

REPORT OF THE INDEPENDENT MONITOR FOR THE LOS ANGELES POLICE DEPARTMENT



**SECOND QUARTERLY REPORT
FEBRUARY 15, 2002**

Kroll

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



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INTRODUCTION

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

EXECUTIVE SUMMARY

The second quarterly reporting period ended on December 31, 2001. During this period, the LAPD has continued to make significant progress on reform and has instituted aggressive changes. Internal reorganizations and re-staffing have been substantially completed and meet Consent Decree requirements.

To provide stricter oversight on use of force, the Department established the Critical Incident Investigation Division (CIID), which is now fully staffed. New roll-out protocols have been implemented and CIID investigators are now on call to respond to all Categorical Use of Force incidents. The Monitor's first review found CIID investigations to be thorough and complete.

New gang units called Special Enforcement Units have been organized and fully staffed. The LAPD is currently updating statistics on gang members and inputting this information into a database that is available to all state law enforcement agencies.

Resources have been reallocated according to schedule to the Internal Affairs Group, which is now responsible for investigating the most serious allegations of misconduct. Internal Affairs conducted its first round of sting audits and the Monitor found this exercise to be effective.

The LAPD also has completed major modifications to its procedures and reporting requirements. In many instances, these reforms exceed the minimum standards outlined in the Consent Decree. The Department has begun training in all new areas of responsibility.

The new procedures require a commitment of resources and a period of application in the field to become an integral working part of police operations. The Monitor understands this process and recognizes that the Consent Decree is designed to implement long range reforms. Nonetheless, certain findings of non-compliance must be noted:



- Use of force investigations are not meeting prescribed investigative timeframes. A misconduct complaint back-log also still persists and the Department is not in compliance with the ten-day Consent Decree deadline to submit complaint "face sheets" to Internal Affairs. Although progress is being made, these delays are not in compliance.
Tracking of internal investigations continues to lack precision. This must be corrected to ensure that investigations are completed and reviewed.
- Supervisors are failing to initial a series of reports and tracking logs. The responsibility to monitor new policies and procedures must be audited and enforced.

The LAPD completed the first round of audits outlined in the Consent Decree. These audits confirm the deficiencies outlined above and also identify additional procedural issues. The Department has indicated that it is committed to correcting these problems.

In addition, the Monitor's review of the LAPD audits found errors in methodology. The auditors failed to construct adequate samples and used questions that yielded imprecise results. The LAPD is working with the Monitor to improve the methodology for future audits. Lastly, the audits in some instances failed to critically examine significant aberrant data.

The Monitor continues to be concerned with the development of TEAMS II, a computerized "early warning" system being designed to identify potential misconduct issues. TEAMS II is a complex and difficult project. The Monitor is concerned that the project is being driven too quickly in an attempt to meet interim deadlines, at the expense of more coherent long-term planning and execution. On the positive side, the City has hired IBM as a consultant on technical architecture and has created a new unit within the LAPD, with primary responsibility for the TEAMS II project.

Finally, there exists among some officers a lack of commitment to the Department's reform initiatives. For reform to succeed, all officers must take their obligations to the Consent Decree seriously. This direction must continue to be reinforced by all supervisors and senior ranking officers if true reform is to be achieved.



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I. FOCUS ISSUES

A. 3/12 WORK WEEK

The Los Angeles Police Protective League proposed that the LAPD adopt a flexible work schedule, which would allow patrol officers the option to work a three-day week with 12-hour shifts. These shifts would be supplemented with officers who choose to remain on a five-day 8-hour schedule.

The City hired a private consultant to examine this proposal and in December the Police Commission approved the testing of a modified work schedule in limited locations.

B. MEET & CONFER

The meet and confer process regarding implementation of Consent Decree provisions continues. The City files status reports with the court on the progress of these negotiations on a monthly basis. There has been substantial discussion of which decree provisions are subject to the process. With respect to issues that the parties agree are subject to the process, there have been frequent and substantial discussions of decree language and of draft orders implementing some of these decree provisions. The Monitor will continue to review progress on this process.

C. MEASUREMENT CRITERIA

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

A first draft of the criteria was delivered in November 2001. A series of meetings and informal comments were solicited from all parties to the Consent Decree, followed by the submission of formal comments from both the City and the DOJ.¹ A second draft is now scheduled for delivery in February 2002. Formal comments will be due 20 days of delivery of the second draft. A final version of the criteria will be developed based on these comments. It is the Monitor's firm expectation that full implementation of the final methodology will occur no later than April 1, 2002.

The methodology document being developed will be both a starting point and a tool for the Monitor. While in most instances the approved criteria will be dispositive on the

¹ There was a delay in the methodology process of approximately one month due to the tragic events of September 11, 2001.



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issue of compliance, the Monitor will explicitly reserve its right to reach conclusions that are at odds with any mechanical formulations enumerated in the methodology document.

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

In any circumstances where the Monitor deviates from the methodologies and measurement criteria, the Monitor will bring this to the attention of the parties and clearly articulate the underlying basis for any findings and conclusions. It is the belief of the Monitor that the process will provide the Monitor with the appropriate means and authority to carry out its function.

D. ACCESS ISSUES

During the current reporting period, the Monitor has raised issues regarding delays in obtaining documents and access to certain meetings. In response, the City has instituted a series of measures to ensure timely compliance with document requests and has delineated its concern with respect to access to meetings. The City and the Monitor are working to understand each other's position on access and to resolve this issue.



II. SUBSTANTIVE PROVISIONS

A. TEAMS II

TEAMS II is a computerized "early warning" system that is being designed to track law enforcement activities and identify potential patterns of misconduct. The Monitor is designated as a consultant on this project, which is being developed pursuant to the Consent Decree under an aggressive time schedule. (CD ¶ 53).

At the conclusion of the second reporting period, the Monitor remains concerned that TEAMS II is being driven too quickly in order to meet interim deadlines set by the Consent Decree. This project is complex, costly and difficult. It will ultimately succeed only if time is spent to plan the work in a coherent order.

The objective of TEAMS II is to link existing reports and databases so that patterns of behavior can be identified. Two new database systems are also being developed for the project: the Complaint Management System (CMS) and the Use of Force database. In addition, one new system, STOPS, has been designed and is expected to be operational next quarter. This system deals with maintenance of Field Data Reports. The overall system that will gather information from the database components is RMIS: the Risk Management Information System.

The City submitted an RMIS design/requirement document to the Department of Justice and the Monitor on October 1, 2001. The City states that the RMIS design/requirement document presents a comprehensive blueprint for the business, functional, data, and preliminary technical requirements for RMIS. The document is intended to serve as a guide for the creation and prioritization of RMIS technical specifications, and ultimately, RMIS development. The Department of Justice needs to approve this document and has provided timely comments to the City relevant thereto. The City, however, was not timely with its response to DOJ's comments.

On December 13, 2001, the City hired IBM as a technical architect. IBM's task is to review the Department's current system infrastructure and the TEAMS II concept. The IBM contract, however, does not include the actual design or systems integration work necessary to establish how the database components will operate with RMIS. The City must address this issue.

IBM has proposed a ten-week completion schedule to make recommendations relative to the architecture for TEAMS II. All parties understand that the actual technical design will take much longer.



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On December 14, 2001, the Monitor requested documents relating to existing database sources and has been informed that a Database Analyst is currently compiling this documentation.² The LAPD also represents that they have begun reviewing existing database systems to determine compatibility.

In order to avoid delays the Monitor recommends that a "Master Plan" be developed which would include the following basic elements: an overview of current databases to be linked to TEAMS II, the necessary steps from design of the databases through implementation of the project, a timeline of projected dates for development and completion, and a list of contractors and other personnel, including the projects for which they are responsible.

1) TEAMS II Workgroup Remedy: The Creation of MSRP

The Monitor is hopeful that planning issues on TEAMS II will be addressed in part by the institution of a new Department unit with dedicated personnel who will be responsible for this project. The City Council approved the establishment of the Management System Re-engineering Project (MSRP) on December 16, 2001, and the Police Commission ratified this decision on January 8, 2002. Staffing has not been completed, but it is the expressed intention of both the City and the LAPD to dedicate necessary personnel to this unit and to the TEAMS II project. The Monitor has been informed that the new TEAMS II unit will develop an implementation plan and a timeline for the project.

2) Complaint Management System

One of the main focuses of the TEAMS II workgroup in the second quarter was the development of CMS. This system will focus on the management and monitoring of the complaints process. The City is currently reviewing a second draft of the CMS Design Document that was submitted on December 17, 2001. This document is designed by Information Builders, Inc., the contractor hired to help develop CMS.

The CMS workgroup³ will conclude their review of the draft CMS Design Document in the next reporting period. We recommend that a prototype system be developed that can be studied and tested.

² To date, the City and the LAPD have not identified their database sources or how to extract the data.

³ The CMS workgroup is staffed with officers from Internal Affairs. These officers have been instrumental in the development and revision of the CMS design document. The Monitor is concerned that the personnel assigned to CMS have numerous assignments and tasks to fulfill. The workload of this group should be evaluated to prevent burn out. The cost to replace key personnel on this project would be considerable.

The City has submitted comments on an initial draft for Training and Test Plans and is waiting for the second draft. The Training Plan covers training module descriptions, training plans for each user group, and an overall work plan. The Test Plan describes the requirements and procedures for a program to test the development and implementation of CMS.

3) Data Structure

The City is leaning toward the use of a web-based system as opposed to a client/server-based system. The Monitor agrees that this appears to be the best approach as it is user-friendly and becoming an industry standard. It will also facilitate the integration of the database systems.

B. INTERNAL INVESTIGATIONS

1. CATEGORICAL USE OF FORCE INCIDENTS

On April 8, 2001, the LAPD created the Critical Incident Investigation Division (CIID), which is responsible for investigating of all Categorical Use of Force cases. CIID is now fully staffed and operational.⁴

The Monitor confirms that all officers transferred into CIID meet the criteria of holding the rank of supervisor or above. (CD ¶ 55a). An analysis of rank and years of service determined that several Detectives and Supervisors assigned to CIID have multiple years of experience at the Detective II and/or Sergeant II level. (CD ¶ 55a).

CIID is composed of three sections and one Special Projects Unit; each headed by an officer in charge with no direct line responsibilities for other units. (Special Order 39, dated December 11, 2001). CIID-OIS is tasked with investigating Officer Involved Shootings (OIS), In-Custody Deaths (ICD) and Law Enforcement Activity Related Deaths (LEARD). CIID-LERI is tasked with investigating Law Enforcement Related Injury incidents (LERI) resulting in serious bodily harm. An Administrative section is responsible for reviewing investigative reports and forwarding completed investigations to the Use of Force Review Section.

⁴ Up until late October 2001, CIID-LERI remained understaffed. Although investigations were completed timely, a strain was placed on the section and some self-imposed due dates were missed. However, all investigations were represented as completed within statutory limits. CIID-OIS investigators have also occasionally missed self-imposed due dates, but investigations have been forwarded within statutory limits.



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Both CIID-OIS and CIID-LERI — the sections that respond and "roll out" to Categorical Use of Force incidents — have implemented new response protocols that provide an on-call investigators to respond to each incident. On-call investigators are also responsible for reviewing Los Angeles County Medical Center jail hospital logs daily to determine whether any incidents have gone unreported. The contact information for each on-call officer is provided to the Department Command Post on a daily basis in order to facilitate notification procedures.

The Monitor's first review of CIID operations establishes that investigations are being completed in a thorough and professional manner. Witness interviews are being tape-recorded and either completely transcribed or summarized. Selected OIS reports contained statements from multiple witnesses, including supervisors at the scene. There were expected inconsistencies in the witness statements, which demonstrate that witnesses are being interviewed individually.

During the next reporting period, the Monitor will review the training of CIID investigators and select a sample of investigations for in-depth analysis. Hospital logs will be reviewed and compared to internally generated reports to determine whether Categorical Use of Force incidents are properly reported within the Department.

(a) Notification of Categorical Use of Force Incidents

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

The Monitor reviewed Department Command Post logs for the period May 22 through July 22, 2001 and October 2001 and made comparisons to CIID records and Use of Force Review Board reports. With the exception of four cases, all reportable incidents were tracked by the Command Post logs.⁵ A corresponding IG log also failed to document these four incidents. This represents a minor breakdown in reporting, which will require further scrutiny by the Monitor.

⁵ Four out of 23 incidents were not noted in the logs. These incidents occurred on the following dates: June 15, July 13, August 6 and August 30, 2001.



In the next reporting period, the Monitor will meet with the District Attorney's Office to discuss the notification process and the LAPD's overall cooperation with the District Attorney.

(b) CIID Investigation Reports

The Monitor reviewed nine completed CIID investigations and found that the investigation reports were complete and thorough. The reports included a summary of events, as well as witness statements and other evidence collected in the investigation. Although not required in the Consent Decree, the witness statements were transcribed by a third party service and wholly included within the report. The reports also indicated that witnesses were interviewed separately. (CD ¶ 80c).

Completed CIID investigations are forwarded to the Inspector General for presentation to the Police Commission. The Police Commission must receive these reports at least 60 days before the running of statutory limits⁶. (CD ¶ 67). The Monitor confirms that sampled CIID investigation packages were forwarded to the Police Commission. None of the cases forwarded to the Commission were out of statute.

The Monitor will review these procedures in-depth during future reporting periods.

Finally, the Consent Decree mandates all officers "shall be" separated immediately after a shooting. (CD ¶ 61). Special Order 39 states: officers must be separated "as much as possible." The Monitor is concerned that this difference in wording provides too much latitude and could permit officers to be transported from the scene of an incident without being physically separated.

The Monitor will review these procedures during future reporting periods.

(c) The Presence of a Supervisor

Pursuant to Consent Decree requirements, the LAPD issued Special Order 39, dated December 11, 2001, which makes it the responsibility of the Commanding Officer to analyze the circumstances surrounding the presence or absence of a supervisor at a Categorical Use of Force incident. (CD ¶ 62). The Administrative Unit of CIID monitors whether this analysis is completed within one week and forwarded to CIID.

The Monitor will review these procedures during future reporting periods.

⁶ The Monitor will review compliance with 60-day requirement during the next reporting period.



(d) Psychological Consultation

All officers involved in a Categorical Use of Force incident resulting in death or serious bodily injury must be referred within two working days for a psychological evaluation.⁷ (CD ¶ 63).

The Monitor confirms that between May 23 and July 22, 2001, all officers involved in Categorical Use of Force incidents were referred for a psychological evaluation within two days, and in many instances received a consultation with a physician within two to three working days.⁸

Psychological evaluations are performed and tracked by the Department's Behavioral Science Services unit (BSS). BSS is tasked with monitoring compliance for Categorical Use of Force referrals. BSS personnel contact the Use of Force Review Section daily in an effort to identify any incidents that may have occurred during the previous day, or over the weekend. Relevant information is documented and monitored to ensure that referrals are received within two working days. If a referral is not received, the Commanding Officer is notified. After two additional days, the protocol provides for notification to the Bureau Commanding Officer.

Psychological evaluations are performed by licensed physicians at BSS. All referred officers are evaluated independently; there are no group evaluations. The duration of most evaluations is approximately 50 minutes. After completing an evaluation, the physician contacts the officer's Commanding Officer to advise of the officer's fitness for duty.⁹ This communication is made orally. The only documentation is a notation by the evaluating physician in the officer's BSS file. All BSS files are confidential and maintained in locked facilities separate from other LAPD offices. Although not required by the Consent Decree, there is a follow up call made six weeks and again six months after the date of the incident.

The Monitor reviewed daily work sheets for select officers and determined that no officer was assigned to field duty while a psychological evaluation was pending.

⁷ Although the Consent Decree mandates the referral of officers involved in a Categorical Use of Force resulting in death or serious injury, LAPD also refers officers involved in shootings to include accidental discharges, shootings involving no hits and shootings involving animals.

⁸ The Monitor reviewed a listing of all referred officers for the period January 1, 2001 through July 31, 2001. The information provided included the officer's name, the date of the incident and the date of the psychological evaluation. This listing was compared against reports provided by CIID-OIS, CIID-LERII, the Use of Force Review Section and the IG's Office.

⁹ BSS personnel could not recall any instances in which a doctor concluded that an officer was not to fit for duty. A further review of this assertion will be conducted in the next reporting period.



2. NON-CATEGORICAL USE OF FORCE INCIDENTS

Special Order 27, dated September 1, 2001, standardizes the procedures for non-categorical use of force investigations¹⁰ and instituted a new Use of Force Report form. Chain-of-command supervisors who were not involved in the underlying incident are responsible for handling these investigations. (CD ¶ 69).

(a) Workload

The new requirements of Special Order 27 have significantly increased the workload of investigators. Multiple interviews of officers in various Divisions reveal that the new requirements are making it more difficult to investigate and report on Non-Categorical Use of Force incidents within the allotted 14-day period. The new requirements along with responsibilities for investigating designated misconduct complaints are also reducing supervisor availability in the field. (See Complaint Back-Log at p. 14).

The Monitor will review these investigation procedures during future reporting periods.

(b) Reconciliation of Summary Logs

In the last quarter, the Monitor reported significant deficiencies in the reconciliation of Summary report logs to Use of Force Investigation reports.¹¹ Specifically, it was determined that prior to July 1, 2001 no such reconciliation had taken place for approximately 11 years. The failure to track investigation reports has raised the possibility that some pre-Consent Decree Non-Categorical Use of Force incidents were never investigated.¹²

The Department has recognized this deficiency and individuals newly assigned to the Use of Force Review Section have been tasked with rectifying the situation. Significant progress has been made during the current reporting period.

First, the Use of Force Review Section designed and implemented a simple matrix to monitor the completion of Summary Report logs and Use of Force investigation reports. The matrix provides a red check when the Summary Report logs are completed and a yellow check when the investigation reports have been reconciled to the logs. The matrix is filed in a notebook containing the Summary Report logs and any notification of non-

¹⁰ Prior to SO27 some Divisions conducted investigations that were more thorough than their counterparts in other Divisions.

¹¹ This is not a Consent Decree requirement.

¹² Although not a specific Consent Decree requirement the mechanism to track cases is essential to determine that an investigation took place.

compliance with internal LAPD reporting requirements.¹³ Individual investigation reports are filed separately by officer serial number.

Second, many Divisions have established spreadsheets to track the progress of investigations, including documenting the dates that investigations are forwarded to various officers for review. This enables the Commanding Officer to assess deadlines and determine that the proper reviews have taken place.

Under these new procedures, Use of Force Summary logs are now being submitted and reconciled with investigation reports. Investigation reports are being reviewed¹⁴ and investigators are now required to provide an explanation when an investigation exceeds the 14-day time limit.

Despite this progress, however, the Monitor found that deficiencies persist. The 14-day time limit to complete investigation reports (CD ¶ 69) and the one-week deadline to submit Summary logs at the end of the deployment period are routinely not met¹⁵. In some instances, summary report logs are not correctly filled out.

Deployment periods eight, nine and ten were reviewed on November 8, 2001 for compliance issues:

- All Divisions submitted Use of Force Summary Reports for Deployment periods eight and nine, but most Divisions failed to meet the one-week deadline set by the LAPD.
- For deployment period ten, only three Divisions submitted Use of Force Summary Reports within the one-week period ended October 29, 2001. More importantly, as of November 8, 2001, approximately ten Divisions had not yet submitted Use of Force Summary Report logs.
- The Use of Force Review Section identified 22 delinquent Use of Force reports for deployment period eight out of a total of 153 investigations. As of November 8, 2001, 15 reports remained outstanding.

¹³ Non-compliance with internal procedures includes failure to submit Summaries, failure to submit Non-Categorical Use of Force Reports and failure to properly list an incident on a Summary already submitted to the Use of Force Review Section.

¹⁴ Interviews of Commanding Officers in several Divisions determined that these investigations are reviewed by the Division Commanding Officer as well as the Division's Training Officer and the Bureau Commanding Officer prior to being forwarded to the Use of Force Review Section.

¹⁵ A deployment period is a 28-day period used to schedule work shifts. The one week deadline to submit summary logs at the end of the deployment period is not a Consent Decree requirement.



- For the same period, the Review Section identified 15 Use of Force reports that were not listed on the Summary Logs for ten Divisions. As of November 8, 2001, seven amended Summary Logs remained outstanding.
- For deployment period nine, the Review Section identified 15 Use of Force reports that were not listed on the Use of Force Summary logs for ten Divisions, four of which are noted for deployment period 8. As of November 8, 2001, the Divisions had not responded to a request to re-submit these logs.

The one-week deadline to submit summary report logs and the 14-day investigation period to complete Use of Force investigations are tight but doable. During any deployment period, on average, each Division reported less than ten Non-Categorical Force incidents. Concern exists that if the Department does not comply with these deadlines it will not be possible to complete a timely reconciliation of the summary logs and a breakdown in internal controls will take place. The untimely completion of reports may also result in a backlog that is resource draining.

The Monitor will continue to scrutinize these procedures during future reporting periods.

3. MISCONDUCT COMPLAINTS

Interviews with Commanding Officers, their Administrative Staff and Internal Affairs personnel confirm that complaints continue to be lodged against Department employees in record numbers. A three-month review of complaint in-take logs further confirms this rise in numbers. The back-log for pending complaint investigations is also still pending. To date, most complaint investigations fail to be completed within the 150 day Consent Decree goal (CD ¶ 87). (See Complaint Back-Log at p. 14).

a. Internal Affairs Group

The Internal Affairs Group has oversight responsibility for all complaints filed against LAPD officers. The Consent Decree has enlarged this function to include direct investigation responsibility for a series of serious and sensitive issues. (CD ¶ 94B). The LAPD has until December 31, 2002 to completely transition these investigations to Internal Affairs.¹⁶ (CD ¶ 95).

¹⁶ LAPD is currently experiencing difficulties in attracting and retaining qualified officers in Internal Affairs as of November 2001. Officers may be assigned to Internal Affairs for up to ten years. Officers who remain in this group for more than three years typically are rotated within Internal Affairs.

Internal Affairs is also responsible for conducting random integrity checks or "sting audits." (CD ¶ 97). Interviews with management and a review of reports establish that Internal Affairs conducted at least one sting audit in each Division since July 31, 2001. The sting audits were conducted by the Ethics Enforcement Section, which "staged" scenarios and observed and critiqued officer responses. No misconduct was observed.

The Monitor's review found the sting audits to be effective operations. One concern, however, is that the staged scenarios are very similar and with repeated use may become transparent to discerning officers. LAPD management is aware of this issue. The Monitor will review future sting audits in an effort to assess whether the scenarios have been broadened to reduce the likelihood that officers suspect they are being watched.

Discussions with the District Attorney's Office and a review of internal reports establish that the LAPD refers criminal misconduct issues to the District Attorney's Office. The District Attorney's Office reviews the facts and either rejects or pursues the charges. In most instances, referrals of potential misconduct are rejected for prosecution.

The Monitor will review cases referred to the District Attorney's Office during future reporting periods.

b. Conduct of Investigations

Within ten (10) days of the receipt of a complaint, Internal Affairs must determine whether the alleged misconduct requires IAG investigation as opposed to a chain-of-command review.¹⁷ (CD ¶ 79).

The Monitor reviewed Complaint Intake Logs for the months of June, July and August 2001 and found that the LAPD was not in compliance with the 10-day requirement.

Despite vast improvements for August 2001, it still took an average of 39 days for a complaint to be forwarded to Internal Affairs¹⁸. Interviews with Division personnel confirm that it then took an additional 7 days to 3 months for Internal Affairs to assign Complaint File (CF) numbers. CF numbers are significant because they are used by the Inspector General to track complaint investigations. In addition, even post-Consent Decree, there are complaints of misconduct that take hundreds, and in one instance, over one thousand days to be reported to Internal Affairs.

¹⁷ Internal Affairs must within 7 days of receipt of the complaint, notify the Inspector General of their determination. (CD ¶ 152).

¹⁸ In December 2001, complaints reportedly were forwarded to Internal Affairs within the 10-day period for 57% of processed complaints. The Monitor will review this progress during the next reporting period.



These delinquencies are significant because they delay the triage of complaints and the initiation of investigations and also prevent tracking and monitoring of misconduct complaints.

Specific results are as follows:

For June 2001:

A total of 546 complaints were logged as received. On average it took 60 days for a complaint to be reported to the Internal Affairs Group. For approximately 68.13% of all complaints logged, it took more than ten days for a complaint to be reported to the Internal Affairs Group.

For July 2001:

A total of 365 complaints were logged as received. On average it took 45 days for a complaint to be reported to the Internal Affairs Group. For approximately 64.11% of all complaints logged, it took more than ten days for a complaint to be reported to the Internal Affairs Group.

For August 2001:

A total of 531 complaints were logged as received. On average it took 39 days for a complaint to be reported to the Internal Affairs Group. For approximately 51.6% of all complaints logged, it took more than ten days for a complaint to be reported to the Internal Affairs Group.

The Monitor will continue to scrutinize the referral of complaints to Internal Affairs during future reporting periods.

c. Complaint Back-Log

The back-log of pending complaint investigations and adjudications detailed in our last report persists. In an effort to address this issue, the LAPD issued Special Order 36, dated October 29, 2001. Special Order 36 permits a three-tiered ranking based on the seriousness and credibility of the allegations. Tier III allegations are considered the least serious, and can be completed in handwriting on pre-printed reports, which reduces the time required to complete and prepare the investigation.

Special Order 36 was well received by management throughout the Department. All management interviewed expressed hope that this provision will help reduce the



complaint backlog and provide investigators with more time to investigate more serious misconduct allegations. Some managers, however, stated a concern that the discretion to rank complaints could be abused to lighten caseload.

The Monitor will review the process to determine whether Special Order 36 is effective and to ensure that no abuse takes place.

Interviews of Division management and personnel determined that complaint investigations continue to be reviewed at multiple levels prior to adjudication. In most Divisions queried, complaint investigations are reviewed by the Division Commanding Officer, the Division Training Officer and the Bureau Commanding Officer. Training is provided to investigators where necessary.

d. Adjudicating Complaint Investigations

All complaints must be finally adjudicated before a case is officially closed. (CD ¶ 85; LAPD 3/820). LAPD policy, as well as the Consent Decree, dictates that complaints must be adjudicated using a preponderance of the evidence standard. (LAPD Manual Section 3/820; Special Order 8). A review of a sample of personnel files and TEAMS reports determined that no complaint investigations had been closed without adjudication and that all cases were classified as "sustained," "sustained without penalty" or "not resolved" as required by the Consent Decree.

Complaints can not be adjudicated on the basis that the complaint has been withdrawn, the witness is unavailable or the complaint has been made anonymously. (CD ¶ 86; LAPD Administrative Order Number 12, distributed September 6, 2001). Nonetheless, the Monitor has been informed by Division personnel that given the current backlog of complaints, less priority is placed on anonymous complaints, withdrawn complaints and complaints already out of statute. This practice does not comport with the intent of the Consent Decree. In future reporting periods, the Monitor will review the extent to which this practice is prevalent.

Existing LAPD policy requires that a complainant must be notified once a complaint is resolved. Interviews and a review of personnel files establish that notification is taking place, but in several instances the complainant was not provided the Complaint File number. This number should routinely be given out to facilitate any further follow-up by the complaining witness.¹⁹

¹⁹ The Department represents that this procedure is now being followed.



e. Complaint Initiation Materials: Public Outreach

The Monitor reviewed the complaint material available to the public at seven LAPD Divisions. Complaint forms and related information pamphlets were available in plain sight for all Consent Decree mandated languages, including three new languages: Tagalog, Vietnamese and Japanese.

Most Divisions, however, did not have self-addressed postage-paid envelopes readily available. (CD ¶ 74D). The Monitor recommends that the Department take affirmative steps to ensure that all materials are distributed to each Division.

f. Notification Requirements

The Monitor reviewed protocols in place relative to various notification requirements of the Consent Decree.

The Consent Decree provides that the City must notify the LAPD of all civil lawsuits or claims that include allegations of misconduct by the LAPD. (CD ¶ 76). Interviews confirm that City employees are tasked with notifying the LAPD and the City Attorney's Office about all claims and lawsuits. Allegations of misconduct must also be entered into the Computer Law System. LAPD's Risk Management Division is responsible for querying the Computer Law System on at least a monthly basis. All claims or lawsuits in which an LAPD employee is found liable are forwarded to Internal Affairs. (Risk Management Division Order Number 1, dated June 7, 2001).

When an LAPD officer or employee is sued directly relative to his or her official capacity, the officer must notify the LAPD within five days. (CD ¶ 77; LAPD Manual Section 3/782). Officers are also responsible for notifying the Department if they are arrested or criminally charged with misconduct. (CD ¶ 77; LAPD Manual Section 3/838).

Pursuant to the Consent Decree, the LAPD issued Special Order 30, dated September 10, 2001, which incorporates expanded requirements to report suspected misconduct by fellow officers. (CD ¶ 78). The failure to report misconduct by a fellow officer is grounds for disciplinary action. (CD ¶ 78). Additionally, officers investigating Use of Force complaints must notify a supervisor and initiate a separate complaint investigation if they find new grounds for misconduct. (CD ¶ 82).

All officers are also responsible for reporting their own involvement in use of force incidents. (Special Order 27; CD ¶ 78).



Notification procedures will be reviewed during future reporting periods.

C. LAPD AUDITS

Pursuant to the Consent Decree, the LAPD completed its first scheduled round of audits by July 1, 2001 and the Inspector General completed its review August 1, 2001. (CD ¶ 125). The first round of audits reviewed year 2000 documentation in the following subject areas:

- Search Warrant Applications and Affidavits
- Arrest, Booking and Charging Reports
- Confidential Informant Packages
- Special Enforcement Units (gang units)

The Monitor reviewed this work product during the current reporting period to determine whether the LAPD auditing approach is rational and meets generally accepted auditing standards. The Monitor also met with the LAPD and the LAPD Audit Division to discuss findings and recommendations. The Audit Division is considering the changes recommended by the Monitor and is cooperating in revising its methodology to improve the quality of all future audits.²⁰

The following is a summary of the results of the Monitor's review:

Although the planning stages of the audits began correctly, problems arose during the execution of the audit procedures. Significant deficiencies included the following:

The planning stages of the audits began with the selection of random samples and the creation of a matrix form or checklist to audit compliance. Problems arose due to poorly constructed questions that resulted in imprecise responses.

- Most audit team members had no prior training in auditing, did not have a clear understanding of what "stratified random sampling" was, and some teams had no executive guidance on how to properly strategize, execute and document the audit work.

²⁰ The LAPD has also completed an audit of Use of Force Reports as well as a second audit of Arrest, Booking and Charging Reports. These audits will be reviewed by the Monitor during the next reporting period.



There were numerous work-paper discrepancies and a lack of supporting documentation for audit reviews.

- Deficiencies in existing tracking systems made it difficult to obtain samples. There was no accurate or verifiable record to track search warrants and the location of the supporting affidavits was frequently unknown. The system tracking confidential informants was unable to run a summary report for active, inactive and undesirable informants for specific time periods.

Significantly, the LAPD auditors failed to critically analyze the data that they collected. For example, the auditors state that no inappropriate patterns or issues were found where a suspect discarded evidence when approached by an officer. Yet the raw numbers recorded in the auditors' report show that in the Rampart Division in 19% of cases where evidence was recovered, that evidence was discarded; in the Central Division, 41% of such evidence was discarded.²¹ These numbers are far above the statistics for any other divisions and should have been highlighted in the reporting process, so that a follow-up strategy could be developed.²²

The Inspector General's Office used audit methodologies that do not completely match the procedures undertaken by the LAPD. In some instances, the IG did not test samples from the same data pools and could not compare their results with the LAPD audit findings.

The Inspector General concluded that the Department's first round of audits were "generally thorough and complete" while their report contains dozens of specific criticisms. The Monitor found the IG's criticisms to be valid and accordingly disagrees with the conclusion that the first round of audits was thorough and complete.

These issues have been briefed in full for the LAPD Audit Unit. The unit is gathering information to conduct further audits and is considering the recommendations made by the Monitor.

The Monitor also recommends that the Audit Unit contact the Institute of Internal Auditors to obtain information about audit training courses.

The Monitor will meet with the Inspector General and the City to discuss its findings and recommendations during the next reporting period.

²¹ Discarded evidence is that which has allegedly been dropped and abandoned by the arrestee.

²² Analysis of the underlying data in this audit category will be the subject of future examination by the Monitor.



Notwithstanding the issues noted above, the findings of the LAPD audits are noteworthy and are outlined below.²³

1. Search Warrant Affidavit Audit

The LAPD completed an audit of search warrant affidavits on June 21, 2001. The stated purpose of the audit is to ensure compliance with Department policies and procedures, as well as specific items detailed in the Consent Decree.

LAPD auditors found that virtually none of the audited units were able to track or verify the number of search warrant affidavits written during 2000. There was no system in place to log or maintain search warrant records.

LAPD auditors found that the majority of the search warrants were well written and contained adequate or more than the required probable cause. The auditors determined that there was no use of "canned" language: "Most warrants were uniquely different even though many contained similar investigative techniques." In addition, "Most search warrants contained a tactical plan including assigned duties and a drawing or schematic of the location."

Consistent with Consent Decree requirements, LAPD auditors recommend that the Department institute guidelines to log, track, and document the service and return of search warrants. (CD ¶ 72). The auditors further recommend a system to outline the paper work that should be maintained in search warrant files. (CD ¶ 71). By Special Order 25, dated August 10, 2001, the Department instituted a Warrant Tracking Log that is designed to meet the requirements of the Consent Decree.

2. Arrest, Booking and Charging Reports Audit

The LAPD completed an audit of Arrest, Booking, and Charging Reports on June 26, 2001. The stated purpose of the audit is to ensure compliance with Department policies and procedures, as well as specific items detailed in the Consent Decree. (CD ¶ 125b).

LAPD auditors found 15 arrest reports out of a total of 994, that lacked any description of the actions taken by arresting officers, including the basis for the arrest or detention. Two

²³ The Confidential Informant Packages audit and the Search Warrant Applications and Affidavits audit were conducted at the direction of the Chief of Police by the Commanding Officer of the Criminal Intelligence Group. Detectives of Detective Support Division conducted the Special Enforcement Unit audit at the direction of the Chief of Police. The newly created Audit Division conducted the Arrest, Booking and Charging Reports audit.



reports contained "canned" language and most of the pat down cases were not documented with safety concerns that justified the physical search for a weapon.

LAPD auditors found that supervisors "consistently" failed to record their serial numbers and initials on arrest reports.

Auditors forwarded these discrepancies to each bureau commanding officer for appropriate action. They recommend that the Department provide "Report Writing and Approval" classes, with an emphasis on the deficiencies found in the audit.

In testing the findings reported by the LAPD auditors, the Monitor additionally found that supervisors had failed to sign a series of arrest reports and booking approval forms. Audits should focus on the responsibilities of the supervisors to sign and date all required reports and forms.

The Monitor also uncovered deficiencies in the paperwork supporting the arrest reports. Some files did not include the booking approval form, other files were missing property seizure reports and some did not include the probable cause determination form.

Lastly, the Monitor noted the auditor's failure to critically analyze the collected data (see p. 17 above).

3. Confidential Informant Package Audit

The LAPD completed an audit of the Confidential Informant Packages on July 13, 2001. The stated purpose of the audit is to ensure compliance with Department policies, as well as specific items detailed in the Consent Decree.

LAPD auditors found that prior to Operational Order No. 1, dated January 14, 2000, there was no standardized method to maintain informant packages.²⁴ Operational Order No. 1 outlines standardized procedures to monitor informant files and upgrades the information that must be maintained in informant packages. As of December 31, 2001, not all informant packages have been brought into compliance.

LAPD auditors recommend that all informant packages be brought into compliance. This includes both new and existing informant packages. The auditors also recommend that

²⁴ LAPD auditors found that informant packages were maintained in a variety of different folders: in detective case envelopes, plain manila envelopes, and standard file folders. The informant packages were maintained in secure locations, and not accessible to unauthorized personnel. All packages had an informant number, and the packages were clearly marked.



supervisors review the informant packages to ensure that all criminal record information is documented.

LAPD auditors also recommend that supervisors review and initial all logbook entries for payments to informants. Officers and supervisors must provide details outlining monies spent for under cover expenses as separate from informant payments.

In testing the findings reported by the LAPD auditors, the Monitor uncovered deficiencies in the procedure to identify confidential informants. Two Divisions were using the officers' serial numbers to identify informant packages. This procedure is inconsistent with the numbering systems in place in all other Divisions. The Monitor recommends that officer serial numbers should not be used for this purpose.

4. Special Enforcement Unit Audit

The LAPD conducted an audit that was issued on June 30, 2000 of the deactivated CRASH Units. A supplemental audit of the new SEU units was issued on June 22, 2001. The supplemental audit reviewed two divisions from each of the four Bureaus that house the SEUs.²⁵ This second audit focused on Consent Decree requirements pertaining to the SEUs.

The CRASH Unit audit is summarized here only to the extent that findings and recommendations relate to the current operation of the SEUs.

The CRASH Unit audit included a review of the unit's utilization of CAL-gang, which is a state-wide database system that maintains files on gang members. This system was established in 1998 to foster inter-agency cooperation and to facilitate the exchange of gang information. The system is updated on a routine basis and is accessible to all statewide law enforcement agencies.

The LAPD has established the CAL-gang database as the Department's authorized database system on gangs and gang members. (Special Order 11, dated March 31, 2000). Effective utilization of this system depends on routine updates of vital information. The LAPD auditors found that the LAPD was backlogged and had fallen behind in updating the CAL-gang system with current police data. The LAPD also failed to maintain internal gang member "I-Cards" with current information.²⁶

²⁵ Through the use of a lottery, two divisions from each of the four Bureaus were audited. There are 18 divisions and the auditors audited 9 in total instead of all 18.

²⁶ I-Cards or "Information Cards" are manual records maintained by the officer's assigned to SEU units. These cards contained information such as gang affiliation, date of birth, address, and tattoo's. On the back of the card, the officer's keep a list of the number of times that they had contact with the individual.



LAPD auditors generally identified a significant need for information management and standardization in procedures and policies. The auditors found the following specific deficiencies:

- Of the 39,076 I-cards reviewed, 16,421 did not have a CAL-Gang ID number,
- Of 5,587 juvenile cards, 4,102 I-Cards did not have parent notification numbers
- Thirteen percent of 39,076 I-cards reviewed did not document the officer's name or serial number.
- There is a significant backlog of information that must be entered into the CAL-Gang system.
- A large number of photographs in the gang photo books did not have a corresponding I-Card.

The supplemental audit concluded June 22, 2001 and focused on the Consent Decree requirements pertaining to the new SEUs. The auditors reviewed only two divisions of the four Bureaus that house SEU units.

LAPD auditors found that personnel selected to be members of the SEU units were proficient in their performance and leadership capabilities, and had outstanding personal qualities.

The Monitor visited different Divisions and found that performance evaluations for SEU personnel were several years old.²⁷ Many officers had not been evaluated since 1998. In addition, a number of the personnel folders for SEU officers were not complete. Some files did not contain applicant interviews or officer training summaries. (See CD ¶ 54).

The Monitor recommends that the performance of SEU personnel be evaluated on an annual basis. This evaluation should be kept in each officer's personnel file and each file should contain complete personnel information.

LAPD auditors recommend that the SEUs maintain separate, secure applicant files for their officers and supervisors and the Monitor agrees with this recommendation. Further, all SEU supervisors must ensure that the gang details comply with equipment security requirements. Importantly, supervisors must work with Area detectives to develop warrant applications and must closely examine all use of force incident reports to eliminate minor discrepancies.²⁸

²⁷ Such evaluations do not become mandatory under the Consent Decree until June 15, 2003. (see CD ¶54).

²⁸ For example, North Hollywood, the "Effects" and "injuries" section of the report was not completed, but the arrest report covered this area. On the "Complaints/Evidence of Illness/Inj-By Whom Treated" the



D. SEARCH AND ARREST PROCEDURES

1. Search Warrants

Pursuant to the Consent Decree, the LAPD initiated a new Warrant Tracking Log, which is designed to track new procedural requirements for the contents and execution of all Department search warrants. (CD ¶ 72; Special Order 25, dated August 10, 2001). The log will track the investigator's name and serial number; the booking number; the search warrant number; whether or not the warrant was served; the supervisor's serial number; the warrant return date; and the search location as well as the name and address of the suspect.

In September 2001, the Monitor performed a preliminary review of search warrant application packages and found a lack of consistency in the contents of the packages and no standards outlining what was required and what was optional. There were a variety of methods used to maintain case forms and evidence; there were investigative tools such as photographs that were sometimes kept in the warrant packages and sometimes kept in the case filed.

The Monitor will evaluate the Warrant Tracking Log during the next reporting period to determine if this system has been effective in correcting the deficiencies outlined above.

2. Arrest and Booking Procedures

On December 13, 2001, the Department issued Special Order 42, which revises the detention tank log, the secure detention of juveniles log, and the non-secure detention of juveniles log. The redesign of the detention tank log specifically addresses paragraph 73 of the Consent Decree requiring watch commanders to question the detainee upon arrival at the division. The new log provides a specific box for the watch commander to document that the mandated interview has been conducted. The Monitor will review the implementation of this procedure during the next reporting period.

officer indicated "None Compliance of" however the arrest report indicates that the arrestee was treated for a superficial abrasion at the Jail Dispensary. Rampart and Hollywood, a use of force was investigated by the same supervisor that directed the officers to control and restrain the suspect. Hollywood the DR number was not entered in all appropriate boxes. West LA, one Arrest report face sheet, the street name was misspelled, the box titled "List Connecting Reports by Type and Identifying No.'s" and "Complaints/Evid of Illness/Inj-by Whom Treated" were blank, but this information was in the narrative portion of the arrest report.)



E. MANAGEMENT OF GANG UNITS

The LAPD has deployed five Community Law Enforcement and Recovery ("CLEAR") sites (interdepartmental correspondence dated December 5, 2000). CLEAR is a task force established by a federal grant, which coordinates the efforts of the gang units with the District Attorney's Office, the Parole Board and Probation. CLEAR's mandate is to provide a coordinated effort to cut gang-related crimes.

The CLEAR units were not examined in the LAPD gang unit audit concluded June 22, 2001. The Monitor recommends that these programs be included in future audits conducted by the LAPD.

The Monitor visited various gang units within several LAPD Divisions. Pursuant to the Consent Decree, all officers were dressed in their required Class A or C uniform.²⁹

CAL-gang is running in most LAPD stations. In June 2000, LAPD auditors found serious lapses in the procedures to update the CAL-gang system. (See p. 20). The Monitor's initial review indicates that improvements have been made in this area and that the LAPD is currently in the process of updating all LAPD information on the CAL-gang system.

LAPD officers maintain current gang information on Field Interview Cards and Information Cards (I-Cards). The Monitor noted that many officers find it difficult to input this data into the CAL-gang system on a regular basis. This is in part due to workload constraints. The Monitor recommends that the practice of regularly updating the data on CAL-gang must continue to be a priority. The CAL-gang system will be an effective tool only if the system is supplied with current information.

The Monitor will review the operation of the CAL-gang system in more depth during the next reporting period.

F. CONFIDENTIAL INFORMANTS

The Monitor reviewed the Confidential Informant Database, which provides immediate access to data on the current status of informants. This data can be sorted by police

²⁹ Under a new policy, the CLEAR units have been moved back into police station houses. With the exception of the Wilshire Division, this has left the units in cramped with insufficient office space.



station or bureau, or by name, sex or ethnicity of an informant. (CD ¶ 109). The database appears to be a useful tool for pooling current information about informants.

The Monitor will evaluate the practical application of this database during the next reporting period.

The Monitor notes a dramatic decrease in the number of available active informants.³⁰ The number of active informants has declined significantly from July 2001 to present. This drop may result from detectives having been re-assigned since the events of September 11, 2001. However, even at the higher number in July 2001, the total number of documented active informants seems small. The Monitor will examine this issue in the next reporting period.

Finally, in December 2001, the LAPD prepared a draft Confidential Informant Manual that is currently being reviewed by the District Attorney's Office. Publication of this manual is a requirement set by the Consent Decree with a deadline of December 15, 2001. (CD ¶ 110). The deadline has been missed.

G. QUARTERLY DISCIPLINE REPORT

Pursuant to the Consent Decree, the Chief of Police must submit a Quarterly Discipline Report that summarizes all disciplinary action imposed during the quarter. (CD ¶ 88). This report is submitted to the Police Commission, with a copy provided to the Inspector General. (CD ¶ 88). The Inspector General must review this summary and report to the Commission on the circumstances of any disciplinary action taken. (CD ¶ 89).

The Monitor reviewed the August 15, 2001 Quarterly Discipline Report and met with the Inspector General to review his analysis.

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

³⁰ There are three categories of informants: active informants currently in use; inactive informants who have not been used or contacted within the last 90 days; and undesirable informants who have exhibited illegal or unethical behavior.



method of capturing data also makes it impossible to conduct current trend analysis even for routine cases.³¹

The Inspector General is concerned about this issue and maintains that the LAPD's reporting on closed cases is "something slightly different" from what the Consent Decree requires and what the IG would find useful, namely, data on discipline issues occurring during current reporting periods.

The Inspector General also found that the manner in which information is provided in the Discipline Report makes it difficult to easily assess the appropriateness of the actions taken by the Chief of Police. Specifically, the report does not tell the Police Commission what discipline was imposed for specific types of misconduct. This information is available as raw data attached in an appendix, but it is not summarized or analyzed in the body of the report.³² This makes it more difficult to determine that discipline was imposed consistently and equitably.

The Monitor is scheduling meetings with the LAPD and the IG to discuss these issues.

H. NON-DISCRIMINATION POLICY AND MOTOR VEHICLE AND PEDSTRIAN STOPS

As of November 1, 2001, all officers who initiate discretionary pedestrian or motor vehicle stops must fill out a form to collect data on race, ethnicity, and the reasons for the stop. (CD ¶ 104). This form is called a field data report.

The Department published a protocol for the new data collection procedures and began training in October 2001. (Special Order 35, dated October 19, 2001; Expanded Course on the Field Data Report).³³ Training coordinators from each Bureau have been trained

³¹ The Internal Affairs Group monthly reports on Administration of Internal Discipline contain the following warning: "Trend analysis based upon this report is NOT reliable as complaints are closed out of sequence of their occurrence."

³² The data attached as Appendix I to the Discipline Report is sorted by Bureau, Area and Division. It may be possible to extract information about how the Department is punishing specific types of misconduct by sorting the information by classification of allegation (column six of the appendix). An additional table could then be included to summarize this information.

³³ Although not required by the Consent Decree, an important protocol -- which is in the order but not in the expanded course outline, or in training sessions observed by the Monitor -- is the requirement that officers distribute a business card to each person they stop. This requirement is important because it provides the only means to verify data collection when no action is taken and no reports are generated which document that a stop took place. In this instance, citizens who lodge complaints as a result of a stop are the only check that the stop itself took place.



on the protocol for data collection and are now responsible for training the officers within their divisions.³⁴

The Department completed 109,516 field data reports during November and December of 2001. There are 37 divisions or units that are required to collect data on pedestrian and motor vehicle stops. All of these units submitted field data reports during November and December 2001.

1. Protocol for Data Collection

The field data reports are printed in duplicate and bound into books that each officer takes out into the field. Each report is given a preprinted sequential number to use for tracking. At the end of each tour, the original copies are torn out and submitted to the officer's supervisor. The supervisor reviews the data reports and checks them against daily field activity reports. Data reports with errors are returned to the officer for correction. Completed reports are forwarded for data processing.

The Monitor visited several divisions to observe the new protocol for data collection. The West Traffic Division provided the most exemplary procedures.³⁵ This Division has established a sign-out log to track the data report books. When a book has been completed, the officer reviews the record with a supervisor and discusses any issues regarding voided reports.³⁶ Completed data report books are retained by each Division's record keeping department.

2. The Monitor's Initial Review

The Monitor conducted a review of field data reports collected in the Southeast Division during the first week of data collection, November 1 through November 7, 2001. This division was chosen because of its manageable size and activity level.

The first week of data collection in the Southeast Division resulted in the collection of 309 field data reports. Of the 309 reports completed, all but two of the field data reports were assigned incident numbers. Although not required by the Consent Decree, the incident number is significant because it will help to identify collateral reports that can be used to monitor the accuracy of the information collected.

³⁴ The Monitor was unable to verify that all officers had received necessary training due to pending document requests dated November 14, 2001. This material was ultimately received January 18, 2002.

³⁵ Of four divisions visited, only the South Traffic Division failed to articulate a protocol.

³⁶ Officers currently keep both copies of voided reports in their field data report books. It is the Monitor's understanding that this policy will change and in the future voided reports will be processed so as to maintain a complete database of all reports for tracking purposes.



Of the 309 reports reviewed, 145 resulted from the stop of drivers, 130 reports resulted from the stop of pedestrians, and 34 reports resulted from the request for passengers to exit their vehicles. 172 of these reports indicated that action was taken as a consequence of the stop: 124 reports record that a citation was issued, 37 reports state that the stopped individual was placed under arrest, and 15 reports document an arrest as well as the issuance of a citation.

In the case of an arrest, the protocol calls for an officer to fill in a booking number and record that a field interview report was completed. The field interview report is mandated for each incident that results in arrest. Of the 52 arrests documented in the field data reports under review, only 9 reports recorded a booking number and also indicated that a field interview report had been completed; 6 reports did not record a booking number but did indicate a field interview report; 27 recorded a booking number but did not indicate a field interview report; and 10 did not record a booking number or a field interview report.

The field data reports indicate that 57 field interview reports were completed for the time period under review. While ITD located a total of 83 field interview reports that were completed during this week, the Monitor could identify only 6 of these reports as matching the field data reports. The Monitor will explore the reasons for these apparent discrepancies³⁷ during the next report period.

The protocol for data collection also requires that a supervisor review and initial all field data reports to ensure that they are properly completed.³⁸ During the first week of data collection, 229 of the 309 reports reviewed by the Monitor were not initialed by a supervisor.³⁹

The LAPD has advised that additional training will be provided to answer the concerns raised by this initial review. These efforts will be monitored to ensure that complete reports become the standard for data collection.

³⁷ This is not a Consent Decree requirement.

³⁸ This is not a Consent Decree requirement.

³⁹ Although the initialing and placing of serial numbers is mandated by Order 35, the Department's 'usual' practice only requires officers to initial or sign reports when there is a designated line and/or box for a signature and serial number. The field data reports do not have such a line or box. Accordingly, the failure of the supervisor to initial the field data reports could simply be a training or form content issue.



3. Data Processing

The City is currently negotiating a contractor for scanning the data collected.⁴⁰ Once scanning begins, all reports will be batched in groups of fifty at the Division level and sent to ITD, which will forward the reports to the independent contractor for scanning. Reports that are incorrectly filled out will be sent back to ITD for reconciliation. If the error is mechanical, ITD will make the correction. If a question is left blank or the writing is illegible, the report will be referred back to the officer who made out the original report.

Officers will be able to make corrections to their reports by using a computer program called STOP, which has been developed by ITD.⁴¹ The officer will fill in the missing or incorrect data without being allowed to change other information already recorded on the report. The ability to correct this data electronically is a boon that will save time and eliminate unnecessary costs.

4. Effect of Data Collection on Police Activity

Concern has been raised that the collection of data on race and ethnicity will chill police activity. Prior to November 2001, the LAPD did not document stops that did not result in police action. The number of pedestrian and vehicular citations issued in a given period, however is a barometer of the total number of stops in that period. Over the four-year period of 1998-2001, the number of such citations issued in November has fluctuated, but November 2001's number is well within the norm for the period.⁴²

5. Evaluation of Request for Proposals

The LAPD is developing a handheld digital device that will replace the handwritten field data reports. An original RFP published on October 23, 2001, but the process was terminated due to the failure to meet City contracting requirements. Accordingly, the Department must re-issue the RFP. A pre-proposal conference will be scheduled to stress the City requirements and explain how vendors can qualify.

⁴⁰ Currently all field data reports are being sent to the Information Technology Division (ITD), which is recording the number of reports turned in by each Division.

⁴¹ ITD and an independent contractor have run sample tests to correct and verify the accuracy of this program. Once corrected, the program was 100% accurate.

⁴² According to LAPD statistics, the Department issued 38,848 citations in November 2001 versus 42,217 issued in November 2000. In 2000, the number of citations dropped by 22%. In 1999, the number rose by 26%.



I. DEVELOPMENT OF PROGRAM FOR RESPONDING TO PERSONS WITH MENTAL ILLNESS

On December 10, 2001, Lodestar Management/Research was hired by the LAPD to evaluate successful programs dealing with mentally ill persons in other law enforcement jurisdictions and to make recommendations to the LAPD. (CD ¶ 111). The firm will also review the Department's training, policies, practices, and procedures and conduct a review of select incidents involving the LAPD's contacts with persons who may have been mentally ill. (CD ¶ 111).

The Monitor reviewed Lodestar's contract with the City and found the proposed work plan to be comprehensive and logical.

The consultant will be required to prepare a report of findings and recommendations, which will be forwarded to the Chief of Police and the Police Commission, which, in turn, will report to the City Council and the Mayor. This process must be completed by July 15, 2002. (CD ¶ 112).

The Monitor attended the initial meeting with Lodestar on December 18, 2001. Thereafter, the Monitor has been excluded by the City from bi-weekly project management meetings that started on January 2, 2002 and was requested by the City not to contact the contractor directly. This is one of the access issues currently being addressed by the parties.

J. OPERATIONS OF THE POLICE COMMISSION

Evaluation of the Chief of Police

On October 9, 2001, the Police Commission revised the criteria for the annual evaluation of the Chief of Police. A separate section relating to compliance with the Consent Decree has now been incorporated in the evaluation criteria. (CD ¶ 144). The Chief of Police has been advised of the new criteria and, in fact, was present during the Police Commission meeting that discussed and approved the new evaluation form.

The Monitor has requested documentation relating to misconduct complaints filed against the Chief of Police. These documents will be reviewed during next reporting period. (CD ¶ 145).



K. OPERATIONS OF THE INSPECTOR GENERAL

The Consent Decree expounds the role of the Inspector General's office in regard to Use of Force cases and complaint investigations. The IG's office must be notified of all use of force cases and has the right to attend Use of Force Review Board meetings. The LAPD is also now responsible for providing the IG with complaint intake information within a one-week deadline.

1. Notification of Categorical Use of Force Incidents

The Inspector General's Office maintains a Notification Log, which is a listing of Categorical Use of Force incidents reported to the Inspector General (IG). This log should conform⁴³ to the Department's '24 hour log,' the Officer-Involved Shooting (OIS) Case Tracking System and the Law Enforcement Related Injury Incident (LERII) Case Tracking System, which records use of force injuries requiring hospitalization (CD ¶ 56).

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

The Monitor met with the Inspector General to discuss these findings. The IG's Office will review these issues and provide further follow-up to the Monitor within the next reporting period.

Since June 2001, the IG's Office has reportedly conducted its own review of the Notification Log, periodically comparing those entries to the Department's "24 hour log" to ensure that all Categorical Use of Force incidents have been reported to the IG. To date, this exercise continues to be conducted without documentation. Without documentation, the Monitor cannot verify that such review has in fact occurred.

As of December 5, 2001, the IG had drafted a categorical Critical Use of Force Roll Out Protocol and the IG has "rolled out" on at least one incident on October 25, 2001. The draft protocol requires the IG to immediately report any compliance issues to the Police Commission. The IG's office states that it is their intention to attempt to roll out to "at least" one incident per month, "with an eye toward covering all the various bureaus and

⁴³ This is not a Consent Decree requirement.



units." Although not a specific Consent Decree requirement, the Monitor believes that IG roll outs should be conducted with greater frequency.⁴⁴

2. Access to Use of Force Review Board

The LAPD considers itself in compliance with ¶148 of the Consent Decree, which requires that the Inspector General be given access to the Use of Force Review Board. The IG is being invited to Review Board meetings and has not been constrained from interviewing any participants or witnesses.

3. Complaint Intake Information

Complaints filed with the LAPD are tracked using sequentially assigned "CF" numbers. This allows the Inspector General to track whether all complaint information has been forwarded to the IG's office. (CD ¶ 74f). If gaps in CF numbers are present, the IG requests the missing complaint information from Internal Affairs. Internal Affairs is responsible for following up on any missing intake information.

The Monitor reviewed LAPD's process to refer complaint information to the Internal Affairs Group. The IAG is responsible for submitting data on complaint intake to the IG. The Monitor found that significant delays in this process still exist. (See Internal Affairs pp. 14-15). The Monitor will continue to review this process to determine that these delays are corrected.

The Monitor also reviewed the IG's logs for instances where non-sequential CF numbers were present. Any gap in these numbers indicates that complaint intake information is missing. At least 13 instances of non-sequential CF numbers were found on the August, 2001 log

The Monitor met with the Inspector General to discuss these findings. The IG's Office will review these issues and will provide further follow-up to the Monitor in the next reporting period.

L. COMMUNITY OUTREACH AND PUBLIC INFORMATION

The Consent Decree directs the LAPD Task Force to conduct a Community Outreach program for each LAPD geographic area, which will include one open community meeting each quarter for the first year of the Consent Decree. (CD ¶ 155B). The

⁴⁴ The IG has indicated that such roll-outs are, in fact, now being conducted with greater frequency

meetings must include presentations and a discussion about the LAPD and its operations. The date and time of these meetings must be published in a citywide newspaper, relevant community newspapers, on flyers and on websites for the LAPD and the City. (CD ¶ 155A).

The Community Affairs Group has published meeting schedules in eleven citywide newspapers. The newspapers were in the following languages: English, Farsi, Japanese, and Spanish.

It is important to note that some Divisions augmented the City's list of publications and advertised in additional publications that were representative of their community. For example, the Southeast Division advertised their meeting in New Times LA, La Quia, El Segundo, African Times, LA Weekly, Herald Dispatch, Del Mayo, LA Watts Times and Para Ti.

All meetings were posted on both the City and the Department website well in advance of the actual meeting dates.

At the end of the first quarter, the LAPD Consent Decree Task Force developed a Consent Decree Community Meeting checklist, to monitor meetings and the publication of community outreach activities.⁴⁵ The checklist does not compile statistics on the number of people attending community meetings. This is an important statistic that could serve as a barometer of whether outreach efforts are successful.

The Monitor found that although some divisions, such as Harbor division, were thorough in documenting their efforts to comply with the consent decree, other Divisions did not document where and when they placed flyers or who presented at their meetings.

The Harbor Division is exemplary. Not only was the meeting advertised with flyers and in City newspapers, but also the Daily Breeze wrote a small article highlighting the meeting about ten days before it was scheduled to take place. The Hollenbeck Division also made extraordinary efforts to publicize its meetings in a wide array of media outlets.

Although meeting content must focus on LAPD operations, each Division determines the subject matter. The Wilshire Division's meeting entitled, "Racial Profiling or Data Collection? Find out what the Consent Decree requires of the LAPD", was especially timely with the beginning of data collection on November 1, 2001.

⁴⁵ This information is maintained separately by the Department.



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Several of the Divisions did not document their postings or meeting content. The Monitor will examine these practices during the next reporting period.

1. Website

The website was in complete compliance with the mandates of the Consent Decree including meeting the requirement of posting the court reports filed by the City and the Monitor that relate to the Consent Decree. (CD ¶ 156).

2. Media Advisory Group

The media advisory group was created to help facilitate the communication of information in the many diverse communities that comprise Los Angeles. (CD ¶ 157). Membership includes members of the Department as well as representatives from various council districts. The group held a meeting on November 16, 2001, which included seven members from the various council districts and three members of the LAPD.

The next meeting was scheduled for January 7, 2002

M. TRAINING

The Field Training Officer program and training content will be a primary focus for the Monitor during the third quarter. (CD ¶ 114). The Monitor has scheduled meetings for the end of January to begin this process.

CONCLUSION

The LAPD continued its progress in implementing the Consent Decree. However, a number of deficiencies surfaced this period. Most significant were spotty audits that had important failures of process and substance. The LAPD continues to welcome constructive criticism, and to implement improvements. More needs to be done, and we expect more will be done in the coming months.