup>25</sup> See Table B in Appendix I for further details.

The failure to identify substantive issues is significant. It results in underreporting by the Audit Division and the failure to follow-up on problems that should have been identified through the audit process. Additionally, the extent of the errors identified by the Monitor indicates that further training and additional resources are required if LAPD audit personnel are to comply with the audit provisions of the Consent Decree.<sup>26</sup> Refer to Appendix I for the Monitor's detailed report on the LAPD audits and Appendix II for the Monitor’s recommendations for improving future audits.

The Monitor recognizes that the Audit Division is still in a developmental stage and that Audit Division personnel have made substantial efforts to comply with the Consent Decree. These efforts have already resulted in improvements in the audit process, and numerous substantive issues have been identified by the Audit Division through the audits conducted.

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23 This represents an error rate of 70%, as 46 of the 66 substantive issues identified by the Monitor were missed by the Audit Division.

24 This represents an error rate of 38% of the 150 substantive issues identified by the Monitor.

25 These do not necessarily represent underlying problems with the ABC reports; however, they do represent questions that require further investigation and they should have been identified by the Audit Division and included in the statistics reported.

26 As of March 31, 2002, the Audit Division had 32 members on staff, despite having had received approval for up to 48 members. Vacancies also exist in the DSD’s audit section. The resource issues and the Monitor’s related recommendations are described in detail in Appendix II to this report.

In addition, the Monitor notes that the LAPD has been extremely cooperative and dedicated to improving the quality of their audits. The Audit Division conducted a post-audit review of both audits, and also reviewed the Monitor's findings in detail. The Audit Division also sought input from the Monitor regarding proposed improvements to their audit processes and is taking proactive steps to improve the quality of their audit work.

## **C. SEARCH AND ARREST PROCEDURES**

### **1. SEARCH WARRANTS**

Pursuant to the Consent Decree, the LAPD instituted a new Warrant Tracking Log, which is designed to track new procedural requirements for the contents and execution of all search warrants. (CD ¶ 72; Special Order 25, dated August 10, 2001).

The Monitor performed a preliminary review of the new tracking log during the present reporting period. The Search Warrant Tracking Log is established in each division and records relevant data.<sup>27</sup>

During the next quarter, the Monitor will compare the Search Warrant Tracking Log to the actual search warrant packages to determine whether search warrants are being accurately recorded and tracked. The Monitor will also review a stratified random sample of warrant applications. (CD ¶ 71).

### **2. ARREST AND BOOKING PROCEDURES**

The Monitor is currently performing a detailed review of Arrest, Booking and Charging Reports from selected divisions. A report on the results of this review will be included in the next quarterly report.

## **D. MANAGEMENT OF GANG UNITS**

### **1. STAFFING AND PERSONNEL REQUIREMENTS**

This quarter, the Monitor interviewed officers in the Special Enforcement Units (SEU) and the federally funded CLEAR units (Community Law Enforcement and Recovery). Through these interviews, the Monitor identified several issues relating to enforcement, staffing and officer morale:

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<sup>27</sup> The log is designed to track the investigator's name and serial number; the booking number; the search warrant number; whether or not the warrant was served; the supervisor's serial number; the warrant return date; and the search location as well as the name and address of the suspect.

- The Special Enforcement Units (SEU) are at a critical juncture. They are recovering from the Rampart scandal, incorporating new operating procedures, and facing rising gang-related violence, all at the same time. This is a substantial challenge for the City, LAPD management, and the individual men and women of the SEUs. Only through integrated and coordinated action by the City, Prosecutors, and Police can the present challenges be overcome. The Monitor is committed to working with all parties to achieve effective policing and compliance with the Consent Decree.
- Long term, the Department faces a staffing crisis in 2003, which must be resolved now. When the original CRASH units were disbanded in March 2000, all gang officers assigned to the newly reconstituted SEU units began a new "deployment period." The Consent Decree restricts service in the SEUs to no more than 39 deployment periods. As a result, all of the officers originally assigned to the new SEU units must be rotated in the summer of 2003. The Monitor advises that the LAPD devise a strategy of staggering its deployment periods to avoid this problem.<sup>28</sup>
- Many officers in the SEU's have been critical of the lack of sufficient training, in-the-field supervision, and new operating procedures. Shortages of experienced officers have exacerbated these issues. To improve the situation, the LAPD is currently revising its training for future gang unit members.
- The disciplinary system has also been blamed for a decrease in moral. Many officers in SEU's complain that gang members have learned how to manipulate the system, registering unfounded complaints, which tie up the system and chill effective enforcement. The Monitor will review this issue in the next reporting period.

## 2. CAL-GANG

CAL-gang is a statewide database system that maintains files on gang members. The system is updated by all state agencies on a systematic basis, and has been established as the authorized gang information database for the LAPD.<sup>29</sup>

The effectiveness of the CAL-gang system is dependent on the routine input of current gang-member information. The Department has issued internal guidelines, in effect since March 2000, that set a three-day deadline for data entry. (Special Order No. 5, March 31, 2000).

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<sup>28</sup> One solution suggested to the Monitor was to bring and train patrol officers to replace out-going gang officers. The difficulty with this solution is that there is no one to replace the patrol officers. The Monitor reviewed each of the three training facilities for new LAPD recruits and found that academy class numbers have declined steeply in recent months.

<sup>29</sup> Cal-Gang is not a Consent Decree requirement.

In prior reports, the Monitor has noted that the LAPD is backlogged on inputting data into this system. The Department is currently in the process of updating its information and working to eliminate the data-entry backlogs. The Monitor remains concerned, however, that in some divisions there is a lack of civilian personnel to input data. In several instances, SEU supervisors are entering information into the system for their field officers. This raises concerns about the supervisors' availability for training and field supervision.

The Monitor will review this issue during future reporting periods.<sup>30</sup>

### **3. CLEAR UNITS**

During this quarter, the Monitor continued its review of the operations of five CLEAR units run by the LAPD. CLEAR is a task force established by a federal grant, which coordinates efforts with the District Attorney's Office, the City Attorney's Office, the Parole Board and the Probation Department. CLEAR units maintain a Community Impact Team, which holds monthly community meetings to encourage communication and foster the community's vested interest in addressing local gang activity. The effort to reach out has resulted in a substantial increase in telephone calls with tips and information on crimes and gang activity. CLEAR units also make referrals of juvenile gang members to the Community-Based Organizations (CBOs), which are funded to help juveniles through counseling and other community programs. This partnership helps to offer long-term solutions to juvenile gang crime.

CLEAR Units also have 6-month goals as well as a 90-day strategy assessment protocol that holds gang officers accountable for their efforts in the community. CLEAR Unit supervisors also train young officers in how to prepare and process their own search warrant affidavits.

By all accounts, the CLEAR units are among the most effective anti-gang tool currently in the LAPD arsenal. Funding for continuation and expansion of these units is important. Hopefully the State and Federal funding sources can be persuaded to continue this program.

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<sup>30</sup> The Arrest, Booking and Charging Audit for SEUs has been completed and was submitted to the Police Commission on April 4, 2002. Pursuant to Consent Decree Paragraph 135, a copy was provided to the Inspector General on April 8, 2002. The Monitor will report on the compliance of this audit the next quarter.

## E. CONFIDENTIAL INFORMANTS

During previous quarters, the Monitor has reported a dramatic decrease in the number of active informants currently maintained by the LAPD. This quarter, the Monitor reviewed the circumstances surrounding this drop in numbers.<sup>31</sup> Through interviews with various LAPD personnel, including officers, supervisors and Commanding Officers, the Monitor has identified several factors that have contributed to the difficulties in maintaining active informants:

- The diversion of resources as a result of the need to respond to terrorism threats after 9/11.
- Shortage of experienced, trained officers in gang related investigations. The SEU's are short officers, experience and training.
- Officers are fearful that the strict disciplinary guidelines for using informants will lead to complaints of misconduct.
- Officers in uniform are restricted from maintaining confidential informants. This requirement of the Consent Decree is reportedly one of the many reasons for a decline in informants. The Monitor will review this issue.

The LAPD is reviewing these issues. The Department concurs with the judgment of the Monitor that informants are vital to policing and understands that it is important to increase the number of active available informants.

The Monitor also reviewed the operations of the Department's Confidential Informant Database, which provides immediate access to data on the current status of all LAPD informants. This review identified a series of practical problems, which are currently being addressed by systems analysts working with appropriate Department personnel.<sup>32</sup> These issues range from serious questions regarding the accuracy of the database to minor inefficiencies in information processing:

- The statistics identifying the sex and ethnic background of the inactive informants do not add up to the total number of informants in this category. In addition, there are inactive informants in the database dating back to the 1970's, some of whom are deceased, which has not been indicated. These errors raise questions regarding the accuracy of the information maintained in this system.

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<sup>31</sup> This decline in numbers has persisted since July 2001.

<sup>32</sup> The LAPD has assigned a Systems Analyst from the Information Technology Division to work with the Narcotics Division to make the necessary modifications to the Confidential Informant database. The Narcotics Division is responsible for maintaining this database system.

- There are discrepancies between the actual number of informant packages and the number of informants listed in the database. Some Captains stated that they maintain more active informant packages in their stations than appear on the database for that division.<sup>33</sup> The Monitor will follow up on this issue.
- The procedures for maintaining an informant's status as "active" simply require a response letter from a Detective stating that contact occurred within the last 90 days. This protocol does not require a check against the informant package maintained on this individual.

During this quarter, the Monitor also performed a preliminary review of seven active informant packages maintained in the Narcotics Division. The Monitor found that the appropriate checklist sheets were included, all required supervisors' signatures were present, and the required paperwork was present and in proper order. (CD ¶¶ 108 - 109).

The Monitor will complete a review of all informant packages during the next reporting period.

Finally, on February 26, 2002, the LAPD published a Confidential Informant Manual that defines the procedures for identifying and utilizing confidential informants pursuant to the requirements of the Consent Decree.<sup>34</sup> (CD ¶ 110). This manual reportedly has been distributed Department-wide.

The Monitor will review the Informant Manual during the next reporting period to determine whether the procedures outlined meet the requirements stipulated in Consent Decree paragraphs 108 and 109.

## **F. QUARTERLY DISCIPLINE REPORT**

In the last quarter, the Monitor reported that the Inspector General had issues with the material presented in the Quarterly Discipline Reports that are prepared by the LAPD for submission to the Police Commission.<sup>35</sup> The Monitor has analyzed these issues and concludes that the LAPD is not in compliance with Consent Decree requirements relating to the Quarterly Report. (CD ¶ 88).

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33 The Narcotics Division has informed the Monitor that the database only tracks undesirable informants for the Narcotics Division. The Monitor will review the practical application of this policy during future reporting periods.

34 Pursuant to the Consent Decree, the deadline for publication of this manual was December 15, 2001. (CD ¶ 110).

35 Pursuant to the Consent Decree, the Quarterly Discipline Report is submitted to the Police Commission with a copy provided to the Inspector General. (CD ¶ 88).

The LAPD has prepared the Quarterly Discipline Reports based on data maintained by Internal Affairs in a database that tracks complaint investigations. Information is entered into the database when all appeal rights have been exhausted. Since it is rare for a complaint to be resolved within 90 days, most current cases and any case that requires additional time to be completed will not be listed in the database and will not be captured by the Quarterly Report.

The Monitor concurs with the Inspector General that the LAPD's reporting on closed cases does not constitute compliance with the requirement to submit quarterly reports on "imposition of discipline during such quarter." (CD ¶ 88).

Paragraph 88 also requires that the discipline imposed be "reported by type of misconduct, broken down by type of discipline, bureau, and rank." However, the reports prepared by the LAPD do not state what discipline was imposed for specific types of misconduct. This information is available as raw data attached in an appendix, but it is not summarized in the body of the report.<sup>36</sup> Information about how the LAPD is punishing specific types of misconduct should be extracted and included in the body of the Discipline Report.

## **G. NON-DISCRIMINATION POLICY AND MOTOR VEHICLE AND PEDESTRIAN STOPS**

As of November 1, 2001, all officers who initiate specified pedestrian or motor vehicle stops must fill out a form to collect data on race and ethnicity (the Field Data Report). (CD ¶¶ 104 and 105). This information is then screened and scanned into a database maintained by the City for the data to be aggregated and analyzed.

This quarter, the Monitor found serious delays in the scanning and data extraction processes related to Field Data Reports. As a result, the database on vehicle and pedestrian stops is incomplete and the Monitor has not been able to verify that data collection is being conducted in compliance with the requirements of the Consent Decree.

### **1. DATA COLLECTION FAILURE**

As of April 7, 2002, 323,860 Field Data Reports were collected, 200,369 had been scanned, but only 79,245 reports were entered into the City database. This poor showing is attributable to problems in the scanning and data extraction processes, and a tremendous backlog in data entry (123,491 reports). In addition, there was a very high

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<sup>36</sup> Table D reports disposition, but there is no correlation to types of misconduct. Table E reports types of misconduct by bureau, but there is no correlation to discipline imposed. Table F reports discipline sustained against ranks, but there is no correlation to discipline imposed and types of misconduct. Table G reports the type of penalties levied against employees, but there is no correlation to types of misconduct.

number of officer-initiated errors in the Field Data Reports.<sup>37</sup> These problems result in an exceptionally high error rate: 45% after the initial scanning and 21% after the reports are input into the database and corrected by the officers.

The LAPD attributes these delays and the majority of the error rate to the contractor responsible for scanning the Field Data Reports. The major discrepancy between the total number of reports scanned and the number that can be loaded into the City database reportedly results from the system's failure to properly recognize the data.

There is evidence to support the conclusion that some of the errors and delays result from problems with the scanning and data extraction process. For example, five different divisions telephoned over a two-day period to report that their officers have logged on to correct their returned reports only to discover that they had been properly completed. Over the last two months, several divisions have also reported that reports are being returned solely because the scanning process is not correctly reading officers' serial numbers.

However, when analyzing the top ten errors in the database, the third most common error is "not completing whether a search was conducted" and the eighth most common error is "not collecting 'apparent descent' information." These errors could result from the officers' failure to properly complete their reports and the supervisors' failure to adequately review this data. They are significant because the omitted data is critical: whether a search took place and the racial and ethnic background of the detainee are arguably the two most significant pieces of data to analyze when looking at racial profiling.<sup>38</sup>

Procedural issues with the new processes to screen, scan, and extract this data understandably require time, but the majority of these issues should be resolved by now. The LAPD must take immediate steps to rectify these problems and errors and to process the backlog of reports that have not been scanned into the system. The failure to immediately correct these problems will result in the continued failure to comply with the Consent Decree. (CD ¶¶ 102-105).

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37 The LAPD completed retraining for completing Field Data Reports on March 11, 2002. The retraining has significantly reduced the officer-initiated error rate.

38 The LAPD will face another critical problem when backlogged reports from November and December are scanned into the system. If there are errors on these reports, it is likely that the officers involved will find it difficult to remember the specifics of a stop that took place months ago.

## **2. THE “STOP” APPLICATION**

The LAPD has created an excellent system to track, monitor and correct the Field Data Reports. The “STOP” application allows the reports to be modified only in the sections requiring correction. Once the correction is made, the report is automatically re-loaded into the database. The STOP application also allows supervisors to monitor the correction of errors and to track reports.<sup>39</sup>

STOP is now installed in all bureaus and the Information Technology Division has visited each division to train supervisors in the use of this system. This represents a significant accomplishment by the LAPD.

## **3. DATA COLLECTION TRAINING**

The LAPD is amending its training program concerning the collection of data on pedestrian and motor vehicle stops. The video for the data collection training is being revised to reflect the requirement that officers must fill out a Field Data Report if a consensual stop results in a pat-down, search or an arrest. Walkthroughs of a pedestrian stop and a vehicle stop are also part of the new program.

The Monitor will attend the new training program during the next reporting period.

## **4. PUBLICATION OF STATISTICS ON THE WEBSITE**

The LAPD is required to publish on their Website information collected from the pedestrian and vehicle stops. (CD ¶ 156 ). Because this information is not available, the LAPD could not comply with this requirement.

## **H. DEVELOPMENT OF PROGRAM FOR RESPONDING TO PERSONS WITH MENTAL ILLNESS**

The Mental Illness Project is proceeding on schedule. During the first quarter of 2002, the City's consultant, Lodestar/Research Management, produced three draft interim reports.

The first report discusses Lodestar's review of calls and incidents, and the LAPD's tracking system pertaining to contacts with persons who may have been mentally ill.<sup>40</sup> The LAPD submitted comments to Lodestar in response to its first report.

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39 The application will also keep track of which Field Data Report book has been passed out to which officer.

40 The Consent Decree requires a review of at least 10 Categorical Use of Force incidents involving a person who appeared to be mentally ill. The selection of these incidents was made based on memory recall by the LAPD. Lodestar found it impossible to devise a systematic method to identify these incidents due to limitations on the LAPD's current ability to track these cases.

The second report discusses successful practices used by other Law Enforcement Agencies dealing with persons who may be mentally ill. This report was not submitted timely due to scheduling problems. The LAPD submitted comments to Lodestar in response to the second report.

The third report discusses current LAPD training, policies, and procedures dealing with persons who may be mentally ill. LAPD comments on this report are pending.

## **I. OPERATIONS OF THE POLICE COMMISSION**

### **1. EVALUATION OF THE CHIEF OF POLICE**

Pursuant to the Consent Decree, all misconduct complaints filed against the Chief of Police must immediately be forwarded to the Police Commission for a determination of how to investigate the complaint. These investigations typically are referred to the Inspector General, but the Police Commission has the option to investigate the complaint internally or to contract with an outside vendor. The Consent Decree prohibits Internal Affairs from handling complaints filed against the Chief of Police.

The Monitor has requested documentation relating to complaints filed against the Chief of Police from the Police Commission, the Inspector General and the LAPD. This information is now available<sup>41</sup> and the Monitor has begun its review with the documents provided by the Inspector General. In future reporting periods, the Monitor will review documentation from the Police Commission, and the LAPD, including a review of files maintained by Internal Affairs.

The Monitor's current review will ultimately determine whether the files maintained by the agencies involved in investigations relating to the Chief of Police are complete, accurate and consistent, and conform to the requirements of the Consent Decree.

The Inspector General provided documents detailing complaint intake information and the disposition of each case for the period August 13, 1998 through November 2, 2001.<sup>42</sup> The information provided for the year 2001 was substantially complete. The source of the misconduct complaints and the disposition of the cases could be determined and the relevant reporting dates were indicated. Complaint summaries were also provided.

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<sup>41</sup> The Monitor requested a TEAMS Report for the Chief of Police pertaining to misconduct complaints. This information is deemed sensitive and will be provided directly to the Chief Monitor or his Deputy.

Prior to the year 2001, the information provided was incomplete as to the date the misconduct was reported and the date of the underlying incident. In many instances, there were no complaint summaries. Although disposition dates were listed, articulation of the specific disposition of the case was intermittent.

The Monitor's review will continue during the next reporting period.

## **J. OPERATIONS OF THE INSPECTOR GENERAL**

### **1. NOTIFICATION OF CATEGORICAL USE OF FORCE INCIDENTS**

Pursuant to the Consent Decree, the Inspector General must be notified of all use of force cases and has the right to "roll out" to Categorical Use of Force incidents. The IG's Office maintains a Notification Log, which is a listing of Categorical Uses of Force incidents reported to the Inspector General. (CD ¶ 147). This log should conform to LAPD's Officer-Involved Shooting (OIS) Case Tracking System, Law Enforcement Related Injury Incident (LERII) Case Tracking System, and the LAPD's "24 hour log."

The Monitor reviewed the Notification log for May 23, 2001 through August 22, 2001, and compared the log to LAPD reports recording Categorical Uses of Force incidents. A number of discrepancies were found. Fourteen incidents were identified that appeared on the LERII Case Tracking Systems, but not on the IG's log. Seven incidents were identified that appeared on the OIS Case Tracking System, but not on the IG's log. Three incidents were identified that appeared on the IG's log, but not on either the LERII or the OIS tracking systems.

In December 2001, the Monitor met with the Inspector General to discuss these findings. The IG agreed to follow-up and review this matter. The monitor will review this issue in the next reporting period.

### **2. NOTIFICATION OF MISCONDUCT COMPLAINTS**

Misconduct complaints filed with the LAPD are assigned sequential Complaint File (CF) numbers. The Inspector General uses the CF numbers to track complaint intake information forwarded from Internal Affairs. Missing information is identified by gaps in the sequential numbers.

The Monitor reviewed the IG's Complaint Intake Logs for August 2001 to identify instances where non-sequential CF numbers were present. At least 13 instances of non-sequential CF numbers were found on the August 2001 log, which indicates that complaint intake information is missing.

In December 2001, the Monitor met with the Inspector General to discuss these findings. The IG agreed to follow-up and review this matter. This will be followed up in the next reporting period.

The Monitor will closely examine this issue during the next reporting period.

## **K. TRAINING**

### **1. SUPERVISORY TRAINING**

The Consent Decree requires that all officers promoted to supervisory positions must receive training before they assume their new responsibilities.<sup>43</sup> (CD ¶ 121). Between July 1, 2001 and December 31, 2001, 101 officers were promoted to supervisory positions within the LAPD. Of these 101 officers, a total of 48 officers either did not receive training or received training only after they assumed their posts. Of these 48 officers, 24 did not receive any training after their promotions and 24 received training after being promoted. This represents a failure rate of 48%.

The LAPD is not in compliance with the training requirements of paragraph 121 of the Consent Decree.

The 24 officers that did not receive any training were Detectives all being promoted to Detective II or Detective III.<sup>44</sup> The Investigative Analysis Section is responsible for the training of detectives, whereas the Continuing Education Department is responsible for all other supervisory training. LAPD maintains that promotion to Detective II or III is a pay-grade promotion, which is instituted without a formal listing, making it difficult to train these officers before the promotions take effect. The Monitor maintains that paragraph 121 does not provide for this exception.

Of the 53 officers that did receive training prior to their promotions, 21 received this training prior to 2000. Some received training as far back as 1990, 1992, 1993 and six of those trained received supervisor training but not from the appropriate school.<sup>45</sup> Although the Monitor did not include these numbers in the current calculation of non-compliance, the Monitor maintains that training received in the 1990's does not satisfy the intent of the Consent Decree.

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43 The only exception to this mandate, are those officers that are promoted to the rank of Captain, who must have begun (not completed) their command development training before they assume their new position. (CD ¶ 121).

44 Of the 24 officers that received training after their promotions, 22 were Detectives and 2 were Sergeants.

45 Some of this training was given prior to the publication of the Christopher Commission training reforms in July 1991.

## 2. TUITION REIMBURSEMENT

The City has established a tuition reimbursement program in accordance with paragraph 119 of the Consent Decree. The City received 114 requests for reimbursement between July 1, 2001 and December 31, 2001. Of the 114 tuition reimbursement requests received, 80 requests, submitted by 48 officers, were approved. The remaining requests properly were denied for a variety of administrative deficiencies, e.g., no proof of payment, no transcript submitted, course not completed.

## 3. CONSENT DECREE SOURCE DOCUMENT TRAINING

The LAPD instituted a non-Consent-Decree-mandated training course on the requirements of the Consent Decree, which began in February 2002 and is scheduled to continue through May 2002. The stated purpose is to ensure that the entire LAPD is aware of the Consent Decree and the orders issued by the LAPD to implement reform. Ideally, this training should explain the need for reform and communicate the importance of this effort for the LAPD. In practice, however, the introductory comments and the actual format of the training demonstrate an obvious disregard for achieving these goals.

The Monitor attended two training sessions,<sup>46</sup> both of which were identical and essentially involved “speed reading” a Power-Point slide presentation. The sessions were conducted by a retired Captain who told attendees that he was not an expert and could not answer any questions (even if there had been an opportunity for discussion).

Each session began with introductory remarks from an LAPD officer assigned to the Consent Decree Task Force. The tenor of the comments from the Task Force demonstrated a total lack of commitment to the reform effort:

“...this is being driven by the Federal government and the City of Los Angeles. LAPD is not part of it. The train has left the station and they’re barely holding on to the caboose. No part of this is driven by the LAPD - this is completely driven by the City.”

This rote training has had deleterious effects on the morale of the police personnel. Requiring officers to take time from the field and their administrative duties to attend these sessions<sup>47</sup> is creating resentment towards the LAPD and the Consent Decree.<sup>48</sup>

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46 These training sessions were held on March 20, 2002 and March 26, 2002 at Elysian Park.

47 The training was intellectually insulting to the officers in attendance, requiring them to copy notes on the reforms from the screen to a piece of paper, and then transfer the same exact note to another piece of paper.

In the Monitor's view, the LAPD has failed to adequately educate its officers on the historic problems that led to the need for reform and has failed to teach how actual reform will be implemented. The current training completely disregards the fact that the changes mandated by the Consent Decree will benefit the LAPD and ultimately assist in the development of a "best practices" standard in policing.

The Monitor requested that the LAPD suspend its current Consent Decree training program, which it did immediately. Currently, the LAPD is developing a new curriculum for the training and has included the Monitor in the process.

## **CONCLUSION**

The LAPD is non-compliant with a number of provisions of the Consent Decree. Of equal or greater seriousness is the presence of a vocal minority inside the LAPD that continue to fight to preserve the insular culture that led to the adoption of the Decree. They believe there is no problem with the LAPD, the problem is with "outsiders." These "outsiders" are portrayed as uninformed, biased, politically motivated, greedy and/or incompetent interlopers. These officers do an enormous disservice to the majority of the LAPD and this community, and negatively impact an institution they purport to love -- the LAPD, and a cause they risk their lives for -- public safety. This must and will change.

This report will be forwarded to the United States District Court for the Central District of California, the Honorable Gary A. Feess, for whatever action he deems appropriate under the decree.

## **APPENDIX I: Detailed Findings from the Monitor's Review of the LAPD's Audits**

### **1. Review of the Audit Division's UOF Audit**

The LAPD Audit Division reported that it audited a stratified random sample of 312 of the LAPD's 1,741 UOF reports issued from June 1, 2000 to May 31, 2001.

#### **LAPD's Audit Process**

The Monitor determined that there were actually 1,774 UOF reports in this period, and that there were 33 additional UOF reports that were excluded from the system utilized by the Audit Division to identify the total population of UOF Reports. These were entered into the UOF database<sup>1</sup> after the Audit Division requested a printout of all UOF reports for the sample period.<sup>2</sup> Accordingly, the Audit Division failed to ensure the completeness of the population of UOF reports.

The sample selected by the LAPD was not properly stratified, but was instead randomly selected from the 1,741 UOF Reports. This resulted in a sample size of less than 10% of the population for some divisions<sup>3</sup> and more than 20% for others.<sup>4</sup> It would have been more appropriate to have a consistent sample size proportion for all divisions.

#### **Issues Identified by LAPD's UOF Audit**

The Monitor reviewed 211 of the 312 UOF reports audited by the LAPD and recorded its detailed findings in a spreadsheet, classifying discrepancies as either material or administrative in nature. The Monitor notes the Audit Division utilized a three-tier process in assessing whether a UOF report was out of compliance, classifying errors as administrative, weighted, or paramount. The Monitor disagrees with this approach, since it adds unnecessary complexity to the evaluation process. The Monitor recommends that the "weighted" classification be eliminated, and errors be classified as either material or not material (the term "administrative" may be used for non-material errors).

The Monitor's material findings are summarized in the following table, which lists the total number and percentage of material issues identified by the Audit Division and the Monitor, and the number and percentage of issues missed by the Audit Division.

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1 This is one of the databases that will be utilized by TEAMS II.

2 The Monitor is currently reviewing these reports and will report on the results of this review in the Monitor's next quarterly report.

3 Harbor, South Traffic, Devonshire, Valley Traffic, Hollywood, Transit Services Section, Transit Rail Division, Dare, and Detective Headquarters Division.

4 Newton, Central Traffic, Southeast, 77<sup>th</sup> Street, West Valley, North Hollywood, Wilshire, West Traffic, Transit Bus, Metro, and Jail Division.



**TABLE A – COMPARISON OF MATERIAL ISSUES IDENTIFIED IN THE UOF AUDIT:**

Material Issues Identified by AD and/or the Monitor	Material Issues Identified by AD (in 312)		Total Material Issues Identified by Monitor (in 211)		Material Issues Missed by AD v Total Identified by Monitor (in 211)	
	No. ID'd	% of 312 Reports Reviewed	No. ID'd	% of 211 Reports Reviewed	No. Missed	% Missed
			(X)		(Y)	(Y/X)
A. Incomplete UOF Report (UOF not recorded on face sheet)	5	1.6%	21	10.0%	16	76.2%
B. Other officer involved who used force (not recorded on face sheet)	10	3.2%	13	6.2%	9	69.2%
C. Officer not involved (incorrectly included on face sheet)	1	0.3%	2	0.9%	2	100.0%
D. Inconsistent or conflicting information (injuries, type of UOF, witness stmts., how force escalated, name of doctor)	5	1.6%	13	6.2%	11	84.6%
E. Supervisor who conducted UOF investigation also witnessed incident	16	5.1%	14	6.6%	5	35.7%
F. Questionable approvals	0	0.0%	1	0.5%	1	100.0%
G. UOF Report approved 3½ months after UOF applied	0	0.0%	1	0.5%	1	100.0%
H. No legal basis for arrest	0	0.0%	1	0.5%	1	100.0%
<b>TOTALS</b>	<b>37</b>		<b>66</b>		<b>46</b>	<b>70.0%</b>

Further details relevant to the findings in Table A above are as follows:

- Although the Audit Division identified and reported upon numerous issues identified in the LAPD's UOF reports, and followed up thereon with the relevant divisions, there were 46 material issues that the Audit Division did not identify or failed to report comprehensively. This represents 70% of the 66 material issues identified by the Monitor in its sample of 211 reports. As a result, the statistics reported upon by the LAPD in its UOF Audit Report are understated regarding the areas of concern listed in Table A above.<sup>5</sup>
- These material issues, as well as the many administrative issues identified by the Monitor in its review<sup>6</sup>, indicate that supervisory oversight within the divisions needs improvement. The five divisions with the highest proportion of material issues in the sample selected by the Monitor were as follows: North Hollywood, Central Traffic, Metro, Rampart and Newton.
- Some issues were missed by the Audit Division due to the lack of clarity in the questions utilized during the audit process<sup>7</sup>, while others apparently were missed because the auditors did not delve deeply enough and/or there was insufficient time taken by the auditors performing the audit.
- Special attention should be paid to the 25 instances in which the Audit Division failed to identify that the UOF face sheets were incomplete (i.e. the UOF face sheets did not list all uses of force or all officers involved in the UOF) or the Audit Division failed to identify that an officer was incorrectly included on the face sheet. The effect of under-reporting or misreporting information on UOF face sheets is significant, since the information on the face sheet is entered into the UOF database that will be utilized by TEAMS II is assessing statistics related to uses of force.<sup>8</sup>

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5 The Monitor notes, however, that the period covered by the audit was pre-Consent Decree.

6 In excess of 200 administrative issues were identified by the Monitor that were not identified by the Audit Division.

7 The Monitor has provided input to the Audit Division so that such issues are minimized in future audits.

8 The Use of Force Review Section reviews the face sheets and accompanying narrative in compiling the information to enter into the UOF database. The Monitor notes that it is more likely that significant data will be missed if it is contained in the narrative only (i.e. not on the face sheet). Accordingly, we recommend that all pertinent information be included on the face sheet (all uses of force, all officers involved, all injuries, etc.), and that the Audit Division vigilantly tests to ensure that the face sheet is complete.

In addition to the results in Table A above, the Monitor and the Audit Division also agreed that there are a number of definitional problems that create confusion and have caused inconsistent reporting in the Audit Division's findings, the Monitor's findings, and in the UOF reports, themselves. These are not included in Table A above, as they are not indicative of non-compliance, but instead point out the need for standardized definitions that will lead to greater consistency in reporting uses of force.<sup>9</sup> The Audit Division is currently drafting communications to the divisions in this regard, with the goal of establishing standardized definitions that will result in greater consistency and disclosure in reporting uses of force. Among the issues that need to be addressed:

- UOF reports have been inconsistent in listing “firm grips” on UOF reports when other types of force are also reported, even when injuries are not involved. If a “firm grip” is utilized along with other types of force, it is important to include that “firm grip” in the UOF report and on the face sheet, since it will help document the escalation of force required to counter a suspect's behavior.
- There were many instances in which additional uses of force were not listed on the UOF face sheet because the use of force that was listed encompassed the other uses of force omitted. The “swarm” or “team takedown” technique was most often involved in this context. While the Monitor understands the fluid nature of the activities occurring during a UOF incident, we believe that all uses of force should be recorded on the face sheet. This is important for several reasons, not the least of which is consistency, since many UOF reports included all types of force -- even when a broad type such as “team takedown” was listed. Furthermore, it is in the interests of the LAPD to aspire to the highest levels of disclosure.
- The “miscellaneous physical force” category is utilized inconsistently in the UOF reports. The Monitor is concerned that disclosure could be compromised if this category serves as a “catch-all” for reporting other types of force that could be specifically reported upon.<sup>10</sup>
- The Monitor is of the opinion that whenever a hobble restraint is utilized, it should be reported on the UOF face sheet, regardless of whether or not it is technically considered to be a use of force. This will enable the UOF Review Section (and ultimately TEAMS II) to track the use of the device.

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<sup>9</sup> There were at least 30 such reports in which the Monitor's initial findings differed from the Audit Division's findings due to differing interpretations of the reporting requirements.

<sup>10</sup> The Monitor notes that a revised face sheet has been developed by the LAPD. The latest version reviewed by the Monitor eliminates the Miscellaneous Physical Force category.

## **The Inspector General's Review of the UOF Audit**

The Inspector General's evaluation of the LAPD's UOF audit was completed on December 20, 2001 (CD ¶ 135). The Inspector General's auditors reviewed a random sample of 75 UOF reports of the 312 audited by LAPD, identifying six reports (out of the 75) that were deficient in one or more of the categories audited. The Inspector General concluded that the "scope, methodology, findings, and recommendations of the audit are sound and that the audit addressed the requirements of the Consent Decree."

The Inspector General's auditors did not perform any procedures to obtain assurance that the population of reports audited by the LAPD was complete. Accordingly, they also failed to identify the 33 additional UOF reports that were excluded from the population sampled by the Audit Division.

The Monitor reviewed 50 of the 75 reports reviewed by the Inspector General. Of these 50 reports, the Monitor identified 7 reports that contained material findings that were not identified by the Inspector General:

- One report failed to identify an officer who was involved in the UOF;
- Three reports were incomplete (i.e. additional UOF(s) should have been reported);
- In two reports, the approving supervisor witnessed the UOF; and,
- One arrest report was not approved by the supervisor.

In addition, in 20 of the 50 reports, the Inspector General did not identify many of the administrative issues identified by the Monitor.

## **2. Review of the Audit Division's ABC Audit**

The Audit Division reported that its ABC Audit comprised a review of a stratified random sample of 749 of the LAPD's 10,894 ABC Reports issued in August 2001.

### **LAPD's Audit Process**

The LAPD advised the Monitor that the month of August was selected because there has historically been a high degree of crime during the summer months. While this was expected to identify more anomalies with respect to certain of the issues being audited, the selection of only one month limited the Audit Division's ability to identify any patterns involving particular officers or divisions. The Audit Division is currently modifying its strategy for the next ABC Audit to enable an assessment patterns (if any exist).



The Audit Division failed to perform any procedures to obtain assurance that the population of reports being audited was complete. This procedure should be undertaken for all future audits in order to ensure that the audit sample is representative of the entire population of ABC Reports for the period under review.

### **Issues Identified by LAPD's ABC Audit**

The Monitor reviewed a stratified random sample of 334 of 749 ABC reports audited by the Audit Division and recorded its detailed findings in a spreadsheet. The following table summarizes the Monitor's results by listing the total number and percentage of issues identified by the Audit Division and the Monitor, and the number and percentage of issues missed by the Audit Division.

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**TABLE B – COMPARISON OF ISSUES IDENTIFIED IN THE ABC AUDIT:**

Issues Identified by AD and/or the Monitor	Issues Identified by AD (in 749)			Total Issues Identified by Monitor (in 334)		Issues Missed by AD v Total Identified by Monitor (in 334)	
	No. ID'd	% of 749 Reports Reviewed		No. ID'd	% of 334 Reports Reviewed	No. Missed	% Missed
				(X)		(Y)	(Y/X)
A. Evidence discarded upon officer's approach	32	4.3%	[1]	24	7.2%	11	45.8%
B. Spontaneous statement admitting possession of the evidence or contraband seized	52	6.9%	[2]	42	12.6%	15	35.7%
C. Improper response regarding waiver of Miranda Rights	2	0.3%	[3]	7	2.1%	7	100.0%
D. Permission to search given	14	1.9%	[4]	23	6.9%	7	30.4%
E. No probable cause for evidence seized	1	0.1%	[5]	4	1.2%	3	75.0%
F. Booking Approval form missing	44	5.9%	[6]	16	4.8%	3	18.8%
G. Approving supervisor's name printed or typed on Arrest Report	46	6.1%		34	10.2%	11	32.4%
<b>TOTALS</b>	<b>191</b>			<b>150</b>		<b>57</b>	<b>38.0%</b>

*Notes Regarding Additional Findings Not Reflected in Above Table:*

- [1] The Audit Division identified 1 instance of discarded evidence that does not represent discarded evidence.
- [2] The Audit Division identified 4 instances of spontaneous statements that do not represent spontaneous statements.
- [3] For 10 of the 168 of the ABC Reports reviewed whereby Miranda Rights were given, the Audit Division did not correctly identify whether Miranda Rights were waived (7 of which were cases whereby Miranda Rights were waived - see above table). In 2 of the 166 cases whereby Miranda Rights were not given, the Audit Division did not accurately reflect the fact that Miranda Rights were not given/waiver was not sought.
- [4] The Audit Division incorrectly identified 1 instance as "permission to search not given", when no search was conducted.
- [5] The Audit Division incorrectly identified 14 instances regarding the probable cause for evidence seized.
- [6] The Audit Division did not identify 13 out of 21 instances whereby the Watch Commander's name was printed instead of being signed (within the reports reviewed by both the Audit Division and the Monitor).

Further details relevant to the findings in Table B above are as follows:

- Although the Audit Division identified and reported upon numerous issues with the arrest, booking and charging practices of the LAPD, and these issues were followed up with the relevant divisions, there were 57 issues that the Audit Division failed to identify or did not comprehensively report upon. This represents 38% of the 150 issues identified by the Monitor in its sample of 334 reports reviewed. While certain of these issues were missed due to the lack of clarity in the questions that were utilized during the audit<sup>11</sup>, others were apparently missed because the auditors did not delve deeply enough and/or there was insufficient time taken by the auditors performing the audit.
- The statistics reported upon by the Audit Division relative to issues with the ABC reports at the divisional level are understated regarding the areas of concern. The Monitor's results indicate that supervisory oversight within the divisions needs further improvement. The five divisions with the highest proportion of issues identified in the sample selected by the Monitor were Metropolitan, 77<sup>th</sup> Street, West Traffic, Southeast, and West Valley.
- As discussed in prior quarterly reports, the Monitor noted that certain critical documents were missing from selected ABC files, such as the Booking Approval Form, Receipt for Property Taken into Custody, and Probable Cause Declaration Form. In some cases (particularly with regards to the Booking Approval form) these were identified by the Audit Division.
- The Audit Division did not correctly identify all instances of "discarded evidence", "spontaneous statements" and "permission to search." Based on discussions with the Audit Division, this discrepancy initially resulted from a confusion caused by the wording in the matrix question that asked auditors to identify "patterns" rather than instances of each. This issue was re-addressed before the Audit Division's ABC Audit report was issued in final form, and the results depicted in the Audit Report were used as the basis for comparison with the Monitor's results (rather than the audit working papers, which were, in some instances, inconsistent with the audit report). The issue was addressed in previous audits conducted by the Monitor, and has been properly reflected in the revised matrix that is expected to be used in the next ABC Audit scheduled for completion by the Audit Division during the fourth quarter.
- There was lack of clarity by the Audit Division regarding the definition of terms such as "discarded evidence." This discrepancy could be avoided in future audits if reference materials are developed, which define all terms included on the audit matrix.

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<sup>11</sup> The Monitor has provided input to the Audit Division so that such issues are minimized in future audits.

- The Audit Division did not correctly identify all anomalies relating to the “waiver of Miranda Rights.” Specifically, there were numerous instances whereby “Miranda Rights” were read to the arrestee, but the auditors did not correctly identify whether or not a waiver was sought and/or waived. The Audit Division was inconsistent with respect to its responses relating to this issue, as reflected on its matrices. This issue will be addressed in future audits due to the revised matrix.
- The Monitor noted instances in which the supervisor’s signature approving the Arrest Report or Booking Approval form appeared to be printed, rather than signed. The Audit Division did not identify all such instances, given that the names were in block letters, which according to the Audit Division represented the approving supervisors’ signature. In future audits, the Audit Division should forward correspondence to the respective divisions in order to confirm that all “questionable” signatures are in fact those of the approving supervisors.

In addition to the foregoing, there are disparities between the Audit Division’s ABC Audit Report and its underlying audit working papers. In some instances, the ABC Audit Report correctly assessed the situation and the working papers were incorrect, whereas in others, the Audit Report was incorrect and the working papers were correct. It became clear to the Monitor that various findings were not fully documented in the Audit Division’s audit working papers. Our findings above reflect the final positions taken in the ABC Audit Report.

The Monitor also identified instances whereby the final Audit Report prepared by the Audit Division had errors, such as inconsistent findings in the tables as compared with the supporting qualitative analysis (including errors in the totals noted in the tables and incorrect percentages).

### **The Inspector General’s Review of the ABC Audit**

The Inspector General’s evaluation of the LAPD’s ABC Audit was completed on February 28, 2002. (CD ¶135). The Inspector General reviewed a random sample of 156 of the 794 ABC Reports audited by the Audit Division and concluded that the Audit Division’s ABC Audit was “thorough, complete, and adequately addressed the issues set forth in the Consent Decree.”

The Inspector General did not perform any procedures to obtain assurance that the population of reports audited by the Audit Division was complete.

The Inspector General’s auditors completed the same matrices used by the LAPD in order to identify whether there were any discrepancies/issues that were not noted by the Audit Division. The Inspector General identified a total of 22 discrepancies in 20 reports.

There were 67 reports reviewed by both the Monitor and the Inspector General. The Monitor found that the Inspector General's auditors did not identify all of the issues noted by the Monitor. Specifically, there were 17 discrepancies in 12 reports noted by the Monitor that were not identified by the Inspector General.

### **3. DSD Audits Not Completed During the Second Quarter**

The DSD's SEU ABC Audit was commenced in the second quarter, as required by the LAPD's Annual Audit Plan and the Consent Decree (CD ¶128). It was not completed by December 31, 2001, as required by the Annual Audit Plan, because the Audit Division's quality assessment process rejected the DSD's initial audit report. The report was not finalized until April 8, 2002.<sup>12</sup>

The methodology undertaken in the SEU ABC Audit was similar to that conducted by the Audit Division in their department-wide ABC Audit: ABC reports for the month of August 2001 were audited using the same matrix of questions used in the Audit Division's ABC Audit. The primary difference between these two audits related to the sample size selected. Due to the higher risks associated with arrests conducted by the SEU13, the DSD conducted an audit of all of the 240 arrest reports issued by the SEU in August 2001.

The Monitor has commenced its review of a stratified random sample of these reports, and will report on its findings in the Monitor's next quarterly report.

The DSD's SEU Work Product Audit – specifically the Daily Operational Requirements and Supervisory Roles Audit (CD ¶131a and ¶106a,e,f,g) was scheduled to be completed by the Bureau SEU Coordinators (under the supervision of the DSD) for the period October to December 2001, but did not commence until March 2002. The Monitor was advised that these audits were delayed due to insufficient resources. The Monitor expects to report on these audits in its next quarterly report.

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<sup>12</sup> The Audit Division requested that the report be revised to more fully document the work that was performed. Technically, the DSD met the Consent Decree deadline by completing and submitting the report by the due date, but did not meet the quality requirements of the Consent Decree.

<sup>13</sup> As identified in the Board of Inquiry Report.

## **APPENDIX II: Recommendations to Improve the LAPD's Future Audits**

Based on the Monitor's review of the Audit Division's UOF and ABC Audits, as well as based on discussions concerning the DSD's audits, a number of recommendations were identified to improve the quality, effectiveness and efficiency of the LAPD's future audits. The Monitor and the Audit Division met extensively during the recent quarter in a proactive effort to explore such recommendations.

As a general comment, the Monitor applauds the receptiveness and willingness to improve of Captain Sanchez and the Audit Division. We also recognize the substantial effort made by Audit Division personnel to meet the demands placed on them; however, the Monitor believes that many of the issues raised in our review of the UOF and ABC Audits could have been prevented if additional skilled resources had been available as part of the Audit Division's team.

### **1. Audit Resources**

The Monitor observes that the LAPD's audit sections are under-resourced: they have insufficient staff, their staff are lacking audit and statistical expertise, their staff need further training, and their staff do not have sufficient computers to effectively complete their audit fieldwork and analysis.

- The Audit Division received approval for 48 personnel in the early days of the inception of the Audit Division; as of the end of March 2002, almost one year after the Audit Division began gearing up, there were 32 personnel. Vacancies also exist in the DSD's audit section. The Audit Division has recently received exemption from the City's hiring freeze and intends to continue the process of hiring staff to fill the vacancies. The Monitor recommends that most of the vacancies be filled with personnel with auditing, accounting and statistical experience, and that computer equipment is obtained for all persons involved in conducting audit fieldwork and analysis. The persons with non-police backgrounds could then work on teams with the auditors with police backgrounds. The Monitor will report on the LAPD's progress with this initiative in its next quarterly report.
- The experience of the LAPD's audit sections relate primarily to policing; there is limited experience with auditing and statistical methods. In order to improve the skills of LAPD's existing audit personnel, in the second quarter, the Monitor recommended that members of the Audit Division, DSD, and Inspector General's office receive training from the Institute of Internal Auditors. 30 members of such audit groups attended 4 days of a customized introductory auditing course on "Tools & Techniques" in February 2002. The Audit Division will receive further training for 4 days from the Institute of Internal Auditors from April 29 to May 2, 2002 on writing audit reports and interviewing techniques. The Monitor encourages the Audit Division to continue such training.

## 2. Sample Selection

The Audit Division failed to ensure that they selected a statistically valid stratified random sample from the complete population of reports being audited.

- The Monitor recommends that the Audit Division take additional measures to reduce the risk that their future audit samples may be drawn from an incomplete population of reports. This could include testing other records to validate the completeness of the reports being examined (for instance, examining jail medical records to determine whether there are any unreported uses of force). Whenever it is anticipated that this will be difficult to achieve (for instance, due to computer backlogs or the challenges of self-reporting), the Monitor recommends that the Audit Division take proactive steps to improve the processes associated with the collection of such reports.
- The Monitor provided a spreadsheet to enable the Audit Division, DSD and Inspector General to compute appropriate sample sizes on future audits. The resulting sample sizes will comply with the sample sizes suggested in the introduction to Dr. Ginger's Methodology.
- The Monitor provided guidance regarding how to "stratify the sample" between the divisions, and how to select a valid random sample from each division.
- The Monitor provided feedback to the Audit Division regarding the sample selection process for the next Search Warrants Audit.
- The Monitor provided guidance regarding how to select a sample to facilitate the assessment of patterns by officer for the next ABC Audit (in particular related to assessing "canned language", "discarded evidence", "permission to search", "spontaneous statements", whether "Miranda protocol" was followed and "supervisory oversight").

## 3. Improving the "Auditability" of Certain Aspects of the LAPD's Operations

The UOF and ABC Audits revealed a lack of consistency across the LAPD regarding how to document the paper trail associated with uses of force, and what to look for when approving UOF and ABC Reports.

- The LAPD should develop standardized definitions to improve the consistency between officers and divisions on what uses of force are reportable, including the types of force used when applying a "swarm" or "team takedown" technique, the types of force used when applying handcuffs, as well as other types of pain compliance techniques.

- The UOF face sheet should be improved to enable the consistent and comprehensive identification of all types of force used in an incident that is required to be reported in a UOF Report, including lesser types of force that do not result in injuries. Consideration should also be given to designing the form in a way to facilitate identification of how the force escalated (for instance by identifying the sequence of force used).
- The UOF face sheet should be improved to enable identification of “miscellaneous uses of force” that are not pre-printed on the UOF face sheet, to enable the identification of more than 2 involved officers, and to enable the identification of multiple injuries.<sup>1</sup>
- Whenever a hobble restraint is utilized, it should be reported on the UOF face sheet regardless of whether or not it is technically considered to be a use of force. This will enable the Use of Force Review Section (and ultimately TEAMS II) to track the use of the device.
- CD§129 requires the LAPD to conduct regular, periodic audits of random samples of all categorical and non-categorical use of force investigations and all complaint form 1.28 investigations in order to assess, among other things, the timeliness of completing the investigations, and the completeness and adequacy of the investigations. The Monitor noted, as part of its review of the UOF Audit, that the majority of the LAPD’s divisions do not consistently identify the date when each UOF report was completed, but instead identify the date of the incident that gave rise to the need for a UOF report.<sup>2</sup> Unless this is changed, it will not be possible for the Audit Division to assess the timeliness of completing the UOF investigations.

#### **4. Improving the Reliability of Future Audits**

The UOF and ABC audits revealed that the matrices developed for these audits included questions that were poorly constructed and resulted in inconsistent and flawed responses. These audits also revealed that the auditors didn’t delve deeply enough and/or there was insufficient time taken by the auditors performing the audit.

- The Monitor provided feedback to the Audit Division to improve their questions for future UOF and ABC Audits, and the Monitor is willing to provide feedback on matrices for future audits before such audits commence.
- The Monitor provided feedback to the Audit Division regarding the matrix for the Search Warrants Audit scheduled for review by the Monitor in the next quarter.

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<sup>1</sup> The Monitor notes that Special Order 27, which was not in effect during the period audited, as well as a revised UOF face sheet developed by the LAPD, will address some of these issues.

<sup>2</sup> Foothill was the only division that dated the narrative portion of the Commanding Officer’s section to attest to the date of his/her review of the UOF Report.

- The Monitor recommends that the Audit Division develop or assemble suitable reference materials for future audits that can be used to facilitate consistent interpretation by the auditor regarding issues to be addressed. This could take the form of practice guides, audit programs, or training materials (or a combination of these), and could be based on existing LAPD bulletins, supplemented by materials developed by the Audit Division.
- All of the auditors involved in conducting a particular audit should meet soon after they have assessed at least 3 reports each, and periodically during the completion of the audit fieldwork, in order to identify any necessary refinements to the matrix, and to resolve any issues requiring interpretation.
- The Audit Division should consider using a spreadsheet or database to track and document the responses associated with each report being audited. This would facilitate the analysis process, and would improve the reliability of the final results. Audit Reports could then link to the working papers to identify the correct number of reports reviewed and similarly, anomalies related thereto.
- The Audit Division's audit working papers should support the audit report issued, and a suitable audit trail should be maintained/developed for any issues that require modification to the audit report after the working papers have been completed. This will facilitate not only the meta-audit process of the Inspector General and the Monitor, but will also facilitate supervisory oversight of the audit process.

## **5. Improving the Effectiveness of the Audit Division in its Dealings with the LAPD**

The Audit Division issued suitable follow-up communications to the divisions regarding issues identified during the Audit Division's UOF and ABC Audits; however, the degree of accountability from the divisions to the Audit Division could be limited by issues associated with LAPD's chain of command.

- The Monitor recommends that the LAPD consider reconstituting the Audit Division so that it functions more like an internal audit department of a public company, with a dual reporting relationship directly to the Chief of Police and to an internal audit committee of the Los Angeles Board of Police Commissioners, rather than reporting through the LAPD's chain of command to the Chief of Police. This would enable the Audit Division to be more independent, and to follow up as required with any issues involving management oversight (or lack thereof).



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- The Audit Division should issue further communications to the bureaus/divisions regarding the additional issues identified by the Monitor, and the Audit Division should request that the relevant divisions/bureaus report back to the Audit Division regarding the actions undertaken arising from the Audit Division's and Monitor's review. The Audit Division should follow up to check that such actions were, indeed, undertaken, and should also check that their communications had the desired effect.
- The Audit Division should forward correspondence to divisions whereby the signature of the Watch Commander appears to be printed. Further, a sample of signatures should also be selected and confirmed with the respective divisions to ensure that the Watch Commander noted gave his/her approval.