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11 THE BOARD OF POLICE COMMISSIONERS OF THE CITY OF LOS ANGELES,
and THE LOS ANGELES POLICE DEPARTMENT

12
13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15
16 UNITED STATES OF AMERICA

17 Plaintiff,

18 v.

19 CITY OF LOS ANGELES, CALIFORNIA,
20 BOARD OF POLIC COMMISSIONERS OF
THE CITY OF LOS ANGELES, AND THE
21 LOS ANGELES POLICE DEPARTMENT

22 Defendants.
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) Case No. 0011769 GAF (RCx)

) **STATUS REPORT**

) The Honorable Gary A. Feess, United States
District Judge

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EXECUTIVE SUMMARY

Overview

The City is currently in compliance with the Consent Decree provisions scheduled for implementation prior to or on October 15, 2001, and on schedule to implement the remaining Consent Decree requirements.

The City has worked to comply with the various Consent Decree provisions since the Consent Decree was submitted to the Court in November, 2000. The City's efforts to date have mainly focused on establishing the infrastructure required for successful Consent Decree implementation and compliance. Activities have included: 1) development of budget and staffing needs for compliance with various provisions; 2) allocation of funds; 3) authorization of positions and establishment of new Units within LAPD; 4) hiring of staff; 5) identification, and as appropriate, leasing of additional space; 6) executing contracts and preparing requests for proposals for outside consultant services as appropriate; 7) establishment of City oversight groups; 8) development and adoption of required changes in LAPD policies and procedures, and; 9) initiating training and implementation of required polices and procedures. Additional emphasis on training and operational compliance with policies and procedures and compliance monitoring, with corrective actions taken as needed, will be provided over the next Consent Decree implementation phases.

1 **Implementation Status**

2 Attached is a summary of implementation activities, by Consent Decree paragraph,
3 undertaken by the City since the Consent Decree was submitted to the Court in November, 2000.
4 The City had partial or delayed compliance for approximately thirteen of the Consent Decree
5 paragraphs, or portions thereof, with implementation dates of June 15 or July 1, 2001 (see paragraphs
6 50, 56, 60, 64, 66, 67, 69, 72, 74, 78, 109, 136, and 142). The City is currently in compliance with
7 these paragraphs.
8

9 The City has implemented approximately twenty Consent Decree paragraphs, or portions
10 thereof, prior to the implementation dates established in the Consent Decree (see Consent Decree
11 paragraphs 55, 57, 61, 74, 76, 80, 82, 85, 86, 91, 97, 101, 140, 145, 147, 148, 149, 150, 153, and
12 156).
13

14 The pendency of the meet and confer process has delayed the implementation of all or
15 portions of paragraphs 51, 62, 70(c), 77, 98, 106(b), (c), and (d), 107 (a) and (c), 108(i), 114, and
16 132 past the June 15, 2001 or July 1, 2001 implementation dates established in the Consent Decree
17 for those provisions. Delays in implementation dates associated with meet and confer requirements
18 are not considered compliance issues, since the City is complying with the good faith meet and confer
19 requirements established in Consent Decree paragraphs 8 and 184.
20

21 **Status of Implementation of Major Provisions**

22 Risk Management Information System (RMIS) Development

23 In January 2001 the City established a TEAMS II Work Group to oversee development of the
24 Risk Management Information System (RMIS) (e.g. TEAMS II as defined in the Consent Decree)
25 and all related tasks essential to successful implementation of the system, including infrastructure,
26 development of related source systems, training, development of RMIS use protocols, and funding.
27 The TEAMS II Work Group includes representatives from the Chief Legislative Analyst Office, the
28

1 Mayor's Office, City Administrative Officer, Information Technology Agency, Los Angeles Police
2 Department (LAPD) representatives from Risk Management Group and Information Technology
3 Division, and other entities as appropriate. The TEAMS II Work Group meets weekly.
4
5 Representatives of the Independent Monitor also attend the meetings.

6 The City contracted with Liekar Strategic Solutions (LSS) on March 20, 2001, to develop the
7 requirements and design for the Risk Management Information System and a Use of Force System
8 (UOFS). The City contracted with Information Builders, Inc. (IBI) on July 30, 2001, to develop the
9 requirements and design for the Complaint Management System (CMS). In addition to these
10 systems, the City has identified the need for a central security module for access control and security
11 for the RMIS, UOFS, and CMS. The City is working to develop requirements for the central
12 security module.
13

14 The City submitted the RMIS Requirements/Design Document to the U.S. Department of
15 Justice (DOJ) and the Independent Monitor on October 1, 2001, consistent with the requirements of
16 paragraphs 45 and 50. The RMIS is designed to primarily meet the requirements of the Consent
17 Decree. However, the design is modular in nature to enable continued development and evolution of
18 the RMIS as LAPD procedures, data collection activities, and risk management needs change over
19 time.
20

21 In order to expedite the delivery of RMIS, minimize data in-put needs, and capitalize on
22 previous public resource investments, existing LAPD operational systems will be utilized to the
23 maximum extent practicable as data sources for the RMIS. This will require that the RMIS interface
24 with fifteen existing LAPD systems, two of which are imaging systems.
25

26 Data elements which are required by the RMIS but not currently captured in LAPD systems
27 have been identified. Seven existing LAPD operational systems will need to be modified to address
28 several such Adata gaps. In the case of use of force, complaints, and motor vehicle and pedestrian

1 stops new LAPD operational systems (Use of Force System (UOFS), Complaint Management
2 System (CMS), and Stop Information System (SIS), respectively) will be developed and provide the
3 data elements identified for these RMIS functional areas.

4
5 Timely implementation of the RMIS, UOFS, and CMS requires that the City concurrently
6 develop and upgrade a number of LAPD computer systems. Given the complexity of this task, some
7 delays in reviewing documents and resolving issues has occurred. To remedy this situation, the City
8 is investigating options to enhance system development program management to better accommodate
9 the work load associated with concurrent system development and ensure adequate oversight of
10 system development. One option currently under investigation is the establishment of an individual
11 entity within the City responsible for TEAMS II development primarily comprised of Information
12 Technology Agency and LAPD Risk Management Group and Information Technology Division staff.

13
14 On October 5, 2001, the City issued a request for services to Information Technology Agency
15 Aon-call contracted vendors. The services sought include: 1) a system architect to assist in designing
16 the architecture for RMIS, UOFS, CMS, and the security module to ensure the systems will
17 successfully integrate well, and ; 2) a joint application session specialist to assist in development of
18 requirements and design throughout the system development process. Responses to the request for
19 services are due October 19, 2001.

20
21 The City is implementing TEAMS 1.5 which is designed to provide greater access to TEAMS
22 I information department wide and provide Command staff with simple trending and threshold report
23 capabilities, until TEAMS II is completed. The goal of providing greater access to TEAMS I
24 information is being achieved by creating a web based system (i.e. TEAMS 1.5). TEAMS 1.5 was
25 first implemented at Central Bureau on June 4, 2001. The system is being rolled-out Bureau by
26 Bureau with completion of department wide implementation scheduled for March 2002.

27 Investigation and Review of Categorical Use of Force
28

1 The Consent Decree includes several enhancements to the City’s use of force review
2 investigations and specifically requires the establishment of a unit within Operation Headquarters
3 Bureau (OHB) with responsibility for investigation of Categorical Use of Force incidents. The
4 AOHB unit has been named the Critical Incident Investigation Unit (CIID). The CIID became
5 operational in April, 2001, with the Order officially establishing the Division and its responsibilities
6 pending. The CIID has 24-hour roll-out capabilities to respond to all Categorical Uses of Force.
7 The staffing and procedures required for compliance with the enhanced use of force review processes
8 established by the Consent Decree have been established and are in place.

9
10 The Inspector General and the Police Commission continue to review all Categorical Uses of
11 Force incidents.

12
13 Enhanced Internal Affairs Group (IAG) Responsibilities

14 The Consent Decree requires that several categories of misconduct complaints be transitioned
15 from chain-of-command investigation to investigation by the Internal Affairs Group (IAG). This
16 transition in investigative responsibility will require a substantial increase in IAG investigation staffing
17 and space. The following summarizes the progress made in staffing needed IAG positions to date:

- 18
19 • The Ethics Enforcement Section of IAG, which is responsible for implementing the
20 integrity audits required pursuant to paragraph 97 among other things, had eleven new
21 positions authorized. The positions have been filled and lease space to accommodate
22 the Unit’s increased size has been identified, funded, and a lease is being negotiated.
- 23
24 • The Special Operations Section of IAG, which is responsible for criminal misconduct
25 and major administrative misconduct investigation among other things, had nine new
26 positions authorized. The positions have been filled and lease space to
27 accommodate the Unit’s increased size has been identified, funded, and a lease is
28 being negotiated.

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- Thirty-eight additional IAG investigators were authorized to conduct misconduct investigations. Fourteen of those positions have been filled to date. Sixteen positions are on-loan for a two month Atrial period. Space needs for IAG investigators are under review.
- The Review and Evaluation Section of IAG, which is responsible for validation and auditing of IAG investigations, had fifteen positions authorized. Twelve of the positions have been filled.
- Four additional administrative staff have been authorized. Two positions have been filled.
- The first and second priority misconduct complaint investigations identified in paragraph 95, complaints of unauthorized use of force and significant (as identified in Consent Decree paragraphs 93 and 94) complaints against Special Enforcement Unit employees, were transitioned to IAG beginning October 1, 2001. Department entities assigned misconduct investigations in these categories prior to October 1, 2001 will retain investigative responsibility for those cases.
- The current IAG backlog of misconduct investigations will be remedied concurrent with the transition of new investigative responsibilities in order to achieve the 5-month investigation goal established in paragraph 87. The next transition of investigations to IAG is planned for early January 2002. The misconduct investigation categories that will be transitioned will be based upon the staffing level achieved by IAG by January 2002 and the level of performance achieved in reaching the 5-month investigative goal.

Audits

1 The Audit Division became operational on April 8, 2001, with formal duties established in
2 Special Order 16, distributed July 11, 2001. Twenty-eight additional staff positions were authorized
3 for the Audit Division. Eleven of those positions have been filled and lease space to accommodate
4 the Audit Division has been identified, funded, and approved.

5
6 The Detective Support Division, responsible for audits of Special Enforcement Units, was
7 authorized an additional eight positions, six of which have been filled.

8 The Annual Audit Plan, required pursuant to Consent Decree paragraph 124, was approved
9 by the Police Commission on June 5, 2001. The first Quarterly Audit Report is scheduled for
10 submittal to the Commission on October 15, 2001.

11
12 The audits required to be completed prior to July 1, 2001, regarding arrest and booking
13 reports, warrants, Special Enforcement Unit work products, and confidential informant files were
14 completed and reviewed by the Insector General consistent with the timelines provided in the
15 Consent Decree. Review of the audits by the Police Commission is still pending.

16 Although the requirements of the Consent Decree were not in effect during the period covered
17 by the audits, several of the procedures established in the Consent Decree were current practice
18 during the period covered by the audit. The audits identified some deficiencies. The Inspector
19 General's review of the audit pursuant to paragraph 135, concurred with the findings of the audits
20 and in some cases identified some concerns with the auditing methodology and sample size.
21 Recommendations to remedy deficiencies identified were included in the audit report and are being
22 considered and/or implemented. The results of the audits are summarized in the discussions
23 regarding paragraphs 70, 71, 106, and 180.

24
25
26 The Audit Division is conducting the use of force audit required pursuant to Consent Decree
27 paragraph 128 and will have it completed by the Consent Decree mandated due date of November 1,
28 2001. In addition, in the second quarter of FY 01-02 (October-December) the Audit Unit will be

1 conducting an audit of arrest and booking reports. The Detective Support Division will be conducting
2 an audit of certain Special Enforcement Unit work products, consistent with paragraph 131, in the
3 second quarter of FY 01-02.

4 Collection of Pedestrian and Traffic Stop Data

5
6 The City is on schedule to collect traffic and pedestrian stop data, consistent with the
7 requirements of the Consent Decree paragraphs 104 and 105, on November 1, 2001. The LAPD has
8 developed a paper form that can be scanned for data entry purposes for pedestrian and traffic stop
9 data collection. Field Training Officers completed training on the program in early October.
10 Distribution of the form to LAPD officers is planned for the last week of October.

11
12 In May, 2001, the LAPD conducted a pilot program for collection of traffic stop and
13 pedestrian stop data utilizing hand held electronic devices. The technology proved acceptable and
14 the City is moving forward with development of a request for proposal for the purchase of hand held
15 devices for data collection and development of associated software and hardware. It is anticipated
16 that collection of data electronically will be achieved sometime after to March 2002.

17 Review of Procedures for Dealing with Potentially Mentally Ill Persons

18
19 The City issued a request for proposals for professional services to assist the City in
20 evaluating successful programs for dealing with potentially mentally ill persons. Proposers were
21 interviewed October 10, 2001. It is anticipated that a recommendation will be forwarded to the
22 Police Commission by the end of October 2001.

23
24 The LAPD initiated a pilot program, Crisis Intervention Team, that seeks to improve the
25 manner in which first responders interface with people who may be mentally ill in June 2001. The
26 program is modeled after similar programs in Memphis, Tennessee and Albuquerque, New Mexico.
27 Forty hours of training was provided to 36 officers and sergeants on tactics, negotiations, and
28

1 recognition of mental illness in June 2001. The pilot program is scheduled to be evaluated in mid-
2 November 2001.

3 Definitions of Terms Used in the Status Report

4
5 The status report includes terms to describe the City's current compliance status. It is
6 anticipated that these terms may need to be modified in the future to reflect the monitoring
7 methodology currently under development by the Independent Monitor and the terminology utilized
8 by the Independent Monitor in his first status report to the Court.

9 Terms are defined as follows:

10 Compliance: currently in compliance with the provisions discussed.

11
12 Partial Compliance: Compliance with some provisions of a paragraph was achieved in
13 accordance with the required implementation date, while compliance with other provisions was not
14 achieved by the required implementation date

15 Delayed Compliance: compliance with a paragraph was not achieved until after the required
16 implementation date.

17
18 Current Practice: LAPD had policies, procedures, or practices were in place as of
19 November , 2000.

20 Pending: the provision has a future compliance date and/or the City has not initiated any action to
21 implement a provision.

22 In-Progress: the provision has a future compliance date and the City has initiated actions to
23 implement the provision.
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I. INTRODUCTION

A. General Provisions

Decree ¶8

Decree Language:

“8. Nothing in this Agreement is intended to: (a) alter the existing collective bargaining agreements between the City (as defined in paragraph 15) and LAPD employee bargaining units; or (b) impair the collective bargaining rights of employees in those units under state and local law. The parties acknowledge that as a matter of state and local law the implementation by the City of certain provisions of this Agreement may require compliance with the meet and confer process or consulting process. The City shall comply with any such legal requirements and shall do so with a goal of concluding any such processes in a manner that will permit the City's timely implementation of this Agreement. The City shall give appropriate notice of this Agreement to affected employee bargaining units to allow such processes to begin as to this Agreement as filed with the Court. The City has received one demand to meet and confer in regard to the proposed Agreement and will use its best efforts to have expedited that process and any others that may be demanded. The City agrees to consult with the DOJ in regard to the positions it takes in any meeting and conferring or consulting processes connected with this Agreement.”

PROGRESS/STATUS SUMMARY

Due Dates: June 15, 2001

Current Compliance Status: Compliance/Paragraph 184

Compliance Action: Paragraphs 8 and 184;

Budget: see paragraph 184

1 **Staffing:** see paragraph 184

2 **Space Needs:** NA

3 **Activities:**

4
5 Consistent with the requirements of paragraph 8, the City consulted with DOJ prior to the
6 City’s submittal of a list of the provisions of the Consent Decree that are subject to the meet and
7 confer process, consistent with the requirements of paragraph 184(a).

8 The pendency of the meet and confer process has delayed the implementation of all or
9 portions of paragraphs 51, 62, 70(c), 77, 98, 106(b), (c), and (d), 107(a) and (c), 108(i), 114, and
10 132 past the June 15, 2001 or July 1, 2001 implementation dates established in the Consent Decree
11 for those provisions. The proposed Consent Decree containing these implementation dates had been
12 lodged with the Court on November 3, 200, but was not approved and entered by the Court until
13 June 15, 2001.

14
15 Despite these delays, however, and consistent with its legal obligation to meet and confer in
16 good faith, the City has prepared certain orders and forms to assist with the meet and confer process
17 and to expedite implementation of some of the provisions identified above should they turn out to be
18 the result of the meet and confer process. Such orders or forms naturally would be subject to
19 modification should the meet and confer process lead to different resolutions. Information regarding
20 such preliminary implementation activities is presented in the “activities” discussion for each specific
21 paragraph.

22
23 The City will consult the DOJ in regard to: 1) delays due to the implementation of all or
24 portions of paragraph 51, 62, 70(c), 77, 98, 106(b), (c), and (d), 108(i) and 132; 2) any additional
25 meet and confer items that may be identified by the City, and; 3) the position the City will take in
26 regard to provisions identified by the Los Angeles Police Protective League as subject to the meet
27 and confer process.
28

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1 **Decree ¶11**

2 **Decree Language:**

3 “11. The City is responsible for providing necessary support to the Los Angeles Board of
4 Police Commissioners, the Inspector General, the LAPD and the Chief of Police to enable each of
5 them to fulfill their obligations under this Agreement.”
6

7
8 **PROGRESS/STATUS SUMMARY**

9 **Due Dates:** June 15, 2001

10 **Current Compliance Status:** Compliance

11 **Compliance Action:** City allocation of appropriate resources

12 **a. Budget: FY 00-01:** see individual paragraphs; plus

13 \$57,830 LAPD Consent Decree Task Force;

14 \$300,000 in contractual services

15 **FY 01-02:** see individual paragraphs; plus

16 \$122,642 LAPD Consent Decree Task Force

17 \$2.5 million lease facility requirements

18 \$750,000 contingency

19 **Staffing: FY 00-01:** see individual paragraphs; plus

20 LAPD Consent Decree Task Force: 1 Captain III; 2 Lieutenant II; 1 Detective III; 3

21 Sergeant II; 2 Secretary; 1 Senior Management Analyst

22 Management Services Division: 2 Police Officer III; 1 Clerk Typist

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25 **FY 01-02:** see individual paragraphs; plus

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27 LAPD Consent Decree Task Force: continuation of FY 00-01 staffing
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Management Services Division: continuation of FY 00-01 staffing

Space Needs: see individual paragraphs

Activities:

The City acted to begin to identify the financial and staff resources required to implement the Consent Decree upon execution by the City and DOJ on November 3, 2000. In January, 2001, a Consent Decree Work Group was established to identify and resolve Consent Decree implementation issues and facilitate allocation of resources as appropriate. The Consent Decree Work Group meets weekly and includes the Chair of the Public Safety Committee staff, Mayor's Office, Office of the Chief Legislative Analyst, City Attorney's Office, Chief Administrative Officer, the Los Angeles Police Department (LAPD), Office of the Inspector General, and Police Commission (Commission) staff.

The City allocated financial resources and authorized positions to initiate Consent Decree implementation in February 2001. The positions authorized in the interim FY 00-01 budget were continued and enhanced with additional staff in the FY 01-02 budget approved in June, 2001. The City continues to monitor, through the Consent Decree Work Group and the LAPD Consent Decree Task Force, the financial and staff resources required to implement the Consent Decree

1 **II. MANAGEMENT AND SUPERVISORY MEASURES TO PROMOTE CIVIL**
2 **RIGHTS INTEGRITY**

3 A. TEAMS II

4 **Decree ¶39**

5 **Decree Language:**

6
7 “39. The City has taken steps to develop, and shall establish a database
8 containing relevant information about its officers, supervisors and managers to
9 promote professionalism and best policing practices and to identify and modify at-risk
10 behavior (also known as an early warning system). This system shall be a successor
11 to, and not simply a modification of, the existing computerized information processing
12 system known as the Training Evaluation and Management System (“TEAMS”). The
13 new system shall be known as "TEAMS II."
14

15
16 **PROGRESS/STATUS SUMMARY**

17 **Due Dates:** September 17, 2001 TEAMS II Design Document/
18

19 September 15, 2002* Beta Test Version & UOFS w/ Historic Data/
20

21 December 15, 2002* Protocol for Use/
22

23 June 15, 2003* TEAMS II Operational
24

25 *Contingent upon DOJ approvals
26

27 **Current Compliance Status:** Compliance/Pending/Paragraphs 8 & 184
28

Compliance Action: Submittal of RMIS data elements on September 17, 2001 and the
Requirements/Design document on October 1, 2001; In-progress

Budget: FY 00-01: \$2 million

1 **FY 01-02: \$12 million**

2 **Staffing:** To be provided as needs are identified; also see paragraph 53

3 **Space Needs:** To be provided as needs are identified.

4 **Activities:**

5
6 In January 2001 the City established a TEAMS II Working Group to oversee development of
7 the Risk Management Information System (RMIS) (e.g. TEAMS II as defined in the Consent
8 Decree) and all related tasks essential to successful implementation of the system, including
9 infrastructure, development of related source systems, training, development of RMIS use protocols,
10 and funding. The TEAMS II Work Group includes representatives from the Chief Legislative
11 Analyst Office, the Mayor's Office, City Administrative Officer, Information Technology Agency,
12 Los Angeles Police Department (LAPD) representatives from Risk Management Group and
13 Information Technology Division, and other entities as appropriate. The TEAMS II Work Group
14 meets weekly. Representatives of the Independent Monitor also attend the meetings.

15
16 The City contracted with Liekar Strategic Solutions (LSS) on March 20, 2001, to develop the
17 requirements and design for the RMIS and a Use of Force System (UOFS). The City contracted
18 with Information Builders, Inc. (IBI) on July 30, 2001, to develop the requirements and design for
19 the Complaint Management System (CMS). In addition to these systems, the City has identified the
20 need for a central security module for access control and security for the RMIS, UOFS, and CMS.
21 The City is working to develop requirements for the central security module.

22 Timely implementation of the RMIS, UOFS, and CMS requires that the City concurrently
23 develop and upgrade a number of LAPD computer systems. Given the complexity of this task, some
24 delays in reviewing documents and resolving issues has occurred. To remedy this situation, the City
25 is investigating options to enhance system development program management to better accommodate
26 the work load associated with concurrent system development
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On October 5, 2001, the City released a request for services to Information Technology Agency “on-call” contracted vendors. The services sought include: 1) a system architect to assist in designing the architecture for RMIS, UOFS, CMS, and the security module to ensure the systems will successfully integrate well, and ; 2) a joint application session specialist to assist in development of requirements and design throughout the system development process. Responses to the request for services are due October 19, 2001.

The City submitted the RMIS data elements on September 17, 2001 and the RMIS Requirements/Design document on October 1, 2001 to the DOJ and the Independent Monitor (see paragraphs 45 and 50).

The City is implementing TEAMS 1.5, which is designed to provide greater access to TEAMS I information department wide and provide Command staff with simple trending and threshold report capabilities, until TEAMS II is completed. The goal of providing greater access to TEAMS I information is being achieved by creating an web- based system (TEAMS 1.5). TEAMS 1.5 was first implemented at Central Bureau on June 4, 2001. The system is being rolled-out Bureau by Bureau with completion of department wide implementation scheduled for March 2002.

Also see paragraphs 40-50.

1 **Decree ¶40**

2 **Decree Language:**

3 “40. The Commission, the Inspector General, and the Chief of Police shall
4 each have equal and full access to TEAMS II, and may each use TEAMS II to its
5 fullest capabilities in performing their duties and responsibilities, subject to restrictions
6 on use of information contained in applicable law. To the extent that highly sensitive
7 information is contained in TEAMS II, the Commission may impose an identical
8 access restriction on itself and the Inspector General to such information, provided
9 that no such access restriction may in any way impair or impede implementation of
10 this Agreement. The Department shall establish a policy with respect to granting or
11 limiting access to TEAMS II by all other persons, including the staff of the
12 Commission and the Inspector General, but excluding DOJ and the Monitor, whose
13 access to TEAMS II is governed by paragraphs 166, 167, and 177.”
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17 **PROGRESS/STATUS SUMMARY**

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19 **Due Dates:** September 17, 2001 TEAMS II Design Document/
20 September 15, 2002* Beta Test Version & UOFS w/ Historic Data/
21 December 15, 2002* Protocol for Use/
22 June 15, 2003* TEAMS II Operational

23 *Contingent upon DOJ approvals

24
25 **Current Compliance Status:** See paragraph 39

26 **Compliance Action:** See paragraph 39

27 **Budget:** See paragraph 39

28 **Staffing:** See paragraph 39

1 **Space Needs:** See paragraph 39

2 **Activities:**

3
4 General access requirements, consistent with the requirements of paragraph 40, are presented
5 in the RMIS Requirements/Design document submitted to the DOJ and Independent Monitor on
6 October 1, 2001. Access and control to RMIS will be accommodated via the central security
7 module. The City is working to develop requirements for the central security module.
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1 **Decree ¶41**

2 **Decree Language:**

3 “41. TEAMS II shall contain information on the following matters:

- 4 a. all non-lethal uses of force that are required to be reported in LAPD
5 "use of force" reports or otherwise are the subject of an administrative investigation
6 by the Department;
- 7 b. all instances in which a police canine bites a member of the public;
- 8 c. all officer-involved shootings and firearms discharges, both on-duty
9 and off-duty (excluding training or target range shootings, authorized ballistic testing,
10 legal sport shooting events, or those incidents that occur off-duty in connection with
11 the recreational use of firearms, in each case, where no person is hit by the discharge);
- 12 d. all other, lethal uses of force;
- 13 e. all other injuries and deaths that are reviewed by the LAPD Use of
14 Force Review Board (or otherwise are the subject of an administrative investigation);
- 15 f. all vehicle pursuits and traffic collisions;
- 16 g. all Complaint Form 1.28 investigations;
- 17 h. with respect to the foregoing clauses (a) through (g), the results of
18 adjudication of all investigations (whether criminal or administrative) and discipline
19 imposed or non-disciplinary action taken;
- 20 I. all written compliments received by the LAPD about officer
21 performance;
- 22 j. all commendations and awards;
- 23 k. all criminal arrests and investigations known to LAPD of, and all
24 charges against, LAPD employees;
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l. all civil or administrative claims filed with and all lawsuits served upon the City or its officers, or agents, in each case resulting from LAPD operations, and all lawsuits served on an officer of the LAPD resulting from LAPD operations and known by the City, the Department, or the City Attorney's Office;

m. all civil lawsuits filed against LAPD officers which are required to be reported to the LAPD pursuant to paragraph 77;

n. all arrest reports, crime reports, and citations made by officers, and all motor vehicle stops and pedestrian stops that are required to be documented in the manner specified in paragraphs 104 and 105;

o. assignment and rank history, and information from performance evaluations for each officer;

p. training history and any failure of an officer to meet weapons qualification requirements; and

q. all management and supervisory actions taken pursuant to a review of TEAMS II information, including non-disciplinary actions.

TEAMS II further shall include, for the incidents included in the database, appropriate additional information about involved officers (*e.g.*, name and serial number), and appropriate information about the involved members of the public (including demographic information such as race, ethnicity, or national origin). Additional information on officers involved in incidents (*e.g.*, work assignment, officer partner, field supervisor, and shift at the time of the incident) shall be determinable from TEAMS II.”

PROGRESS/STATUS SUMMARY

1 **Due Dates:** September 17, 2001 TEAMS II Design Document/
2 September 15, 2002* Beta Test Version & UOFS w/ Historic Data/
3 December 15, 2002* Protocol for Use/
4 June 15, 2003* TEAMS II Operational
5
6 *Contingent upon DOJ approvals

7 **Current Compliance Status:** See paragraph 39

8 **Compliance Action:** See paragraph 39

9 **Budget:** See paragraph 39

10 **Staffing:** See paragraph 39

11 **Space Needs:** See paragraph 39

12 **Activities:**

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14 The data elements and data element values to be included in the RMIS, consistent with the
15 information requirements of paragraph 41, are presented in the RMIS Requirements/Design
16 document submitted to the DOJ and Independent Monitor on October 1, 2001.
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1 **Decree ¶42**

2 **Decree Language:**

3 “42. The Department shall prepare and implement a plan for-inputting
4 historical data into TEAMS II (the "Data Input Plan"). The City shall have flexibility
5 in determining the most cost effective, reliable and time sensitive means for inputting
6 such data, which may include conversion of existing computerized databases. The
7 Data Input Plan will identify the data to be included and the means for inputting such
8 data (whether conversion or otherwise), the specific fields of information to be
9 included, the past time periods for which information is to be included, the deadlines
10 for inputting the data, and will assign responsibility for the input of the data. The
11 City will use reasonable efforts to include historical data that are up-to-date and
12 complete in TEAMS II. The amount, type and scope of historical data to be included
13 in TEAMS II shall be determined by the City, after consultation with the DOJ, on the
14 basis of the availability and accuracy of such data in existing computer systems, the
15 cost of obtaining or converting such data, and the impact of including or not including
16 such data will have on the overall ability of the Department to use TEAMS II as an
17 effective tool to manage at-risk behavior. The means and schedule for inputting such
18 data will be determined by the City in consultation with DOJ, taking into
19 consideration the above factors, as well as the City's ability to meet its obligations
20 under paragraph 50. With regard to historic use of force data, the City shall make the
21 determinations required by this paragraph for the beta version of TEAMS II required
22 by paragraph 50(c) and again for the final version of TEAMS II.”
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PROGRESS/STATUS SUMMARY

Due Dates: September 17, 2001 TEAMS II Design Document/
September 15, 2002* Beta Test Version & UOFS w/ Historic Data/
December 15, 2002* Protocol for Use/
June 15, 2003* TEAMS II Operational

*Contingent upon DOJ approvals

Current Compliance Status: See paragraph 39

Compliance Action: See paragraph 39

Budget: See paragraph 39

Staffing: See paragraph 39

Space Needs: See paragraph 39

Activities:

IBI's work includes reviewing existing LAPD systems containing data and information regarding misconduct complaints and data conversion for the new CMS. The City has performed preliminary analyses of use of force data and determined a more extensive review is required to determine historical data in-put needs. Several issues requiring resolution, such as potential data gaps, have been identified.

1 **Decree ¶43**

2 **Decree Language:**

3 “43. TEAMS II shall include relevant numerical and descriptive information
4 about each incorporated item and incident, and scanned or electronic attachments of
5 copies of relevant documents (e.g., through scanning or using computerized word
6 processing). TEAMS II shall have the capability to search and retrieve (through
7 reports and queries) numerical counts, percentages and other statistical analyses
8 derived from numerical information in the database; listings; descriptive information;
9 and electronic document copies for (a) individual employees, LAPD units, and groups
10 of officers, and (b) incidents or items and groups of incidents or items. TEAMS II
11 shall have the capability to search and retrieve this information for specified time
12 periods, based on combinations of data fields contained in TEAMS II (as designated
13 by the authorized user).
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17 **PROGRESS/STATUS SUMMARY**

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19 **Due Dates:** September 17, 2001 TEAMS II Design Document/
20 September 15, 2002* Beta Test Version & UOFS w/ Historic Data/
21 December 15, 2002* Protocol for Use/
22 June 15, 2003* TEAMS II Operational

23 *Contingent upon DOJ approvals

24 **Current Compliance Status:** See paragraph 39

25 **Compliance Action:** See paragraph 39

26 **Budget:** See paragraph 39

27 **Staffing:** See paragraph 39
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1 **Space Needs:** See paragraph 39

2 **Activities:**

3 The RMIS functionality, consistent with the information requirements of paragraph 43, is
4 presented in the RMIS Requirements/Design document submitted to the DOJ and Independent
5 Monitor on October 1, 2001.
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1 **Decree ¶44**

2 **Decree Language:**

3 “44. Where information about a single incident is entered in TEAMS II from
4 more than one document (e.g., from a Complaint Form 1.28 and a use of force
5 report), TEAMS II shall use a common control number or other equally effective
6 means to link the information from different sources so that the user can
7 cross-reference the information and perform analyses. Similarly, all personally
8 identifiable information relating to LAPD officers shall contain the serial or other
9 employee identification number of the officer to allow for linking and
10 cross-referencing information.”
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14 **PROGRESS/STATUS SUMMARY**

15 **Due Dates:** September 17, 2001 TEAMS II Design Document/
16 September 15, 2002* Beta Test Version & UOFS w/ Historic Data/
17 December 15, 2002* Protocol for Use/
18 June 15, 2003* TEAMS II Operational
19 *Contingent upon DOJ approvals
20

21 **Current Compliance Status:** See paragraph 39

22 **Compliance Action:** See paragraph 39

23 **Budget:** See paragraph 39

24 **Staffing:** See paragraph 39

25 **Space Needs:** See paragraph 39

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28 **Activities:**

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The RMIS includes cross-referencing capabilities, consistent with the requirements of paragraph 44. Cross-referencing functionality requirements are presented in the RMIS Requirements/Design submitted to the DOJ and Independent Monitor on October 1, 2001.

1 **Decree ¶45**

2 **Decree Language:**

3 “45. The City shall prepare a design document for TEAMS II that sets forth
4 in detail the City's plan for ensuring that the requirements of paragraphs 41, 43, and
5 44 are met, including: (i) the data tables and fields and values to be included pursuant
6 to paragraphs 41 and 43 and (ii) the documents that will be electronically attached.
7
8 The City shall prepare this document in consultation with the DOJ and the Monitor,
9 and shall obtain approval for such design document from the DOJ, which approval
10 shall not be unreasonably withheld.”
11

12 **PROGRESS/STATUS SUMMARY**

13
14 **Due Dates:** September 17, 2001

15 **Current Compliance Status:** Compliance

16 **Compliance Action:** See paragraph 50

17 **Budget:** See paragraph 39

18 **Staffing:** See paragraph 39

19 **Space Needs:** See paragraph 39

20 **Activities:**

21
22 The City submitted the RMIS data elements, data element values, and documents that will be
23 viewable in the RMIS to the DOJ and Independent Monitor on September 17, 2001, consistent with
24 the requirements of paragraph 45. This information is fundamental to the design of the RMIS. The
25 City submitted the RMIS Requirements/Design document to the DOJ and Independent Monitor on
26 October 1, 2001 (see paragraph 50).
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1 **Decree ¶46**

2 **Decree Language:**

3 “46. The Department shall develop and implement a protocol for using
4 TEAMS II, for purposes including supervising and auditing the performance of
5 specific officers, supervisors, managers, and LAPD units, as well as the LAPD as a
6 whole. The City shall prepare this protocol in consultation with the DOJ and the
7 Monitor, and shall obtain approval for the protocol and any subsequent modifications
8 to the protocol from the DOJ for matters covered by paragraph 47, which approval(s)
9 shall not be unreasonably withheld. The City shall notify DOJ of proposed
10 modifications to the protocol that do not address matters covered by paragraph 47
11 prior to implementing such modifications. In reviewing the protocol and the design
12 document for approval, DOJ shall use reasonable efforts to respond promptly to the
13 City in order to enable the City to meet the deadlines imposed by paragraph 50.”
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17 **PROGRESS/STATUS SUMMARY**

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19 **Due Dates:** December 15, 2002*

20 *Contingent upon DOJ approvals

21 **Current Compliance Status:** Pending

22 **Compliance Action:** In-Progress

23 **Budget:** See paragraph 39

24 **Staffing:** See paragraph 39

25 **Space Needs:** See paragraph 39
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Activities:

The TEAMS -II unit within the Human Resources Bureau, Risk Management Group, established and operational on April 30, 2000, is the lead on development of RMIS use protocols (see paragraph 47 and 53).

1 **Decree ¶47**

2 **Decree Language:**

3 “47. The protocol for using TEAMS II shall include the following provisions
4 and elements:

5 a. The protocol shall require that, on a regular basis, supervisors review
6 and analyze all relevant information in TEAMS II about officers under their
7 supervision to detect any pattern or series of incidents that indicate that an officer,
8 group of officers, or an LAPD unit under his or her supervision may be engaging in
9 at-risk behavior.

10 b. The protocol shall provide that when at-risk behavior may be occurring
11 based on a review and analysis described in the preceding subparagraph, appropriate
12 managers and supervisors shall undertake a more intensive review of the officer's
13 performance.

14 c. The protocol shall require that LAPD managers on a regular basis
15 review and analyze relevant information in TEAMS II about subordinate managers
16 and supervisors in their command regarding the subordinate's ability to manage
17 adherence to policy and to address at-risk behavior.

18 d. The protocol shall state guidelines for numbers and types of incidents
19 requiring a TEAMS II review by supervisors and managers (in addition to the regular
20 reviews required by the preceding subparagraphs), and the frequency of these reviews.

21 e. The protocol shall state guideline for the follow-up managerial or
22 supervisory actions (including non-disciplinary actions) to be taken based on reviews
23 of the information in TEAMS II required pursuant to this protocol.
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f. The protocol shall require that managers and supervisors use TEAMS II information as one source of information in determining when to undertake an audit of an LAPD unit or group of officers.

g. The protocol shall require that all relevant and appropriate information in TEAMS II be taken into account when selecting officers for assignment to the OHB Unit established in paragraph 55, units covered by paragraph 106, pay grade advancement, promotion, assignment as an IAG investigator or as a Field Training Officer, or when preparing annual personnel performance evaluations. Complaints and portions of complaints not permitted to be used in making certain decisions under state law shall not be used in connection with such decisions and TEAMS II shall reflect this limitation by excluding such complaints and portions of complaints from the information that is retrieved by a query or report regarding such decisions. Supervisors and managers shall be required to document their consideration of any sustained administrative investigation, adverse judicial finding, or discipline against an officer in each case for excessive force, false arrest or charge, improper search or seizure, sexual harassment, discrimination, or dishonesty in determining when such officer is selected for assignment to the OHB Unit, units covered by paragraph 106, pay grade advancement, promotion, or assignment as an IAG investigator or as a Field Training Officer, or when preparing annual personnel performance evaluations.

h. The protocol shall specify that actions taken as a result of information from TEAMS II shall be based on all relevant and appropriate information, and not solely on the number or percentages of incidents in any category recorded in TEAMS II.

1 i. The protocol shall provide that managers' and supervisors' performance
2 in implementing the provisions of the TEAMS II protocol shall be taken into account
3 in their annual personnel performance evaluations.

4 j. The protocol shall provide specific procedures that provide for each
5 LAPD officer to be able to review on a regular basis all personally-identifiable data
6 about him or her in TEAMS II in order to ensure the accuracy of that data. The
7 protocol also shall provide for procedures for correcting data errors discovered by
8 officers in their review of the TEAMS II data.

9 k. The protocol shall require regular review by appropriate managers of all
10 relevant TEAMS II information to evaluate officer performance citywide, and to
11 evaluate and make appropriate comparisons regarding the performance of all LAPD
12 units in order to identify any patterns or series of incidents that may indicate at-risk
13 behavior. These evaluations shall include evaluating the performance over time of
14 individual units, and comparing the performance of units with similar responsibilities:

15 l. The protocol shall provide for the routine and timely documentation in
16 TEAMS II of actions taken as a result of reviews of TEAMS II information.

17 m. The protocol shall require that whenever an officer transfers into a new
18 Division or Area, the Commanding officer of such new Division or Area shall
19 promptly cause the transferred officer's TEAMS II record to be reviewed by the
20 transferred officer's watch commander or supervisor. This shall not apply to
21 probationary Police Officers I.”
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27 **PROGRESS/STATUS SUMMARY**

28 **Due Dates:** December 15, 2002*

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*Contingent upon DOJ approvals

Current Compliance Status: Pending/Paragraphs 8 & 184

Compliance Action: In-Progress/ Paragraphs 8 & 184

Budget: See paragraph 39

Staffing: See paragraph 39

Space Needs: See paragraph 39

Activities:

The TEAMS II unit within the Human Resources Bureau, Risk Management Group, established and operational on April 30, 2000, is the lead on development of RMIS use protocols (see paragraph 53).

The development of: 1) thresholds pursuant to paragraph 47 (d) which requires RMIS review by supervisors and managers, and: 2) reports and comparisons pursuant to paragraph 47(k) have been identified as priorities, as this information is needed for the RMIS design effort. RMIS use protocols would also address other TEAMS II review mandates and access requirements contained throughout the Consent Decree, such as paragraphs 40, 53, 64, 83, 97, 107, 137, and 138.

Paragraph 47(i) has been identified as a meet and confer item (see paragraphs 8 and 184).

1 **Decree ¶48**

2 **Decree Language:**

3 “48. The LAPD shall train managers and supervisors, consistent with their
4 authority, to use TEAMS II to address at-risk behavior and to implement the protocol
5 described in paragraphs 46 and 47.”
6

8 **PROGRESS/STATUS SUMMARY**

9 **Due Dates:** Prior to TEAMS II Implementation

10 **Current Compliance Status:** Pending

11 **Compliance Action:** Pending

12 **Budget:** See paragraph 39

13 **Staffing:** See paragraph 39

14 **Space Needs:** NA

15 **Activities:**

16 Training regarding RMIS, UOFS, and CMS use will be undertaken when systems are
17 provided for use. Since the systems are under development training plans have not been initiated.
18 However, development of preliminary training plan for CMS has been included in the IBI contract.
19 Minimum training needs are identified in the RMIS Requirements/Design document submitted to
20 DOJ and the Independent Monitor on October 1, 2001.
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1 **Decree ¶49**

2 **Decree Language:**

3 “49. The City shall maintain all personally identifiable information about an
4 officer included in TEAMS II during the officer's employment with the LAPD and for
5 at least three years thereafter (unless otherwise required by law to be maintained for a
6 longer period). Information necessary for aggregate statistical analysis shall be
7 maintained indefinitely in TEAMS II. On an ongoing basis, the City shall make all
8 reasonable efforts to enter information in TEAMS II in a timely, accurate, and
9 complete manner, and to maintain the data in a secure and confidential manner
10 consistent with the applicable access policy as established pursuant to paragraph 40.”
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14 **PROGRESS/STATUS SUMMARY**

15 **Due Dates:** September 17, 2001 TEAMS II Design Document/
16 September 15, 2002* Beta Test Version & UOFS w/ Historic Data/
17 December 15, 2002* Protocol for Use/
18 June 15, 2003* TEAMS II Operational
19 *Contingent upon DOJ approvals
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21 **Current Compliance Status:** See paragraph 39

22 **Compliance Action:** See paragraph 39

23 **Budget:** See paragraph 39

24 **Staffing:** See paragraph 39

25 **Space Needs:** See paragraph 39
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28 **Activities:**

1 The RMIS Requirements/Design document, submitted to the DOJ and the Independent
2 Monitor on October 1, 2001, includes specifications regarding data retention.
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1 **Decree ¶50**

2 **Decree Language:**

3 “50. TEAMS II shall be developed and implemented according to the
4 following schedule:

5
6 a. Within three months of the effective date of this Agreement, the City
7 shall submit the design document required by paragraph 45 to DOJ for approval. The
8 City shall share drafts of this document with the DOJ and the Monitor to allow the
9 DOJ and the Monitor to become familiar with the document as it develops and to
10 provide informal comments on it. The City and the DOJ shall together seek to ensure
11 that the design document receives formal approval within 30 days after it is submitted
12 for approval. The City shall respond to any DOJ written comments or objections
13 during the approval process within 10 days, excluding weekends and state and federal
14 holidays. Such response shall explain the City's position and propose changes to the
15 design document as appropriate to respond to DOJ's concerns.

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18 b. Within 15 months of DOJ's approval of the design document pursuant
19 to paragraph 50(a), the City shall submit the protocol for using TEAMS II required by
20 paragraph 46 to DOJ for approval. The City shall share drafts of this document with
21 the DOJ and the Monitor to allow the DOJ and the Monitor to become familiar with
22 the document as it develops and to provide informal continents on it. The City and
23 DOJ shall together seek to ensure that the protocol receives final approval within 60
24 days after it is presented for approval. The City shall respond to any DOJ written
25 comments or objections during the approval process within 10 days, excluding
26 weekends and state and federal holidays. Such response shall explain the City's
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1 position and propose any changes to the protocol as appropriate to respond to DOJ's
2 concerns, together with a schedule for making the proposed changes.

3 c. Within 12 months of the approval of the design document pursuant to
4 paragraph 50(a), the City shall have ready for testing a beta version of TEAMS II
5 consisting of: (i) server hardware and operating systems installed, configured and
6 integrated with the LAPD intranet; (ii) necessary data base software installed and
7 configured; (iii) data structures created, including interfaces to source data; and
8 (iv) the use of force information system completed, including, subject to paragraph 42,
9 historic data. The DOJ and the Monitor shall have the opportunity to participate in
10 testing the beta version using use of force data and test data created specifically for
11 purposes of checking the TEAMS II system. As a beta version of TEAMS II
12 becomes operational, it shall be used in conjunction with TEAMS I and Internal
13 Affairs Group Form 1.80's to satisfy the requirements of paragraph 51 until TEAMS
14 II is fully implemented.

15 d. The TEAMS II computer program and computer hardware shall be
16 operational and implemented to the extent possible, subject to the completion of the
17 protocol for using TEAMS II required by paragraph 46, within 21 months of the
18 approval of the design document pursuant to paragraph 50(a).

19 e. TEAMS II shall be implemented fully within the later of 21 months of
20 the approval of the design document pursuant to paragraph 50(a), or 6 months of the
21 approval of the protocol for using TEAMS II pursuant to paragraph 50(b).”
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1 **PROGRESS/STATUS SUMMARY**

2 **Due Dates:** September 17, 2001 TEAMS II Design Document/
3 September 15, 2002* Beta Test Version & UOFS w/ Historic Data/
4 December 15, 2002* Protocol for Use/
5 June 15, 2003* TEAMS II Operational

6 *Contingent upon DOJ approvals

7 **Current Compliance Status:** Compliance/Pending

8 **Compliance:** Submittal of RMIS data elements on September 17, 2001 and the
9 Requirements/Design document on October 1, 2001/In-Progress

10 **Budget:** see paragraph 39

11 **Staffing:** see paragraph 39

12 **Space Needs:** see paragraph 39

13 **Activities:**

14 The City e-mailed the RMIS Requirements/Design document to the DOJ and the Independent
15 Monitor on October 1, 2001, with a hard copy delivered on October 3, 2001. The City did submit
16 the RMIS data elements, data element values, and documents that will be viewable in the RMIS,
17 consistent with the requirements of paragraph 45, to the DOJ and Independent Monitor on
18 September 17, 2001.

19 On August 1, 2001, the City transmitted draft RMIS Requirements and draft RMIS Design
20 documents, both dated July 30, 2001, to DOJ and the Independent Monitor consistent with the
21 requirements of paragraph 50 (a). In addition on July 9, 2001, the City transmitted to the
22 Independent Monitor, the draft UOFS Requirements Document, the RMIS draft Requirements
23 Document dated June 15, 2001, and the City's comments to LSS regarding those documents. The
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1 City's comments to LSS on the RMIS draft documents were transmitted to the DOJ on July 27,
2 2001.

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4 The City continues to move forward with RMIS development activities, as the DOJ and the
5 Independent Monitor review the RMIS Requirements/Design document. The DOJ is providing
6 comments to the City concurrent with its review to facilitate early resolution of any concerns
7 identified.

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1 **Decree ¶51**

2 **Decree Language:**

3 “51. The LAPD shall, until such time as TEAMS II is implemented, utilize
4 existing databases, information and documents to make certain decisions, as follows:

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6 a. Selection of officers for assignment to the OHB Unit or as IAG
7 investigators shall require that the LAPD review the applicable IAG Form 1.80's, and
8 all pending complaint files for such officers, in conjunction with the officer's TEAMS I
9 record.

10 b. Selection of officers as FTOs or for units covered by paragraph 106
11 shall require that the LAPD review the applicable TEAMS I record for such officer.

12 c. Whenever an officer transfers into a new Division or Area, the
13 Commanding Officer of such new Division or Area shall promptly cause the
14 transferred officer's TEAMS I record to be reviewed by the transferred officer's watch
15 commander or supervisor. This shall not apply to Probationary Police Officers 1.
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17 d. To the extent available from the reviews required by this paragraph,
18 supervisors and managers shall be required to document their
19 consideration of any sustained administrative investigation, adverse
20 judicial finding, or discipline against an officer, in each case, for
21 excessive force, false arrest or charge, improper search or seizure,
22 sexual harassment, discrimination, or dishonesty in determining when
23 such officer is selected for assignment to the OHB Unit, units covered
24 by paragraph 106, or assignment as an IAG investigator or Field
25 Training Officer.”
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PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Paragraph 8 & 184

Compliance Action: Current Practice/Paragraph 8 & 184

Budget: NA

Staffing: NA

Space Needs: NA

Activities:

Provision 51(d) has been identified as a meet and confer item. The other provisions of paragraph 51 are being discussed as part of the meet and confer process established consistent with the requirements of paragraph 8 and 184. Also see paragraphs 98, 107(a) and (c), and 114.

TEAMS I records are currently reviewed by many supervisors for appointments to positions, including positions in CIID, IAG, FTO, and Special Enforcement Units, however there is no formal codification to require such reviews. The LAPD has reviewed the TEAMS I records and IAG Form 1.80's for appointments to IAG (see paragraph 99) and CIID (see paragraph 55) since June 15, 2001.

To assist with the meet and confer process and to expedite implementation of some of the provisions of paragraph 51 should they turn out to be the result of the meet and confer process, the LAPD has developed a draft form to assist Department managers in the review and consideration of personnel assignments required by paragraph 51. The draft form naturally would be subject to modification should the meet and confer process lead to different resolutions.

The City is implementing TEAMS 1.5, which is designed to provide greater access to TEAMS I information department wide and provide Command staff with simple trending and threshold report capabilities. The goal of providing greater access to TEAMS I information is being

1 achieved by creating a web based system (TEAMS 1.5). TEAMS 1.5 was first implemented at
2 Central Bureau on June 4, 2001. The system is being rolled-out Bureau by Bureau with completion
3 of department wide implementation scheduled for March 2002.
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1 **Decree ¶52**

2 **Decree Language:**

3 “52. Following the initial implementation of TEAMS II, and as experience
4 and the availability of new technology may warrant, the City may or may cause the
5 Department to add, subtract, or modify data tables and fields, modify the list of
6 documents electronically attached, and add, subtract, or modify standardized reports
7 and queries. The City shall or shall cause the Department to consult with the DOJ and
8 the Monitor before subtracting or modifying any data tables or data fields, or
9 modifying the list of documents to be electronically attached, and make all reasonable
10 modifications to the proposed alterations based on any objections by the DOJ.
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14 **PROGRESS/STATUS SUMMARY**

15 **Due Date:** Post RMIS Requirements/Design Document Approval

16 **Current Compliance Status:** Compliance

17 **Compliance:** RMIS Development Procedure

18 **Budget:** See paragraph 39

19 **Staffing:** See paragraph 39

20 **Space Needs:** NA

21 **Activities:**

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The City submitted the RMIS Requirements/Design Document to DOJ for approval on October 1, 2001. Once approved by DOJ, the City will inform DOJ and the Independent Monitor of any changes to the data tables and fields, list of documents electronically attached, or standardized reports and queries consistent with the requirements of paragraph 52.

1 B. Management and Coordination of Risk Assessment Responsibilities

2 **Decree ¶53**

3 **Decree Language:**

4
5 “53. The LAPD shall designate a unit within the Human Resources Bureau
6 that is responsible for developing, implementing, and coordinating LAPD-wide risk
7 assessments. Such unit shall be responsible for the operation of TEAMS II, and for
8 ensuring that information is entered into and maintained in TEAMS II in accordance
9 with this Agreement. Such unit further shall provide assistance to managers and
10 supervisors who are using TEAMS II to perform the tasks required hereunder and in
11 the protocol adopted pursuant to paragraphs 46 and 47 above, and shall be
12 responsible for ensuring that appropriate standardized reports and queries are
13 programmed to provide the information necessary to perform these tasks. Nothing in
14 this Agreement shall preclude such unit from also having the responsibility for
15 providing investigative support and liaison with the Office of the City Attorney.”
16
17

18 **PROGRESS/STATUS SUMMARY**

19
20 **Due Date:** July 1, 2001/Post TEAMS II

21 **Current Compliance Status:** Compliance/Pending

22 **Compliance Action:** Special Order 18, “Risk Management Group-Established,” approved by the
23 Chief of Police on July 19, 2001, distributed July 24, 2001, and approved by the Police Commission
24 on September 18, 2001.

25
26 **Budget:** **FY 00-01:** \$91,360

27 **FY 01-02:** \$209,901, also see paragraph 39
28

1 **New Staffing: FY 00-01:** 1 Sergeant II; 1 Senior Systems Analyst II; 1 Senior Systems Analyst I; 1
2 Senior Clerk Typist

3 **FY 01-02:** Continuation of FY 00-01 staffing. Additional staff will be provided as
4 needed.
5

6 **Space Needs:** Potential future needs as RMIS development progresses.

7 **Activities:**

8 The TEAMS II unit within the Human Resources Bureau, Risk Management Group, was
9 established and operational on April 30, 2000, with Special Order 18, distributed July 24, 2001,
10 codifying the responsibilities of the Group. The Risk Management Group participates in the TEAMS
11 II Work Group, is responsible for coordinating LAPD comments on the various RMIS documents
12 and related computer programs, and is currently the lead on development of the RMIS protocols to
13 be developed pursuant to paragraphs 46 and 47. Additional staff will be added to the TEAMS II unit
14 as the development of the RMIS, UOFS, and CMS proceeds. Funding is available for these positions
15 (see paragraph 39).
16

17 The RMIS use protocols are under initial development and will address use of the RMIS for
18 development of LAPD-wide risk assessments and access to TEAMS II. See paragraph 47.
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1 C. Performance Evaluation System

2 **Decree ¶54**

3 **Decree Language:**

4
5 “54. Within 24 months of the effective date of this Agreement, the
6 Department shall develop and initiate implementation of a plan consistent with
7 applicable federal and state law and the City Charter that ensures that annual
8 personnel performance evaluations are prepared for all LAPD sworn employees that
9 accurately reflect the quality of each sworn employee's performance, including with
10 respect to: (a) civil rights integrity and the employee's community policing efforts
11 (commensurate with the employee's duties and responsibilities); (b) managers' and
12 supervisors' performance in addressing at-risk behavior including the responses to
13 Complaint, Form 1.28 investigations; (c) managers' and supervisors' response to and
14 review of Categorical and Non-Categorical Use of Force incidents, review of arrest,
15 booking, and charging decisions and review of requests for warrants and affidavits to
16 support warrant applications; and (d) managers' and supervisors' performance in
17 preventing retaliation. The plan shall include provisions to add factors described in
18 subparts (a)-(d), above, to employees' job descriptions, where applicable.”
19
20
21

22 **PROGRESS/STATUS SUMMARY**

23 **Due Date:** June 15, 2003

24 **Current Compliance Status:** Pending/Paragraphs 8 & 184

25 **Compliance Action:** In-progress/Paragraphs 8 & 184.

26 **Budget:** NA

27 **New Staffing:** See paragraph 184
28

1 **Space Needs:** NA

2 **Activities:**

3 Paragraph 54 has been identified as a meet and confer item (see paragraphs 8 and 184).
4
5 Research and development of a plan for revising the LAPD Employee Evaluation Guide, personnel
6 performance evaluations, and related forms have been initiated. Draft revised Personnel Evaluation
7 Forms for the ranks of Captain and above and Lieutenant and below have been developed internally
8 by the Human Resources Bureau. The draft forms included rating categories specific to various
9 Consent Decree mandates (also see paragraphs 62, 70(c), 98, and 108 (i)). The Personnel
10 Evaluation Form revisions will require approval by several City Departments, including the Personnel
11 Department.
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1 **III. INCIDENTS, PROCEDURES, DOCUMENTATION, INVESTIGATION, AND**
2 **REVIEW**

3 A Use of Force

4 **Decree ¶55**

5 **Decree Language:**

6
7 “55. Within six months of the effective date of this Agreement, all
8 Categorical Use of Force administrative investigations, including those formerly
9 conducted by the Robbery Homicide Division (“RHD”) or the Detectives
10 Headquarters Division ("DHD"), shall be conducted by a unit assigned to the
11 Operations Headquarters Bureau ("OHB"), which unit (the "OHB Unit") shall report
12 directly to the commanding officer of OHB.

13
14 a. Investigators in this unit shall be detectives, sergeants, or other officers
15 with supervisory rank.

16 b. In the organizational structure of the LAPD, the commanding officer
17 of OHB shall not have direct line supervision for the LAPD's geographic bureaus;
18 provided, however, that such commanding officer may continue to serve on the
19 Operations Committee (or any successor thereto), issue orders applicable to the
20 LAPD (including the geographic bureaus), assume staff responsibilities, as defined in
21 the LAPD manual, and undertake special assignments as determined by the Chief of
22 Police.

23
24 c. Investigators in this unit shall be trained in conducting administrative
25 investigations as specified in paragraph 80.”
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3 **PROGRESS/STATUS SUMMARY**

4 **Due Date:** December 15, 2001

5 **Current Compliance Status:** Partial Compliance

6 **Compliance Action:** Critical Incident Investigation Division (CIID) established in the Operation
7 Headquarters Bureau (OHB) on April 8, 2001; Human Resources Bureau (HRB) Notice,
8 "Administrative Investigation Training," approved by Human Resources Bureau June 27, 2001,
9 distributed July 2, 2001, revised September 13, 2001, approved by the Commission October 9, 2001.

10 **Budget: FY 00-01:** \$132,370

11 **FY 01-02:** \$282,342

12 **New Staffing: FY 00-01:** 1 Captain III; 1 Lt. II; 1 Sergeant II; 1 Secretary; 2 Senior Clerk Typist

13 **FY 01-02:** Continuation of FY 00-01 staffing, plus: 3 Detective III; 4 Detective II, 2
14 clerk typists

15 **Space Needs:** Provided in Parker Center

16 **Activities:**

17
18 The City has partially implemented the requirements of paragraph 55, with full
19 implementation anticipated in November, prior to the Consent Decree implementation date of
20 December 15, 2001. The CIID established in the Operation Headquarters Bureau (OHB) became
21 operational and has rolled out on a 24-hour basis to Categorical Uses of Force incidents since April
22 8, 2001. The Officer Involved Shooting and the Law Enforcement Related Injury Sections of
23 Robbery Homicide Division (RHD) and Detective Headquarters Division (DHD) were assigned to
24 the new CIID and enhanced with additional staff. CIID is organized under OHB and reports directly
25 to the Commanding Officer of OHB.
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Existing staff transferred from RHD and DHD to CIID were reviewed consistent with misconduct categories outlined in paragraph 51(d). The TEAMS I record and subsequently IAG Form 1.80's were reviewed for staff newly assigned to CIID, with special attention afforded those misconduct categories outlined in paragraph 51(d).

Investigative procedures consistent with those contained in paragraph 80 are included in Watch Commander and Detective Supervisor School (see paragraphs 80 and 123). All but one CIID investigator has completed such training. The one Detective II requiring training was scheduled for training in September. Due to the events of September 11, 2001, training courses were cancelled. The Detective II is now scheduled for training in October.

The Special Order formally establishing CIID and detailing its responsibilities is anticipated to be completed in November 2001.

1 **Decree ¶56**

2 **Decree Language:**

3 “56. The OHB Unit shall have the capability to "roll out" to all Categorical
4 Use of Force incidents 24 hours a day. The Department shall require immediate
5 notification to the Chief of Police, the OHB Unit, the Commission and the Inspector
6 General by the LAPD whenever there is a Categorical Use of Force. Upon receiving
7 each such notification, an OHB Unit investigator shall promptly respond to the scene
8 of each Categorical Use of Force and commence his or her investigation. The senior
9 OHB Unit manager present shall have overall command of the crime scene and
10 investigation at the scene where multiple units are present to investigate a Categorical
11 Use of Force incident; provided, however, that this shall not prevent the Chief of
12 Police, the Chief of Staff, the Department Commander or the Chief’s Duty Officer
13 from assuming command from a junior OHB supervisor or manager when there is a
14 specific need to do so.”
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18 **PROGRESS/STATUS SUMMARY**

19
20 **Due Date:** July 1, 2001/December 15, 2001

21 **Current Compliance Status:** Compliance/Partial compliance for December 15th provision

22 **Compliance Action:** March 6, 2001, Commission Motion regarding Use of Force; Human
23 Resources Bureau (HRB) Notice, “Categorical Use of Force Classifications and Investigative
24 Responsibility” approved by HRB and distributed July 30, 2001, pursuant to March 6, 2001
25 Commission Motion; Critical Incident Investigation Division (CIID) established in OHB on April 8,
26 2001.
27

28 **Budget:** see paragraph 55

1 **New Staffing:** see paragraph 55

2 **Space Needs:** see paragraph 55

3 **Activities:**

4 The City achieved partial compliance with this paragraph on July 1, 2001, with full
5 compliance achieved on July 30, 2001. The only area of delayed compliance was in response to the
6 two new types of Categorical Uses of Force established by the Consent Decree (definition in
7 paragraph 13): head strikes with an impact weapon and canine bites that result in hospitalization.
8 Although the Commission adopted a Use of Force Policy defining Categorical Use of Force, the
9 definition was published for implementation by field personnel on July 30, 2001 (see also paragraphs
10 64, 67, 69, 136, and 142).

11 The Consent Decree contains several provisions regarding the review and processing of
12 Categorical Uses of Force. The City's original implementation strategy was to include the various
13 Consent Decree provisions that relate to a single subject area into a single implementation Order. In
14 addition, in some cases changes to policies and procedures which were under development by LAPD,
15 but not required by the Consent Decree, were rolled into such subject area Orders as this was
16 determined to be the most efficient process for Order processing, implementation, and personnel
17 training. With the Critical Incident Investigation Division (CIID) operational on April 8, 2001, the
18 LAPD originally included the definition of Categorical Use of Force in the subject area Order
19 implementing the CIID. The CIID subject area Order is very complex and was delayed. To correct
20 the partial compliance issue associated with implementation of paragraphs 56, 64, 67, 69, 136, and
21 142 LAPD pulled the definition of Categorical Use of Force out of the draft CIID Order and
22 distributed a separate Notice with the definition only on July 30, 2001.

23 The Department Command Post is responsible for notifying appropriate entities regarding
24 Categorical Use of Force incidents. On July 12, 2001, the Inspector General was not notified of two
25

1 Categorical Uses of Force. CIID was notified directly of the incidents and therefore the notifications
2 did not proceed through the Command Post. To remedy such potential future events a procedure has
3 been implemented that the CIID case supervisor assigned to the incident conducts follow-up checks
4 to verify that notifications are made. This new procedure will be codified in the CIID Special Order
5 anticipated to be completed in November, 2001.
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1 **Decree ¶57**

2 **Decree Language:**

3 “57. In addition to administrative investigations and where the facts so
4 warrant, the LAPD shall also conduct a separate criminal investigation of Categorical
5 Uses of Force. The criminal investigation shall not be conducted by the OHB Unit.”
6

8 **PROGRESS/STATUS SUMMARY**

9 **Due Date:** October 15, 2001

10 **Current Compliance Status:** Compliance

11 **Compliance Action:** LAPD Manual Sections 3/794.25 and 3/794.32

12 **Budget:** NA

13 **New Staffing:** NA

14 **Space Needs:** NA

15 **Activities:**

16
17 The provisions of paragraph 57 are current LAPD practice and therefore were effective prior
18 to the Consent Decree implementation date of October 15, 2001.

19 It is the practice of LAPD that Robbery Homicide Division (RHD) conduct criminal investigations
20 involving an Officer Involved Shooting. Criminal investigations related to other Categorical Uses of
21 Force may be assigned to an Area homicide team within the Bureau of occurrence (LAPD Manual
22 Section 3/794.25) or to IAG (LAPD Manual Section 794.32).
23

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26 These procedures will be reaffirmed in the CIID Special Order anticipated to be completed in
27 November 2001.
28

1 **Decree ¶58**

2 **Decree Language:**

3 “58. The LAPD shall continue its policy of notifying the County of Los
4 Angeles District Attorney's Office whenever an LAPD officer, on or off-duty, shoots
5 and injures any person during the scope and course of employment. In addition, the
6 LAPD shall notify the District Attorney's Office whenever an individual dies while in
7 the custody or control of an LAPD officer or the LAPD, and a use of force by a peace
8 officer may be a proximate cause of the death.”
9
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11 **PROGRESS/STATUS SUMMARY**

12
13 **Due Date:** June 15, 2001

14 **Current Compliance Status:** Compliance

15 **Compliance Action:** March 3, 2000, Protocol with the Los Angeles County District Attorney's
16 Office.

17 **Budget:** NA

18 **New Staffing:** NA

19 **Space Needs:** NA

20 **Activities:**

21 The March 3, 2000, Protocol with the Los Angeles County District Attorney's Office
22 regarding the Officer Involved Shooting Response Program requires that the Department Command
23 Post notify the District Attorney's Office of the events identified in paragraph 58. Upon arrival at the
24 scene, the assigned District Attorney staff members are added to the incident log maintained at the
25 scene.
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The Los Angeles County District Attorney’s Office Officer Involved Shooting notification policy will be reaffirmed in the CIID Special Order anticipated to be completed in November. The CIID Special Order will include a procedure to require the CIID case supervisor assigned to the incident conduct follow-up checks to verify that appropriate notifications are made.

1 **Decree ¶59**

2 **Decree Language:**

3 “59. The LAPD shall continue to provide cooperation to the District
4 Attorney's Office personnel who arrive on the scene of the incident.”
5

6
7 **PROGRESS/STATUS SUMMARY**

8 **Due Date:** June 15, 2001

9 **Current Compliance Status:** Compliance.

10 **Compliance Action:** March 3, 2000, Protocol with the Los Angeles County District Attorney's
11 Office.

12 **Budget:** NA

13 **New Staffing:** NA

14 **Space Needs:** NA

15 **Activities:** See paragraph 58.
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1 **Decree ¶60**

2 **Decree Language:**

3 “60. The Department shall renew its request to the appropriate bargaining
4 unit(s) for a provision in its collective bargaining agreements that when more than one
5 officer fires his or her weapon in a single OIS incident, then each officer should be
6 represented by a different attorney during the investigation and subsequent
7 proceedings. The foregoing acknowledges that each officer retains the right to be
8 represented by an attorney of his or her choice.”
9
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11 **PROGRESS/STATUS SUMMARY**

12
13 **Due Date:** July 1, 2001

14 **Current Compliance Status:** Compliance

15 **Compliance Action:** July 24, 2001, letter from the City Attorney’s Office to the Los Angeles Police
16 Protective League

17 **Budget:** NA

18 **New Staffing:** NA

19 **Space Needs:** NA

20 **Activities:**

21
22 Compliance with the July 1, 2001, implementation due date was delayed, with compliance
23 achieved on July 24, 2001. On July 24, 2001, the City Attorney’s Office submitted a letter to the
24 Police Protective League to renew the City’s request for a provision in the collective bargaining
25 agreement that when more than one officer fires his or her weapon in a single OIS incident, then each
26 officer should be represented by a different attorney during the investigation and subsequent
27 proceedings. This item will be discussed as part of the meet and confer process.
28

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1 **Decree ¶61**

2 **Decree Language:**

3 “61. All involved officers and witness officers shall be separated immediately
4 after an OIS, and shall remain separated until all such officers have given statements
5 or, in the case of involved officers, declined to give a statement; provided, however,
6 that nothing in this Agreement prevents the Department from compelling a statement
7 or requires the Department to compel a statement in the event that the officer has
8 declined to give a statement. In such a case, all officers shall remain separated until
9 such compelled statement has been given.”
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13 **PROGRESS/STATUS SUMMARY**

14 **Due Date:** October 15, 2001

15 **Current Compliance Status:** Compliance

16 **Compliance Action:** Officer Involved Shooting Manual published in April 1995.

17 **Budget:** NA

18 **New Staffing:** NA

19 **Space Needs:** NA

20 **Activities:**

21 Separation of involved and witness officers at an Officer Involved Shooting incident has been
22 LAPD practice for several years and is outlined in the Officer Involved Shooting Manual published in
23 April 1995.
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1 **Decree ¶62**

2 **Decree Language:**

3 “62. Managers shall analyze the circumstances surrounding the presence or
4 absence of a supervisor at (a) a Categorical Use of Force incident, and (b) the service
5 of a search warrant. In each case, such analysis shall occur within one week of the
6 occurrence of the incident or service to determine if the supervisor's response to the
7 incident or service was appropriate. Such supervisory conduct shall be taken into
8 account in each supervisor's annual personnel performance evaluation.”
9
10

11 **PROGRESS/STATUS SUMMARY**

12
13 **Due Date:** June 15, 2001

14 **Current Compliance Status:** Compliance/Paragraph 8 & 184.

15 **Compliance Action:** Special Order 25, “ Search Warrant Procedures,” approved by the Chief of
16 Police August 10, 2001, distributed August 17, 2001, approved by the Police Commission September
17 18, 2001; Human Resources Bureau (HRB) Notice, “Commanding Officer Review of Categorical
18 Use of Force,” approved by HRB and distributed August 10, 2001, revised October 5, 2001,
19 approved by the Commission October 9, 2001; Commission Motion regarding Categorical Use of
20 Force, March 6, 2001, implementing HRB Notice, “Categorical Use of Force Classifications and
21 Investigative Responsibility,” approve by HRB and distributed July 30, 2001; paragraphs 8 and 184.

22 **Budget:** NA

23 **New Staffing:** NA

24 **Space Needs:** NA

25 **Activities:**

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1 Compliance by the July 1, 2001, implementation due date was delayed until August 17, 2001,
2 and one provision has been identified as a meet and confer item. Compliance with the requirements
3 to analyze the presence or absence of a supervisor at a Categorical Use of Force incident was
4 codified in the HRB Notice entitled “Commanding Officer Review of Categorical Use of Force,”
5 distributed August 10, 2001. The requirements to analyze the presence or absence of a supervisor at
6 the service of a search warrant is included in Special Order 25, distributed August 17, 2001.
7

8 The provision regarding consideration of supervisory conduct in each supervisor’s annual
9 personnel performance evaluation has been identified as a meet and confer item (see paragraphs 8
10 &184). A review of the LAPD Employee Evaluation Guide has been initiated and will consider the
11 supervisor evaluation provision of paragraph 62 (see paragraph 54). To assist with the meet and
12 confer process and to expedite implementation of paragraph 62 should it turn out to be the result of
13 the meet and confer process, the LAPD has developed a draft performance Evaluation form. The
14 draft form naturally would be subject to modification should the meet and confer process lead to
15 different resolutions.
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1 **Decree ¶63**

2 **Decree Language:**

3 “63. The Department shall continue its practice of referring all officers
4 involved in a Categorical Use of Force resulting in death or the substantial possibility
5 of death (whether on or off duty) to BSS for a psychological evaluation by a licensed
6 mental health professional. The matters discussed in such evaluation shall be strictly
7 confidential and shall not be communicated to other LAPD officers without the
8 consent of the officer evaluated. No such officer shall return to field duty until his or
9 her manager determines that the officer should be returned to field duty upon
10 consultation with BSS.”
11
12

13
14 **PROGRESS/STATUS SUMMARY**

15 **Due Date:** June 15, 2001

16 **Current Compliance Status:** Compliance.

17 **Compliance Action:** LAPD Manual Sections 3/799.10 and 4/245.15

18 **Budget:** NA

19 **New Staffing:** NA

20 **Space Needs:** NA

21 **Activities:**

22 The provisions of paragraph 63 are current LAPD practice (LAPD Manual Sections 3/799.10
23 and 4/245.15). The CIID Special Order, anticipated to be completed in November, 2001, will re-
24 affirm the requirements of paragraph 63.
25
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1 **Decree ¶64**

2 **Decree Language:**

3 “64. Except as limited or prohibited by applicable state law, when a manager
4 reviews and makes recommendations regarding discipline or non-disciplinary action as
5 a result of a Categorical Use of Force, the manager will consider the officer's work
6 history, including information contained in the TEAMS II system, and that officer's
7 Categorical Use of Force history, including a review of the tactics the officer has used
8 in past uses of force.”
9
10

11 **PROGRESS/STATUS SUMMARY**

12
13 **Due Date:** July 1, 2001/Post TEAMS II

14 **Current Compliance Status:** Compliance/Pending

15 **Compliance Action:** Manager’s Guide to Discipline, January, 2000; Human Resources Bureau
16 (HRB) Notice, “Commanding Officer Review of Categorical Use of Force,” approved by HRB and
17 distributed August 10, 2001, revised October 5, 2001, approved by the Commission October 9,
18 2001; RMIS Development Activities
19

20 **Budget:** NA

21 **New Staffing:** NA

22 **Space Needs:** NA
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Activities:

The City was in partial compliance with this paragraph on July 1, 2001, with full compliance achieved August 10, 2001. The area of delayed compliance regarded the requirement that Categorical Use of Force incident reviews include consideration of tactics previously used by officers. The HRB Notice “Commanding Officer Review of Categorical Use of Force,” distributed August 10, 2001, codified the requirement to consider previous tactics when reviewing Categorical Uses of Force. The consideration of work history when making recommendations regarding discipline or non-disciplinary action, including Categorical Use of Force incidents, is current LAPD practice and is outlined in the Manager’s Guide to Discipline (see paragraph 56 discussion).

The RMIS and its protocol for use are under development and will include the provisions of paragraph 64 (see paragraph 47).

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Decree ¶65

Decree Language:

“65. The Department shall continue to require officers to report to the LAPD without delay the officer's own use of force (on the use of force form as revised pursuant to paragraph 66).”

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Compliance Action: Manual Section 4/245.10.

Budget: NA

New Staffing: NA

Space Needs: NA

Activities:

The provisions of paragraph 65 are current practice. The Non-Categorical Use of Force Form was revised consistent with the requirements of paragraph 66 on September 1, 2001.

1 **Decree ¶66**

2 **Decree Language:**

3 “66. The LAPD shall modify its current use of force report form to include
4 data fields that require officers to identify with specificity the type of force used for
5 the physical force category, to record the body area impacted by such physical use of
6 force, to identify fractures and dislocations as a type of injury, and to include beanbag
7 shot gun as a type of force category.”
8

10 **PROGRESS/STATUS SUMMARY**

11 **Due Date:** July 1, 2001

12 **Current Compliance Status:** Compliance

13 **Compliance Action:** Special Order 27, “Investigating Non-Categorical Use of Force Incidents,”
14 executed by the Chief of Police September 1, 2001, distributed September 17, 2001, approved by the
15 Police Commission September 25, 2001.
16

17 **Budget:** NA

18 **New Staffing:** NA

19 **Space Needs:** NA

20 **Activities:**

21 Compliance by the July 1, 2001, implementation due date was delayed until September 17,
22 2001. The revised Non-Categorical Use of Force form was released in Special Order 27, which was
23 distributed September 17, 2001.
24

25 The Consent Decree contains several provisions regarding the review and processing of non-
26 categorical uses of force investigations. The City’s original implementation strategy was to include
27 the various Consent Decree provisions that relate to a single subject area into a single implementation
28

1 Order. In addition, in some cases changes to policies and procedures which were under development
2 by LAPD, but not required by the Consent Decree, were rolled into such subject area Orders as this
3 was determined to be the most efficient process for Order processing, implementation, and personnel
4 training. The Non-Categorical Use of Force Order was delayed due to the inclusion of new non-
5 categorical use of force review processes not required by the Consent Decree which created
6 additional review requirements and potential personnel related issues. LAPD deleted the non-
7 Consent Decree related review process elements from the Order and the Order was distributed, with
8 the revised Use of Force form required by Consent Decree paragraph 66, on September 17, 2001.
9

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11 The Non-Categorical Use of Force form may need to be further revised to be consistent with
12 the information planned for the Use of Force System.
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1 **Decree ¶67**

2 **Decree Language:**

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4 “67. The Commission shall continue its practice of reviewing all Categorical
5 Uses of Force including all the reports prepared by the Chief of Police regarding such
6 incidents and related investigation files. These reports shall be provided to the Police
7 Commission at least 60 days before the running of any statute of limitations that
8 would restrict the imposition of discipline related to such Categorical Use of Force.
9 Provided, however, if the investigation file has not been completed by this time, the
10 LAPD shall provide the Commission with a copy of the underlying file, including all
11 evidence gathered, with a status report of the investigation that includes an
12 explanation of why the investigation has not been completed, a description of the
13 investigative steps still to be completed, and a schedule for the completion of the
14 investigation. The Commission shall review whether any administrative investigation
15 was unduly delayed due to a related criminal investigation, and, if so, shall assess the
16 reasons therefor.”
17
18

19
20 **PROGRESS/STATUS SUMMARY**

21 **Due Date:** June 15, 2001

22 **Current Compliance Status:** Compliance

23 **Compliance Action:** March 6, 2001, Commission Motion regarding Categorical Use of Force;
24 implementing Human Resources Bureau Notice (HRB) Notice, “Categorical Use of Force
25 Classifications and Investigative Responsibility” approved by HRB and distributed July 30, 2001; Use
26 of Force Review Section process re-affirmed by the Police Commission July 17, 2001.
27

28 **Budget:** NA

1 **New Staffing:** NA

2 **Space Needs:** NA

3 **Activities:**

4
5 The City was in partial compliance with paragraph 67 on July 1, 2001, with full compliance
6 achieved July 30, 2001. The only area of delayed compliance was in response to the two new types
7 of Categorical Uses of Force established by the Consent Decree (definition in paragraph 13): head
8 strikes with an impact weapon and canine bites that result in hospitalization. Although the
9 Commission adopted a Use of Force Policy defining Categorical Use of Force in March, the Human
10 Resources Bureau Notice codifying the definition was published for implementation by field
11 personnel on July 30, 2001 (see paragraph 56 discussion). It is the current policy and practice of the
12 Commission that the Inspector General and the Commission review all Categorical Uses of Force
13 (see also paragraph 142).

14
15 The Use of Force Review Section process, which includes investigation time lines, was re-
16 affirmed by the Police Commission July 17, 2001. A Use of Force Review Board Protocol Manual is
17 being developed.

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1 **Decree ¶68**

2 **Decree Language:**

3 “68. The LAPD shall continue to require that all uses of force that are not
4 Categorical Uses of Force (“Non-Categorical Uses of Force”) be reported to a
5 supervisor who shall conduct a timely supervisory investigation of the incident, as
6 required under LAPD policy and paragraphs 69 and 81, including collecting and
7 analyzing relevant documents and witness interviews, and completing a use of force
8 report form.”
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11 **PROGRESS/STATUS SUMMARY**

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13 **Due Date:** June 15, 2001

14 **Current Compliance Status:** Compliance

15 **Compliance Action:** Manual Section 4/245.10; March 6, 2001, Commission Motion regarding
16 Categorical Use of Force; implementing Human Resources Bureau Notice (HRB) Notice,
17 “Categorical Use of Force Classifications and Investigative Responsibility” approved and distributed
18 July 30, 2001; Special Order 27, “Investigating Non-Categorical Use of Force Incidents,” approved
19 by the Chief of Police September 1, 2001, published September 17, 2001, approved by the
20 Commission September 25, 2001.
21

22 **Budget:** NA

23 **New Staffing:** NA

24 **Space Needs:** NA

25 **Activities:**

26
27 LAPD’s current practice requires employees to report non-categorical uses of force to a
28 supervisor and requires a supervisory investigation of such incidents (Manual Section 4/245.10).

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Special Order 27 which re-affirms these requirements was published September 17, 2001.
Investigative procedures consistent with those contained in paragraph 81 are included in Watch
Commander and Detective Supervisor School (see also paragraphs 80 and 123).

1 **Decree ¶69**

2 **Decree Language:**

3 “69. The Department shall continue to have the Use of Force Review Board
4 review all Categorical Uses of Force. The LAPD shall continue to have
5 Non-Categorical Uses of Force reviewed by chain-of-command managers at the
6 Division and Bureau level. Non-Categorical Use of Force investigations shall be
7 reviewed by Division management within 14 days of the incident, unless a member of
8 the chain-of-command reviewing the investigation detects a deficiency in the
9 investigation, in which case the review shall be completed within a period of time
10 reasonably necessary to correct such deficiency in the investigation or reports.”
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14 **PROGRESS/STATUS SUMMARY**

15 **Due Date:** June 15, 2001

16 **Current Compliance Status:** Compliance

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18 **Compliance Action:** LAPD Manual Section 2/092.50 and 4/245.10; March 6, 2001, Commission
19 Motion regarding Categorical Use of Force; implementing Human Resources Bureau Notice (HRB)
20 Notice, “Categorical Use of Force Classifications and Investigative Responsibility” approved and
21 distributed on July 30, 2001; Use of Force Review Section process re-affirmed by the Police
22 Commission July 17, 2001; Special Order 27, “Investigating Non-Categorical Use of Force Incident,”
23 approved by the Chief of Police September 1, 2001, published September 17, 2001, approved by the
24 Commission September 25, 2001; HRB Notice, “Commanding Officer Review of Use of Force
25 Board-Revised,” approved and distributed by HRB October 5, 2001, approved by the Commission
26 October 9, 2001.
27

28 **Budget:** NA

1 **New Staffing:** NA

2 **Space Needs:** NA

3 **Activities:**

4
5 The City was in partial compliance with paragraph 69 on July 1, 2001, with full compliance
6 achieved September 17, 2001. One area of delayed compliance was in response to the two new
7 types of Categorical Uses of Force established by the Consent Decree (definition in paragraph 13):
8 head strikes with an impact weapon and canine bites that result in hospitalization. Although the
9 Commission adopted a Use of Force Policy defining Categorical Use of Force in March, the HRB
10 Notice codifying the definition was published for implementation by field personnel on July 30, 2001
11 (see paragraph 56 discussion).
12

13 The practice of having significant uses of force reviewed by the Use of Force Review Board
14 is current LAPD practice. The responsibilities of the Use of Force Review Board are outlined in
15 Manual Section 2/092.50. As indicated in the definition of Categorical Use of Force (paragraph 13),
16 dog bites that result in hospitalization are not uses of force. Therefore, a review panel for dog bites
17 that result in hospitalization, consistent with the level of review and oversight provided for
18 Categorical Uses of Force other than dog bites, has been established pursuant to an HRB Notice
19 distributed October 5, 2001. A Use of Force Review Board Protocol Manual is being developed.
20

21 Although it is general practice that non-categorical use of force investigations are reviewed by
22 Division management within 14 days of the incident, the requirement was first codified in Special
23 Order 27, published September 17, 2001.
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1 B. Search and Arrest Procedures

2 **Decree ¶70**

3 **Decree Language:**

4
5 “70. The Department shall continue to require all booking recommendations
6 be personally reviewed and approved by a watch commander as to appropriateness,
7 legality, and conformance with Department policies. Additionally, the watch
8 commander or designee will personally review and approve supporting arrest reports
9 as to appropriateness, legality and conformance with Department polices in light of
10 the booking recommendation.

11
12 a. Such reviews shall continue to entail a review for completeness of the
13 information that is contained on the applicable forms and an authenticity review to
14 include examining the form for “canned” language, inconsistent information, lack of
15 articulation of the legal basis for the action or other indicia that the information on the
16 forms is not authentic or correct.

17
18 b. Supervisors shall evaluate each incident is which a person is charged
19 with interfering with a police officer (California Penal Code § 148), resisting arrest, or
20 assault on an officer to determine whether it raises any issue or concern regarding
21 training, policy, or tactics.

22
23 c. The quality of these supervisory reviews shall be taken into account in
24 the supervisor's annual personnel performance evaluations.”

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PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001/July 1, 2001

Current Compliance Status: Compliance/Paragraphs 8 & 184

Compliance Action: Manual Section 4/601 et. al.; Special Order 10, 2000; Special Order 13, “Booking Approval Procedure-Revised,” approved by Chief of Police June 20, 2001, published June 26, 2001, approved by Commission July 10, 2001; Special Order 12, “ Evaluation of Arrests for Booking,” approved by Chief of Police June 20, 2001, distributed June 26, 2001, approved by the Commission July 10, 2001; paragraphs 8 & 184.

Budget: NA

New Staffing: NA

Space Needs: NA

Activities:

The mandates of paragraph 70(a) are existing LAPD practice. These procedures were re-affirmed in Special Order 13, published June 26, 2001.

Special Order 12, published on June 20, 2001, implemented paragraph 70(b).

Paragraph 70(c) has been identified as a meet and confer item (see paragraphs 8 & 184). A review of the LAPD Employee Evaluation Guide has been initiated and will consider the supervisor evaluation provision of 70 (c) (see paragraph 54). To assist with the meet and confer process and to expedite implementation of paragraph 70(c) should it turn out to be the result of the meet and confer process, the LAPD has developed draft performance evaluation forms. The draft form naturally would be subject to modification should the meet and confer process lead to different resolutions.

Audit Results: An audit of arrest, booking and charging reports was conducted pursuant to paragraph 125 (b) (see also paragraph 125). Although the requirements of the Consent Decree were not effective during the period covered by the audit, the procedures established in paragraph 70 (a)

1 were current procedure during the period covered by the audit. The audit identified some
2 deficiencies in areas such as inadequate articulation of facts, supervisory approval, and use of canned
3 language. The Inspector General’s review of the audit pursuant to paragraph 135, concurred with
4 the findings of the arrest, booking and charging reports audit and commended the audit methodology.
5 Recommendations to remedy deficiencies identified were included in the audit report and are being
6 considered and/or implemented.

8 Arrest, booking, and charging reports are scheduled to be audited again during the second
9 quarter of FY 01-02 (October-December).

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1 **Decree ¶71**

2 **Decree Language:**

3 “71. The LAPD shall continue to implement procedures with respect to
4 search warrants and probable cause arrest warrants as defined in the LAPD manual
5 (commonly known as "Ramey" warrants), which require, among other things, that a
6 supervisor shall review each request for a warrant and each affidavit filed by a police
7 officer to support the warrant application. Such review shall include:
8

9 a. a review for completeness of the information contained therein and an
10 authenticity review to include an examination for "canned" language, inconsistent
11 information, and lack of articulation of the legal basis for the warrant; and
12

13 b. a review of the information on the application and affidavit, where
14 applicable, to determine whether the warrant is appropriate, legal and in conformance
15 with LAPD procedure.
16

17 c. In addition, a supervisor shall review the officer's plan for executing
18 the search warrant and, after execution of the search warrant, review the execution of
19 the search warrant. A supervisor shall be present for execution of the search
20 warrant.”
21

22 **PROGRESS/STATUS SUMMARY**

23 **Due Date:** June 15, 2001

24 **Current Compliance Status:** Compliance

25 **Compliance Action:** Search Warrant Procedures Guide published in December 1996; Special Order
26 25, “Search Warrant Procedures,” approved by the Chief of Police August 10, 2001, published
27 August 17, 2001, approved by the Commission September 18, 2001.
28

1 **Budget:** NA

2 **New Staffing:** NA

3 **Space Needs:** NA

4 **Activities:**

5
6 The procedures required in paragraph 71 are current LAPD practice (Search Warrant
7 Procedures Guide published in December 1996). Special Order 25, published on August 17, 2001,
8 re-affirmed the procedures required by paragraph 71.

9 **Audit Results:** An audit of search warrants was conducted pursuant to paragraph 125 (a)
10 (see also paragraph 125). Although the requirements of the Consent Decree were not effective
11 during the period covered by the audit, the procedures established in paragraph 71 were current
12 practice during the period covered by the audit. The audit identified some deficiencies in search
13 warrant related areas, such as search warrant tracking and consistency in search warrant file format
14 and content. The Inspector General's review of the audit pursuant to paragraph 135, concurred with
15 the findings of the audit and identified some concerns with the auditing methodology and sample size.
16 Recommendations to remedy deficiencies identified were included in the audit report and are being
17 considered and/or implemented.
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1 **Decree ¶72**

2 **Decree Language:**

3 “72. Each Area and specialized Division of the LAPD shall maintain a log
4 listing each search warrant, the case file where a copy of such warrant is maintained,
5 and the officer who applied for and each supervisor who reviewed the application for
6 such warrant.”
7

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9 **PROGRESS/STATUS SUMMARY**

10 **Due Date:** July 1, 2001

11 **Current Compliance Status:** Compliance

12 **Compliance Action:** Special Order 25, “Search Warrant Procedures,” approved by the Chief of
13 Police August 10, 2001, published August 17, 2001, approved by the Commission September 18,
14 2001

15 **Budget:** NA

16 **New Staffing:** NA

17 **Space Needs:** NA

18 **Activities:**

19 The July 1, 2001 compliance due date was delayed and compliance with this provision was
20 achieved August 17, 2001. Special Order 25 published on August 17, 2001, established the Warrant
21 Tracking Log, new LAPD Form 8.17.05. This form will be maintained by each operational division
22 Commanding Officer to track Department generated search and Ramey warrants.
23

24 Special Order 25 was delayed during drafting. During the delay, the search warrant audit
25 conducted pursuant to paragraph 125 was released. The audit report included recommendations
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regarding search warrant tracking (see paragraphs 71 and 125). Special Order 25 was further delayed to incorporate recommendations into the Warrant Tracking Log Order as appropriate.

1 **Decree ¶73**

2 **Decree Language:**

3 “73. All detainees and arrestees brought to an LAPD facility shall be brought
4 before a watch commander for inspection. The watch commander shall visually
5 inspect each such detainee or arrestee for injuries as required by LAPD procedures
6 and, at a minimum, ask the detainee or arrestee the questions required by current
7 LAPD procedures, which are: 1) "Do you understand why you were
8 detained/arrested?"; 2) "Are you sick, ill, or injured?"; 3) "Do you have any questions
9 or concerns?" In the rare cases where circumstances preclude such an inspection and
10 interview by a watch commander, the LAPD shall ensure that the person is inspected
11 and interviewed by a supervisor who did not assist or participate in the person's arrest
12 or detention. In each instance, the watch commander or supervisor, as appropriate,
13 shall sign the related booking documentation, which shall indicate their compliance
14 with these procedures.”
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18 **PROGRESS/STATUS SUMMARY**

19 **Due Date:** October 15, 2001

20 **Current Compliance Status:** Compliance

21 **Compliance Action:** Special Order 10, “Booking Approval and Inspection of Arrestees,” distributed
22 April 3, 2000; Special Order 13, “ Booking Approval Procedures – Revised,” approved by the Chief
23 of Police June 20, 2001, published June 26, 2001, approved by the Commission July 10, 2001
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26 **Budget:** NA

27 **New Staffing:** NA

28 **Space Needs:** NA

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Activities:

The procedures required by paragraph 73 are current LAPD practice (Special Order 10, 2000). Special Order 13, published on August 17, 2001, re-affirmed the procedures required by paragraph 73 and specifically addressed the instances in which inspection and interview by the Watch Commander is precluded.

1 C. Initiation of Complaints

2 **Decree ¶74**

3 **Decree Language:**

4
5 “74. The Department shall continue to provide for the receipt of complaints
6 as follows:

- 7 a. in writing or verbally, in person, by mail, by telephone (or TDD),
8 facsimile transmission, or by electronic mail;
- 9 b. anonymous complaints;
- 10 c. at LAPD headquarters, any LAPD station or substation, or the offices
11 of the Police Commission or the Inspector General;
- 12 d. distribution of complaint materials and self-addressed postage-paid
13 envelopes is easily accessible City locations throughout Los Angeles and in languages
14 utilized by the City of Los Angeles in municipal election ballot materials;
- 15 e. distribution of the materials needed to file a complaint upon request to
16 community groups, community centers, and public and private service centers;
- 17 f. the assignment of a case number to each complaint; and
- 18 g. continuation of a 24-hour toll-free telephone complaint hotline. Within
19 six months of the effective date of this Agreement, the Department shall record all
20 calls made on this hotline.
- 21 h. In addition, the Department shall prohibit officers from asking or
22 requiring a potential complainant to sign any form that in any manner limits or waives
23 the ability of a civilian to file a police complaint with the LAPD or any other entity.
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25 The Department shall also prohibit officers, as a condition for filing a misconduct
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1 complaint, from asking or requiring a potential complainant to sign a form that limits
2 or waives the ability of a civilian to file a lawsuit in court.”
3

4 **PROGRESS/STATUS SUMMARY**

5
6 **Due Date:** June 15, 2001/December 15, 2001

7 **Current Compliance Status:** Compliance

8 **Compliance Action:** LAPD Manual Sections 3/810. and 3/815.25; Special Order 26, 2000; Special
9 Order 17, “Complaint Investigation Procedures-Revised,” approved by Chief of Police July 17, 2001,
10 distributed July 23, 2001, approved by Commission September 18, 2001; Special Order 19,
11 “Complaint Information Provided in Additional Languages,” approved by the Chief of Police July 19,
12 2001, distributed July 25, 2001, approved by the Commission September 6, 2001; Office of the Chief
13 of Police Notice, approved by the Chief of Police June 20, 2001, distributed June 26, 2001, approved
14 by the Commission July 10, 2001

15 **Budget: FY 00-01:** \$34,890 hotline equipment

16 **New Staffing:** NA

17 **Space Needs:** NA

18 **Activities:**

19
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21 The City had partial delayed compliance with paragraph 74(d), with full compliance achieved
22 on July 25, 2001. The City maintained complaint materials in English, Spanish, Korean, and Chinese.
23 Materials in Tagalog, Japanese, and Vietnamese had to be developed. Complaint materials in these
24 three additional languages was published in Special Order 19, distributed July 25, 2001, with a
25 direction to duplicate the forms and make them available. Printed versions of the forms were made
26 available on September 17, 2001. The 2000 Census results did not change the ballot language
27
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1 requirements, and therefore the complaint forms available as of July 25, 2001 are in full compliance
2 with the requirements of the Consent Decree.

3
4 The LAPD has had a 24-hour toll free complaint line in operation for several years. On June
5 26, 2001, the Chief of Police issued a Notice codifying that all calls be recorded. Recording of the
6 complaint hotline was initiated on July 1, 2001 utilizing "interim" recording equipment; therefore
7 compliance with this provision was achieved prior to the December 15, 2001 Consent Decree
8 implementation date. Complaint hotline recording equipment was budgeted for in the FY00-01
9 interim budget, equipment was ordered, and is scheduled to be installed in winter, 2001.

10 Paragraph 74 (a), (b), (c), (e), (f), and (h) are existing LAPD procedures (Manual Sections
11 3/810. and 3/815.25; Special Order 26, 2000). These procedures were re-affirmed, utilizing language
12 that more directly tracks the Consent Decree language, in Special Order 17, distributed on July 23,
13 2001.
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1 **Decree ¶75**

2 **Decree Language:**

3 “75. The LAPD shall initiate a Complaint Form 1.28 investigation against (i)
4 any officer who allegedly fails to inform any civilian who indicates a desire to file a
5 complaint of the means by which a complaint may be filed; (ii) any officer who
6 allegedly attempts to dissuade a civilian from filing a complaint; or (iii) any officer
7 who is authorized to accept a complaint who allegedly refuses to do so.”
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10 **PROGRESS/STATUS SUMMARY**

11 **Due Date:** July 1, 2001

12 **Current Compliance Status:** Compliance

13 **Compliance Action:** LAPD Manual Sections 3/805.25 and 3/810; Special Order, 17, “Complaint
14 Investigation Procedures – Revised” approved by the Chief of Police July 17, 2001, distributed July
15 23, 2001, approved by the Commission September 18, 2001.
16

17 **Budget:** NA

18 **New Staffing:** NA

19 **Space Needs:** NA

20 **Activities:**

21 The requirements of paragraph 75 are current LAPD practice. Manual Sections 3/805.25 and
22 3/810 mandates that violation of Department policies and procedures is misconduct. Complaint
23 acceptance procedures are established in Manual Section 3/810. The requirements included in
24 paragraph 75 were re-affirmed , utilizing language that more directly tracks the language of the
25 Consent Decree, in Special Order 17, distributed July 23, 2001.
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1 **Decree ¶76**

2 **Decree Language:**

3 “76. The city shall cause the LAPD to be notified whenever a person serves a
4 civil lawsuit on or files a claim against the City alleging misconduct by an LAPD
5 officer or other employee of the LAPD.”
6

8 **PROGRESS/STATUS SUMMARY**

9 **Due Date:** October 15, 2001

10 **Current Compliance Status:** Compliance

11 **Compliance Action:** Current practice; Risk Management Division Order No. 1, approved by Risk
12 Management Division and distributed June 7, 2001, approved by the Commission June 19, 2001

13 **Budget:** NA

14 **New Staffing:** NA

15 **Space Needs:** NA

16 **Activities:**

17
18 It is current City practice that the City Clerk and City Attorney’s Office notify the LAPD
19 whenever a person serves a civil lawsuit or files a claim against the City or LAPD regarding an
20 LAPD employee, policy, or procedure. The Risk Management Division, in cooperation with the City
21 Attorney’s Office, codified this process in Risk Management Division Order No. 1, distributed June
22 7, 2001.
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1 **Decree ¶77**

2 **Decree Language:**

3 “77. The Department shall continue to require all officers to notify without
4 delay the LAPD whenever the officer is arrested or criminally charged for any
5 conduct, or the officer is named as a party in any civil suit involving his or her conduct
6 while on duty (or otherwise while acting in an official capacity). In addition, the
7 Department shall require such notification from any officer who is named as a
8 defendant in any civil suit that results in a temporary, preliminary, or final adjudication
9 on the merits in favor of a plaintiff complaining of off-duty physical violence, threats
10 of physical violence, or domestic violence by the officer.”
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12

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14 **PROGRESS/STATUS SUMMARY**

15 **Due Date:** June 15, 2001/July 1, 2001

16 **Current Compliance Status:** Compliance/Paragraphs 8 & 184

17 **Compliance Action:** LAPD Manual Section 3/838.10; Risk Management Division Order No. 1,
18 approved by the Risk Management Division and distributed June 7, 2001, approved by the
19 Commission June 19, 2001; Paragraphs 8&184
20

21 **Budget:** NA

22 **Staffing:** NA

23 **Space Needs:** NA

24 **Activities:**

25
26 LAPD Manual Section 3/838.10 requires that LAPD employees who are detained or arrested,
27 or an employee with knowledge of such involvement of a LAPD employee, report such events to
28 IAG and the Commanding Officer of the involved employee. Civil suits filed against a LAPD

1 employee regarding activities while on duty would be addressed through the civil lawsuit process
2 established in Risk Management Division Order No. 1, published June 7, 2001 (see paragraph 76).

3
4 The requirement that the LAPD require self notification from any officer who is criminally
5 charged or named as a defendant in any civil suit that results in a temporary, preliminary, or final
6 adjudication on the merits in favor of a plaintiff complaining of off-duty physical violence, threats of
7 physical violence, or domestic violence has been identified as a meet and confer item (see paragraphs
8 8 and 184).

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1 **Decree ¶78**

2 **Decree Language:**

3 “78. The Department shall continue to require officers to report to the LAPD
4 without delay: any conduct by other officers that reasonably appears to constitute (a)
5 an excessive use of force or improper threat of force; (b) a false arrest or filing of false
6 charges; (c) an unlawful search or seizure; (d) invidious discrimination; (e) an
7 intentional failure to complete forms required by LAPD policies and in accordance
8 with procedures; (f) an act of retaliation for complying with any LAPD policy or
9 procedure; or (g) an intentional provision of false information in an administrative
10 investigation or in any official report, log, or electronic transmittal of information.
11 Officers shall report such alleged misconduct by fellow officers either directly to IAG
12 or to a supervisor who shall complete a Complaint Form 1.28. This requirement
13 applies to all officers, including supervisors and managers who learn of evidence of
14 possible misconduct through their review of an officer's work. Failure to voluntarily
15 report as described in this paragraph shall be an offense subject to discipline if
16 sustained.”
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21 **PROGRESS/STATUS SUMMARY**

22 **Due Date:** June 15, 2001/July 1, 2001

23 **Current Compliance Status:** Compliance

24 **Compliance Action:** LAPD Manual Sections 3/805.25, 3/815.05, and 1/210.46; Special Order 30,
25 “Duty to Report Misconduct,” approved by the Commission September 6, 2001, approved by the
26 Chief of Police, September 10, 2001, and distributed September 13, 2001.

27 **Budget:** NA
28

1 **Staffing:** NA

2 **Space Needs:** NA

3 **Activities:**

4
5 The City had partial compliance on July 1, 2001, with full compliance achieved on September
6 13, 2001. The only area of delayed compliance was in implementing the option to report misconduct
7 directly to IAG. An LAPD employee's duty and responsibility to report misconduct to a supervisor
8 is established in current LAPD policy (Manual Sections 3/805.25, 3/815.05, and 1/210.46). Special
9 Order 30, distributed September 13, 2001, provides employees the option of reporting misconduct
10 directly to the Internal Affairs Group, consistent with paragraph 78.
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1 D. Conduct of Investigations

2 **Decree ¶79**

3 **Decree Language:**

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5 “79. Within 10 days of their receipt by the LAPD, the IAG shall receive and
6 promptly review the "face sheet" of all complaints to determine whether they meet the
7 criteria in paragraphs 93, 94 and 95 for being investigated by IAG, or the OHB Unit,
8 or chain of command supervisors.”
9

10 **PROGRESS/STATUS SUMMARY**

11 **Due Date:** October 15, 2001

12 **Current Compliance Status:** Compliance

13 **Compliance:** Special Order 17, “Complaint Investigation Procedures – Established,” approved by
14 the Chief of Police July 17, 2001, distributed July 23, 2001, approved by the Commission September
15 18, 2001
16

17 **Budget:** NA

18 **Staffing:** NA

19 **Space Needs:** NA

20 **Activities:**

21
22 Special Order 17, distributed July 23, 2001, requires Commanding Officers to forward
23 Complaint Form 1.28 to IAG within two days of initiating a complaint.
24

25 Early implementation of this provision has provided the City with an opportunity to address
26 the difficulties experienced in complying with the 10-day period provided in paragraph 79 and the
27 two day period established in Special Order 17 from initiation of a complaint to receipt of the
28 complaint by IAG. The LAPD continues to review procedures to facilitate compliance with the 10-

1 day time frame required by paragraph 79. The IAG and the Inspector General have been requested
2 to report to the Consent Decree Work Group on a monthly basis regarding compliance with this
3 provision.

4 Paragraph 152 further requires that the IAG provide the complaint information to the
5 Inspector General within 7-days of IAG's receipt (see paragraph 152).
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1 **Decree ¶80**

2 **Decree Language:**

3 “80. In conducting all Categorical Use of Force investigations, and complaint
4 investigations regarding the categories of misconduct allegations and matters
5 identified in paragraphs 93 and 94 (whether conducted by IAG, the OHB Unit, or by
6 chain of command during the transition period specified in paragraph 95), the LAPD
7 shall, subject to and in conformance with applicable state law:

8 a. tape record or videotape interviews of complainants, involved officers,
9 and witnesses;

10 b. whenever practicable and appropriate, and not inconsistent with good
11 investigatory practices such as canvassing a scene, interview complainants and
12 witnesses at sites and times convenient for them, including at their residences or
13 places of business;

14 c. prohibit group interviews;

15 d. notify involved officers and the supervisors of involved officers, except
16 when LAPD deems the complaint to be confidential under the law;

17 e. interview all supervisors with respect to their conduct at the scene
18 during the incident;

19 f. collect and preserve all appropriate evidence, including canvassing the
20 scene to locate witnesses where appropriate, with the burden for such collection on
21 the LAPD, not the complainant; and

22 g. identify and report in writing all inconsistencies in officer and witness
23 interview statements gathered during the investigation.”
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PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001/October 15, 2001

Current Compliance Status: Compliance

Compliance Action: LAPD Complaint Investigations Guide for Supervisors, October, 2000; Robbery Homicide Division Officer Involved Shooting Manual, 1994; Administrative Order 12, "Investigating a Personnel Complaint," approved by the Chief of Police August 28, 2001, distributed September 6, 2001, approved by the Commission September 25, 2001; HRB Notice, "Administrative Investigation Training," approved by HRB on June 27, 2001, distributed on July 2, 2001, revised on September 13, 2001, approved by the Commission October 9, 2001;

Budget: FY00-01: \$47,720 tape recording equipment/tapes

FY 01-02: \$120,000 additional transcription services

Staffing: NA

Space Needs: NA

Activities:

The investigative procedures included in paragraph 80 are current LAPD practice (LAPD Complaint Investigations Guide for Supervisors, October, 2000; Robbery Homicide Division Officer Involved Shooting Manual, 1994). These investigative procedures were re-affirmed in Administration Order 12, distributed on September 6, 2001, and in the HRB Notice, "Administrative Investigation Training," distributed on July 2, 2001. The HRB Notice originally included the option to videotape interviews. Videotaping has been identified as a potential meet and confer issue; therefore, the HRB Notice was revised to delete the reference to videotaping since it is an option to tape recording and not a requirement. Interviews are tape recorded.

The investigative procedures included in paragraph 80 will also be re-affirmed in the CIID Special Order anticipated to be completed by November 2001.

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Training regarding the investigative procedures is provided in the curriculum for Watch Commander School, Detective Supervisor School, and Basic Supervisor School. The curriculum has been enhanced to further highlight these investigative procedures consistent with the Consent Decree. Also see paragraph 55, 100, and 123.

1 **Decree ¶81**

2 **Decree Language:**

3 “81. Chain of command investigations of complaints (other than those
4 covered by paragraph 80), and Non-Categorical Uses of Force shall comply with
5 subsections, c, e, and f of paragraph 80 where applicable.”
6

7

8 **PROGRESS/STATUS SUMMARY**

9 **Due Date:** July 1, 2001

10 **Current Compliance Status:** Compliance

11 **Compliance Action:** LAPD Complaint Investigations Guide for Supervisors, October , 2000; LAPD
12 Use of Force Handbook, August 1995; Administrative Order 12, “Investigating a Personnel
13 Complaint,” approved by the Chief of Police August 28, 2001, distributed September 6, 2001,
14 approved by the Commission September 25, 2001; Special Order 27, “ Investigation of Non-
15 Categorical Use of Force Incidents,” approved by the Chief of Police September 1, 2001, distributed
16 September 17, 2001, approved by the Police Commission September 25, 2001
17

18 **Budget:** NA

19 **Staffing:** NA

20 **Space Needs:** NA

21 **Activities:**

22 The investigative procedures included in paragraph 81 are current LAPD practice (LAPD
23 Compliant Investigations Guide for Supervisors, October , 2000; LAPD Use of Force Handbook,
24 August 1995). These investigative procedures were re-affirmed in Administrative Order 12,
25 distributed on September 6, 2001, and Special Order 27, distributed September 17, 2001.
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Training regarding the investigative procedures is provided in the curriculum for Watch Commander School, Detective Supervisor School, and Detective Supervisor School. The curriculum has been enhanced to further highlight these investigative procedures consistent with the Consent Decree (see paragraphs 80 and 123).

1 **Decree ¶82**

2 **Decree Language:**

3 “82. If during the course of any investigation of a Categorical Use of Force,
4 Non-Categorical Use of Force, or complaint, the investigating officer has reason to
5 believe that misconduct may have occurred other than that alleged by the complainant,
6 the alleged victim of misconduct, or the triggering item or report, the investigating
7 officer must notify a supervisor, and an additional Complaint Form 1.28 investigation
8 of the additional misconduct issue shall be conducted.”
9
10

11 **PROGRESS/STATUS SUMMARY**

12
13 **Due Date:** October 15, 2001

14 **Current Compliance Status:** Compliance

15 **Compliance Action:** LAPD Manual Sections 3/810.20 and 3/810.30; Special Order 8, “Complaint
16 Reporting Procedures – Revised,” February 24, 2000; Special Order 30, 2001, “Duty to Report
17 Misconduct,” approved by the Commission September 6, 2001, approved by the Chief of Police
18 September 10, 2001, distributed, September 13, 2001
19

20 **Budget:** NA

21 **Staffing:** NA

22 **Space Needs:** NA

23 **Activities:**

24
25 The requirement to report misconduct is current LAPD procedure (LAPD Manual Sections
26 3/810.20 and 3/810.30; Special Order 8, 2000), and therefore the requirements of paragraph 82 were
27 in place prior to the Consent Decree implementation time frame of October 15, 2001. These
28 requirements, consistent with the language of paragraph 82, were re-affirmed in Special Order 30,

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distributed September 13, 2001. These requirements will also be re-affirmed in the CIID Special Order anticipated to be completed in November 2001.

1 **Decree ¶83**

2 **Decree Language:**

3 “83. Subject to restrictions on use of information contained in applicable
4 state law, the OHB unit investigating Categorical Uses of Force as described in
5 paragraph 55 and 93 and IAG investigators conducting investigations as described in
6 paragraph 93 and 94, shall have access to all information contained in TEAMS II,
7 where such information is relevant and appropriate to such investigations, including
8 training records, Complaint Form 1.28 investigations, and discipline histories, and
9 performance evaluations.”
10
11

12 **PROGRESS/STATUS SUMMARY**

13
14 **Due Date:** Post Teams II

15 **Current Compliance Status:** Pending

16 **Compliance Action:** In-progress

17 **Budget:** see paragraph 47

18 **Staffing:** see paragraph 47

19 **Space Needs:** see paragraph 47

20 **Activities:**

21
22 The RMIS and its protocol for use are under development and will include the provisions of
23 paragraph 83. Also see paragraphs 47 and 64.
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1 E. Adjudicating Investigations

2 **Decree ¶84**

3 **Decree Language:**

4
5 “84. The Department shall continue to employ the following standards when
6 it makes credibility determinations: use of standard California Jury Instructions to
7 evaluate credibility; consideration of the accused officer's history of complaint
8 investigations and disciplinary records concerning that officer, where relevant and
9 appropriate; and consideration of the civilian's criminal history, where appropriate.
10 There shall be no automatic preference of an officer's statement over the statement of
11 any other witness including a complainant who is also a witness. There shall be no
12 automatic judgment that there is insufficient information to make a credibility
13 determination when the only or principal information about as incident is contained in
14 conflicting statements made by the involved officer and the complainant. Absent other
15 indicators of bias or untruthfulness, mere familial or social relationship with a victim
16 or officer shall not render a witness' statement as biased or untruthful; however, the
17 fact of such relationship may be noted.”
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21 **PROGRESS/STATUS SUMMARY**

22 **Due Date:** June 15, 2001/July 1, 2001

23 **Current Compliance Status:** Compliance

24 **Compliance Action:** Department Management Guide to Discipline, January 2000; Administrative
25 Order 12, “Investigating a Personnel Complaint,” approved by the Chief of Police August 29, 2001,
26 distributed September 6, 2001, approved by the Commission September 25, 2001
27

28 **Budget:** NA

1 **Staffing:** NA

2 **Space Needs:** NA

3 **Activities:**

4 The procedures in paragraph 84 are current LAPD practice (Department Management Guide
5 to Discipline, January 2000). Administrative Order 12, distributed on September 6, 2001, re-affirmed
6 the procedures with language that more directly tracks the Consent Decree, including specifically
7 explaining the provisions of paragraph 84 that relate to conflicting statements and noting of familial
8 relationships.
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1 **Decree ¶85**

2 **Decree Language:**

3 “85. The LAPD shall adjudicate all complaints using a preponderance of the
4 evidence standard. Wherever supported by evidence collected in the investigation,
5 complaints shall be adjudicated as “sustained,” “sustained-no penalty,” “not resolved,”
6 “unfounded,” “exonerated,” “duplicate” or “no Department employee.” In no case
7 may a Complaint Form 1.28 investigation be closed without a final adjudication.”
8

10 **PROGRESS/STATUS SUMMARY**

11 **Due Date:** October 15, 2001

12 **Current Compliance Status:** Compliance

13 **Compliance Action:** LAPD Manual Section 3/820.20; Special Order 8, “Complaint Reporting
14 Procedures-Revised,” February 24, 2000; Management Guide to Discipline, January, 2000; Board of
15 Rights Manual
16

17 **Budget:** NA

18 **Staffing:** NA

19 **Space Needs:** NA

20 **Activities:**

21 The provisions of paragraph 85 are current LAPD practice and therefore were in effect prior
22 to the Consent Decree implementation time frame of October 15, 2001. The utilization of a
23 preponderance of the evidence standard is current LAPD practice (Management Guide to Discipline,
24 January 2000; Board of Rights Manual). The complaint adjudication categories listed in the
25 paragraph 85 are consistent with existing LAPD practice (LAPD Manual Section 3/820.20; Special
26 Order 8, February 24, 2000). The LAPD is in the process of revising complaint investigation
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1 procedures to streamline the investigative and adjudication process. The new procedures will be
2 consistent with the provisions of paragraph 85.
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1 **Decree ¶86**

2 **Decree Language:**

3 “86. Withdrawal of a complaint, unavailability of a complainant to make a
4 statement, or the fact that the complaint was filed anonymously or by a person other
5 than the victim of the misconduct, shall not be a basis for adjudicating a complaint
6 without further attempt at investigation. The LAPD shall use reasonable efforts to
7 investigate such complaints to determine whether the complaint can be corroborated.”
8
9

10 **PROGRESS/STATUS SUMMARY**

11 **Due Date:** October 15, 2001

12 **Current Compliance Status:** Compliance

13 **Compliance Action:** Administrative Order 12, “Investigating a Personnel Complaint,” approved by
14 the Chief of Police August 29, 2001, distributed September 6, 2001, approved by the Commission
15 September 25, 2001

16 **Budget:** NA

17 **Staffing:** NA

18 **Space Needs:** NA

19 **Activities:**

20 The City complied with the October 15, 2001 implementation date early, with an
21 implementation date of September 6, 2001. The provisions of paragraph 86 were codified in
22 Administrative Order 12, distributed September 6, 2001.
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1 **Decree ¶87**

2 **Decree Language:**

3 “87. All investigations of complaints shall be completed in a timely manner,
4 taking into account: (a) the investigation's complexity; (b) the availability of evidence;
5 and (c) overriding or extenuating circumstances underlying exceptions or tolling
6 doctrines that may be applied to the disciplinary limitations provisions (i) applicable to
7 LAPD officers and (ii) applicable to many other law enforcement agencies in the State
8 of California. The parties expect that, even after taking these circumstances into
9 account, most investigations will be completed within five months.”
10
11

12 **PROGRESS/STATUS SUMMARY**

13
14 **Due Date:** July 1, 2001

15 **Current Compliance Status:** Compliance

16 **Compliance Action:** LAPD Manual Section 3/820.01

17 **Budget:** See paragraph 95

18 **Staffing:** See paragraph 95

19 **Space Needs:** See paragraph 95

20 **Activities:**

21
22 Timely completion of complaint investigations is existing LAPD policy. LAPD does have a
23 back log of investigations that will need to be addressed as the City proceeds with implementation of
24 the five month investigation goal. In the year 2001, for cases closed as of August 31, the average
25 investigative time (calculated from the time assigned to an investigator officer until submitted to the
26 Chief Investigator) was 4.7 months, with over 211 of the 538 investigations exceeding 5 months in
27 duration. The average investigative time in 2000 was 6.3 months and in 1999 was 8.8 months.
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The LAPD is in the process of revising complaint investigation procedures to streamline the investigative and adjudication process.

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1 F. Discipline & Non-Disciplinary Action

2 **Decree ¶88**

3 **Decree Language:**

4
5 “88. The Chief of Police, no later than 45 calendar days following the end of
6 each calendar quarter, shall report to the Commission, with a copy to the Inspector
7 General, on the imposition of discipline during such quarter (the “Discipline Report”).
8 The Chief of Police shall provide the first such report to the Police Commission by
9 February 15, 2001, and such report shall provide the information listed below for the
10 period from the effective date of this Agreement until December 31, 2000; thereafter
11 such report will be provided on a calendar quarter basis. Such report shall contain: (a)
12 a summary of all discipline imposed during the quarter reported by type of
13 misconduct, broken down by type of discipline, bureau, and rank; (b) a summary
14 comparison between discipline imposed and determinations made by the Boards of
15 Rights during the quarter, (c) a written explanation of each reduction in penalty from
16 that prescribed by the Board of Rights; (d) a description of all discipline and
17 non-disciplinary actions for each Categorical Use of Force the Commission has
18 determined was out of policy; and (e) a written explanation, following the Chief of
19 Police's final determination regarding the imposition of discipline, when discipline has
20 not been imposed (other than exoneration by the Board of Rights) and the following
21 has occurred: the officer has entered a guilty plea or has been found guilty in a
22 criminal case; the officer had a Complaint Form 1.28 investigation, is the categories
23 identified in paragraphs 93 and 94 (whether conducted by the OHB Unit, IAG, or by
24 chain of command during the transition period specified in paragraph 95) sustained; or
25 the officer has been found civilly liable by a judge or jury of conduct committed on
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1 duty or while acting in his or her official capacity; or the officer's conduct has been the
2 basis for the City being found civilly liable by a judge or jury. Each quarterly
3 Discipline Report shall include as attachments copies of the monthly Internal Affairs
4 Group Reports on Administration of Internal Discipline for that quarter, which, during
5 the term of this Agreement, shall continue to contain at least the level of detail
6 included in the August 1999 report.”
7
8

9 **PROGRESS/STATUS SUMMARY**

10 **Due Date:** February 15, 2001/quarterly thereafter

11 **Current Compliance Status:** Compliance

12 **Compliance Action:** February 27, 2001, Commission Motion regarding Creation and Review of
13 Disciplinary Reports and Disciplinary Investigations ; LAPD Quarterly Discipline Reports

14 **Budget:** See paragraph 95

15 **Staffing:** See paragraph 95

16 **Space Needs:** See paragraph 95

17 **Activities:**

18 The LAPD has submitted 3 Quarterly Discipline Reports to the Commission to date:

19 4th quarter of 2000 report submitted on February 15, 2001

20 1st quarter 2001 report submitted May 15, 2001

21 2nd quarter of 2001 report submitted August 14, 2001

22 The discipline reports contain the level of information included in the August 1999 report.
23 However, the format of the report was modified in May to be more concise and user friendly. The
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Complaint File number is now included in the reports to enable access to files for more detailed review as appropriate.

The next Quarterly Discipline Report is due November 15, 2001.

1 **Decree ¶89**

2 **Decree Language:**

3 “89. The Inspector General shall review, analyze and report to the
4 Commission on each Discipline Report, including the circumstances under which
5 discipline was imposed and the severity of any discipline imposed. The Commission,
6 no later than 45 days after receipt of the Discipline Report, following consultation
7 with the Chief of Police, shall review the Discipline Report and document the
8 Commission's assessment of the appropriateness of the actions of the Chief of Police
9 described in the Discipline Report. With respect to Categorical Uses of Force, such
10 assessment and documentation shall be made for each officer whose conduct was
11 determined to be out of policy by the Commission. Such assessment and
12 documentation shall be considered as part of the Chief's annual evaluation as provided
13 in paragraph 144.”
14
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17 **PROGRESS/STATUS SUMMARY**

18
19 **Due Date:** April 2, 2001/ quarterly thereafter

20 **Current Compliance Status:** Compliance

21 **Compliance Action:** February 27, 2001, Commission Motion regarding Creation and Review of
22 Disciplinary Reports and Disciplinary Investigations; LAPD Quarterly Discipline Reports; Inspector
23 General Review of Quarterly Discipline Reports; Commission review of Quarterly Discipline Reports
24

25 **Budget:** See paragraph 95

26 **Staffing:** See paragraph 95

27 **Space Needs:** See paragraph 95

28 **Activities:**

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The Inspector General has reviewed the three quarterly Discipline Reports submitted to the Commission by LAPD (see paragraph 88):

4th quarter of 2000 report review submitted on March 16, 2001

1st quarter 2001 report review submitted June 15, 2001

2nd quarter of 2001 report review submitted September 14, 2001

The Commission reviewed the three quarterly Discipline Reports and the Inspector General reviews:

4th quarter of 2000 report/review consideration on March 27, 2001

1st quarter 2001 report/review consideration June 26, 2001

2nd quarter of 2001 report/review consideration September 25, 2001, and October 9, 2001.

The closed session discussion with the Chief of Police was continued due to unavailability of the Chief of Police.

1 **Decree ¶90**

2 **Decree Language:**

3 “90. The LAPD shall continue its practice of having managers evaluate all
4 Complaint Form 1.28 investigations to identify underlying problems and training
5 needs. After such evaluations the manager shall implement appropriate
6 non-disciplinary actions or make a recommendation to the proper LAPD entity to
7 implement such actions.”
8

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PROGRESS/STATUS SUMMARY

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12 **Due Date:** June 15, 2001

13 **Current Compliance Status:** Compliance

14 **Compliance:** LAPD Manual Section 3/830.20; Department Guide to Discipline

15 **Budget:** NA

16 **Staffing:** NA

17 **Space Needs:** NA

18 **Activities:**

19 The requirements of paragraph 90 are current LAPD practice (LAPD Manual Section
20 3/830.20; Department Guide to Discipline pp. 15-23 and 31-39).
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1 **Decree ¶91**

2 **Decree Language:**

3 “91. After a complaint is resolved by the LAPD, the LAPD shall inform the
4 complainant of the resolution, in writing, including the investigation's significant dates,
5 general allegations, and disposition.
6

7 _____

8 **PROGRESS/STATUS SUMMARY**

9 **Due Date:** October 15, 2001

10 **Current Compliance Status:** Compliance

11 **Compliance:** LAPD Manual Section 3/820.11

12 **Budget:** NA

13 **Staffing:** NA

14 **Space Needs:** NA

15 **Activities:**

16 The requirements of paragraph 91 are current LAPD practice and therefore were achieved on
17 June 15, 2001, prior to the October 15, 2001 time line included in the Consent Decree. LAPD
18 Manual Section 3/820.11 establishes procedures to notify complainants in writing of the resolution
19 and disposition of complaints.
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1 **Decree ¶92**

2 **Decree Language:**

3 “92. The City and the Department shall prohibit retaliation in any form
4 against any employee for reporting possible misconduct by any other employee of the
5 LAPD. Within six months of the effective date of this Agreement and annually
6 thereafter, the Police Commission shall review the Department's anti-retaliation policy
7 and its implementation and make modifications as appropriate to protect officers from
8 reprisals for reporting misconduct. The Commission's review of such policy and its
9 implementation shall consider the discipline imposed for retaliation and supervisors'
10 performance in addressing and preventing retaliation.”
11
12

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14 **PROGRESS/STATUS SUMMARY**

15 **Due Date:** July 1, 2001/December 15, 2001

16 **Current Compliance Status:** Compliance

17 **Compliance Action:** Administrative Order No. 2, “Anti-Discrimination Efforts of the LAPD,”
18 January 1999; February 27, 2001, Commission Motion regarding Creation and Review of
19 Disciplinary Reports and Disciplinary Investigations; Report from the Chief of Police regarding the
20 anti-discrimination efforts of the LAPD in the workplace, approved by the Commission September
21 18, 2001.
22

23 **Budget:** NA

24 **Staffing:** NA

25 **Space Needs:** NA
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Activities:

The Commission re-affirmed the current LAPD anti-retaliation policy on February 27, 2001. On September 18, 2001, the Commission approved a Report from the Chief of Police regarding the anti-discrimination efforts of the LAPD in the workplace, which includes an anti-retaliation policy.

The LAPD is currently preparing a report on the anti-retaliation policy to be submitted to the Commission prior to December, 2001. The report will include review of the Department's anti-retaliation policy and analyses of training and disciplinary actions related to retaliation.

1 G. Internal Affairs Group

2 **Decree ¶93**

3 **Decree Language:**

4 “93. The City shall reallocate responsibility for complaint investigations
5 between IAG and chain-of-command supervisors. Under this reallocation, IAG, and
6 not chain-of-command supervisors shall investigate (a) all civil suits or claims for
7 damages involving on duty conduct by LAPD officers or civil suits and claims
8 involving off-duty conduct required to be reported under paragraph 77j and (b) all
9 complaints which allege:
10

11 (i) unauthorized uses of force, other than administrative Categorical Use
12 of Force investigations (which shall be investigated by the OHB Unit as part of its
13 investigation of such Categorical Uses of Force);
14

15 (ii) invidious discrimination (e.g., on the basis of race, ethnicity, gender,
16 religion, national origin, sexual orientation, or disability), including improper ethnic
17 remarks and gender bias;
18

19 (iii) unlawful search;

20 (iv) unlawful seizure (including false imprisonment and false arrest);

21 (v) dishonesty;

22 (vi) domestic violence;

23 (vii) improper behavior involving narcotics or drugs;

24 (viii) sexual misconduct;

25 (ix) theft; and

26 (x) any act of retaliation or retribution against an officer or civilian.”
27
28

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001 w/ transition completed December 31, 2002

Current Compliance Status: Compliance

Compliance Action: Special Order 17, "Complaint Investigation Procedures-Revised," approved by the Chief Of Police July 17, 2001, distributed July 23, 2001, approved by the Commission September 18, 2001; IAG Transition Plan; IAG Notice, " Internal Affairs Investigation Transition Plan," approved by the IAG and distributed September 17, 2001, Commission approval pending; see also paragraph 95

Funding: see paragraph 95

Staffing: see paragraph 95

Space: see paragraph 95

Activities:

The LAPD has initiated a transition plan for complaint investigations covered by paragraph 93. See paragraph 95.

1 **Decree ¶94**

2 **Decree Language:**

3 “94. In addition to the categories of complaint allegations set forth in
4 paragraph 93, IAG and not chain of command supervisors, shall investigate the
5 following:
6

7 a. all incidents in which both (i) a civilian is charged by an officer with
8 interfering with a police officer (California Penal Code § 148), resisting arrest, or
9 disorderly conduct, and (ii) the prosecutor's office notifies the Department either that
10 it is dismissing the charge based upon officer credibility or a judge dismissed the
11 charge based upon officer credibility;
12

13 b. all incidents in which the Department has received written notification
14 from a prosecuting agency in a criminal case that there has been an order suppressing
15 evidence because of any constitutional violation involving potential misconduct by an
16 LAPD officer, any other judicial finding of officer misconduct made in the course of a
17 judicial proceeding or any request by a federal or state judge or magistrate that a
18 misconduct investigation be initiated pursuant to some information developed during a
19 judicial proceeding before a judge or magistrate. The LAPD shall request that all
20 prosecuting agencies provide them with written notification whenever the prosecuting
21 agency has determined that any of the above has occurred;
22

23 c. all incidents in which an officer is arrested or charged with a crime
24 other than low grade misdemeanors, as defined in the LAPD manual, which
25 misdemeanors shall be investigated by chain-of-command supervisors; and
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1 d. any request by a judge or prosecutor that a misconduct investigation be
2 initiated pursuant to information developed during the course of an official proceeding
3 in which such judge or prosecutor has been involved.”
4

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6 **PROGRESS/STATUS SUMMARY**

7 **Due Date:** July 1, 2001 w/ transition completed December 31, 2002

8 **Current Compliance Status:** Compliance

9 **Compliance Action:** Special Order 17, “Complaint Investigation Procedures-Revised,” approved by
10 the Chief Of Police July 17, 2001, distributed July 23, 2001, approved by the Commission September
11 18, 2001; IAG Transition Plan; Special Order 12, “Evaluation of Arrests for Booking,” approved by
12 the Chief of Police June 20, 2001, distributed June 26, 2001, approved by the Commission July 10,
13 2001; Letter to Prosecuting Agencies and Public Defenders regarding notification procedures for
14 potential misconduct, April 27, 2001; see also paragraph 95

15 **Funding:** see paragraph 95

16 **Staffing:** see paragraph 95

17 **Space:** see paragraph 95

18 **Activities:**

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20
21 The LAPD has initiated a transition plan for complaint investigations covered by paragraph
22 94. See paragraph 95.

23
24 Special Order 12 establishes procedures for supervisors to evaluate incidents in which a
25 person is charged with interfering with a police officer (see paragraph 70). This is anticipated to
26 assist in investigations related to paragraph 94 (a). The LAPD sent a letter to prosecuting agencies
27 and public defenders regarding the notification of incidents consistent with paragraph 94 on April 27,
28 2001.

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1 **Decree ¶95**

2 **Decree Language:**

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4 “95. The City shall in fiscal year 2001-2002 provide all necessary position
5 authorities to fully implement paragraphs 93 and 94. Investigation responsibilities
6 shall be transitioned as positions are filled. Prior to positions being filled, investigation
7 responsibilities shall be transitioned commensurate with available resources. Positions
8 will be filled and investigation responsibility transition shall be completed by
9 December 31, 2002. For complaints filed on or after July 1, 2001, the Department
10 shall make a first priority of allocating to IAG complaints in the categories specified in
11 paragraphs 93 and 94 against officers assigned to special units covered by paragraph
12 106. The LAPD shall make a second priority of allocating to IAG complaints alleging
13 unauthorized uses of force (other than administrative Categorical Uses of Force).
14 These complaint investigations will be allocated to IAG so as to allow the City to
15 meet its obligations under paragraph 87 of this Agreement.”
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17

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19 **PROGRESS/STATUS SUMMARY**

20 **Due Date:** July 1, 2001 w/ transition completed December 31, 2002

21 **Current Compliance Status:** Compliance

22 **Compliance Action:** Special Order 17, “Complaint Investigation Procedures-Revised,” approved by
23 the Chief Of Police July 17, 2001, distributed July 23, 2001, approved by the Commission September
24 18, 2001; IAG Transition Plan; IAG Notice, “ Internal Affairs Investigation Transition Plan,”
25 approved by the IAG and distributed September 17, 2001, Commission approval pending; FY01-02

26 **Budget**

27 **Budget: FY 00-01:** Integrity Assurance Package
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FY 01-02: \$1,097,943, plus \$159,800 for equipment

New Staffing: FY 00-01: Special Operations Section: 8 Sergeant II; 1 Senior Clerk Typist

Review and Evaluation: 1 Lieutenant II; 2 Detective III; 11 Sergeant II; 1 Senior Clerk
Typist

Ethics Enforcement: 1 Lieutenant II; 2 Detective III; 4 Detective II; 4 Sergeant II; 1
Senior Clerk Typist

Administration: 1 Clerk Police II; 2 Senior Clerk Typists, 1 Senior Management Analyst

FY 01-02: Continuation of FY 01-02 plus: IAG Investigations: 2 Detective III; 7
Detective II; 29 Sergeant II;

Administration: 3 Senior Clerk Typist; 1 Chief Clerk Police II

FY 02-03: Continuation of FY 01-02 plus: IAG Investigations: 2 Detective III; 7
Detective II; 29 Sergeant II

Space: Special Operations Section: 7,580 square feet

Ethics Enforcement: 7,064 square feet

IAG Investigations: Substantial additional Space Required

Activities:

In FY 00-01, the City approved an Integrity Assurance Package (IAP) to implement several of the recommendation of the Board of Inquiry into the Rampart Area Corruption Incident. The IAP positions which were related to enhanced IAG complaint investigation capabilities (Special Operations, Ethics Enforcement, and Review and Evaluation) were “regularized” in the FY 01-02 Budget for Consent Decree implementation purposes.

The IAG Special Operations Section is responsible for criminal misconduct investigations, major administrative misconduct investigations, and investigations that involve surveillance. To

1 comply with the transition of the various categories of complaints pursuant to paragraphs 93 and 94,
2 the existing levels of the Special Operations Section was increased by 9 staff, with all positions
3 currently filled. Lease space for the additional space required for increased Special Operations
4 Section staff has been identified and is proceeding through Council consideration of an allocation of
5 the approximately \$65,360 in required funding is scheduled for the week of October 15, 2001 (also
6 see paragraph 11).

8 The IAG Ethics Enforcement Section will be responsible for implementing random integrity
9 audit checks pursuant to paragraph 97. To comply with these increased responsibilities Ethics
10 Enforcement Section was increased by 11 staff, with all positions currently filled. Additional space
11 required for the staff has been identified and the lease is under negotiations, with the required
12 \$129,051 in funding already allocated by City.

14 The IAG Review and Evaluation Section is responsible for validation and auditing of IAG
15 investigations. With increased IAG investigation responsibility, the Review and Evaluation Section
16 was increased by 15 staff, with 12 positions filled.

18 Four additional administrative staff were authorized to support IAG operations, with 2
19 positions currently filled.

20 Additional IAG investigators are required to comply with the increased complaint
21 investigation responsibility required by paragraphs 93 and 94. A total of 38 additional investigators
22 and 4 additional administrative staff positions were authorized in FY 01-02. An additional 38
23 investigative staff positions were authorized for FY 02-03. Of the FY 01-02 position authorized, 14
24 Sergeant II positions have been filled. An additional sixteen positions (3 Sergeant II; 8 Sergeant 1; 4
25 Detective I; 1 Detective II) are "on loan." The loan program provides for personnel to work in
26 positions for approximately 2 months, providing both employees and management the opportunity to
27 review the appropriateness of the position for the employee. Civil positions have been advertised and
28

1 the search to fill these positions is on-going. The City has experienced difficulty in the past filling
2 Detective II positions, this has proven the case for the IAG investigation positions as well.

3 Substantial additional space will be required for the increased IAG investigative staff. LAPD
4 in coordination with the City's General Services Department is working to identify appropriate space
5 (also see paragraph 11).
6

7 The first and second priority investigations identified in paragraph 95 were transitioned to
8 IAG beginning October 1, 2001. Department entities assigned misconduct investigations in these
9 categories prior to October 1, 2001 will retain investigative responsibility for those cases. It is
10 estimated that transition of unauthorized use of force will result in approximately 621 additional
11 investigations for IAG annually. The additional investigations associated with the transfer of
12 complaints against employees in SEU's in the categories listed in paragraph 93 is unknown, since
13 investigations were not previously tracked based upon SEU assignment.
14

15 The City will monitor the transition of complaint investigations to assess compliance with the
16 5-month investigation goal established in paragraph 87. As noted in paragraph 87, the backlog of
17 misconduct investigations must be remedied as new investigations are transitioned. The next
18 priorities for complaint categories planned for transition to IAG in early 2002 are those investigations
19 covered by paragraph 94, domestic violence (paragraph 93 (vi)), narcotics/drugs (paragraph 93 (vii)),
20 sexual misconduct (paragraph 93 (viii)), and retaliation (paragraph 93 (x)). The misconduct
21 investigation categories will be transitioned based upon the staffing level achieved by IAG by January
22 2002 and the level of performance achieved in reaching the 5-month investigative goal.
23
24

25 The TEAMS I record for employees assigned to IAG, or provided on an "on loan" basis,
26 were reviewed, with special attention afforded to the misconduct categories identified in paragraph
27 51(d). Subsequently, IAG Form 1.80's were reviewed for all newly assigned employees. IAG Form
28 1.80's will be reviewed for employees on-loan during the two month loan period.

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Investigative procedures consistent with paragraph 80 are included in Watch Commander School, Detective Supervisor School, and Basic Supervisor School. IAG training is included in these schools. Approximately 10 employees recently assigned to IAG have been identified as requiring IAG training. Several of the employees requiring training are in sensitive positions requiring scheduling of a special training session. Training is in the process of being scheduled. See also paragraphs 80, 100, and 123).

1 **Decree ¶96**

2 **Decree Language:**

3 “96. Paragraphs 93 and 94 shall not apply to misconduct complaints lodged
4 against the Chief of Police, which investigations shall be directed by the Commission
5 as set forth in paragraph 145. Paragraphs 93 and 94 do not preclude IAG from
6 undertaking such other investigations as the Department may determine.”
7

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PROGRESS/STATUS SUMMARY

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11 **Due Date:** July 1, 2001

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13 **Current Compliance Status:** Compliance

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15 **Compliance Action:** City Charter Section 571; Special Order 17, “Complaint Investigation

16

17 Procedures-Revised,” approved by the Chief of Police July 17, 2001, distributed July 23, 2001,
18 approved by the Commission September 18, 2001;

19

20 **Funding:** NA

21

22 **Staffing:** NA

23

24 **Space:** NA

25

26 **Activities:**

27

28 It is the current practice of the Commission to investigate misconduct complaints lodged
against the Chief of Police. See also paragraph 145.

1 **Decree ¶97**

2 **Decree Language:**

3 “97. By July 1, 2001, the City shall develop and initiate a plan for organizing
4 and executing regular, targeted, and random integrity audit checks, or "sting"
5 operations (hereinafter “sting audits,”) to identify and investigate officers engaging in
6 at-risk behavior, including: unlawful stops, searches, seizures (including false arrests),
7 uses of excessive force, or violations of LAPD's Manual Section 4/264.50 (or its
8 successor). These operations shall also seek to identify officers who discourage the
9 filing of a complaint or fail to report misconduct or complaints. IAG shall be the unit
10 within the LAPD responsible for these operations. The Department shall use the
11 relevant TEAMS II data, and other relevant information, in selecting targets for these
12 sting audits. Sting audits shall be conducted for each subsequent fiscal year for the
13 duration of this Agreement. Nothing in this Agreement is intended to limit the
14 application of any federal statute.”
15
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18 **PROGRESS/STATUS SUMMARY**

19
20 **Due Date:** July 1, 2001

21 **Current Compliance Status:** Compliance

22 **Compliance Action:** Special Order 22, “Ethics Enforcement Section-Established,” approved by the
23 Chief of Police August 8, 2001, distributed August 13, 2001, approved by the Commission
24 September 18, 2001;

25 **Funding:** See paragraph 95

26 **Staffing:** See paragraph 95

27 **Space:** See paragraph 95
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Activities:

The IAG Ethics Enforcement Section was operational on February 11, 2001 with Special Order 22 distributed August 13, 2001, codifying the responsibilities of this section. Additional surveillance equipment and vehicles were approved as part of the FY 01-02 budget (see paragraph 95). Protocols for conducting random integrity audit checks have been established by the Ethics Enforcement Section and audits consistent with the subject areas identified in paragraph 97 are being implemented. Results of random integrity audits will be provided to the Commission and Inspector General consistent with the requirements of paragraph 127.

1 **Decree ¶98**

2 **Decree Language:**

3 “98. The commanding officer of IAG shall select the staff who are hired and
4 retained as IAG investigators and supervisors, subject to the applicable provisions of
5 the City's civil service rules and regulations and collective bargaining agreements.
6 Investigative experience shall be a desirable, but not a required, criterion for an IAG
7 investigatory position. Officers who have a history of any sustained investigation or
8 discipline received for the use of excessive force, a false arrest or charge, or an
9 improper search or seizure, sexual harassment, discrimination or dishonesty shall be
10 disqualified from IAG positions unless the IAG commanding officer justifies in writing
11 the hiring of such officer despite such a history.”
12
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14

15 **PROGRESS/STATUS SUMMARY**

16 **Due Date:** July 1, 2001

17 **Current Compliance Status:** Compliance/Paragraphs 8 & 184

18 **Compliance Action:** Employee Selection Manual; paragraphs 8 & 184

19 **Funding:** NA

20 **Staffing:** NA

21 **Space:** NA
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Activities:

It is current LAPD practice that Commanding Officers are responsible for selecting staff and ensuring selected staff are qualified to perform the duties of the position for which they are selected.

The provision regarding disqualification of employees from selection for IAG positions has been identified as a meet and confer issue (see also paragraph 51(d)). To assist with the meet and confer process and to expedite implementation of the provision of paragraph 98 identified above should it turn out to be the result of the meet and confer process, the LAPD has developed a draft form to assist Department managers in the review and consideration of various items for personnel assignments. The draft form naturally would be subject to modification should the meet and confer process lead to different resolutions.

1 **Decree ¶99**

2 **Decree Language:**

3 “99. The Department shall establish a term of duty of up to three years for
4 the IAG Sergeants, Detectives and Lieutenants who conduct investigations, and may
5 reappoint an officer to a new term of duty only if that officer has performed in a
6 competent manner. Such IAG investigators may be removed during their term of duty
7 for acts or behaviors that would disqualify the officer from selection to IAG or under
8 any other personnel authority available to the Department.”
9
10

11 **PROGRESS/STATUS SUMMARY**

12
13 **Due Date:** July 1, 2001

14 **Current Compliance Status:** Compliance

15 **Compliance Action:** LAPD Manual Sections 3/763.55, 3/763.60, 3/763.65, and 3/763.67;
16 paragraphs 8 & 184

17 **Funding:** NA

18 **Staffing:** NA

19 **Space:** NA

20 **Activities:**

21
22 The limited tour provisions of paragraph 99 are current LAPD practice (LAPD Manual
23 Section 3/763.67). LAPD Manual Sections 3/763.55, 3/763.60, and 3/763.65 provide for
24 reassignment of an advanced pay grade to a lower pay grade.
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1 **Decree ¶100**

2 **Decree Language:**

3 “100. IAG investigators shall be evaluated based on their competency in
4 following the policies and procedures for Complaint Form 1.28 investigations. The
5 LAPD shall provide regular and periodic re-training and re-evaluations on topics
6 relevant to their duties.”
7

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PROGRESS/STATUS SUMMARY

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Due Date: July 1, 2001

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Current Compliance Status: Compliance

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Compliance Action: Performance Evaluation Guide; Human Resources Bureau Notice,

13

14 “Administrative Investigation Training,” approved by the Chief of Police June 27, 2001, distributed
15 July 7, 2001, approved by the Commission October 9, 2001; paragraphs 8 & 184

16

Funding: NA

17

Staffing: NA

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Space: NA

19

Activities:

20

21 It is current LAPD practice that IAG investigators be evaluated based upon their competency.
22 A review of the LAPD Employee Evaluation Guide has been initiated and will include consideration
23 of the evaluation requirements of paragraph 100 (see paragraph 54).
24

25

26 IAG training update sessions were conducted May 30, 2001 and October 4, 2001. On-going
27 training for IAG investigators has been established in Human Resources Bureau Notice, distributed
28 July 7, 2001 (see also paragraph 123).

28

1 **Decree ¶101**

2 **Decree Language:**

3 “101. The LAPD shall refer to the appropriate criminal prosecutorial
4 authorities all incidents involving LAPD officers with facts indicating criminal
5 conduct.”
6

7

8 **PROGRESS/STATUS SUMMARY**

9 **Due Date:** October 15, 2001

10 **Current Compliance Status:** Compliance

11 **Compliance Action:** LAPD Manual Section 2/214.22

12 **Funding:** NA

13 **Staffing:** NA

14 **Space:** NA

15 **Activities:**

16
17 It is current LAPD practice to refer to the appropriate criminal prosecutorial authorities all
18 incidents involving LAPD officers with facts indicating criminal conduct (LAPD Manual Section
19 2/214.22), therefore compliance with the October 15, 2001, implementation time frame was achieved
20 early.
21

22 IAG is currently in the process of revising LAPD protocol for referrals to prosecutorial
23 agencies. The revised LAPD protocol will be based upon the Los Angeles County District
24 Attorney’s Office protocol.
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1 H. Non Discrimination Policy and Motor Vehicle and Pedestrian Stops

2 **Decree ¶102**

3 **Decree Language:**

4
5 “102. The Department shall continue to prohibit discriminatory conduct on the
6 basis of race, color, ethnicity, national origin, gender, sexual orientation, or disability
7 in the conduct of law enforcement activities. The Department shall continue to
8 require that, to the extent required by federal and state law, all stops and detentions,
9 and activities following stops or detentions, by the LAPD shall be made on the basis of
10 legitimate, articulable reasons consistent with the standards of reasonable suspicion or
11 probable cause.”
12

13
14 **PROGRESS/STATUS SUMMARY**

15 **Due Date:** June 15, 2001

16 **Current Compliance Status:** Compliance

17
18 **Compliance Action:** LAPD Manual Sections 1/110.20, 1/115.01, 1/115.40, 1/120. 1/120.10,
19 1/210.13, 1/240.05, 1/508, and 1/522; Department Legal Bulletins dated March 1995 and January
20 1996; Special Order 23, “Policy Prohibiting Racial Profiling,” approved by the Commission August
21 8, 2001, approved by the Chief of Police August 10, 2001, distributed August 15, 2001

22 **Funding:** NA

23 **Staffing:** NA

24 **Space:** NA

25 **Activities:**

26
27 The City has long standing anti-discrimination policies in place (LAPD Manual Sections
28 1/110.20, 1/115.01, 1/115.40, 1/120. 1/120.10, 1/210.13, 1/240.05, 1/508, and 1/522; Department

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1 Legal Bulletins dated March 1995 and January 1996). Special Order 23, distributed August 15,
2 2001, further refines the existing anti-discrimination policies into an Anti-Racial Profiling policy
3 which tracks the language included in paragraphs 102 and 103 of the Consent Decree.
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1 **Decree ¶103**

2 **Decree Language:**

3
4 “103. LAPD officers may not use race, color, ethnicity, or national origin (to
5 any extent or degree) in conducting stops or detentions, or activities following stops
6 or detentions, except when engaging in appropriate suspect-specific activity to identify
7 a particular person or group. When LAPD officers are seeking one or more specific
8 persons who have been identified or described in part by their race, color, ethnicity, or
9 national origin, they may rely in part on race, color, ethnicity, or national origin only in
10 combination with other appropriate identifying factors and may not give race, color,
11 ethnicity or national origin undue weight.”
12

13
14 **PROGRESS/STATUS SUMMARY**

15 **Due Date:** July 1, 2001

16 **Current Compliance Status:** Compliance

17 **Compliance Action:** LAPD Manual Section LAPD Manual Sections 1/110.20, 1/115.01, 1/115.40,
18 1/120. 1/120.10, 1/210.13, 1/240.05, 1/508, and 1/522; Department Legal Bulletins dated March
19 1995 and January 1996; Special Order 23, “Policy Prohibiting Racial Profiling,” approved by the
20 Commission August 8, 2001, approved by the Chief of Police August 10, 2001, distributed August
21 15, 2001
22

23 **Funding:** NA

24 **Staffing:** NA

25 **Space:** NA

26 **Activities:**
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The City has long standing anti-discrimination policies in place (LAPD Manual Sections 1/110.20, 1/115.01, 1/115.40, 1/120. 1/120.10, 1/210.13, 1/240.05, 1/508, and 1/522; Department Legal Bulletins dated March 1995 and January 1996). Special Order 23, distributed August 15, 2001, further refines the existing anti-discrimination policies into an Anti-Racial Profiling policy which tracks the language included in paragraphs 102 and 103 of the Consent Decree.

1 **Decree ¶104**

2 **Decree Language:**

3
4 “104. By November 1, 2001, the Department shall require LAPD officers to
5 complete a written or electronic report each time an officer conducts a motor vehicle
6 stop.

- 7 a. The report shall include the following:
- 8 (i) the officer's serial number;
 - 9 (ii) date and approximate time of the stop;
 - 10 (iii) reporting district where the stop occurred;
 - 11 (iv) driver's apparent race, ethnicity, or national origin;
 - 12 (v) driver's gender and apparent age;
 - 13 (vi) reason for the stop, to include check boxes for (1) suspected moving
14 violation of the vehicle code; (2) suspected violation of the Penal or Health and
15 Safety Codes; (3) suspected violation of a City ordinance; (4) Departmental
16 briefing (including crime broadcast/crime bulletin/roll call briefing); (5)
17 suspected equipment/registration violation; (6) call for service; and (7) other
18 (with a brief text field);
 - 19 (vii) whether the driver was required to exit the vehicle;
 - 20 (viii) whether a pat-down/frisk was conducted;
 - 21 (ix) action taken, to include check boxes for warning, citation, arrest,
22 completion of a field interview card, with appropriate identification number for
23 the citation or arrest report; and
 - 24 (x) whether the driver was asked to submit to a consensual search of
25 person, vehicle, or belongings, and whether permission was granted or denied.
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b. Information described in (iv), (v), (viii), (ix) and (x) of the preceding subparagraph shall be collected for each passenger required to exit the vehicle.

c. If a warrantless search is conducted, the report shall include check boxes for the following:

- (i) search authority, to include: (1) consent; (2) incident to an arrest; (3) parole/probation; (4) visible contraband; (5) odor of contraband; (6) incident to pat-down/frisk; (7) impound inventory; and (8) other (with a brief text field);
- (ii) what was searched, to include: (1) vehicle; (2) person; and (3) container, and
- (iii) what was discovered/seized, to include: (1) weapons; (2) drugs; (3) alcohol; (4) money; (5) other contraband; (6) other evidence of a crime; and (7) nothing.”

PROGRESS/STATUS SUMMARY

Due Date: November 1, 2001

Current Compliance Status: Pending

Compliance Action: Special Order 23, “Policy Prohibiting Racial Profiling,” approved by the Commission August 8, 2001, approved by the Chief of Police August 10, 2001, distributed August 15, 2001; data collection forms

Funding: FY 00-01: \$60,000

FY 01-02: \$4.096 million

Staffing: To be provided as needed

Space: None anticipated at this time

1 **Activities:**

2 In May, 2001, the LAPD conducted a pilot program for collection of traffic stop and
3 pedestrian stop data utilizing hand held electronic devices. The technology proved acceptable and
4 the City is moving forward with development of a request for proposal for the purchase of hand held
5 devices for data collection and development of associated software and hardware. It is anticipated
6 that collection of data electronically cannot be achieved prior to March 2002. Therefore, data
7 collection utilizing paper forms is planned for November 1, 2001.
8

9 The LAPD has developed a paper form, that can be scanned for data entry purposes, for
10 pedestrian and traffic stop data collection. The form was provided to DOJ and the Independent
11 Monitor for review and comment. The form was submitted to the City's General Services
12 Department for printing on September 19, 2001. Forms will be printed in books similar to citation
13 books, with an original form and a carbon copy. Each book will contain approximately 20 forms. It
14 is anticipated that 25,000 books of forms will be available October 17. October 22 has been
15 established as the date essential to having printed forms to ensure they are distributed and available to
16 officers on November 1, 2001.
17

18 The LAPD is in the process of drafting a contract for scanning services, ensuring services can
19 be in place by November 1, 2001. The original data collection forms will be collected and provided to
20 the contractor for scanning. The carbon copies will be maintained at the various LAPD Divisions as
21 back-up and to facilitate the correction of data as necessary.
22

23 The City's Information Technology Agency is developing the Stop Information System, for
24 housing the collected data.
25

26 Two training sessions regarding traffic and pedestrian stop data collection for Training
27 Coordinators have been completed. Follow-up to ensure all Training Coordinators received training
28 is on-going.

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A draft Order implementing data collection is currently under review by LAPD. See also paragraph 105.

1 **Decree ¶105**

2 **Decree Language:**

3
4 “105. By November 1, 2001, the Department shall require LAPD officers to
5 complete a written or electronic report each time an officer conducts a pedestrian
6 stop.

- 7 a. The report shall include the following:
- 8 (I) the officer's serial number;
 - 9 (ii) date and approximate time of the stop;
 - 10 (iii) reporting district when the stop occurred;
 - 11 (iv) person's apparent race, ethnicity, or national origin;
 - 12 (v) person's gender and apparent age;
 - 13 (vi) reason for the stop, to include check boxes for (1) suspected violation
14 of the Penal Code; (2) suspected violation of the Health and Safety Code; (3)
15 suspected violation of the Municipal Code; (4) suspected violation of the
16 Vehicle Code; (5) Departmental briefing (including crime broadcast/crime
17 bulletin/roll call briefing); (6) suspect flight; (7) consensual (which need only be
18 checked if there is a citation, arrest, completion of a field interview card, search
19 or seizure (other than searches or seizures incident to arrest) or patdown/frisk);
20 (8) call for service; or (9) other (with brief text field);
 - 21 (vi) whether a pat-down/frisk was conducted;
 - 22 (viii) action taken, to include check boxes for (1) warning; (2) citation; (3)
23 arrest; and (4) completion of a field interview card, with appropriate
24 identification number for the citation or arrest report; and
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(ix) whether the person was asked to submit to a consensual search of their person or belongings, and whether permission was granted or denied.

b. If a warrantless search is conducted, the report shall include check boxes for the following:

(I) search authority, to include: (1) consent; (2) incident to as an arrest; (3) parole/probation; (4) visible contraband, (5) odor of contraband; (6) incident to a pat-down/frisk; and (7) other (with a brief text field);

(ii) what was searched, to include: (1) vehicle; (2) person; and (3) container, and

(iii) what was discovered/seized, to include: (1) weapons; (2) drugs; (3) alcohol; (4) money; (5) other contraband; (6) other evidence of a crime; and (7) nothing.

c. In preparing the form of the reports required by paragraphs 104 and 105, the Department may use “check off” type boxes to facilitate completion of such reports. In documenting motor vehicle and pedestrian stops as required by these paragraphs, the Department may create new forms or modify existing forms.”

PROGRESS/STATUS SUMMARY

Due Date: November 1, 2001

Current Compliance Status: Pending

Compliance Action: See paragraph 104

Funding: See paragraph 104

Staffing: See paragraph 104

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Space: NA

Activities:

See paragraph 104.

1 **Decree ¶106**

2 **Decree Language:**

3 “106. The LAPD has developed and shall continue to implement a protocol
4 that includes the following requirements for managing and supervising all LAPD units
5 that are primarily responsible for monitoring or reducing gang activity, including the
6 Special Enforcement Units:
7

8 a. Each unit shall be assigned to an Area or Bureau, and shall be managed
9 and controlled by the Area or Bureau command staff where it is assigned. The Bureau
10 gang coordinators and the citywide gang coordinator (the Detective Support Division
11 Commanding Officer) coordinate the Bureau-wide and citywide activities of these
12 units, provide training and technical assistance, and are involved in coordinating and
13 providing information for the audits of these units.
14

15 b. Eligibility criteria for selection of a non-supervisory officer in these
16 units shall include that officers have completed probation, have acquired a minimum
17 number of years as a police officer in the LAPD, and have demonstrated proficiency in
18 a variety of law enforcement activities, interpersonal and administrative skills, cultural
19 and community sensitivity, and a commitment to police integrity. Without the prior
20 written approval of the Chief of Police, a non-supervisory officer shall not be
21 reassigned to a unit until 13 LAPD Deployment Periods have elapsed since their
22 previous assignment in these units.
23

24 c. Eligibility criteria for selection as a supervisor in these units shall
25 include that supervisors have one year experience as a patrol supervisor, have been
26 wheeled from their probationary Area of assignment, and have demonstrated
27 outstanding leadership, supervisory, and administrative skills. In addition, without the
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prior written approval of the Chief of Police, an individual shall not be selected as a supervisor in these units until 13 LAPD Deployment Periods have elapsed since the individual's previous assignment in these units as officer or supervisor.

d. Supervisors and non-supervisory officers in these units shall have limited tour assignment to these units, for a period not to exceed 39 LAPD Deployment Periods. An extension of such assignment for up to three LAPD Deployment Periods may be granted upon the written approval of the Bureau commanding officer. Any longer extension shall be permitted upon written approval of the Chief of Police.

e. Unit supervisors and non-supervisory officers shall continue to: (i) be subject to existing procedures for uniformed patrol officers regarding detention, transportation, arrest, processing and booking of arrestees and other persons; (ii) wear Class A or Class C uniforms (and may not wear clothing with unauthorized insignias identifying them as working at a particular unit); (iii) use marked police vehicles for all activities; (iv) check out and return all field equipment from the Area kit room on a daily basis; (v) attend scheduled patrol roll calls; (vi) base all unit activities out of the concerned Area station; and (vii) not use off-site locations at night other than LAPD primary area stations for holding arrestees (including interviews) or interviewing witnesses; provided, however, that the foregoing does not apply to interviews at the scene of a crime, interviews in connection with a canvass of a scene, or when the witness requests to be interviewed at a different location. Any exceptions from these requirements shall require the approval of the appropriate managers, and shall be for a specified, limited period of time.

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Exceptions to the requirements set forth in subparagraphs (ii) and (iii) shall be in writing.

f. A unit supervisor shall provide a daily field presence and maintain an active role in unit operations. Unit supervisors shall brief the Area watch commander regularly regarding the activities of their unit, and shall coordinate unit activities with other Area supervisors.

g. Area managers shall be responsible for ensuring that supervisors exercise proper control over these units, and for providing oversight over planned tactical operations.

h. Each Bureau gang coordinator shall be responsible for monitoring and assessing the operation of all units in the Bureau that address gang activity. The coordinator shall personally inspect and audit at least one Area unit each month, and shall submit copies of completed audits to the pertinent Bureau and Area. OHB Detective Support Division Command office, and the LAPD Audit Unit created in paragraph 124 below. The coordinator may use bureau staff to conduct such audits who themselves serve in a Bureau or Area gang-activity unit and are deployed in the field to monitor or reduce gang activity.

The provisions of this paragraph do not apply to the Detective Support Division's gang unit whose primary, gang-related responsibility is to provide administrative support.”

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PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001/July 1, 2001

Current Compliance Status: Compliance/Paragraph 8 & 184

Compliance Action: Administrative Order No. 3, June 2000, "Activation of the Special Enforcement Unit"; paragraphs 8 & 184

Funding: NA

Staffing: NA

Space: NA

Activities:

SEU protocols outlined in paragraph 106 are largely existing LAPD policy and procedures (Administrative Order 3).

Written approval by the Chief of Police for exceptions to the existing procedures regarding SEU assignments (paragraph 106 (b-d)) have been identified as meet and confer items (see paragraphs 8 and 184). Written approval from the Bureau Commanding Officer is currently required for such exemptions. The LAPD has prepared a draft order to assist with the meet and confer process and to expedite implementation of the provisions of paragraph 106 identified above should they turn out to be the result of the meet and confer process. Such order naturally would be subject to modification should the meet and confer process lead to different resolutions.

Audit Results: The LAPD conducted a comprehensive audit of gang details in June 2000, resulting in several recommendations. A focused follow-up audit of gang details was completed June 22, 2001 (see also paragraph 125). Although the requirements of the Consent Decree were not effective during the period covered by the audit, several of the procedures established in the Consent Decree were current procedure during the period

1 covered by the audit. The audit identified some deficiencies in the areas of use of force
2 documentation and search warrant applications. The Inspector General's review of the audit
3 pursuant to paragraph 135, concurred with the findings of the confidential informant file audit
4 and identified some concerns with the auditing methodology and sample size.
5
6 Recommendations to remedy deficiencies identified were included in the audit report and are
7 being considered and/or implemented.

8 Audits for specific work products of Special Enforcement Units, consistent with the
9 requirements of paragraph 131 will be initiated in the second quarter 01-02 (see paragraph 131).
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1 **Decree ¶107**

2 **Decree Language:**

3 “107. In addition to the requirements set forth in the preceding paragraph, the
4 LAPD shall implement the following requirements, which shall be applicable to all
5 LAPD units that are covered by the preceding Paragraph.
6

7 a. The eligibility criteria for selection of an officer in these units shall
8 require a positive evaluation of the officer based upon the officer's relevant and
9 appropriate TEAMS II record. Supervisors shall be required to document in writing
10 their consideration of any sustained Complaint Form 1.28 investigation, adverse
11 judicial finding, or discipline for use of excessive force, a false arrest or charge, an
12 improper search and seizure, sexual harassment, discrimination, or dishonesty in
13 determining whether an officer shall be selected for the unit.
14

15 b. The procedures for the selection of supervisors and non-supervisory
16 officers in these units shall include a formal, written application process, oral
17 interview(s), and the use of TEAMS II and annual performance evaluations to assist in
18 evaluating the application.
19

20 c. Without limiting -any other personnel authority available to the
21 Department, during a supervisor's or non-supervisory officer's assignment tour in
22 these units, a sustained complaint or adverse judicial finding for use of excessive
23 force, a false arrest or charge, an unreasonable search or seizure, sexual harassment,
24 discrimination, or dishonesty, shall result in the officer's supervisor reviewing the
25 incident and making a written determination as to whether the subject officer should
26 remain in the unit.”
27
28

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001/Post TEAMS II

Current Compliance Status: Compliance/Paragraph 8 & 184

Compliance Action: Current Practice

Funding: NA

Staffing: NA

Space: NA

Activities:

The first provision of paragraph 107 (a) is current LAPD practice, which has been in place since June 2000. However, the practice was not codified in Administrative Order 3 “Activation of the Special Enforcement Unit,” June 2000. Therefore, the LAPD is in the process of codifying the practice.

Paragraphs 107(a) and (c) have been identified as meet and confer items (see also paragraph 51(d)). To assist with the meet and confer process and to expedite implementation of the provisions of paragraph 107 identified above should they turn out to be the result of the meet and confer process, the LAPD has developed a draft form to assist Department managers in the review and consideration of personnel assignments. The draft form naturally would be subject to modification should the meet and confer process lead to different resolutions.

1 **V. CONFIDENTIAL INFORMANTS**

2 **Decree ¶108**

3 **Decree Language:**

4 “108. The LAPD has developed and shall continue to implement procedures
5 for the handling of informants. The procedures include and LAPD shall continue to
6 require the following:

7
8 a The use of informants by LAPD personnel is limited to those non-
9 uniformed personnel assigned to investigative units, such as Area Detective, Narcotics
10 Division, and Specialized Detective Divisions. Personnel in uniform assignments shall
11 not maintain or use informants.

12
13 b. An officer desiring to utilize an individual as an informant shall identify
14 that person by completing an informant control package.

15
16 c. The officer shall submit that package to his or her chain-of-command
17 supervisor for review and approval by the appropriate manager prior to utilizing that
18 individual as an informant, which review shall be for completeness and compliance
19 with LAPD procedures.

20
21 d. Each informant shall be assigned a Confidential Informant (“CI”)
22 number.

23
24 e. The commanding offices shall be responsible for ensuring that
25 informant control packages are stored in a secure location that provides for restricted
26 access and sign-out approval by the officer in charge or watch commander. There
27 shall be a written record including each accessing officer's name and date of access in
28 the informant control package.

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(f) Informant control packages shall not be retained beyond end of watch without approval of the officer in charge or watch commander.

(g) Whenever information is supplied by an informant whom the investigating officer has not used as a source within the past three months, the officer shall check the Department-wide undesirable informant file and update the individual's informant control package prior to acting on such information.

h. Investigating officers shall be required to confer with a supervisor prior to meeting with an informant; document all meetings, significant contacts, and information received from an informant in the informant control package; inform their supervisor of any contact with an informant; and admonish the informant that he or she shall not violate any laws in the gathering of information.

i. Supervisors shall be required to meet with each confidential informant at least once prior to the information control package being submitted to the commanding officer. The quality of supervisors' oversight with respect to adherence to LAPD guidelines and procedure regarding informant use by officers under his or her command and such supervisors' own adherence thereto, shall be factors in such supervisor's annual personnel performance evaluation.

j. Whenever an officer takes action based on information supplied by an informant, the officer shall document the information supplied, and the results of the investigation, in the individual's informant control package.”

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PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance/Paragraphs 8 & 184

Compliance Action: Operational Order No. 1, "Use of Informants by Department Personnel,"
January 14, 2000; paragraphs 8 & 184

Funding: NA

Staffing: NA

Space: NA

Activities:

The confidential informant procedures included in paragraph 108, with the exception of the second sentence of paragraph 108(i), are current LAPD practice (Operational Order No. 1, "Use of Informants by Department Personnel," January 14, 2000).

The second sentence of Paragraph 108(i), regarding supervisor's performance evaluation considering supervisor's oversight and adherence to confidential informant procedures, has been identified as a meet and confer item. A review of the LAPD Employee Evaluation Guide has been initiated and will include consideration of the provision 108(i) (see paragraph 54). To assist with the meet and confer process and to expedite implementation of paragraph 108(i) should it turn out to be the result of the meet and confer process, the LAPD has developed draft performance evaluation forms. The draft form naturally would be subject to modification should the meet and confer process lead to different resolutions.

Audit Results: An audit of confidential informant files was conducted pursuant to paragraph 125(c) (see also paragraph 125). Although the requirements of the Consent Decree were not effective during the period covered by the audit, the procedures established in paragraph 108 were

1 current procedure during the period covered by the audit. The audit identified some deficiencies in
2 confidential informant files, such as consistency in file format and content and the need to archive
3 confidential informant files for informants no longer used. Additional supervisory oversight after
4 payment to a confidential informant was also recommended in the audit, an area not addressed by the
5 Consent Decree. The Inspector General’s review of the audit pursuant to paragraph 135, concurred
6 with the findings of the confidential informant file audit, identified some concerns with the auditing
7 methodology and sampling size, and recommended that photographs included in confidential
8 informant files be updated. Recommendations to remedy deficiencies identified were included in the
9 audit report and are being considered and/or implemented.
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1 **Decree ¶109**

2 **Decree Language:**

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4 “109. The LAPD shall establish a permanent Department-wide confidential
5 database or listing of all LAPD confidential informants except those listed by the
6 Anti-Terrorist Division and those used in conjunction with another agency, containing
7 the following information: Confidential Informant number, name, aliases, and date of
8 birth.”
9

10 **PROGRESS/STATUS SUMMARY**

11
12 **Due Date:** July 1, 2001

13 **Current Compliance Status:** Compliance

14 **Compliance Action:** Special Order 28, “Confidential Informant Tracking System,” approved by the
15 Chief of Police September 5, 2001, distributed September 17, 2001, approved by the Commission
16 September 25, 2001

17 **Funding: FY 00-01:** \$2,840 equipment

18 **Staffing:** NA

19 **Space:** NA

20 **Activities:**

21
22 Compliance with the requirements of paragraph 109 was scheduled for July 1, 2001 and was
23 achieved September 17, 2001. The computer for the confidential informant database was available
24 and installed, software program written, and staff responsible for maintenance of the confidential
25 informant database identified by July 1, 2001. However, there was significant concern regarding the
26 security of the information, including the process for obtaining existing confidential informant
27 information for in-put and to update the data base as new confidential informants were identified.
28

1 The City needed additional time to evaluate the potential options to address the security concerns
2 identified. The Administrative Order implementing the Confidential Informant database and
3 associated procedures was distributed September 17, 2001. LAPD has completed all historical data
4 in-put into the new confidential informant database.
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1 **Decree ¶110**

2 **Decree Language:**

3 “110. Within six months of the effective date of this Agreement, the LAPD
4 shall publish a confidential informant manual which further expands and defines the
5 procedures for identifying and utilizing informants, and which will include all of the
6 requirements set out in paragraphs 108 and 109.”
7

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PROGRESS/STATUS SUMMARY

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Due Date: December 15, 2001

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Current Compliance Status: Pending

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Compliance Action: In-progress

13

Funding: FY 00-01: \$3,000 for printing

14

Staffing: NA

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Space: NA

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Activities:

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19 A draft of the Confidential Informant Manual was released for internal LAPD review in June
20 2001. Delays in finalizing the protocols for the updating, maintenance, and access of the Confidential
21 Informant database (see paragraph 109) resulted in Confidential Informant Manual development
22 delays. With finalization of the Confidential Informant database protocols, the draft Confidential
23 Informant Manual and will be re-released for LAPD internal review. The revised draft Confidential
24 Informant Manual will incorporate the recommendations of the confidential informant file audit (see
25 paragraph 125). It is anticipated that the Manual will be completed, duplicated, and available for
26 distribution by December 15, 2001.
27
28

1 **VI. DEVELOPMENT OF PROGRAM FOR RESPONDING TO PERSONS WITH**
2 **MENTAL ILLNESS**

3 **Decree ¶111**

4 **Decree Language:**

5
6 “111. Within one year of the effective date of this Agreement, the Department
7 shall: (a) conduct an in-depth evaluation of successful programs in other law
8 enforcement agencies across the United States dealing with police contacts with
9 persons who may be mentally ill; and (b) conduct an in-depth evaluation of LAPD
10 training, policies, and procedures for dealing with persons who may be mentally ill,
11 including detailed reviews of at least ten incidents since January 1,1999 in which a
12 person who appeared to be mentally ill was the subject of a Categorical Use of Force
13 and at least 15 incidents since January 1,1999 in which the LAPD mental health
14 evaluation unit was contacted.”
15

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17 **PROGRESS/STATUS SUMMARY**

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19 **Due Date:** June 15, 2002

20 **Current Compliance Status:** Pending

21 **Compliance Action:** In progress

22 **Funding: FY 00-01:** \$5,080, plus \$150,000 for Consultant services

23 **FY 01-02:** \$19,851

24 **Staffing: FY 00-01:** 1 Lieutenant II

25 **FY 01-02:** Continuation of FY 00-01 position

26 **Space:** NA
27
28

1 **Activities:**

2 The City released a request for proposals (RFP) for professional services to assist the City in
3 evaluating successful programs for dealing with potentially mentally ill persons on July 18, 2001.

4 The DOJ and Independent Monitor were queried for entities which should be included on the City's
5 RFP mailing list. Proposals were due on August 14, 2001. All proposals received were deemed non-
6 responsive due to non-compliance with standard City requirements. The RFP was re-released on
7 August 27, 2001, with a proposal due date of September 24, 2001. Proposers were interviewed
8 October 10, 2001. It is anticipated that funds in excess of the \$150,000 allocated for consultant
9 services will be required. The City is in the process of identifying funds available for such consultant
10 services.
11

12 The LAPD initiated a pilot program, Crisis Intervention Team, for first responders to better
13 deal with people who are mentally ill in June 2001. The program is modeled after similar programs in
14 Memphis, Tennessee and Albuquerque, New Mexico. Forty hours of training were provided to 36
15 officers and sergeants on tactics, negotiations, and recognition of mental illness in June 2001. A
16 second training session was planned for September, 2001; however with the events of September 11,
17 2001, all September training was cancelled. The training program will be updated to reflect
18 suggestions from the students who received training in June. The pilot program is scheduled to be
19 evaluated in mid-November, 2001.
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1 **Decree ¶112**

2 **Decree Language:**

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4 “112. Within 13 months of the effective date of this Agreement, the LAPD,
5 based upon its analysis required by the preceding paragraph, shall prepare a report for
6 the Police Commission detailing the results of its analysis and recommending
7 appropriate changes in policies, procedures, and training methods regarding police
8 contact with the persons who may be mentally ill with the goal of de-escalating the
9 potential for violent encounters with mentally ill persons. The recommendation shall
10 include a proposal on potential methods for tracking calls and incidents dealing with
11 persons who may appear to be mentally ill. The Police Commission shall forward its
12 reports and actions regarding any appropriate new or modifications to existing
13 policies, practices, or training methods regarding police contact with persons who may
14 be mentally ill to the City Council and Mayor.”
15
16

17 **PROGRESS/STATUS SUMMARY**

18
19 **Due Date:** July 7, 2002

20 **Current Compliance Status:** Pending

21 **Compliance Action:** Pending

22 **Funding:** Unknown

23 **Staffing:** Unknown

24 **Space:** NA
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Activities:

Compliance with paragraph 112 is contingent upon completion of the in-depth evaluations required pursuant to paragraph 111. New or modified policies and procedures could potentially require financial and staff resources.

1 **Decree ¶113**

2 **Decree Language:**

3
4 “113. Within one year of the date of receipt by the Police Commission of the
5 report required in the preceding paragraph, but in no case more than 32 months after
6 the effective date of this Agreement, the Department shall complete an audit to
7 evaluate LAPD handling of calls and incidents over the previous one year period
8 involving persons who appear to be mentally ill. The audit and evaluation shall
9 include any new policies, procedures and training methods implemented pursuant to
10 the preceding Paragraph and shall specify any additional modifications necessary in the
11 Department's policies, procedures or training to meet the objectives specified in the
12 preceding paragraph.”
13

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15 **PROGRESS/STATUS SUMMARY**

16 **Due Date:** February 15, 2004

17 **Current Compliance Status:** Pending

18 **Compliance Action:** Pending

19 **Funding:** Unknown

20 **Staffing:** Unknown

21 **Space:** NA

22 **Activities:**

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25 Compliance with paragraph 113 is contingent upon completion of the in-depth evaluations
26 required pursuant to paragraph 111 and the review required by paragraph 112. New or modified
27 policies and procedures could potentially require financial and staff resources.
28

1 **VII. TRAINING**

2 A. FTO Program

3 **Decree ¶114**

4 **Decree Language:**

5
6 “114. The Department shall continue to implement formal eligibility criteria
7 for Field Training Officers (“FTO”). The criteria require, *inter alia*, demonstrated
8 analytical skills, demonstrated interpersonal and communication skills, cultural and
9 community sensitivity, diversity, and commitment to police integrity. The criteria shall
10 be expanded to require a positive evaluation of the officer based upon the officer's
11 TEAMS II record. Managers shall comply with paragraphs 47(g) or 51, as
12 appropriate, in selecting officers to serve as FTOs.”
13

14 **PROGRESS/STATUS SUMMARY**

15 **Due Date:** June 15, 2001/July 1, 2001/Post TEAMS II

16 **Current Compliance Status:** Compliance/Paragraphs 8 & 184/Pending

17 **Compliance Action:** Employee Selection Manual; Paragraphs 8 & 184; RMIS development
18 activities
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20 **Funding:** NA

21 **Staffing:** NA

22 **Space:** NA
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Activities:

The provisions of paragraph 114, with the exception of the use of TEAMS II and compliance with paragraph 51, are the existing LAPD practices (Employee Selection Manual pages 3-5 and 7-9).

Paragraph 51(d) has been identified as a meet and confer item and therefore the provision of paragraph 114 which refers to the requirements of paragraph 51 has been identified as a meet and confer item (see paragraphs 51 and 184). To assist with the meet and confer process and to expedite implementation of the provisions of paragraph 114 identified above (should they turn out to be the result of the meet and confer process), the LAPD has developed a draft form to assist Department managers in the review and consideration for personnel assignments. The draft form naturally would be subject to modification should the meet and confer process lead to different resolutions.

The RMIS and its protocols for use are under development and will include the provisions of paragraph 114 (see paragraph 47).

1 **Decree ¶115**

2 **Decree Language:**

3 “115. Without limiting any other personnel authority available to the
4 Department, FTOs may be removed during their tenure for acts or behaviors that
5 would disqualify the officer from selection as an FTO.”
6

7

8 **PROGRESS/STATUS SUMMARY**

9 **Due Date:** June 15, 2001

10 **Current Compliance Status:** Compliance

11 **Compliance Action:** LAPD Manual Sections 3/763.55, 3/763.60, and 3/763.65; Paragraphs 8 & 184

12 **Funding:** NA

13 **Staffing:** NA

14 **Space:** NA

15 **Activities:**

16 LAPD Manual Sections 3/763.55, 3/763.60, and 3/763.65 provide for reassignment of an
17 advanced pay grade to a lower pay grade.
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1 **Decree ¶116**

2 **Decree Language:**

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4 “116. The LAPD shall continue to implement a plan to ensure that FTOs
5 receive adequate training, including training to be an instructor and training in LAPD
6 policies and procedures, to enable them to carry out their duties. FTOs' annual
7 personnel performance evaluations shall include their competency in successfully
8 completing and implementing their FTO training. The LAPD shall provide regular and
9 periodic re-training on these topics.”
10

11 **PROGRESS/STATUS SUMMARY**

12
13 **Due Date:** June 15, 2001/July 1, 2001

14 **Current Compliance Status:** Compliance

15 **Compliance Action:** FTO Training; LAPD Employee Evaluation Guide; Human Resources Bureau
16 Notice, “Attendance at Field Training Officer Update School,” approved by the Chief of Police April
17 18, 2002, distributed April 25, 200, approved by the Commission June 21, 2001
18

19 **Funding:** NA

20 **Staffing:** NA

21 **Space:** NA

22 **Activities:**

23
24 The 40 hour Basic Field Training Officer School conducted by the LAPD meets the
25 provisions of paragraph 116 and is certified by the California Commission on Peace Officer Standards
26 and Training (POST). In April, 2001 a 3-day FTO update school was implemented which specifically
27 addresses legal issue updates, ethical decision-making, adult learning concepts and teaching skills,
28 and probationary officer training and evaluation. Re-training in planned triennially.

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The LAPD Employee Evaluation Guide provides procedures for evaluating employee performance consistent with paragraph 116. Review of the LAPD Employee Evaluation Guide has been initiated and will re-affirm the evaluation provisions included in paragraph 166 (see also paragraph 54).

1 B. Training Content

2 Decree ¶117

3 Decree Language:

4 “117. The LAPD shall continue to provide all LAPD recruits, officers,
5 supervisors and managers with regular and periodic training on police integrity. Such
6 training shall include and address, *inter alia*:

7 a. the duty to report misconduct and facts relevant to such misconduct;

8 b. what constitutes retaliation for reporting misconduct, the prohibition
9 against retaliation for reporting misconduct and the protections available to officers
10 from retaliation;

11 c. cultural diversity, which shall include training on interactions with
12 persons of different races, ethnicities, religious groups, sexual orientations, persons of
13 the opposite sex, and persons with disabilities, and also community policing;

14 d. the roll of accurately completing written reports in assuring police
15 integrity, and the proper completion of such reports;

16 e. Fourth Amendment and other constitutional requirements, and the
17 policy requirements set forth in paragraphs 102-103, governing police actions in
18 conducting stops, searches, seizures, making arrests and using force; and

19 f. examples of ethical dilemmas faced by LAPD officers and, where
20 practicable given the location, type, and duration of the training, interactive exercises
21 for resolving ethical dilemmas shall be utilized.”

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PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Compliance Action: LAPD Training Curriculum

Funding: NA

Staffing: NA

Space: NA

Activities:

The LAPD Training Curriculum includes the training content delineated in paragraph 117.

The training curriculum is certified by POST and are reviewed regularly for content and quality.

1 **Decree ¶118**

2 **Decree Language:**

3 “118. The Department shall train all members of the public scheduled to serve
4 on the Board of Rights in police practices and procedures.”
5

6

7 **PROGRESS/STATUS SUMMARY**

8 **Due Date:** July 1, 2001

9 **Current Compliance Status:** Compliance

10 **Compliance Action:** Hearing Examiner Training/Training Manual approved by the Commission July
11 31, 2001

12 **Funding:** NA

13 **Staffing:** NA

14 **Space:** NA

15 **Activities:**

16
17 On December 4, 2001, 42 of the 55 Hearing Examiners were provided training. A training
18 session for the remaining 13 Hearing Examiners and any new Hearing Examiners will be held in
19 November, 2001.

20
21 The Commission coordinated with IAG and the City Attorney to develop enhanced Hearing
22 Examiner training, including development of a manual. The enhanced training program was
23 approved by the Commission on July 31, 2001. Update training for Hearing Examiners will be
24 provided on an annual basis, as well as on an as needed basis as significant issues arise.
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1 **Decree ¶119**

2 **Decree Language:**

3 “119. The City may establish a plan to annually provide tuition reimbursement
4 for continuing education for a reasonable number of officers in subjects relevant to
5 this Agreement, including subjects which will promote police integrity and
6 professionalism. Such educational programs shall be attended while officers are
7 off-duty.”
8

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PROGRESS/STATUS SUMMARY

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12 **Due Date:** None

13 **Current Compliance Status:** Compliance

14 **Compliance Action:** Human Resources Bureau Notice, “ Tuition Reimbursement Program,”
15 approved by the Human Resources Bureau June 27, 2001, distributed July 2, 2001, approved by the
16 Commission October 9, 2001

17

18 **Funding: FY 01-02:** \$250,000

19 **Staffing:** NA

20 **Space:** NA

21 **Activities:**

22 A tuition reimbursement program for courses related to job responsibilities was implemented
23 beginning July 1, 2001.
24

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1 **Decree ¶120**

2 **Decree Language:**

3 “120. The LAPD shall establish procedures for supervisors and officers of the
4 LAPD to communicate to the LAPD Training Group any suggestions they may have
5 for improving the standardized training provided to LAPD officers, and to make
6 written referrals to the appropriate LAPD official regarding suggestions about LAPD
7 policies or tactics.”
8
9

10 **PROGRESS/STATUS SUMMARY**

11 **Due Date:** July 1, 2001

12 **Current Compliance Status:** Compliance

13 **Compliance Action:** LAPD Manual Section 3/750; Human Resources Bureau Notice, “Training
14 Suggestion Program,” approved by the Human Resources Bureau May 25, 2001, distributed June 1,
15 2001, approved by the Commission July 10, 2001
16

17 **Funding:** NA

18 **Staffing:** NA

19 **Space:** NA

20 **Activities:**

21
22 LAPD employees were reminded of the LAPD’s suggestion program through an HRB Notice
23 distributed on June 1, 2001. The Continuing Education Division administers the program and will be
24 evaluating the program over time.
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1 C. Supervisor Training

2 **Decree ¶121**

3 **Decree Language:**

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5 “121. The LAPD shall provide all officers promoted to supervisory positions,
6 up to and including the rank of Captain, with training to perform the duties and
7 responsibilities of such positions. Such LAPD officers and supervisors shall be
8 provided with such training before they assume their new supervisory positions,
9 except for those officers promoted to the rank of Captain, who shall have at least
10 commenced their Command Development training before they assume their new
11 positions.”
12

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14 **PROGRESS/STATUS SUMMARY**

15 **Due Date:** July 1, 2001

16 **Current Compliance Status:** Compliance

17 **Compliance Action:** Scheduling training

18 **Funding: FY 00-01:** \$30,000

19 **FY 01-02:** \$103,283

20 **Staffing: FY 00-01:** 1 Management Analyst I; 1 Clerk Typist

21 **FY 01-02:** continuation of FY 00-01 staffing

22 **Space:** NA

23 **Activities:**

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25
26 The Continuing Education Division has developed a scheduling protocol to ensure that
27 officers and supervisors are provided with appropriate training prior to assuming new supervisory
28 positions. Working closely with the Personnel Division, Continuing Education Division will schedule

1 Department schools to mirror anticipated promotions and deliver training at least 30 days prior to
2 promotions.

3 In the year 2000 the City experienced a backlog in training for Watch Commanders,
4 Sergeants, and Commanding Officers. The backlog was remedied prior to July 1, 2001.
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1 **Decree ¶122**

2 **Decree Language:**

3 “122. The LAPD shall provide regular and periodic supervisory training on
4 reviewing the reports addressed in this Agreement, incident control, and ethical
5 decision making.”
6

7

8 **PROGRESS/STATUS SUMMARY**

9 **Due Date:** July 1, 2001

10 **Current Compliance Status:** Compliance

11 **Compliance Action:** Training curriculum; Human Resources Bureau (HRB) Notice, “Attendance
12 at Supervisor Schools,” approved by the Chief of Police July 2, 2001, distributed July, 5, 2001,
13 approved by the Commission July 24, 2001;

14 **Funding:** see paragraph 121

15 **Staffing:** see paragraph 121

16 **Space:** see paragraph 121

17 **Activities:**

18 Training regarding reviewing the reports, incident control, and ethical decision-making are
19 contained within the Watch Commander, Basic Supervisor, and Detective Supervisor School
20 curriculum. Periodic training on these topics will be accomplished through quarterly supervisor
21 training update classes developed by Continuing Education Division (see also paragraph 117).
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1 **Decree ¶123**

2 **Decree Language:**

3 “123. The LAPD shall ensure that any supervisor who performs, or is
4 expected to perform administrative investigations, including chain of command
5 investigations of uses of force and complaints, receives training on conducting such
6 investigations, receives training on conducting such
7 investigations.”

8

9 **PROGRESS/STATUS SUMMARY**

10 **Due Date:** July 1, 2001

11 **Current Compliance Status:** Compliance

12 **Compliance Action:** Training curriculum; Human Resources Bureau (HRB) Notice,
13 “Administrative Investigation Training,” approved by the Chief of Police June 27, 2001, distributed
14 July, 2, 2001, approved by the Commission October 9, 2001; Human Resources Bureau (HRB)
15 Notice, “Administrative Investigation Training,” approved by the Chief of Police July 2, 2001,
16 distributed July, 5, 2001, approved by the Commission July 24, 2001

17 **Funding:** \$41, 855; also see paragraph 121

18 **Staffing: FY 01-02:** 1 Sergeant II; 1 Detective II; 1 Senior Management Analyst; see paragraph 121

19 **Space:** see paragraph 121

20 **Activities:**

21 Training regarding administrative investigations (see also paragraphs 55, 80, and 100) are
22 contained within Watch Commander, Basic Supervisor, and Detective Supervisor School curriculum.
23 The curriculum has been enhanced to further highlight the investigative procedures consistent with
24 the Consent Decree. Periodic training on these topics will be accomplished through quarterly
25 supervisor training update classes developed by Continuing Education Division (see paragraph 122).
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Additional training staff needs were identified for IAG supervisory training. With the transition of investigations and the on-going recruitment of staff planned over the next 12-18 months, training staff adequate to meet the on-going needs was authorized.

1 **VII. INTEGRITY AUDITS**

2 **Decree ¶124**

3 **Decree Language:**

4
5 “124. By June 1, 2001, and prior to the beginning of each fiscal year
6 thereafter, the Chief of Police shall submit to the Police Commission, with a copy to
7 the Inspector General, a listing of all scheduled audits of the LAPD to be conducted
8 by the LAPD in the upcoming fiscal year, other than sting audits (the "Annual Audit
9 Plan"). The Annual Audit Plan shall include all specified audits required to be
10 conducted by the LAPD, and any other audits required by this Agreement, including
11 the audits required by paragraphs 111,113,133 and 134. The Police Commission shall
12 review this Annual Audit Plan, and following consultation with the Chief of Police,
13 shall make appropriate modifications, and approve it. The Chief of Police shall report
14 to the Commission quarterly, with a copy to the Inspector General, on the status of
15 audits listed in the Annual Audit Plan, including any significant results of such audits
16 conducted by the LAPD ("Quarterly Audit Report"). The Department shall create and
17 continue to have an audit unit within the office of the Chief of Police (the "Audit
18 Unit") with centralized responsibility for developing the Annual Audit Plan;
19 coordinating and scheduling audits contemplated by the annual Audit Plan and
20 ensuring timely completion of audits, and conducting audits as directed by the Chief of
21 Police. The Audit Unit shall be established effective July 1, 2001, in connection with
22 the adoption of the City's 2001-2002 Budget, with positions to be filled as quickly as
23 reasonably possible in accordance with applicable civil service provisions. Audits
24 contemplated by the annual Audit Plan may be conducted by the Audit Unit or by
25 other LAPD units, as appropriate, provided, however, that the Audit Unit shall take
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1 over responsibility for conducting those audits contemplated by paragraphs 128 and
2 129 once that Unit is established. The Audit Unit shall serve as a resource to other
3 LAPD units in the conduct of audits and shall also periodically assess the quality of
4 audits performed by other LAPD units. In the event the LAPD desires to amend the
5 Annual Audit Plan, it may do so in the Quarterly Audit Report; provided, however,
6 that the Annual Audit Plan shall include the specified audits to be conducted by the
7 LAPD. Each audit conducted by the Department shall be documented in a report that
8 provides the audit's methodology, data sources, analysis of the data and conclusions.”
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11 **PROGRESS/STATUS SUMMARY**

12
13 **Due Date:** June 1, 2001/July 1, 2001

14 **Current Compliance Status:** Compliance

15 **Compliance Action:** Annual Audit Plan submitted to Commission on May 17, 2001; Commission
16 approval of Annual Audit Plan on June 5, 2001; Special Order 16, “Audit Division Established,”
17 approved by the Chief of Police July 6, 2001, distributed July 11, 2001, approved by the Commission
18 July 31, 2001

19 **Funding: FY 00-01:** \$ 40,690

20 **FY 01-02:** \$ 866,634, plus \$111,823 lease space cost

21
22 **Staffing: FY 00-01:** 1 Captain III; 2 Lieutenant II; 2 Sergeant II; 2 Detective I; 1 Senior
23 Management Analyst I; 1 Secretary; 1 Clerk Typist; 1 Management Analyst II

24 **FY 01-02** Continuation of FY 00-01 staffing plus: 4 Sergeant I; 4 Detective I; 4 Management
25 Analyst II; 4 Senior Clerk Typists

26 **Space:** Additional lease space required

27 **Activities:**
28

1 The LAPD Audit Division became operational on April 8, 2001, with the formal duties for the
2 Division established in Special Order 16, distributed July 11, 2001. The LAPD's existing Inspection
3 and Control Division was incorporated into the Audit Division. In FY 00-01 twelve additional staff
4 were provided to the Audit Division to assist in the drafting of the Annual Audit Plan, required to be
5 completed by June 1, 2001. The additional twelve staff were continued in FY 01-02. Eleven of the
6 twelve staff positions have been filled.
7

8 Upon adoption of the Annual Audit Plan by the Police Commission on June 5, 2001, an
9 assessment of the workload associated with the Annual Audit Plan was completed and an additional
10 16 staff positions were authorized for FY 01-02 by City Council in July, 2001. None of the 16 staff
11 positions authorized have been filled to date.
12

13 Substantial additional space for the new Audit Division staff, co-located with the existing staff
14 previously located in Inspection and Control Division, was required. Appropriate lease space was
15 identified and funded in August 2001.
16

17 The Annual Audit Plan approved by the Commission on June 5, 2001, contains all Consent
18 Decree mandated audits as well as 12 additional topics identified by the LAPD. The Commission on
19 acting upon the Plan requested some modifications to the Plan to be included at the Quarterly Audit
20 Report. The first Quarterly Audit Report is scheduled for October 15, 2001.
21

22 Training of Audit Division staff is on-going, with training opportunities and options being
23 reviewed by the LAPD.
24

25 The Commission approved the hiring of an auditing consultant to assist in developing auditing
26 methodologies. Contract negotiations are currently in process.
27
28

1 **Decree ¶125**

2 **Decree Language:**

3 “125. Prior to July 1, 2001, the LAPD shall conduct the following audits:

4 a. a stratified random sample of warrant applications and affidavits used
5 to support warrant applications, consistent with paragraph 128;

6 b. a stratified random sample of arrest, booking, and charging reports;
7 consistent with paragraph 128;

8 c. a stratified random sample of confidential informant control packages,
9 consistent with paragraph 128; and

10 d. the work product of all LAPD units covered by paragraph 106
11 consistent with paragraph 131.”

12 **PROGRESS/STATUS SUMMARY**

13 **Due Date:** July 1, 2001

14 **Current Compliance Status:** Compliance

15 **Compliance Action:** Completion of paragraph 125 audits and submittal to the Commission on June
16 29, 2001

17 **Funding:** see paragraphs 124 and 131

18 **Staffing:** see paragraphs 124 and 131

19 **Space:** see paragraphs 124 and 131

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1 **Activities:**

2 With the development of the Audit Division first initiated April 8, 2001, the audits undertaken
3 pursuant to paragraph 125 were necessarily performed by various LAPD entities.

4 The Criminal Intelligence Group performed the audit on warrant applications (125(a)). The
5 audit was completed on June 21, 2001. After review by management, the audit was submitted to the
6 Commission on June 29, 2001. A summary of the audit results is presented in paragraph 7.

7 The Audit Division performed the audit on arrest and booking reports (Paragraph 125(b)).
8 The audit was completed June 14, 2001. After review by management, the audit was submitted to the
9 Commission on June 29, 2001. A summary of the audit results is presented in paragraph 70.

10 The Criminal Intelligence Group performed the audit on confidential informant packages
11 (125(c)). The audit was completed on June 21, 2001. After review by management, the audit was
12 submitted to the Commission on June 29, 2001. A summary of the audit results is presented in
13 paragraph 108.

14 Consistent with the requirements of paragraph 131, the OHB Detective Services Division
15 performed the audit on Special Enforcement Units (125(d)). The LAPD conducted a comprehensive
16 audit of gang details in June 2000, resulting in several recommendations. The audit conducted
17 pursuant to paragraph 125(d) was therefore a focused follow-up audit to that previous
18 comprehensive effort. The audit was completed on June 22, 2001. After review by management, the
19 audit was submitted to the Commission on June 29, 2001. A summary of the audit results is
20 presented in paragraph 106.

21 The Audit Division has been made responsible for ensuring that recommendations from all
22 paragraph 125 audits are appropriately considered and/or implemented. On August 1, 2001 the
23 Audit Division distributed correspondence to affected Commands directing the Commands to review
24 the results and recommendations of the audits, take appropriate actions, and report back in writing to
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1 the Audit Division regarding actions taken by September 24, 2001. The Audit Division is reviewing
2 the responses of affected Commands and will follow-up as appropriate.

3
4 Regular and periodic audits of the various activities covered by paragraph 125 will be undertaken
5 pursuant to paragraphs 128 and 131. Such regular reviews will assist in ensuring implementation of
6 recommendations and continued compliance with the provisions of the Consent Decree. Audits for
7 arrest and booking reports and for specific areas covered by paragraph 131 will be initiated in the
8 second quarter of FY 01-02 (October –December) (See paragraph 128 and 131).
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1 **Decree ¶126**

2 **Decree Language:**

3 “126. By November 1, 2001, the LAPD shall conduct an audit of a stratified
4 random sample of all use of force reports consistent with paragraph 128.”
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7 **PROGRESS/STATUS SUMMARY**

8 **Due Date:** November 1, 2001

9 **Current Compliance Status:** Pending

10 **Compliance Action:** In progress

11 **Funding:** see paragraph 124

12 **Staffing:** see paragraph 124

13 **Space:** see paragraph 124

14 **Activities:**

15 The Audit Division has completed the use of force reports audit. The report is under review
16 by LAPD management for accuracy and completeness and formulation of appropriate
17 recommendations. The audit is anticipated to be submitted to the Commission by November 1, 2001.
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1 B. Audits by the LAPD

2 **Decree ¶127**

3 **Decree Language:**

4 “127. Sting audits shall not be reported in the Quarterly Audit Report, rather
5 the results of all sting audits shall be reported to the Police Commission and the
6 Inspector General by the Chief of Police within two weeks of the Chief's receipt of
7 each sting audit report.”
8

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11 **PROGRESS/STATUS SUMMARY**

12

13 **Due Date:** July 1, 2001

14

15 **Current Compliance Status:** Compliance

16

17 **Compliance Action:** Audit – in progress in compliance with Audit Plan.

18

19 **Funding:** see paragraph 95

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21 **Staffing:** see paragraph 95

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23 **Space:** see paragraph 95

24

25 **Activities:**

26

27 See paragraph 97.

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1 **Decree ¶128**

2 **Decree Language:**

3 “128. LAPD shall conduct regular, periodic audits of stratified random
4 samples of 1) warrant applications and affidavits used to support warrant applications;
5 2) arrest, booking, and charging reports; 3) use of force reports; 4) all motor vehicle
6 stops and pedestrian stops that are required to be documented in the manner specified
7 in paragraphs 104 and 105; and 5) confidential informant control packages. The
8 review of these documents shall entail, at a minimum, a review for completeness of the
9 information contained and an authenticity review to include an examination for
10 "canned" language, inconsistent information, lack of articulation of the legal basis for
11 the applicable action or other indicia that the information in the document is not
12 authentic or correct. The review shall also assess the information in the documents to
13 determine whether the underlying action was appropriate, legal, and in conformance
14 with LAPD procedures. To the extent possible from a review of such samples, the
15 audit shall also evaluate the supervisory oversight of the applicable incident and any
16 post-incident review.”
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21 **PROGRESS/STATUS SUMMARY**

22 **Due Date:** Per Audit Plan (see paragraph 124)

23 **Current Compliance Status:** Compliance

24 **Compliance Action:** Audits in-progress in compliance with Audit Plan

25 **Funding:** see paragraph 124

26 **Staffing:** see paragraph 124

27 **Space:** see paragraph 124

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Activities:

A use of force report audit will be submitted consistent with paragraph 126. Arrest, booking, and charging reports are scheduled to be audited during the second quarter of FY 01-02 (October-December).

1 **Decree ¶129**

2 **Decree Language:**

3 “I29. The LAPD shall conduct regular, periodic audits of random samples of
4
5 (i) all Categorical Use of Force investigations; (ii) all Non-Categorical Use of Force
6 investigations; and (iii) all Complaint Form 1.28 investigations. These audits shall
7 assess:

8 a. the timeliness of completing the investigations, and satisfying the
9 requirements of paragraphs 67, 69 and 87 where applicable;

10 b. the completeness of the investigation file, including whether the file
11 contains all appropriate evidence and documentation, or, if evidence is missing, as
12 explanation of why the evidence is missing;

13 c. a comparison of the officer, complainant, and witness statements with
14 the investigator's summaries thereof where applicable;

15 d. the adequacy of the investigation, including the application of the
16 standards set forth in paragraphs 80-86; and

17 e. the appropriateness of IAG's determinations under paragraph 79.”
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21 **PROGRESS/STATUS SUMMARY**

22 **Due Date:** Per Audit Plan (see paragraph 124)

23 **Current Compliance Status:** Compliance

24 **Compliance Action:** Audits in progress in compliance with Audit Plan

25 **Funding:** see paragraph 124

26 **Staffing:** see paragraph 124

27 **Space:** see paragraph 124
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Activities:

The first audits for this provision are scheduled for the third quarter of FY 01-02 (January-April).

1 **Decree ¶130**

2 **Decree Language:**

3 “130. The LAPD shall annually report to the Commission, with a copy to the
4 Inspector General, the type of complaint allegations it receives and the disposition
5 (including sustained rate) and discipline or lack of discipline resulting from each type
6 of allegation. This report shall include both the allegations received and any collateral
7 misconduct discovered during the investigation. This report shall list the above
8 information for each type of allegation as well as summarize aggregate information by
9 geographic division (department, bureau, area, and district), officer rank and type of
10 assignment.”

13
14 **PROGRESS/STATUS SUMMARY**

15 **Due Date:** February 15, 2002

16 **Current Compliance Status:** Pending

17 **Compliance Action:** In progress

18 **Funding:** see paragraph 124

19 **Staffing:** see paragraph 124

20 **Space:** see paragraph 124

21 **Activities**

22 The Quarterly Discipline Reports have been completed (see paragraph 88). The annual report
23 will be based upon the quarterly reports.
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1 **Decree ¶131**

2 **Decree Language:**

3 “131. The LAPD shall conduct regular periodic audits of the work product of
4 all LAPD units covered by paragraph 106. These audits shall be conducted by OHB
5 Detective Support Division. Each such audit shall include:

- 6
- 7 a. auditing a random sample of the work of the unit as a whole and
8 further auditing the work of any individual officers whose work product the auditor
9 has observed contains indicia of untruthfulness, other forms of misconduct, or
10 otherwise merits further review;
 - 11 b. assessing compliance with the selection criteria set forth in paragraphs
12 106 and 107;
 - 13 c. an audit of the type set forth in paragraph 128;
 - 14 d. auditing the use of confidential informants by such units to assess
15 compliance with paragraph 108; .
 - 16 e. auditing the roles and conduct of supervisors of these units;
 - 17 f. reviewing the incidents requiring supervisory review pursuant to
18 paragraphs 62, 64, 68, 70 and 71, assessing the supervisor's response, and examining
19 the relationships of particular officers working together or under particular
20 supervisors in such incidents to determine whether additional investigation is needed
21 to identify at-risk practices; and
 - 22 g. the audit shall draw conclusions regarding the adherence of the unit to
23 the law, LAPD policies and procedures, and this Agreement, and shall recommend a
24 course of action to correct any deficiencies found.”
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PROGRESS/STATUS SUMMARY

Due Date: Per Audit Plan (see paragraph 124)

Current Compliance Status: Compliance

Compliance Action: Audits in progress in compliance with Audit Plan

Funding: FY 00-01: \$100,000

FY 01-02 \$271,869

Staffing: **FY 00-01:** 1 Lieutenant II; Detective III, 2 Senior Clerk Typists

FY 01-02: continued FY 00-01 staffing; plus 2 Detective II; 2 Sergeant II

Space: see paragraphs 131

Activities:

In FY 00-01, four additional staff were added to the Detective Support Division for auditing purposes. Those positions were continued in FY 01-02. All of those positions have been filled.

Upon adoption of the Annual Audit Plan by the Police Commission on June 5, 2001, (see paragraph 124) an assessment of the workload associated with the Annual Audit Plan was completed and an additional 4 staff positions were authorized for FY 01-02 by City Council in July 2001. Two of those four positions have been filled.

Audits for specific areas covered by paragraph 131 will be initiated in the second quarter of FY 01-02 (October –December).

1 **Decree ¶132**

2 **Decree Language:**

3 “132. The LAPD shall require regular and periodic financial disclosures by all
4 LAPD officers and other LAPD employees who routinely handle valuable contraband
5 or cash. The LAPD shall periodically audit a random sample of such disclosures to
6 ensure their accuracy. When necessary, the LAPD shall require the necessary waivers
7 from such officers.”
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PROGRESS/STATUS SUMMARY

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12 **Due Date:** July 1, 2001

13 **Current Compliance Status:** Paragraphs 8 & 184

14 **Compliance Action:** Paragraphs 8 & 184

15 **Funding:** see paragraph 124

16 **Staffing:** see paragraph 124

17 **Space:** see paragraph 124

18 **Activities**

19 Paragraph 132 has been identified as a meet and confer item (see paragraphs 8 and 184). The
20 meet and confer process for this paragraph effects both sworn and civilian bargaining units.
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1 **Decree ¶134**

2 **Decree Language:**

3
4 “134. Eighteen months after the effective date of this Agreement, the
5 Department shall complete a review and audit of all uses of force resulting in skeletal
6 fractures known to the LAPD. The audit shall review and evaluate: 1) the frequency of
7 occurrence of skeletal fractures, by officers and groups of officers, and the types of
8 force that produced the fractures; 2) medical care provided to persons who sustain
9 such a fracture where the medical care is provided while the person is in the custody
10 of the Department, or provided at another time and the Department knows of the
11 fracture; 3) the quality, thoroughness, disposition, and timeliness of the chain of
12 command investigation and review of uses of force resulting in fractures, pursuant to
13 paragraph 68; and 4) frequency and outcome of complaints where the complainant
14 allegedly received such a fracture. Such audit shall analyze the circumstances giving
15 rise to the use of force and resulting fracture, and the Department's response to such
16 injuries. The audit shall recommend potential reforms to Department policies and
17 procedures with the goal of minimizing and promptly treating such fractures, including
18 the feasibility and desirability of including uses of force resulting in fractures within the
19 definition of a Categorical Use of Force, as appropriate.”
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23 **PROGRESS/STATUS SUMMARY**

24 **Due Date:** December 15, 2002

25 **Current Compliance Status:** Pending

26 **Compliance Action:** Pending

27 **Funding:** see paragraphs 124
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Staffing: see paragraphs 124

Space: see paragraphs 124

Activities:

It is anticipated that the skeletal fracture use of force audit will be undertaken in the FY 02-03.

1 C. Inspector General Audits

2 **Decree ¶135**

3 **Decree Language:**

4 “135. The Inspector General shall be provided with copies of all reports of
5 specified audits prepared by the LAPD and audits prepared in compliance with
6 paragraphs 111, 113, 125, 126, 133 and 134 within one week of the completion
7 thereof and with copies of all sting audits as required by paragraph 127. The
8 Inspector General shall evaluate all such audits to assess their quality, completeness
9 and findings. Upon request from the Inspector General, the LAPD shall forward any
10 other LAPD audit report requested to the Inspector General within one week of such
11 request, and the Inspector General, at his or her discretion where he or she deems
12 appropriate, or upon direction from the Commission, may evaluate these audits. The
13 Inspector General shall deliver its evaluations in writing to the Police Commission.”
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17 **PROGRESS/STATUS SUMMARY**

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19 **Due Date:** July 1, 2001

20 **Current Compliance Status:** Compliance

21 **Compliance Action:** Review of paragraph 125 audits.

22 **Budget: FY 01-02:** \$1 million

23 **Staffing: FY 00-01:** 1 Special Investigator; 1 Assistant Inspector General; 1 Secretary; 1 Senior
24 Management Analyst I; 1 Management Analyst II

25 **FY 01-02:** Continuation of FY 00-01 staffing; plus 2 Senior Management Analysts; 4

26 Management Analyst II; 2 Senior Clerk Typists; 1 Clerk Typist
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28 **Space Needs:** NA

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Activities:

The Inspector General reviewed the audits prepared by LAPD in compliance with paragraph 125 and submitted a reports to the Commission August 2, 2001. See paragraphs 70, 72, 106, and 108 for a summary of the Inspector General’s review.

The requirements of the Consent Decree increase the auditing duties and the review responsibilities of the Inspector General. The Office of the Inspector General was provided “temporary” position authorities in FY 00-01 to assist with the Rampart Independent Review Panel. At the conclusion of the Rampart Independent Review Panel in early 2001, those position authorities were continued for Consent Decree implementation purposes. In FY01-02 those positions were regularized.

1 **Decree ¶136**

2 **Decree Language:**

3 “136. The Inspector General shall continue to review all Categorical Use of
4 Force investigations. The Inspector General also shall conduct a regular, periodic
5 audit and review of a stratified random sample of: (i) all Non-Categorical Uses of
6 Force; and (ii) Complaint Form 1.28 investigations. Both of these types of reviews
7 shall assess the quality, completeness, and findings of the investigations and shall
8 include determinations of whether the investigations were completed in a timely
9 manner, summarized and transcribed statements accurately match the recorded
10 statements, all available evidence was collected and analyzed, and the investigation
11 was properly adjudicated. The Inspector General shall promptly report its findings
12 from these reviews in writing to the Police Commission.”
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16 **PROGRESS/STATUS SUMMARY**

17 **Due Date:** June 15, 2001

18 **Current Compliance Status:** Compliance

19 **Compliance Action:** City Charter Section 573; Los Angeles Board of Police Commissioners Policies
20 and Authority Relative to the Inspector General, approved by the Commission November 21, 2000;
21 Special Order No. 5, “Policies and Authority Relative to the Inspector General,” approved by the
22 Chief of Police February 9, 2001; Office of the Inspector General Consent Decree Implementation
23 Plan, approved by the Inspector General June 20, 2001, approved by the Commission June 29, 2001
24
25

26 **Budget:** see paragraph 137

27 **Staffing:** see paragraph 137

28 **Space Needs:** NA

1 **Activities:**

2 The City was in partial compliance with paragraph 136 on July 1, 2001, with full compliance
3 achieved July 30, 2001. The only area of delayed compliance was in response to the two new types
4 of Categorical Uses of Force established by the Consent Decree (definition in paragraph 13): head
5 strikes with an impact weapon and canine bites that result in hospitalization. Although the
6 Commission adopted a Use of Force Policy defining Categorical Use of Force in March, the Human
7 Resources Bureau Notice codifying the definition was published for implementation by field
8 personnel on July 30, 2001 (see discussion in paragraph 56). It is the current policy and practice of
9 the Commission that the Inspector General and the Commission review all Categorical Uses of Force
10 consistent with requirements of paragraph 136 (see also paragraph 67 and 142).

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13 The Office of the Inspector General reviews every Complaint Form 1.28 investigation
14 conducted by the LAPD, with the exception of failures to appear, failures to qualify, and preventable
15 traffic collisions. In the event the Office of the Inspector General recommends additional
16 investigation, reconsideration, or notes concerns, a memo is submitted to IAG. A summary of the
17 complaint investigation reviews is provided in the Office of the Inspector General's monthly activity
18 report provided to the Commission, which are placed upon the Commission agenda for
19 consideration.

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21 It is anticipated that the Office of the Inspector General will audit non-categorical uses of
22 force in the third quarter of FY 01-02 (January-March).

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1 **Decree ¶137**

2 **Decree Language:**

3 “ 137. The Inspector General, between 6-12 months following implementation
4 of TEAMS II and on a regular basis thereafter, shall audit the quality and timeliness of
5 the LAPD's use of TEAMS II to perform the tasks identified in the protocol
6 described in paragraph 47 above.”
7

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PROGRESS/STATUS SUMMARY

10

Due Date: Post TEAMS II

11

Current Compliance Status: Pending

12

Compliance Action: Pending completion of TEAMS II

13

Budget: see paragraph 137

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Staffing: see paragraph 137

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Space Needs: NA

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Activities:

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Protocols for TEAMS II use are being developed (see paragraph 47).

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1 **Decree ¶138**

2 **Decree Language:**

3 “138. The Inspector General shall periodically use TEAMS II to conduct
4 audits of the LAPD and to review LAPD unit specific and officer specific audits
5 conducted by the LAPD. Such audits and reviews shall include procedures that:

6
7 a. examine and identify officers demonstrating at-risk behavior as
8 determined by their history of (i) administrative investigations, (ii) misconduct
9 complaints, (iii) discipline, (iv) uses of lethal and non-lethal force, (v) criminal or civil
10 charges or lawsuits, (vi) searches and seizures, (vii) racial bias, (viii) improper arrests
11 or (ix) any other matter requested by the Police Commission or, subject to Charter
12 section 573, any other improper conduct or at-risk behavior the Inspector General has
13 reason to believe exists;

14
15 b. examine and identify at-risk practices or procedures as determined by
16 trends within a unit or between and among units using, at a minimum, the criteria in
17 subsection (a) above.”
18

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20 **PROGRESS/STATUS SUMMARY**

21 **Due Date:** Post TEAMS II

22 **Current Compliance Status:** Pending

23 **Compliance Action:** Pending completion of TEAMS II

24 **Budget:** see paragraph 137

25 **Staffing:** see paragraph 137

26 **Space Needs:** NA
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Activities:

Protocols for TEAMS II use are being developed (see paragraph 47).

1 **Decree ¶139**

2 **Decree Language:**

3 “139. The Inspector General may receive complaints from LAPD employees
4 alleging retaliation for reporting possible misconduct or at-risk behavior. The
5 Inspector General shall record and track the allegations in such complaints. If the
6 Inspector General determines that such complains indicate possible retaliation in the
7 Police Department's handling of complaints, the Inspector General shall conduct an
8 investigation and forward its findings to the Police Commission. The Police
9 Commission shall work with the Inspector General to develop and implement
10 retaliation complaint investigation protocols that will protect, to the maximum extent
11 permitted by law, the confidentiality of the identity of the person reporting retaliation
12 to the Inspector General.

16 **PROGRESS/STATUS SUMMARY**

17 **Due Date:** July 1, 2001

18 **Current Compliance Status:** Compliance

19 **Compliance Action:** City Charter Section 573; Los Angeles Board of Police Commissioners Policies
20 and Authority Relative to the Inspector General, approved by the Commission November 21, 2000;
21 Special Order No. 5, “Policies and Authority Relative to the Inspector General,” approved by the
22 Chief of Police February 9, 2001; Office of the Inspector General Consent Decree Implementation
23 Plan, approved by the Inspector General June 20, 2001, approved by the Commission June 29, 2001

24 **Funding:** NA

25 **Staffing:** NA

26 **Space:** NA

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Activities:

The Office of the Inspector General receives complaints and conducts investigations pursuant to the policies established by the Commission, which are consistent with the requirements of paragraph 139. The Office of the Inspector General Consent Decree Implementation Plan includes confidentiality procedures.

1 **Decree ¶140**

2 **Decree Language:**

3 “140. The Police Commission may identify subjects for audits and direct either
4 the LAPD or the Inspector General to conduct such audits. The LAPD and Inspector
5 General shall conduct such audits as directed by the Commission and shall report the
6 audit results to the Commission within the time frames established by the Commission.
7 Subject to Charter Section 573, the Inspector General shall continue to have the
8 authority to initiate other audits.”
9
10

11 **PROGRESS/STATUS SUMMARY**

12
13 **Due Date:** October 15, 2001

14 **Current Compliance Status:** Compliance

15 **Compliance Action:** City Charter Section 573; Los Angeles Board of Police Commissioners Policies
16 and Authority Relative to the Inspector General, approved by the Commission November 21, 2000;
17 Special Order No. 5, “Policies and Authority Relative to the Inspector General,” approved by the
18 Chief of Police February 9, 2001; Office of the Inspector General Consent Decree Implementation
19 Plan, approved by the Inspector General June 20, 2001, approved by the Commission June 29, 2001

20
21 **Funding:** NA

22 **Staffing:** NA

23 **Space:** NA

24
25 **Activities:**

26 It is the current practice of the Commission to identify audits to be completed by the
27 Inspector General, as appropriate and for the Inspector General to keep the Commission informed as
28 to his activities and audit results.

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1 **IX. OPERATIONS OF THE POLICE COMMISSION AND INSPECTOR GENERAL**

2 A. *Police Commission*

3 **Decree ¶141**

4 **Decree Language:**

5
6 “141. This Agreement sets forth obligations of the Commission, Inspector
7 General and Chief of Police; however, it in no way constrains them from exercising
8 their powers and satisfying their duties set forth in the Charter and other applicable
9 law.”

10

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12 **PROGRESS/STATUS SUMMARY**

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14 No Mandate

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1 **Decree ¶142**

2 **Decree Language:**

3 “142. The Commission and Inspector General shall continue to review and
4 evaluate all Categorical Uses of Force. The Commission shall determine whether the
5 officer's conduct conforms with LAPD policies, procedures, and the requirements of
6 this Agreement, and so inform the Chief of Police. The Commission shall annually
7 issue a publicly available report detailing its findings regarding these incidents.”
8

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PROGRESS/STATUS SUMMARY

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12 **Due Date:** June 15, 2001

13 **Compliance Action:** March 6, 2001, Commission Motion regarding Categorical Use of Force;
14 implementing Human Resources Bureau Notice (HRB) Notice entitled “Categorical Use of Force
15 Classifications and Investigative Responsibility” approved and distributed July 30, 2001, Use of
16 Force Review Section process re-affirmed by the Police Commission July 17, 2001.

17

18 **Budget:** NA

19 **New Staffing:** NA

20 **Space Needs:** NA

21 **Activities:**

22 The City was in partial compliance with paragraph 142 on July 1, 2001, with full compliance
23 achieved July 30, 2001. The only area of delayed compliance was in response to the two new types
24 of Categorical Uses of Force established by the Consent Decree (definition in paragraph 13): head
25 strikes with an impact weapon and canine bites that result in hospitalization. Although the
26 Commission adopted a Use of Force Policy defining Categorical Use of Force in March, the Human
27 Resources Bureau Notice codifying the definition was published for implementation by field
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personnel on July 30, 2001 (see discussion in paragraph 56). It is the current policy and practice of the Commission that the Inspector General to review all Categorical Uses of Force consistent with requirements of paragraph 142 (see also paragraph 67).

The Use of Force Review Section process, which includes investigation time lines, was reaffirmed by the Police Commission July 17, 2001.

1 **Decree ¶143**

2 **Decree Language:**

3 “143. The Commission shall review the specified audit reports, the sting audit
4 reports, and the audits required by paragraphs 111, 113, 125, 126, 133, and 134 to
5 determine whether any changes or modifications in LAPD policies are necessary. In
6 addition, the Police Commission shall consider the results of such audits in its annual
7 evaluation of the Chief of Police. The Police Commission shall exercise its authority
8 to review and approve all new LAPD policies and procedures or changes to existing
9 LAPD policies and procedures that are made to address the requirements of this
10 Agreement. Review and approval of procedures, or changes to existing procedures
11 that are made to address the requirements of this Agreement, by the Chief of Police
12 (or his or her designee) affecting only procedure (and not policy) may be obtained on
13 a ratification basis by placement of such item on the Commission agenda within 14
14 days of the date of the action by the Chief or designee, and the Commission must
15 approve, disapprove, or require modification of such item within 14 days of receipt.
16 All new policies, or changes to existing policies, must be reviewed and approved by
17 the Commission prior to implementation.”
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22 **PROGRESS/STATUS SUMMARY**

23 **Due Date:** July 1, 2001

24 **Current Compliance Status:** Compliance

25 **Compliance Action:** Review and approval of LAPD Policies and Procedures; review of paragraph
26 125 Audits
27

28 **Funding: FY 00-01:** \$25,000

1 **FY 01-02:** \$60,671

2 **Staffing:** **FY 00-01:** 1 Management Analyst

3 **FY 01-02:** FY 00-01 staffing continued

4 **Space:** NA

5 **Activities:**

6 The City has experienced difficulty complying with provision of paragraph 143, which
7 requires that procedures approved by the Chief of Police be placed on the Agenda within 14-days.
8 Procedures approved by the Chief of Police and required for Consent Decree implementation have
9 been adopted by the Police Commission. However, as documented in the “Compliance Action”
10 section of each specific paragraph is this report it has taken greater than 14 days in most cases for
11 procedures approved by the Chief of Police to be presented to the Commission for consideration.
12 This discrepancy was first discovered during drafting of the status report to the Court.

13 The LAPD and the Police Commission have established a procedure to track to procedures
14 approved by the Chief of Police related to Consent Decree implementation to ensure timely
15 consideration by the Chief of Police. One remaining item has been identified, IAG Notice, “Internal
16 Affairs Investigation Transition Plan,” approved by the IAG and distributed September 17, 2001.
17 This notice has been identified as requiring approval by the Commission. The newly developed
18 tracking procedures are anticipated to remedy this discrepancy in the future, and therefore the City
19 considers itself in compliance at this time.

20 The Commission has acted to approve policy changes, consistent with the provisions of
21 paragraph 143 (see paragraphs 55 and 78).

22 Consideration of the audits completed pursuant to paragraph 125 and the Inspector General’s
23 review of those audits (see paragraph 135) was scheduled for consideration by the Commission at the
24 “new” Commission’s first meeting on August 21, 2001. After brief discussion, the item was

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1 continued. It is anticipated that the paragraph 125 audits will be considered by the Commission in
2 late October or early November.
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1 **Decree ¶144**

2 **Decree Language:**

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4 “144. Under the Charter, the Commission is required to conduct an annual
5 review of the Chief of Police. Such a review is intended to be an overall assessment of
6 the Police Chief’s performance as the chief administrative officer of the LAPD,
7 including as it relates to satisfaction of universal performance goals applicable to chief
8 administrative officers, budgeting goals and other goals determined by the
9 Commission. In conducting such review, the Commission shall also consider the
10 Police Chief’s responses to use of force incidents and complaints of officer
11 misconduct, assessment and imposition of discipline and those matters described in
12 paragraphs 67, 88, 89, 106, 124, 127, and 143.”
13

14
15 **PROGRESS/STATUS SUMMARY**

16 **Due Date:** July 1, 2001

17 **Current Compliance Status:** Compliance

18 **Compliance Action:** Revision of Chief of Police Evaluation Form, October 9, 2001

19 **Funding:** NA

20 **Staffing:** NA

21 **Space:** NA
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Activities:

The Commission completed the annual evaluation of the Chief of Police in July-August 2001.

The Commission, at its October 9, 2001 meeting, acted to modify the Chief of Police evaluation form to include consideration of implementation of the Consent Decree and the Chief's responses to use of force incidents and complaints of officer misconduct, assessment and imposition of discipline and those matters described in paragraphs 67, 88, 89, 106, 124, 127, and 143. The next annual evaluation Chief of Police is scheduled to occur prior to July 2002, and would be based upon the newly established evaluation criteria.

1 **Decree ¶145**

2 **Decree Language:**

3 “145. The Commission shall investigate all misconduct complaints against the
4 Chief of Police and may use its staff, the Inspector General, or authorized contractors
5 to conduct such investigations.”
6

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8 **PROGRESS/STATUS SUMMARY**

9 **Due Date:** October 15, 2001

10 **Current Compliance Status:** Compliance

11 **Current Compliance Status:** Compliance

12 **Compliance Action:** City Charter Section 571; Special Order 17, “Complaint Investigation
13 Procedures-Revised,” approved by the Chief Of Police July 17, 2001, distributed July 23, 2001,
14 approved by the Commission September 18, 2001;

15 **Funding:** NA

16 **Staffing:** NA

17 **Space:** NA

18 **Activities:**

19 It is the current practice of the Commission to investigate misconduct complaints lodged
20 against the Chief of Police. See also paragraph 96.
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1 **Decree ¶146**

2 **Decree Language:**

3 “146. The Commission shall continue to review and approve the LAPD’s
4 budget requests.”
5

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7 **PROGRESS/STATUS SUMMARY**

8 **Due Date:** June 15, 2001

9 **Current Compliance Status:** Compliance

10 **Compliance Action:** Commission approval of LAPD budget requests.

11 **Funding:** NA

12 **Staffing:** NA

13 **Space:** NA

14 **Activities:**

15 The Commission approved the FY 01-02 LAPD budget request on December 12, 2001.

16
17 Subsequent FY 01-02 budget requests specific to Consent Decree implementation were approved by
18 the Commission on April 3, 2001.

19
20 Interim FY 00-01 budget requests for Consent Decree implementation were approved by the
21 Commission on February 6, 2001 and February 27, 2001.

22
23 The Commission is anticipated to consider the FY 02-03 LAPD budget request towards the
24 end of 2001.

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1 B. Inspector General

2 **Decree ¶147**

3 **Decree Language:**

4 “147. The Inspector General shall be notified in a timely manner of all Categorical
5 Uses of Force and be entitled to be present, at his or her discretion, as an observer on all
6 Categorical Use of Force "roll outs". The Inspector General shall report to the
7 Commission in the event that the Inspector General's observations at the scene of an
8 incident raise issues regarding conformance with LAPD policies, procedures, and the
9 requirements of this Agreement.”
10
11

12 **PROGRESS/STATUS SUMMARY**

13
14 **Due Date:** October 15, 2001

15 **Current Compliance Status:** Compliance

16 **Compliance Action:** Department Command Post Procedures

17 **Funding:** NA

18 **Staffing:** NA

19 **Space:** NA

20 **Activities:**

21
22 The Department Command Post is responsible for notifying appropriate entities regarding
23 Categorical Use of Force incidents. On July 12, 2001, the Inspector General was not notified of two
24 Categorical Uses of Force. CIID was notified directly of the incidents and therefore the notifications
25 did not proceed through the Command Post. To remedy such potential future events, a procedure
26 has been implemented in which the CIID case supervisor assigned to the incident conducts follow-up
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checks to verify that notifications are made. This new procedure will be codified in the CIID Special Order anticipated to be completed in November, 2001 (see also paragraph 55).

1 **Decree ¶148**

2 **Decree Language:**

3 “148. The Inspector General may attend any Use Of Force Review Board meeting.
4
5 The Inspector General may interview any participant in such hearing after the
6 conclusion of the hearing.”

7

8 **PROGRESS/STATUS SUMMARY**

9 **Due Date:** October 15, 2001

10 **Current Compliance Status:** Compliance

11 **Compliance Action:** City Charter Section 573; Los Angeles Board of Police Commissioners Policies
12 and Authority Relative to the Inspector General, approved by the Commission November 21, 2000;
13 Special Order No. 5, “Policies and Authority Relative to the Inspector General,” approved by the
14 Chief of Police February 9, 2001; Office of the Inspector General Consent Decree Implementation
15 Plan, approved by the Inspector General June 20, 2001, approved by the Commission June 29, 2001

16 **Funding:** NA

17 **Staffing:** NA

18 **Space:** NA

19 **Activities:**

20
21 The policies established by the Commission provide access to the Inspector General
22 consistent with the provisions of paragraph 148.
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1 **Decree ¶149**

2 **Decree Language:**

3 “149. The LAPD shall promptly provide the Inspector General with any documents or
4 other information requested by the Inspector General related to the Inspector General's
5 responsibilities under this Agreement. The Inspector General shall develop and provide
6 the LAPD with a list of reports, complete with time-frames and frequency of their
7 production, that the LAPD shall provide to the Inspector General on a specified
8 schedule in order for the Inspector General to fulfill his or her responsibilities under this
9 Agreement, which list may be updated from time to time by the Inspector General.”
10
11

12 **PROGRESS/STATUS SUMMARY**

13
14 **Due Date:** October 15, 2001

15 **Current Compliance Status:** Compliance

16 **Compliance Action** City Charter Section 573; Los Angeles Board of Police Commissioners Policies
17 and Authority Relative to the Inspector General, approved by the Commission November 21, 2000;
18 Special Order No. 5, “Policies and Authority Relative to the Inspector General,” approved by the
19 Chief of Police February 9, 2001; Office of the Inspector General Consent Decree Implementation
20 Plan, approved by the Inspector General June 20, 2001, approved by the Commission June 29, 2001

21 **Funding:** NA

22 **Staffing:** NA

23 **Space:** NA

24 **Activities:**

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The policies established by the Commission provide access to the Inspector General consistent with the provisions of paragraph 149. The Inspector General has provided LAPD with a list of requested audits that should be forwarded to the Inspector General upon completion by LAPD.

1 **Decree ¶150**

2 **Decree Language:**

3 “150. The Inspector General shall accept complaints from LAPD officers regarding
4 matters which the Inspector General has authority to investigate, and the Inspector
5 General shall not disclose the identity of an individual without the consent of the
6 employee from whom a complaint or information has been received, unless such
7 disclosure is unavoidable in order to effectively investigate an allegation or is otherwise
8 required by law or the Los Angeles Office of the City Attorney; provided, however, that
9 the Inspector General shall disclose the identity of such individual to the Police
10 Commission, upon request.”
11
12

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14 **PROGRESS/STATUS SUMMARY**

15 **Due Date:** October 15, 2001

16 **Current Compliance Status:** Compliance

17 **Compliance Action:** City Charter Section 573; Los Angeles Board of Police Commissioners Policies
18 and Authority Relative to the Inspector General, approved by the Commission November 21, 2000;
19 Special Order No. 5, “Policies and Authority Relative to the Inspector General,” approved by the
20 Chief of Police February 9, 2001; Office of the Inspector General Consent Decree Implementation
21 Plan, approved by the Inspector General June 20, 2001, approved by the Commission June 29, 2001
22

23 **Funding:** NA

24 **Staffing:** NA

25 **Space:** NA

26 **Activities:**

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The Office of the Inspector General receives complaints and conducts investigations pursuant to the policies established by the Commission, which are consistent with the requirements of paragraph 150 (see also paragraph 139).

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Decree ¶151

Decree Language:

“151. Paragraphs 139 and 150 do not relieve officers of their obligations described in paragraphs 65, 77, 78 and 82.”

PROGRESS/STATUS SUMMARY

No Mandate

1 **Decree ¶152**

2 **Decree Language:**

3 “152. The LAPD shall continue to provide the Inspector General with all complaint
4 intake information, including the assignment for investigation, within one week after its
5 receipt by IAG. The Inspector General shall review such information to ensure that
6 complaints are being received in a manner that complies with LAPD policies and
7 procedures, and the terms of this Agreement.”
8
9

10 **PROGRESS/STATUS SUMMARY**

11 **Due Date:** June 15, 2001

12 **Current Compliance Status:** Compliance

13 **Compliance Action:** City Charter Section 573; Los Angeles Board of Police Commissioners Policies
14 and Authority Relative to the Inspector General, approved by the Commission November 21, 2000;
15 Special Order No. 5, “Policies and Authority Relative to the Inspector General,” approved by the
16 Chief of Police February 9, 2001; Office of the Inspector General Consent Decree Implementation
17 Plan, approved by the Inspector General June 20, 2001, approved by the Commission June 29, 2001;
18 Special Order 17, “Complaint Investigation Procedures – Established,” approved by the Chief of
19 Police July 17, 2001, distributed July 23, 2001, approved by the Commission September 18, 2001

20 **Funding:** NA

21 **Staffing:** NA

22 **Space:** NA
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Activities:

The procedure of LAPD providing the Inspector General with all complaint information and the Inspector General reviewing of such information is current LAPD practice (City Charter Section 573).

The Inspector General reported that in June, 2001, the LAPD failed to provide complaint information within the 7-day time frame established in paragraph 152. In July 2001, the LAPD's compliance with the 7-day timeframe improved significantly. In August 2001, the LAPD consistently provided compliant information within the established 7-day time frame.

Paragraph 79 further requires that Commanding Officers to forward Complaint Form 1.28 to IAG within 10 days of initiating a complaint (see paragraph 79).

1 **Decree ¶153**

2 **Decree Language:**

3 “153. The Inspector General shall keep the Commission informed of the status of all
4 pending investigations and audits to be performed by the Inspector General hereunder.
5

6

7 **PROGRESS/STATUS SUMMARY**

8 **Due Date:** October 15, 2001

9 **Current Compliance Status:** Compliance

10 **Compliance Action:** City Charter Section 573; Los Angeles Board of Police Commissioners Policies
11 and Authority Relative to the Inspector General, approved by the Commission November 21, 2000;
12 Special Order No. 5, “Policies and Authority Relative to the Inspector General,” approved by the
13 Chief of Police February 9, 2001; Office of the Inspector General Consent Decree Implementation
14 Plan, approved by the Inspector General June 20, 2001, approved by the Commission June 29, 2001
15

16 **Funding:** NA

17 **Staffing:** NA

18 **Space:** NA

19 **Activities:**

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21 The policies established by the Commission regarding Inspector General communication and
22 reporting responsibilities to the Commission are current practice and are adhered to by the Inspector
23 General.
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C. General

Decree ¶154

Decree Language:

“154. Reviews, audits and reports required hereunder to be made by the Commission, the Inspector General or the Department may contain recommendations to correct deficiencies. The identification of deficiencies in such reviews, audits or reports shall not be a breach of this Agreement, rather the City, including the Department, shall take appropriate, timely and reasonable steps to remedy such deficiencies.”

PROGRESS/STATUS SUMMARY

No Mandate

1 **X. COMMUNITY OUTREACH AND PUBLIC INFORMATION**

2 **Decree ¶155**

3 **Decree Language:**

4 “155. For the term of this Agreement, the Department shall conduct a Community
5 outreach and Public Information program for each LAPD geographic area. The
6 program shall require the following:
7

8 a. at least one open meeting per quarter in each of the 18 geographic Areas for
9 the first year of the Agreement, and one meeting in each Area annually thereafter, to
10 inform the public about the provisions of this Agreement, and the various methods of
11 filing a complaint against an officer. At least one week before such meetings the City
12 shall publish notice of the meeting (i) in public areas; (ii) in at least one newspaper
13 covering the City of Los Angeles; (iii) in one or more local community newspaper(s)
14 that services the Area, taking into account the diversity in language and ethnicity of the
15 area's residents; (iv) on the City and LAPD website; and (v) in the primary languages
16 spoken by the communities located in such area.
17

18 b. the open public meetings described above shall include presentations and
19 information on the LAPD and LAPD operations, which presentations and information
20 are designed to enhance interaction between officers and community members in daily
21 policing activities.”
22
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24 **PROGRESS/STATUS SUMMARY**

25
26 **Due Date:** September 30, 2001

27 **Current Compliance Status:** Compliance
28

1 **Compliance Action:** Administrative Order 8, “Consent Decree Required Community Meetings,
2 approved by the Chief of Police July 25, 2001, distributed July 30, 2001, approved by the
3 Commission August 23, 2001; 18 geographic meetings notices and held

4 **Funding: FY 01-02:** \$144,000 public notices/printing

5 **Staffing:** NA

6 **Space:** NA

7 **Activities:**

8
9 Public meetings to inform the public about the provisions of the Consent Decree and the
10 various methods of filing a complaint against an officer were held in all 18 geographic areas in the
11 first quarter of FY 01-02. Meetings were noticed consistent with the requirements of paragraph 155.
12 In addition, meeting times and locations were posted on the LAPD web site. LAPD coordinated
13 with the various City Council Offices providing an opportunity for additional outreach opportunities.
14 Attendance at the meetings ranged from 16-135 individuals. Copies of the Consent Decree and
15 complaint forms were available to all attendees.

16
17 The LAPD Community Affairs Group is responsible for overseeing meeting agendas to
18 ensure a level of consistency between meetings and for coordinating publication of meeting notices in
19 appropriate newspapers.

20 The meetings to be held next quarter are currently being scheduled.

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1 **Decree ¶156**

2 **Decree Language:**

3 “156. The LAPD shall prepare and publish on its website semiannual public reports
4 required by this paragraph. Such reports shall include aggregate statistics broken down
5 by each LAPD geographic area and for the Operations Headquarters Bureau, and
6 broken down by the race/ethnicity/national origin of the citizens involved, for arrests,
7 information required to be maintained pursuant to paragraphs 104 and 105, and uses of
8 force. Such reports shall include a brief description of each of the following that was
9 completed during that period: (i) report of a specified audit completed, audits completed
10 pursuant to paragraphs 111, 113, 125, 126, 130, 133 and 134, and any significant
11 actions takes as a result of such audits or reports, (ii) a summary of all discipline
12 imposed during the period reported by type of misconduct, broken down by type of
13 discipline, bureau and rank, and (iii) any new policies or changes in policies made by the
14 Department to address the requirements of this Agreement. Such reports shall also
15 include the reports prepared pursuant to paragraphs 173 and 175.”
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20 **PROGRESS/STATUS SUMMARY**

21 **Due Date:** January 1, 2002

22 **Current Compliance Status:** Compliance

23 **Compliance Action:** Web Site posting

24 **Funding:** NA

25 **Staffing:** NA

26 **Space:** NA

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Activities:

On October 2, 2001, the LAPD posted on its web site aggregate statistics broken down by each LAPD geographic area and for the Operations Headquarters Bureau, and broken down by the race/ethnicity/national origin of the citizens involved, for arrests and uses of force. Summaries of: 1) the paragraph 125 audits; 2) discipline imposed, and; 3) new policies or changes in policies made by the Department to address the requirements of the Consent Decree through September 1, 2001, were also posted. The information will be updated semi-annually, or sooner as appropriate.

1 **Decree ¶157**

2 **Decree Language:**

3 “157. The LAPD shall continue to utilize community advisory groups in each
4 geographic Area and to meet quarterly with the community they serve. The Department
5 shall establish a media advisory working group to facilitate information dissemination to
6 the predominant ethnicities and cultures in Los Angeles.”
7

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PROGRESS/STATUS SUMMARY

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11 **Due Date:** June 15, 2001

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13 **Current Compliance Status:** Compliance

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15 **Compliance Action:** Meetings held; Administrative Order 8, “Consent Decree Required Community
16 Meetings,” approved by the Chief of Police July 25, 2001, distributed July 30, 2001, approved by the
17 Commission August 23, 2001.

18

19 **Funding:** NA

20

21 **Staffing:** NA

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23 **Space:** NA

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25 **Activities:**

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27 The LAPD continues to utilize the Community-Police Advisory Boards in each geographic
28 area and meets with these groups monthly. A summit meeting with all Community Police Advisory
Boards is held annually and is currently scheduled for March 2002. Additionally, the Chief of Police
has established six community forums that represent the diverse ethnic and religious cultures of Los
Angeles. Meeting with these community forums are held monthly.

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Administrative Order 8, distributed July 30, 2001, established the media advisory group. The group is designed to facilitate the flow of information from the LAPD to the communities of the City on a regular basis. The group will also advise the LAPD as to the best methods of public outreach. The first meeting of the group is scheduled for October 15, 2001. Representatives from each City Council District Office and print and electronic media have been invited.

1 **XI. INDEPENDENT MONITOR**

2 **Decree ¶158**

3 **Decree Language:**

4 “158. By March 1, 2001, the City and the DOJ shall together select as Independent
5 Monitor, acceptable to both, who shall monitor and report on the City's implementation
6 of this Agreement. The selection of the Monitor shall be pursuant to a method jointly
7 established by the DOJ and the City. If the DOJ and City are unable to agree on a
8 Monitor or an alternative method of selection, the DOJ and the City each shall submit
9 two names of persons to the Court who shall have the following attributes: (i) a
10 reputation for integrity, evenhandedness, and independence; (ii) experience as a law
11 enforcement officer, expertise in law enforcement practices, or experience as a law
12 enforcement practices monitor, (iii) as absence of bias, including any appearance of bias,
13 for or against the DOJ, the City, the Department, or their officers or employees; and (iv)
14 no personal involvement, in the last eight years, whether paid or unpaid, with a claim or
15 lawsuit against the City or the Department or any of their officers, agents or employees,
16 unless waived by the parties. The DOJ and the City shall also submit to the Court the
17 resumes, cost proposals, and other relevant information for such persons demonstrating
18 the above qualifications, and the Court shall appoint the Monitor from among the names
19 of qualified persons so submitted; provided, however, that if the Court so selects the
20 Monitor, then the maximum sum to be paid the Monitor, including any additional
21 persons he or she may associate pursuant to paragraph 159 (excluding reasonable costs
22 or fees associated with non-compliance or breach of the Agreement by the City or the
23 Department), shall not exceed \$10 million, plus out-of-pocket costs for travel and
24 incidentals, for the first five years after the effective date of this Agreement.”
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PROGRESS/STATUS SUMMARY

Due Date:

Current Compliance Status: Compliance

Compliance Action: Contract with Kroll Associates, Inc.

Funding: FY 00-01: \$817,300

FY 01-02: \$2.25 million

Staffing: NA

Space: NA

Activities:

The Court concurred with the City's and DOJ's selection of Michael Cherkasky as Independent Monitor on June 15, 2001. The City executed a contract with Kroll Associates, Inc. on June 26, 2001. The contract was amended on September 5, 2001, to allocate funding for FY 01-02. The DOJ approved the amendment prior to execution, consistent with the procedures established in the contract.

The City and DOJ contracted with Public Management Resources to assist Kroll Associates, Inc. in the development of monitoring methodology and criteria. The Public Management Resource Management contract was executed on June 28, 2001.

1 **Decree ¶159**

2 **Decree Language:**

3 “159. The Monitor, at any time, may associate such additional persons or entities as
4 are reasonably necessary to perform the monitoring tasks specified by this Agreement.
5 Any additional persons or entities associated by the Monitor shall possess the following
6 attributes: a reputation for integrity, evenhandedness, and independence; absence of
7 bias, including any appearance of bias for or against the DOJ, the City, the Department
8 or the officers or employees; and no personal involvement in the last five years, whether
9 paid or unpaid, with a claim or lawsuit against the City or the Department or any of
10 their officers, agents or employees unless waived by the parties, which waiver shall not
11 be unreasonably withheld. The Monitor shall notify in writing the DOJ and the City if
12 and when such additional persons or entities are selected for association by the Monitor.
13 The notice shall identify the person or entity to be associated and the monitoring task to
14 be performed, and if a waiver is being requested, the notice shall indicate if the person
15 had any such involvement in the last five years, whether paid or unpaid, with a claim or
16 lawsuit against the City or the Department or any of their officers, agents, or employees.
17 Either the DOJ or the City may notify in writing the Monitor within 10 days (excluding
18 weekends, and federal or state holidays) of any objection either may have to the
19 selection. If the parties and the Monitor are unable to resolve any such objection, and
20 the Monitor believes that the specific person or entity in question is needed to assist the
21 Monitor and such person or entity satisfies the qualifications and requirements in this
22 paragraph, the Monitor may seek Court authorization to hire such person. For purposes
23 of all paragraphs of this Agreement other than the preceding paragraph, the term
24 Monitor shall include any and all persons or entities that the Monitor associates to
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perform monitoring tasks and such persons shall be subject to the same provisions applicable to the Monitor under this Agreement.”

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Compliance Action: Review of additional Kroll staff.

Funding: NA

Staffing: NA

Space: NA

Activities:

Kroll has added two staff members to the monitor team since June 25, 2001. In addition, one staff member was changed to a “senior” staff member. The City reviewed the additional staff proposed by Kroll Associates, Inc. and had no objections.

1 **Decree ¶160**

2 **Decree Language:**

3 “160. The City shall bear all reasonable fees and costs of the Monitor. The Court
4 retains the authority to resolve any dispute that may arise regarding the reasonableness
5 of fees and costs charged by the Monitor. In selecting the Monitor, DOJ and the City
6 recognize the importance of ensuring that the fees and costs borne by the City are
7 reasonable, and accordingly fees and costs shall be one factor considered in selecting the
8 Monitor. In the event that any dispute arises regarding the payment of the Monitor's
9 fees and costs, the City, DOJ and the Monitor shall attempt to resolve such dispute
10 cooperatively prior to seeking the Court's assistance.”
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14 **PROGRESS/STATUS SUMMARY**

15 **Due Date:** July 1, 2001

16 **Current Compliance Status:** Compliance

17 **Compliance Action:** Payment of all Independent Monitor Invoices

18 **Funding:** See paragraph 158

19 **Staffing:** NA

20 **Space:** NA

21 **Activities:**

22 The City has paid all Independent Monitor invoices in a timely fashion.
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1 **Decree ¶161**

2 **Decree Language:**

3 “161. The Monitor shall be an agent of the Court and shall be subject to the
4 supervision and orders of this Court, consistent with this Agreement. The Monitor shall
5 only have the duties, responsibilities and authority conferred by this Agreement. The
6 Monitor shall not, and is not intended to, replace or take over the role and duties of the
7 Mayor, City Council, Commission, Chief of Police or the Inspector General. In order to
8 monitor and report on the City's and the Department's implementation of each
9 substantive provision of this Agreement, the Monitor shall conduct the reviews specified
10 is paragraph 162 and such additional reviews as the Monitor deems appropriate. At the
11 request of the DOJ or the City, based on the Monitor's reviews, the Monitor may make
12 recommendations to the parties regarding measures necessary to ensure full and timely
13 implementation of this Agreement.”
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17 **PROGRESS/STATUS SUMMARY**

18
19 **Due Date:** June 15, 2001

20 **Current Compliance Status:** Compliance

21 **Compliance Action:** Cooperation with the Independent Monitor

22 **Funding:** NA

23 **Staffing:** NA

24 **Space:** NA
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Activities:

The Independent Monitor has submitted 27 requests for documents to the City to date. Twenty-four of those have been responded to by the City. A total of 167 document have been provided.

The City has also provide documents to Public Management Resources.

Both Public Management resources and Kroll Associates, Inc. have had access to LAPD facilities and City staff. No problems or disagreements regarding access have occurred.

1 **Decree ¶163**

2 **Decree Language:**

3 “163. The Monitor may review completed portions of administrative investigations
4 and resulting internal proceedings while they are pending, provided, however, that in
5 such instances the Monitor may review only those parts of such investigations and
6 proceedings that have been completed (such as the completed use of force report,
7 completed Use of Force Review Board Proceedings, or completed Board of Rights
8 proceedings). If the Monitor determines that any administrative use of force or
9 Complaint Form 1.28 investigation, which has been adjudicated or otherwise disposed
10 or completed, is inadequate under this Agreement, the Monitor shall confer with the
11 Commission, Chief of Police and the Inspector General, and provide a confidential
12 written evaluation to the Department, the Inspector General, and the DOJ containing
13 the additional measures that should be taken with respect to future investigations in
14 order to satisfy this Agreement. Such evaluation shall be for the purpose of assisting the
15 Commission, the Chief of Police and the Inspector General in conducting future
16 investigations, and shall not obligate the Department to reopen or re-adjudicate any
17 investigation.”
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22 **PROGRESS/STATUS SUMMARY**

23 **Due Date:** June 15, 2001

24 **Current Compliance Status:** Compliance

25 **Compliance Action:** Cooperation with the Independent Monitor

26 **Funding:** NA

27 **Staffing:** NA

1 **Space:** NA

2 **Activities:**

3 The Independent Monitor has submitted 27 requests for documents to the City to date.
4
5 Twenty-four of those have been responded to by the City. A total of 167 document have been
6 provided.

7 The City has also provide documents to Public Management Resources.

8 Both Public Management resources and Kroll Associates, Inc. have had access to LAPD
9 facilities and City staff. No problems or disagreements regarding access have occurred.
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1 **Decree ¶164**

2 **Decree Language:**

3 “164. In monitoring the implementation of this Agreement, the Monitor shall maintain
4 regular contact with the City, the Commission, the Chief of Police, the Inspector
5 General as well as the DOJ.”
6

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8 **PROGRESS/STATUS SUMMARY**

9 **Due Date:** June 15, 2001

10 **Current Compliance Status:** Compliance

11 **Compliance Action:** Cooperation with the Independent Monitor

12 **Funding:** NA

13 **Staffing:** NA

14 **Space:** NA

15 **Activities:**

16 The Independent Monitor has submitted 27 requests for documents to the City to date.
17
18 Twenty-four of those have been responded to by the City. A total of 167 document have been
19 provided.
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21 The City has also provide documents to Public Management Resources.

22 Both Public Management resources and Kroll Associates, Inc. have had access to LAPD
23 facilities and City staff. No problems or disagreements regarding access have occurred.
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1 **Decree ¶165**

2 **Decree Language:**

3 “165. The Monitor shall have full and direct access to: (a) all Department employees,
4 including the Inspector General, and all Department facilities (except facilities used
5 solely for ATD activities) that the Monitor reasonably deems necessary to carry out the
6 duties assigned to the Monitor by this Agreement; however, access to ATD personnel
7 shall be for the sole purpose of monitoring administrative investigations, including of
8 complaints, involving such personnel; and (b) within a reasonable time following notice
9 to the City, or the Department (solely in the case of individual Police Commissioners) all
10 other City officers, employees and facilities, and the individual Police Commissioners.
11
12 The Monitor shall cooperate with the City and the Department to access people and
13 facilities in a reasonable manner that, consistent with the Monitor's responsibilities,
14 minimizes interference with daily operations.”
15
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17 **PROGRESS/STATUS SUMMARY**

18
19 **Due Date:** June 15, 2001

20 **Current Compliance Status:** Compliance

21 **Compliance Action:** Cooperation with the Independent Monitor

22 **Funding:** NA

23 **Staffing:** NA

24 **Space:** NA
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Activities:

The Independent Monitor has submitted 27 requests for documents to the City to date. Twenty-four of those have been responded to by the City. A total of 167 document have been provided.

The City has also provide documents to Public Management Resources.

Both Public Management resources and Kroll Associates, Inc. have had access to LAPD facilities and City staff. No problems or disagreements regarding access have occurred.

1 **Decree ¶166**

2 **Decree Language:**

3 “166. The Monitor shall have full and direct access to all City and Department
4 documents, including TEAMS II data and information, that the Monitor reasonably
5 deems necessary to carry out the duties assigned to the Monitor by this Agreement,
6 except as access is limited in paragraphs 167, 168, 169,170 and 171 or as to any such
7 documents protected by the attorney-client privilege. Should the City or the
8 Department decline to provide the Monitor with access to a document based on
9 attorney-client privilege, the City shall provide the Monitor and DOJ with a log
10 describing the document.”
11
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14 **PROGRESS/STATUS SUMMARY**

15 **Due Date:** June 15, 2001

16 **Current Compliance Status:** Compliance

17 **Compliance Action:** Cooperation with the Independent Monitor

18 **Funding:** NA

19 **Staffing:** NA

20 **Space:** NA

21 **Activities:**

22
23 The Independent Monitor has submitted 27 requests for documents to the City to date.
24 Twenty-four of those have been responded to by the City. A total of 167 document have been
25 provided.
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27 The City has also provide documents to Public Management Resources.
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Both Public Management resources and Kroll Associates, Inc. have had access to LAPD facilities and City staff. No problems or disagreements regarding access have occurred.

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1 **Decree ¶167**

2 **Decree Language:**

3 “167. The Monitor shall provide the City or Department with reasonable notice of a
4 request for copies of documents. Upon such request the City and the Department shall
5 provide the Monitor with copies (electronic, where readily available, or hardcopy) of
6 any documents that the Monitor is entitled to access under this Agreement, including
7 TEAMS II information and data except for Sensitive Data. The term “Sensitive Data”
8 shall include confidential informant files, personnel files, and other documents or data
9 specifically designated as "Sensitive Data" in this Agreement. The City shall cooperate
10 with the Monitor to allow access to Sensitive Data for review in a reasonable manner
11 that is consistent with the Monitor's responsibilities and schedule. The Monitor shall
12 treat copies of TEAMS II information and data as “non-public information” as defined
13 in paragraph 168(a).”
14
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17 **PROGRESS/STATUS SUMMARY**

18
19 **Due Date:** June 15, 2001

20 **Current Compliance Status:** Compliance

21 **Compliance Action:** Cooperation with the Independent Monitor

22 **Funding:** NA

23 **Staffing:** NA

24 **Space:** NA
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Activities:

The Independent Monitor has submitted 27 requests for documents to the City to date. Twenty-four of those have been responded to by the City. A total of 167 document have been provided.

The City has also provide documents to Public Management Resources.

Both Public Management resources and Kroll Associates, Inc. have had access to LAPD facilities and City staff. No problems or disagreements regarding access have occurred.

1 **Decree ¶168**

2 **Decree Language:**

3 “168. All documents provided to the Monitor, whether by the City, Department, or
4 DOJ, shall be maintained in a confidential manner. Sensitive Data, and "non-public
5 information" as defined in subpart (a) of this paragraph, whether obtained from the City,
6 Department or DOJ, shall not be disclosed by the Monitor to any person or entity, other
7 than (i) to the DOJ, (ii) to the Court either under Seal or consistent with paragraphs
8 169, 170 or 173 or (iii) as consistent with subpart (a) of this paragraph.
9

10 a. "Non-public information" means any information that is exempt from public
11 disclosure or inspection under the California Public Records Act and that has not been
12 released to a member of the public by the City or the Department or any of their
13 officers or employees, and for which the exemption has not otherwise been waived by
14 the City. Non-public information may be used in statistical analysis, unit analysis or
15 other analysis that does not identify particular individuals and such analysis may be
16 disclosed to the public solely as provided in paragraphs 173 and 174.
17

18 b. Other than as expressly provided in this Agreement, this Agreement shall not be
19 deemed a waiver of any privilege or right the City or the Department may assert,
20 including those recognized at common law or created by statute, rule or regulation
21 against any other person or entity with respect to the disclosure of any document.”
22
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24 **PROGRESS/STATUS SUMMARY**

25
26 **Due Date:** June 15, 2001

27 **Current Compliance Status:** Compliance

28 **Compliance Action:** Cooperation with the Independent Monitor

1 **Funding:** NA

2 **Staffing:** NA

3 **Space:** NA

4 **Activities:**

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6 The Independent Monitor has submitted 27 requests for documents to the City to date.
7 Twenty-four of those have been responded to by the City. A total of 167 document have been
8 provided.

9 The City has also provide documents to Public Management Resources.

10 Both Public Management resources and Kroll Associates, Inc. have had access to LAPD
11 facilities and City staff. No problems or disagreements regarding access have occurred.
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1 **Decree ¶169**

2 **Decree Language:**

3 “169. The Monitor shall have access to any City employee medical or BSS records
4 only under the following circumstances:

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6 a. The Monitor shall have direct access to City employee medical or BSS records,
7 if permission for such access is granted by the applicable employee or the information
8 from such records is otherwise contained in investigative files.

9
10 b. For any other City employee medical or BSS records reasonably necessary to
11 carry out the duties assigned to the Monitor by this Agreement, the Monitor shall
12 notify in writing the DOJ and the City of the need for such documents, and the City
13 shall so notify the affected employee. Either the DOJ, the City, or the affected
14 employee may, and the City shall if requested by the affected employee notify in writing
15 the Monitor within ten days (excluding weekends, and federal or state holidays) of any
16 objection they may have to such access. If the parties, the Monitor, and where
17 applicable, the affected employee are unable to resolve any such objection and the
18 Monitor continues to believe that the documents in question are reasonably necessary
19 to assist the Monitor, the Monitor may seek Court authorization for access to such
20 documents, subject to any appropriate protective orders. The City shall assert
21 applicable defenses and privileges from disclosure and protections of such records for
22 the City and the affected employee. Any documents obtained by this procedure shall
23 be treated as "Sensitive Data."
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PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Compliance Action: Cooperation with the Independent Monitor

Funding: NA

Staffing: NA

Space: NA

Activities:

The Independent Monitor has submitted 27 requests for documents to the City to date. Twenty-four of those have been responded to by the City. A total of 167 document have been provided.

The City has also provide documents to Public Management Resources.

Both Public Management resources and Kroll Associates, Inc. have had access to LAPD facilities and City staff. No problems or disagreements regarding access have occurred.

1 **Decree ¶170**

2 **Decree Language:**

3 “170. The Monitor shall have direct access to all documents in criminal investigation
4 files that have been closed by the LAPD. The Monitor shall also have direct access to
5 all arrest reports, warrants, and warrant applications whether or not contained in open
6 criminal investigation files; where practicable arrest reports, warrants and warrant
7 applications shall be obtained from sources other than open criminal investigation files.
8

9 a. The Monitor shall have access as Sensitive Data to documents prepared for and
10 contained solely in open criminal investigations of LAPD employees reasonably
11 necessary to monitor compliance with paragraph 67 (other than arrest reports, warrants
12 and warrant applications, which shall be subject to the general access provisions).
13

14 Except as provided in subpart (b) of this paragraph, the Monitor shall not have access
15 to any other documents in criminal investigations files that have been open for less than
16 ten months.
17

18 b. If the Monitor reasonably deems that access to documents contained solely in
19 either (i) open criminal investigation files, which investigations have been open for
20 more than ten months, or (ii) open criminal investigation files of LAPD employees,
21 which investigations have been open for less than ten months, is necessary to carry out
22 the duties assigned to the Monitor by this Agreement, the Monitor shall notify in
23 writing the DOJ and the City of the need for such documents. After notification by the
24 Monitor, either the DOJ or the City may respond in writing to the Monitor within ten
25 days (excluding weekends, and federal or state holidays) if either have any objection to
26 such access. If the parties and the Monitor are unable to resolve any such objection,
27 and the Monitor continues to believe that the documents in question are reasonably
28

1 necessary to assist the Monitor, the Monitor may seek Court authorization for access
2 to such documents, subject to any appropriate protective orders. Any documents
3 obtained by this procedure shall be treated as "Sensitive Data."
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6 **PROGRESS/STATUS SUMMARY**

7 **Due Date:** June 15, 2001

8 **Current Compliance Status:** Compliance

9 **Compliance Action:** Cooperation with the Independent Monitor

10 **Funding:** NA

11 **Staffing:** NA

12 **Space:** NA

13 **Activities:**

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15 The Independent Monitor has submitted 27 requests for documents to the City to date.
16 Twenty-four of those have been responded to by the City. A total of 167 document have been
17 provided.
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19 The City has also provide documents to Public Management Resources.

20 Both Public Management resources and Kroll Associates, Inc. have had access to LAPD
21 facilities and City staff. No problems or disagreements regarding access have occurred.
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1 **Decree ¶171**

2 **Decree Language:**

3 “171. The access provisions of the previous paragraphs do not apply to documents
4 contained solely in Anti-Terrorist Division (“ATD”) files, or solely in intelligence files or
5 investigative notes files or similar files of joint task forces with other law enforcement
6 agencies.”
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PROGRESS/STATUS SUMMARY

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Due Date: June 15, 2001

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Current Compliance Status: Compliance

12

Compliance Action: Cooperation with the Independent Monitor

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14 **Funding:** NA

15 **Staffing:** NA

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17 **Space:** NA

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19 **Activities:**

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The Independent Monitor has submitted 27 requests for documents to the City to date.
21 Twenty-four of those have been responded to by the City. A total of 167 document have been
22 provided.

23

The City has also provide documents to Public Management Resources.

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25 Both Public Management resources and Kroll Associates, Inc. have had access to LAPD
26 facilities and City staff. No problems or disagreements regarding access have occurred.
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1 **Decree ¶172**

2 **Decree Language:**

3 “172. The Department shall provide the Monitor with (i) copies of all reports of
4 specifies audits, sting audits, audits or reports pursuant to paragraphs 88, 89 (including
5 Police Commission documentation), 111, 113, 125, 126, 133, 134 and the Quarterly
6 Audit Reports required by paragraph 124, within ten days after receipt by the
7 Commission, and (ii) copies of the Annual Audit Plan, within ten days after approval by
8 the Commission.”
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11 **PROGRESS/STATUS SUMMARY**

12
13 **Due Date:** June 15, 2001

14 **Current Compliance Status:** Compliance

15 **Compliance Action:** Paragraph 125 audits provided.

16 **Funding:** NA

17 **Staffing:** NA

18 **Space:** NA

19 **Activities:**

20
21 The Annual Audit Plan was approved on June 5, 2001, prior to the contracting of the
22 Independent Monitor. The Audit Plan was provided to the Independent Monitor subsequently. The
23 paragraph 125 audits were provided to the Commission on June 29, 2001 (see paragraph 125) and
24 submitted to the Independent Monitor on July 9, 2001.
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1 **XII. TERM OF AGREEMENT AND HOUSEKEEPING PROVISIONS**

2 A. City Reports and Records

3 **Decree ¶175**

4 **Decree Language:**

5
6 “175. Between 90 and 120 days following entry of this Agreement and no later than
7 every August 1st and February 1st thereafter until this Agreement is terminated, the City
8 shall file with the Court, with a copy to the Monitor and to DOJ, a status report
9 delineating the steps taken by the City and the Department during the reporting period
10 to comply with each provision of this Agreement. The City shall also file such a report
11 documenting the steps taken to comply with each provision of this Agreement during
12 the term of this Agreement 120 days before five years from the effective date of this
13 Agreement.”
14

15
16 **PROGRESS/STATUS SUMMARY**

17 **Due Date:** October 15, 2001

18 **Current Compliance Status:** Compliance

19 **Compliance Action:** Submittal of Status Report to the Court.

20 **Funding:** NA

21 **Staffing:** NA

22 **Space:** NA

23 **Activities:**

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26 This Status Report is the first status report on implementation submitted to the Court,
27 consistent with the requirements of paragraph 175.
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1 **Decree ¶176**

2 **Decree Language:**

3 “176. During the term of this Agreement, the City and the Department shall maintain
4 all records necessary to document its compliance with the terms of this Agreement and
5 all documents expressly required by this Agreement. The Department shall maintain all
6 Complaint Form 1.28 investigation files for at least ten years from the date of the
7 incident. The City and the Department shall maintain an officer's training records during
8 the officer's employment with the LAPD and for three years thereafter (unless required
9 to be maintained for a longer period of applicable law).”
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11

12 **PROGRESS/STATUS SUMMARY**

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14 **Due Date:** June 15, 2001

15 **Current Compliance Status:** Compliance

16 **Compliance Action:** Records retention

17 **Funding:** NA

18 **Staffing:** NA

19 **Space:** NA

20 **Activities:**

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22 The City has initiated a record cataloging process.
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1 **Decree ¶177**

2 **Decree Language:**

3 “177. Within a reasonable time following notice to the City or the Department, as
4 applicable the DOJ shall have access to all City staff, facilities and documents reasonably
5 necessary to enable the DOJ to evaluate compliance with the Agreement, except that,
6 absent Court order, access to any such staff, facilities and documents shall be limited to
7 the same extent the Monitor's access is limited under paragraphs 163, 165, 166, 167,
8 168, 169, 170, and 171 and as to any such documents protected by the attorney-client
9 privilege shall be consistent with the requirements of those paragraphs. DOJ shall retain
10 any Sensitive Data and non-public information in a confidential manner and shall not
11 disclose any Sensitive Data or non-public information to any person or entity, other than
12 the Court or the Monitor, absent written notice to the City and either written consent by
13 the City or a court order authorizing disclosure. In the event that DOJ intends to
14 introduce Sensitive Data or non-public information to the Court, DOJ shall provide
15 reasonable notice to the City.
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20 **PROGRESS/STATUS SUMMARY**

21 **Due Date:** June 15, 2001

22 **Current Compliance Status:** Compliance

23 **Compliance Action:** Cooperation with DOJ

24 **Funding:** NA

25 **Staffing:** NA

26 **Space:** NA

27 **Activities:**

LAW OFFICES
C CHRISTENSEN , M ILLER , F INK , J ACOBS , G LASER , W EIL & S HAPIRO
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(310) 553-3000

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The DOJ has not requested access to documents or facilities to date.

1 B. Implementation

2 **Decree ¶184**

3 **Decree Language:**

4 “184. The following shall be the implementation of paragraph 8:

5 a. As part of any meet and confer or consulting process demanded by an employee
6 bargaining unit (as described in paragraph 8), the City shall discuss and seek to resolve
7 with such bargaining unit any disputes or uncertainties regarding which provisions are
8 subject to such process. The City will identify and provide to such bargaining unit,
9 with a copy to the DOJ, the provisions of this Agreement that it believes are subject to
10 the process being demanded. The City shall report to the Court and the DOJ on the
11 results of any such discussion on this question within 30 days of the date the Complaint
12 in this action is filed. In the event that the City and such bargaining unit are unable to
13 resolve the list of the provisions of the Agreement that are subject to that process, the
14 City shall seek declaratory relief from this Court to resolve such issue, provided that
15 such bargaining unit shall receive notice and an opportunity to be heard by the Court
16 on this issue.

17 b. Following the resolution of say dispute or uncertainty regarding the issues
18 subject to a demanded process, the City shall continue with that process and shall
19 report to the Court and DOJ on the progress every 30 days, and (i) shall attach
20 proposed agreements with the applicable bargaining wait relating to provisions of this
21 Agreement as they are resolved or unilateral actions (as defined by subpart (f) of this
22 paragraph) by the City arising from the meet and confer process as they are determined
23 and (ii) shall identify provisions identified pursuant to subpart (a) of this paragraph that
24 are scheduled for implementation within 45 days. With regard to a matter that is not a
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1 subject of mandatory bargaining, the City shall not propose or enter into any such
2 agreement with a bargaining unit that will adversely affect the City's timely
3 implementation of this Agreement. With regard to all such agreements with a
4 bargaining unit and all such unilateral actions, the City shall not make them effective
5 before the expiration of 45 days after such proposed agreement or unilateral action is
6 reported to the Court and DOJ. The time for implementation of any provisions of this
7 Agreement affected by such agreement with a bargaining unit concerning a mandatory
8 subject of bargaining or such unilateral action shall be extended for such 45-day period.
9 Upon receipt by DOJ of any such proposed agreement or unilateral action, the parties
10 shall consult to determine whether, and if so to what extent, such proposed agreement
11 or unilateral action would adversely affect the City's ability timely to implement any
12 provision(s) of this Agreement. If the parties determine that implementation of such
13 proposed agreement or unilateral action would not significantly impact the City's ability
14 to implement the affected provision(s) of this Agreement, DOJ shall waive some or all
15 of such 45-day period, and the City shall initiate such implementation. If such
16 determination is not made, the parties shall discuss appropriate clarifications or
17 modifications to this Agreement. Where the parties believe that a modification of this
18 Agreement is appropriate, they shall present such modification to the Court for its
19 consideration pursuant to paragraph 180, and the implementation date for the affected
20 provision(s) of this Agreement shall be extended while the matter is before the Court
21 unless the Court orders earlier implementation. Any motion concerning a proposed
22 bargaining agreement or unilateral action shall be brought during the 45-day period and
23 shall not be governed by the notice requirements of paragraph 186.
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1 c. In the event that the City believes the meet and confer process, consultation, or
2 any such proposed agreements with the applicable bargaining units or such proposed
3 unilateral actions resulting from the meet and confer process, will impair the City's
4 ability timely to implement one or more provisions of this Agreement, and the DOJ and
5 the City are unable to agree on an appropriate resolution, then the City shall so report
6 to the Court and shall seek appropriate declaratory or injunctive relief (including
7 specific performance) on such provision(s). The DOJ also may seek relief from the
8 Court in the event that DOJ believes the meet and confer process, consultation, or any
9 such proposed agreements with the applicable bargaining units or such proposed
10 unilateral actions will impair the City's ability timely to implement one or more
11 provisions of this Agreement, and the DOJ and the City are unable to agree on an
12 appropriate resolution. Any such motion shall demonstrate how the City would be so
13 impaired.

14 d. In ruling on a motion under this paragraph, paragraph 8, or in regard to any
15 meet and confer issue identified pursuant to subpart (a) of this paragraph, the Court
16 shall consider, *inter alia*, whether the City's proposed agreements with the applicable
17 bargaining units or proposed unilateral actions that address provision(s) of this
18 Agreement are consistent with the objectives underlying such provision(s) and whether
19 the City has satisfied its labor relations obligations under state and local law. On any
20 such motion, if the City has engaged in good faith efforts (including consideration of
21 the manner in which the City carried out any applicable meet and confer or consulting
22 obligations) to be able to implement this Agreement in a timely manner, the City (i)
23 shall not be in contempt or liable for any other penalties, and (ii) may be potentially
24 held in breach for such provision(s) only for the limited purpose of the issuance of
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1 declaratory or injunctive remedies (including specific performance), but may not be
2 regarded as in breach for any other purpose.

3 e. In the event that DOJ believes the meet and confer process, consultation, or any
4 such proposed agreements with the applicable bargaining units or unilateral actions
5 resulting from the meet and confer process, will impair the City's ability to implement
6 one or more material provision of this Agreement, the DOJ may alternatively file a
7 motion seeking to dissolve this Agreement, which motion shall be granted if the Court
8 finds that the meet and confer process, consultation, or such proposed bargaining
9 agreements with the applicable bargaining units or such proposed unilateral actions will
10 preclude meaningful implementation of one or more material provisions of this
11 Agreement as contemplated on the date the DOJ's Complaint was filed. Should the
12 Court grant a motion by the DOJ to dissolve this Agreement, the DOJ may commence
13 litigation in this case to seek relief based on its Complaint.

14 f. The term "unilateral action" shall mean an action taken by the City as
15 management at the conclusion of the meet and confer process on a mandatory subject
16 of bargaining to implement its last, best, and final offer where (i) agreement could not
17 be reached in the negotiations, (ii) any required impasse resolution procedure has been
18 followed, and (iii) management has decided to make a unilateral implementation at the
19 point of ultimate impasse.”
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26 **PROGRESS/STATUS SUMMARY**

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28 **Due Date:** July 15, 2001

1 **Current Compliance Status:** Compliance

2 **Compliance Action:** In-Progress

3 **Funding: FY 00-01:** \$ 17,735

4 **FY 01-02:** \$24,892

5 **Staffing: FY 00-01:** 2 Sergeant II

6 **FY 01-02:** continuation of FY 00-01 staffing, plus: 2 Sergeant II

7 **Space:** NA

8 **Activities:**

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10 To ensure adequate staff resources to accommodate the meet and confer process established
11 by the Consent Decree and meet the City's obligations to review Consent Decree related
12 implementing Orders for potential meet and confer issues, additional staff was provided to the LAPD
13 Employee Relations group.

14
15 Consistent with the requirement of paragraph 184(a), on July 13, 2001, the City provided to
16 appropriate sworn and civilian bargaining units, with a copy to the DOJ, a list of the provisions of the
17 Consent Decree that are subject to the meet and confer process. Consistent with the requirements of
18 the paragraph 8, the City consulted with DOJ prior to submittal of that list to the bargaining units.

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21 The following Consent Decree paragraphs, or portions thereof, have been identified as meet
22 and confer items: 47(I), 51(D), 54, 62, 70(C), 77, 98, 106 (b), (c), and (d), 107(a) and (c), 108(i),
23 114, and 132. In addition, the Los Angeles Police Protective League has initially identified
24 provisions relating to TEAMS II access and use, pedestrian and motor vehicle stop data collection,
25 selection criteria for assignments, and other provisions as potential meet and confer items. The City
26 and the Los Angeles Police Protective League have been in negotiations regarding the various
27 provisions identified as potential meet and confer items since August, 2001. The City has provided
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1 separate status reports to the Court every 30-days since July 15, 2001, regarding that process. The
2 next meet and confer status report is scheduled to be submitted to the Court on October 15, 2001.

3
4 The pendency of the meet and confer process has delayed the implementation of all or
5 portions of paragraphs 51, 62, 70(c), 77, 98, 106(b), (c), and (d), 107(a) and (c), 108(i), 114, and
6 132 past the June 15, 2001 or July 1, 2001 implementation dates established in the Consent Decree
7 for those provisions. The proposed Consent Decree containing these implementation dates had been
8 lodged with the Court on November 3, 2000, but was not approved and entered by the Court until
9 June 15, 2001.

10
11 Despite these delays, however, and consistent with its legal obligation to meet and confer in
12 good faith, the City has prepared certain orders and forms to assist with the meet and confer process
13 and to expedite implementation of some of the provisions identified above should they turn out to be
14 the result of the meet and confer process. Such orders or forms naturally would be subject to
15 modification should the meet and confer process lead to different resolutions. Information regarding
16 such preliminary implementation activities is presented in the “activities” discussion for each specific
17 paragraph.

18
19
20 Additional provisions may become part of the meet and confer process. The City may
21 identify additional provisions. As noted above, a number of provisions have been so identified by the
22 Los Angeles Police Protective League. To the extent that the City or an employee bargaining unit
23 representative identifies additional issues as meet and confer items and where they ultimately become
24 regarded as such under the procedure set out in paragraph 184(a), the pendency of the meet and
25 confer process as to any such additional provision could, depending on the provision, affect the
26 timeliness of its implementation.
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The City will consult the DOJ in regard to: 1) delays attending the implementation of portions of paragraph 51, 62, 70(c), 77, 98, 106(b), (c), and (d), 107(a) and (c), 108(i) and 132; 2) any additional meet and confer items that may be identified by the City, and; 3) the position the City will take in regard to provisions identified by the Los Angeles Police Protective League as subject to the meet and confer process.

Dated: October 15, 2001

OFFICE OF THE CITY ATTORNEY

By: _____

TERREE BOWERS,
Attorneys for defendants, CITY OF LOS ANGELES,
THE BOARD OF POLICE COMMISSIONERS OF
THE CITY OF LOS ANGELES, and THE LOS
ANGELES POLICE DEPARTMENT

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 2121 Avenue of the Stars, Eighteenth Floor, Los Angeles, California 90067.

On October ____, 2001, at the direction of a member of the Bar of this Court, I served the within:

STATUS REPORT

on the interested parties in this action, by delivering a copy thereof in a sealed envelope addressed to each of said interested parties at the following address(es):

SEE ATTACHED LIST

(BY MAIL) I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

(BY OVERNIGHT DELIVERY SERVICE) I served the foregoing document by Federal Express, an express service carrier which provides overnight delivery, as follows. I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for..

(BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

(BY FACSIMILE) I caused such documents to be delivered via facsimile to the offices of the addressee(s) at the following facsimile number: .

Executed on October ____, 2001, at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Vikki Barnette

SERVICE LIST

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U.S. Dept. of Justice
Attn: Patricia O'Beirne
Special Litigation Section
Civil Rights Division
601 D. Street NW, Room 5116
Washington, DC 20004

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