

REPORT OF THE INDEPENDENT MONITOR FOR THE LOS ANGELES POLICE DEPARTMENT



**REPORT FOR THE QUARTER ENDING
SEPTEMBER 30, 2003**

Issued November 17, 2003

Kroll

Office of the Independent Monitor
of the Los Angeles Police Department

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- A. “Report Card” Summarizing the Monitor’s Evaluation of Compliance with the Consent Decree as of the Quarter Ending September 30, 2003
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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 (DOJ) 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 Independent Monitor to ensure that Consent Decree reforms are implemented in an effective and timely manner. This, the Monitor's Ninth Report, covers the quarter ending September 30, 2003.

For the provisions of the Consent Decree evaluated in this quarter, the Monitor assesses primary, secondary, and functional compliance with the requirements of the Consent Decree (as described in the Monitor's Report for the Quarter Ending September 30, 2002). If the Department is in non-compliance with any of these three definitions of compliance for a paragraph or subparagraph, the Department is in overall non-compliance with that paragraph or subparagraph. The nature of the non-compliance, i.e. primary, secondary or functional, is fully detailed in the applicable section of this report.

As a tool to assist the reader of this report, the Monitor has attached a "Report Card" as Appendix A that summarizes the overall grade of compliance with each paragraph or subparagraph of the Consent Decree for the last five quarters, beginning with the quarter ending September 30, 2002. The "Status as of Last Evaluation" column provides the most recent evaluation made for each paragraph of the Consent Decree, whether it was made in this quarter or in a prior quarter, or before the *Methodologies to Aid in Determination of Consent Decree Compliance*¹ (the Methodologies) were finalized. The quarter in which the evaluation was made is also indicated in Appendix A. Finally, the Report Card identifies the quarter in which the Monitor anticipates conducting the next evaluation of compliance for each paragraph. This is an estimate based on available information at the date of issuance of this Monitor's report and report card. These estimates are subject to change as information develops and circumstances change.

The Monitor has included a "Report Card Summary" along with the detailed Report Card. This chart graphically summarizes the most recent grades assigned to the paragraphs and subparagraphs of the Consent Decree that are being evaluated by the Monitor, as reported in the Report Card's "Status as of Last Evaluation" column. The paragraphs being evaluated, numbers 40 through 157, are grouped on the chart as they are in the Consent Decree.

¹ Assessment of the Department's compliance with Consent Decree paragraphs utilizing the *Methodologies to Aid in Determination of Consent Decree Compliance* did not commence until the quarter ending June 30, 2002. Report Card "grades" were not assigned in prior quarters.

EXECUTIVE SUMMARY

During the quarter ending September 30, 2003, the Monitor examined 83 paragraphs or subparagraphs of the Consent Decree. Of these, the City and the LAPD successfully complied with 33, failed to achieve compliance with 39, and, for reasons stated in the body of this report, the Monitor withheld a determination of compliance for the remaining 11 paragraphs or subparagraphs.

Areas of concern identified during the quarter ending September 30, 2003 include:

- The Monitor is extremely concerned with the deficiencies uncovered in the Critical Incident Investigation Division's (CIID) investigations of Categorical Uses of force (CUOF) but is pleased by the immediate reorganization undertaken by the LAPD as a result of the uncovering of the deficiencies;
- The Department continues to struggle with the mandate that both involved and witness officers be separated following an Officer-Involved Shooting (OIS) until they provide a statement, whether voluntary or compelled;
- The Department's gang unit audits are in an abysmal state – some have not yet been completed since the Consent Decree was first implemented more than two years ago, and those that have been completed are well below an acceptable standard. The Monitor is frustrated by the Department's apparent inability to address this important area of the Consent Decree, but notes that the Department recently reorganized certain gang unit audit functions in an attempt to address these deficiencies; and,
- The Inspector General's (IG) effectiveness is being compromised by resource constraints, as the IG is no longer able to complete his oversight functions on a timely basis. This threatens to undermine the Department's ability to achieve substantial compliance by the end of the third year of the five-year Consent Decree.

During the current quarter, the Monitor determined that the LAPD has achieved full compliance or shown significant improvements in the following important areas:

- The LAPD continues to submit completed administrative investigations of all CUOF incidents to the OIG and the Police Commission far ahead of the mandated timeframe;
- The Monitor's review determined that officers' work histories are consistently being reviewed prior to recommendations being made regarding discipline or non-disciplinary action as a result of a CUOF; and,
- While non-compliance is never good, it is always important to read beyond that headline. The Consent Decree requires the LAPD to continue to provide periodic training on police integrity. While the LAPD is currently in non-compliance with paragraph 117, we believe this is a timing issue. The Monitor's review of the new integrity training established that the training is, in one word, "terrific."



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- Through a strong concerted effort, the Department and Police Commission are meeting the 14-day requirement for Police Commission review and approval of all new LAPD polices and procedures.

I. FOCUS ISSUES

A. DEFICIENT CUOF INVESTIGATIONS BY CIID

The when, where, how much and why of any use of force (UOF) by the police is an issue which will always be critical for the LAPD, as it is for every police force in the United States. Policing in a major urban setting is dangerous work where officers, mostly young men and women, regularly place themselves between civilians and dangerous, at times, deadly criminals. Second-guessing their decisions while sitting in comfortable chairs in sterile environments must be done cautiously; but it must be done. There must be a review of the UOF, and the review must be based on facts that are the product of a thorough and unbiased investigation. If the fact-finding is either biased or has the appearance of bias, then the community's faith in the entire review process will be undermined.

That being said, as recently as the Monitor's Report for the Quarter Ending March 31, 2003, the Department's handling of Categorical Use of Force (CUOF) incidents was cited as a "strong point" in the Department's overall efforts at achieving compliance. However, developments that unfolded during the quarter ending September 30, 2003, have undermined the Monitor's confidence in the Department's handling of CUOF investigations.

CIID is tasked with the responsibility for conducting investigations of CUOF incidents, a vital step in the assessment of officer conduct. The Monitor's previous assessments of CUOF investigations relied heavily on CIID investigative work, and the Use of Force Review Section's (UOFRS) review of that investigative work. However, the Monitor's recent review of 36 completed CUOF investigations indicates that the Monitor's reliance on CIID and UOFRS was misplaced.²

During an initial review of one OIS incident, the Monitor identified inconsistencies between the CIID incident report and its supporting file, which precipitated a more in-depth investigation by the Monitor. As detailed below,³ the Monitor identified and reviewed several eyewitness statements that were not transcribed and were not referenced in CIID's report. The discovery of these tapes prompted the Monitor to request and review witness statements not transcribed for other incidents. This review uncovered multiple occasions in which the CIID failed to identify and report material inconsistent statements and preserve essential evidence.

The results of this review were disheartening and, at the very least, call into question the motivations of the CIID. For several of these incidents, the evidence suggests that only those

² A third review of these incidents is to be performed by the OIG. The cases, which were reviewed in this quarter, had not yet reached the stage of OIG review.

³ See Monitor's assessment of Paragraph 80i, *infra*.

statements that would ultimately support an in-policy decision by the Use of Force Review Board (UOFRB) were included in the CIID report, and that statements potentially derogative to the officers involved were omitted.

Moreover, none of the instances referred to above were uncovered or referenced by the UOFRS. The UOFRS is responsible for reviewing these investigations for completeness and accuracy before presenting the incident to the UOFRB for adjudication. The UOFRS cannot simply regurgitate information provided by the CIID. Rather it must ensure to the greatest extent possible that the CIID investigation is complete and unbiased.

On a positive note, the Department was extremely responsive to our findings, which were immediately relayed to the Professional Standards Bureau (PSB)⁴. Indeed, PSB undertook an independent review of the files and confirmed, in almost every aspect, the Monitor's findings. Further, to insure remedial action, the LAPD has indicated that it intends to move CIID to PSB.

At this juncture, the Monitor is not able to ascertain whether the omissions were intentional or simply the result of sloppy investigation and documentation. Regardless of which applies, these investigations lie at the heart of the Consent Decree and will broadly impact the degree of trust that Angelinos have in their Police Department. Investigating officers must conduct complete and unbiased investigations so that those in positions of authority, namely the UOFRB and the Police Commission, can reach appropriate conclusions relative to police conduct.

B. BUREAU GANG COORDINATORS' AUDITS

In the Monitor's Report for the Quarter Ending March 31, 2003, the Monitor described the Department's planned steps for improving the gang units' audit function, and commended the command staff for their ambitious plans.⁵ As anticipated, Special Operations Support Division (SOSD), formerly known as Detective Support Division (DSD)⁶, provided bureau gang coordinators with a matrix and audit guidance for the Deployment Period 1, 2003 audits. Some bureaus did not use the audit matrices provided to them, while others used these matrices ineffectually.

Subsequently, responsibility for the review of these audits shifted from SOSD to Audit Division, and Audit Division personnel provided further training on the audit process for the Deployment

⁴ As part of a restructuring within the LAPD during the quarter ending June 30, 2003, the Internal Affairs Group became known as the PSB. The PSB reports directly to the Chief of Police.

⁵ The gang unit audits are required by paragraph 106(h), which stipulates that the bureau gang coordinators are responsible for auditing at least one Area unit each month.

⁶ Under a March 2003 Department reorganization, SOSD was mandated to assume many of DSD's responsibilities. Whenever the DSD is referred to in the Consent Decree and in this report, SOSD should generally be substituted.

Period 3, 2003 audit. The Audit Division also provided bureau gang coordinators with matrices and an audit “shell” report, as well as the randomly selected sample of days for which arrests and detentions were to be audited. All four bureaus used the matrix provided, and the Monitor noted considerable improvement in the bureau gang coordinator audits. However, both the Monitor and the Audit Division determined that the content and quality of the audits were deficient.

The Monitor notes that the Department has been quick to recognize the deficiencies and overall poor quality of the audits. To that end, the Department has reassigned responsibility for overseeing these audits to the Civil Rights Integrity Division (CRID), formerly the Consent Decree Task Force.

II. MANAGEMENT AND SUPERVISORY MEASURES TO PROMOTE CIVIL RIGHTS INTEGRITY

A. TEAMS II [COMPUTER INFORMATION SYSTEM]

Overview

The Consent Decree mandates that the City develop an early warning system, termed TEAMS II, with the purpose of promoting professionalism and best policing practices as well as identifying and modifying at-risk behavior.⁷ In order to meet this requirement, the City is developing four new systems: the Complaint Management System (CMS), the Use of Force System (UOFS), the STOP database,⁸ and the Risk Management Information System (RMIS).⁹ The RMIS will gather data from the new systems, as well as numerous legacy systems, in order to produce relevant information for risk management analysis.

The Monitor recognizes the numerous challenges presented by the scope of the TEAMS II project. However, the Monitor is concerned that the City will not meet the deadlines set forth in Consent Decree paragraphs 50c and 50d (see “RMIS/UOFS” bullet point below). Furthermore, as a result of projected delays, the review period during which the Monitor will determine compliance is severely limited, and will be further truncated by unforeseen modifications provided for under Paragraph 52. Early in the quarter, the City informally expressed interest in modifying the Consent Decree in order to address this issue (at least in part), but there has been no formal communication to-date regarding this matter.

Deadline issues notwithstanding, the City has put forth great effort and continues to make strides in the development of TEAMS II.

During the current quarter, the following progress was made towards the development of the new system:

- The RMIS/UOFS contract was signed between the City and the vendor, Sierra Systems Group, Inc. (Sierra Systems), on July 29, 2003. The official contract work start date was the following Monday, August 4, 2003. The MSRP Unit calculated a timeline/schedule of deliverables from this start date, anticipating that the RMIS Prototype (Beta) will be

⁷ The system is being developed as a successor to the existing computerized information processing system known as the Training Evaluation and Management System (TEAMS).

⁸ The STOP database has already been developed and is currently being utilized to collect data from the Field Data Reports regarding pedestrian and motor vehicle stops.

⁹ Although the Consent Decree does not require the development of CMS, UOFS, or the STOP database, the City has decided to develop these systems in conjunction with the RMIS, which is required under the Consent Decree.

completed August 4, 2004 and that RMIS Department-wide deployment will be completed September 1, 2005. This timeline exceeds the 12-month deadline set forth in paragraph 50(c) by 6 months and the 21-month deadline set forth in Paragraph 50(d) by 10 months, limiting the Monitor's subsequent review period for the RMIS/UOFS to a maximum of 10 months, pending any unforeseen changes and/or modifications to the schedule.

The MSRP unit and Sierra Systems are currently on schedule with respect to their timeline.

- During this quarter, the City moved away from the concept of releasing a Request for Proposal (RFP) for both CMS and Deployment Period System (DPS), favoring instead a sole-source approach for both projects.
- The MSRP Unit has completed its analysis of all legacy systems, and is now moving to conduct impact assessments.
- Both the Automated Personnel Records Imaging System (APRIS) and the Integrated Crime and Arrest Records System (ICARS) are up and running; however there continue to be issues concerning decentralized access. At present, this delay does not affect the TEAMS II project and the City's compliance with the Consent Decree.
- With respect to Use Protocols, the "Threshold Triggers, Peer Groups and Protocol Development Committee"¹⁰ had its first meeting on July 15th. Since that time, significant progress has been made with the definition of Peer Groups and the determination of Action Item Thresholds¹¹. The Monitor commends the efforts of the MSRP staff and the Development Committee.

¹⁰ The *Threshold Triggers, Peer Groups and Protocol Committee* was formed to address paragraph 47, which requires specific protocols and elements for using Teams II to detect and analyze potentially at-risk behavior of an individual or group of individuals.

¹¹ Action Item Thresholds are the points at which RMIS's automated analysis function will determine an individual to be potentially "at-risk," and subsequently flag that individual for a comprehensive supervisory review.

III. INCIDENTS, PROCEDURES, DOCUMENTATION, AND REVIEW

A. USE OF FORCE

Overview

By mandate of the Consent Decree, LAPD officers are required to report all incidents in which force is used and whether that force is “Categorical” or “Non-Categorical.” A Categorical Use of Force¹² (CUOF) is defined by paragraph 13 of the Consent Decree. Any UOF that falls under this definition is subject to certain paragraphs of the Consent Decree.¹³ Administrative investigations of these incidents are the responsibility of the CIID. All completed CUOF incident investigations must be presented to a UOFRB and ultimately the Police Commission within a defined period of time.

All other Uses of Force that do not fall under the definition of paragraph 13 are considered Non-Categorical. These are also subject to certain paragraphs.¹⁴ Non-Categorical Uses of Force (NCUOF) occur much more frequently than do CUOF, as officers often encounter resistance while performing their duties. NCUOF range from a technique as simple as the physical force used to control a resisting individual to the use of a taser or a bean-bag shotgun.

In the Monitor’s Report for the Quarter Ending June 30, 2003, the Monitor assessed compliance with Consent Decree requirements relative to NCUOF and CUOF investigations, including the CIID’s role, supervisory oversight and the required psychological evaluation of officers involved in a deadly CUOF.

During the current quarter, the Monitor focused its efforts on reviewing the procedures and techniques for conducting a CUOF investigation. The results of our current assessment follow.

Paragraph 55 – CUOF Investigations / CIID Responsibility

Paragraph 55 requires that the LAPD create a unit whose main responsibility is to conduct administrative investigations of CUOF incidents.¹⁵ Investigators assigned to this Division shall

¹² CUOF include an Officer Involved Shooting with or without a hit, In-Custody Death, Law Enforcement Activity Related Death, Law Enforcement Related Injury requiring hospitalization, Neck Restraint, Head Strike with an impact weapon and a Department canine bite requiring hospitalization.

¹³ Specifically paragraphs 13, 38, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 67, 69, 80, 82, 83, 136 and 142 as well as certain audit related paragraphs.

¹⁴ Specifically paragraphs 13, 38, 65, 66, 68, 69, 81 and 82 as well as certain audit related paragraphs.

¹⁵ Pursuant to Special Order 39, 2001 – “*Critical Incident Investigation Division – Established,*” approved by the Police Commission, December 11, 2001.

be Detectives, Sergeants or other officers of supervisory rank. The Commanding Officer (CO) of this Bureau shall not have direct line supervision for any LAPD geographic bureaus. Lastly, all investigators must be trained in conducting administrative investigations as specified in paragraph 80 of the Consent Decree.

Background

The Monitor last evaluated paragraph 55 during the quarter ending March 31, 2003, at which time the LAPD was found in functional compliance.

Current Assessment of Compliance

During the current quarter, the LAPD issued Special Order No. 30 – “*Selection and Assignment to Critical Incident Investigation Division.*” This Special Order establishes the criteria for selection, retention and de-selection of investigators and supervisors to the CIID. The Monitor’s review of Special Order No. 30 established that the directive was in primary compliance with the Consent Decree.

In addition, the Monitor assessed the training of CIID personnel on their investigative responsibilities relative to paragraph 80. The eight-hour training course was offered on December 3, 2002. Of the 40 sworn personnel assigned to the CIID, 36 attended this session. The Monitor’s review established that the training effectively covered the critical components of CUOF administrative investigations.

An additional component of secondary compliance is the LAPD Audit Division’s audit of CUOF incidents, which includes a review and evaluation of the LAPD’s compliance with regard to paragraph 55. A review of the CUOF audit, which was released in mid-August 2003, determined that this paragraph was excluded and there currently exists no mechanism for auditing paragraph 55 going forward. As such, the LAPD is in secondary non-compliance.

During the current quarter, in order to evaluate functional compliance, the Monitor requested and received a listing of all CUOF incident investigations forwarded by the LAPD to the OIG.¹⁶ These investigations were completed by CIID investigators and reviewed by sworn personnel in the UOFRS. After UOFRS review, the investigations are slated for review by the UOFRB and finally the Chief of Police, prior to being forwarded to the OIG.

35 incidents were identified for review.¹⁷ 19 of these incidents were OIS¹⁸ and the remaining 16 incidents were Law Enforcement-Related Injury Incidents (LERII).¹⁹ For all 35 incidents, the

¹⁶ Pursuant to paragraph 13 of the Consent Decree, animal shooting investigations and accidental discharge investigations were excluded from the Monitor’s sample.

¹⁷ The 35 incidents selected were used to gauge compliance with paragraphs 55, 61, 64, 67, 69, and 80(i). The incidents occurred between June 5, 2002 and December 28, 2002.

¹⁸ 13 of the 19 incidents were OIS involving hits and the remaining six incidents were no-hit OIS.

Monitor noted that the administrative investigation was assigned to and completed by a group of investigators at the rank of Detective II or above.²⁰

Based on the foregoing, the Monitor finds the LAPD in primary and functional compliance, but in secondary non-compliance, with paragraph 55.

Paragraph 57 – Criminal CUOF Investigations / LAPD Responsibility

Paragraph 57 requires the LAPD to conduct a criminal investigation of CUOF incidents, where the facts so warrant one. Such investigations cannot be conducted by the CIID, which is responsible for completing the administrative investigation.

Background

The Monitor last evaluated paragraph 57 during the quarter ending March 31, 2003, at which time the LAPD was found in compliance.²¹

Current Assessment of Compliance

During the current quarter, the Monitor reviewed CIID and UOFRS reports summarizing pending CUOF incidents as of June 30, 2003. According to the reports, three CUOF incidents were referred to the PSB by the CIID. Because all three matters remain pending, the Monitor was not permitted access to the investigations as prescribed by the Consent Decree.

Through interviews of PSB command staff, the Monitor determined that once the CIID refers a CUOF incident, the PSB is tasked with completing both the administrative and criminal investigation. These investigations are not assigned to the same individual, thus creating an information barrier preventing any compelled statements from being utilized in the criminal investigation.

Based on the referral of matters to the PSB and interviews with PSB command staff, the Monitor finds the LAPD in compliance with the provisions of paragraph 57.

¹⁹ The 16 LERII were broken down as follows: five incidents were ICD; five incidents involved head strikes; three incidents involved force requiring hospitalization; one incident was a LEARD; one incident was a canine bite requiring hospitalization and one incident involved the use of a neck restraint.

²⁰ Suspect and certain witness interviews are conducted by RHD and DHD Detectives, which are incorporated into the administrative investigation. See additional remarks regarding RHD and DHD interviews at the Monitor's discussion of paragraph 80.

²¹ The Methodologies require only functional compliance with regard to paragraph 57. Primary and secondary compliance is not applicable.

Paragraph 61 – Separate Statements of Officers Involved in OIS

Paragraph 61 requires that all involved officers and witness officers to an OIS be separated immediately and remain separated until they provide a statement, whether voluntary or compelled.

Background

The Monitor last evaluated paragraph 61 during the quarter ending March 31, 2003, at which time the LAPD was found in continued functional non-compliance.

A recurring factor resulting in the LAPD's non-compliance with this paragraph has been its failure to transport officers separately from the scene of an OIS even after effectively separating them at the scene. In an effort to correct this deficiency, the LAPD issued Special Order 19, dated May 22, 2003, "Obtaining a Public Safety Statement and Separating Officers Following a Categorical Use of Force Incident - Established." The order defines Incident Commander responsibility so as to include ensuring that officers are transported separately. The order mandates that any deviation from policy be articulated in the Incident Commander's daily log.

Current Assessment of Compliance

During the current quarter, the Monitor identified 19 OIS incidents.²² The Monitor's review determined that for six²³ of the 19 incidents, involved and/or witness officers were not separated either at the scene or while being transported. Although six instances of non-compliance were noted, the Monitor elected to exclude one incident in determining compliance because the number of officers involved, approximately 80, made it impossible for the LAPD to coordinate separation. It was noted, however, that on scene supervisors attempted to separate involved officers and transport them separately.

As evidenced by the publication of Special Order 19, the LAPD continues to appropriately address policy and procedure regarding the separation of officers and, is therefore, in primary compliance with this paragraph. A review of the LAPD's proposed audit schedule determined that this paragraph is scheduled to be audited during the current fiscal year.

Given that in five of 19²⁴ OIS incidents officers were not separated, the Monitor finds the LAPD in functional non-compliance with the provisions of paragraph 61.

²² See Paragraph 55 for a breakdown of OIS incidents involving a hit or no hit.

²³ All six instances of non-compliance pre-date the issuance of Special Order 19.

²⁴ This translates into a compliance rate of approximately 74%.

Paragraph 64 – Officer History in Disciplinary & Non-Disciplinary Actions

Paragraph 64 requires a manager²⁵ to consider an officer's work history, including information contained in the TEAMS II system,²⁶ and the officer's CUOF history, including tactics used in past UOF, when reviewing and/or making recommendations regarding discipline or non-disciplinary action as a result of a CUOF.

Background

The Monitor last evaluated paragraph 64 during the quarter ending March 31, 2003, at which time the LAPD was found in functional compliance.

Current Assessment of Compliance

During the current quarter, the Monitor reviewed 35 completed CUOF incident investigations.²⁷ Contained within each investigation file were forms used by the UOFRS to record information specific to each officer. These forms, which are presented to the UOFRB, contain a section that references an officer's past CUOF history, provides the unique incident number, and lists whether or not the officer's actions were deemed in-policy no action (IPNA) or administrative disapproval (AD).²⁸ The Monitor also noted that each file contained handwritten notes memorializing comments, questions and concerns raised by the UOFRB. The notes, completed by UOFRS officers in attendance at the respective UOFRB, contained references that indicated work histories were presented.

Members of the Monitor's team observed a UOFRB during the quarter ending September 30, 2003, at which three incidents were presented.²⁹ At the conclusion of each presentation, the CO provided the UOFRB with the involved officer's work history for consideration.³⁰ For incidents involving more than one officer, each officer's history was considered separately. It is the CO's responsibility to be prepared to answer any questions posed by the Board regarding the incident being presented and, if applicable, any past incidents.

²⁵ Paragraph 29 of the Consent Decree defines a "manager" as an LAPD supervisor ranked captain or above.

²⁶ Until the TEAMS II system is developed, the Monitor will base compliance on the LAPD's use of its current TEAMS system.

²⁷ These investigations were forwarded to the Police Commission via the OIG during the period January 1, 2003 through June 30, 2003.

²⁸ If no CUOF history exists, "No Prior" is entered into this section of the form.

²⁹ A UOFRB convenes on most Monday afternoons to hear presentations of CUOF incidents. On this particular date, two OIS incidents and one LERII were presented.

³⁰ This portion of the UOFRB is a "closed session." Those required to be present at a closed session UOFRB include the UOFRB; the CO; each involved officer, separately; and, a UOFRS representative. The IG, at its discretion, may also attend the closed session.

The Monitor reviewed the officer work histories for all incidents presented to the UOFRB. The information contained in the histories included the officer's complaint history, UOF history and commendation history. For pending complaints, a brief explanation of the complaint was provided. This information was considered part of the officer's personnel file and after presentation to the UOFRB was destroyed. For all matters reviewed and all three incidents presented, the UOFRB required the involved officers to attend training.³¹

During this UOFRB, tactical training issues including failure to carry a baton, failure to request backup or assistance, and multiple officers simultaneously issuing commands to individuals were cited repeatedly. In addition, officers' failure to identify their status as "Code 6"³² when responding to a scene was identified by one board member as a potential systemic problem within the Department.

The Monitor also requested and received a listing of all CUOF incidents adjudicated as administrative disapproval either for tactics; drawing a weapon; or the UOF.³³ For four of the six incidents identified, the LAPD provided documentation that the involved officers' work histories were considered when rendering disciplinary action. For two incidents, no documentation was provided that officer histories were considered; however, a review of the investigation package determined that the officers' histories were documented.

Based on the foregoing, the Monitor finds the LAPD in continued primary, secondary and functional compliance with the provisions of paragraph 64.³⁴

Paragraph 67 – OIG and Commission Review of CUOF

Paragraph 67 requires the LAPD to submit completed administrative investigations of all CUOF incidents³⁵ to the OIG and the Police Commission at least 60 days prior to the running of any appropriate statutes. For any investigation not completed and forwarded within this timeframe, the LAPD must provide the Commission with a copy of the underlying investigative file accumulated to date, along with an explanation for its delay, the necessary investigative steps still to be completed, and a schedule for the completion of the investigation.³⁶

³¹ The type of training required varied depending upon the UOFRB's concern over the officers' tactics -- at the Divisional level, provided by the officer's CO, or "formal training" administered by the CED.

³² By not responding "Code 6," the officers' location is unknown and the officers are considered available for response.

³³ These incidents were reviewed during the period January 1, 2003 and June 30, 2003.

³⁴ The LAPD Audit Division recently completed an audit of CUOF incidents, in which they concluded that the LAPD was in compliance regarding paragraph 64.

³⁵ As defined by paragraph 13 of the Consent Decree.

³⁶ The approved Methodologies for this paragraph of the Consent Decree require an assessment of functional compliance only. Primary and secondary compliance requirements do not apply.

Background

The Monitor last evaluated paragraph 67 during the quarter ending March 31, 2003, at which time the LAPD was found in compliance.

Current Assessment of Compliance

During the current quarter, the Monitor reviewed 35 completed CUOF incidents forwarded to the OIG during the period January 1, 2003 through June 30, 2003. All 35 incident investigations were forwarded to the OIG for review by the Commission more than 60 days prior to the running of any statute of limitations. On average, the incident investigations were provided to the OIG approximately 156 days prior to the running of the statute of limitations. The OIG acknowledged receipt of these completed investigations.

The Monitor regularly receives notification of Police Commission agendas. Inclusive in the agendas are references to CUOF incidents scheduled for review by the Commission during their closed door sessions. The Monitor also requested and received copies of all Police Commission UOF Agendas and supporting Intradepartmental Correspondence from the OIG for the period January 1, 2003 through June 30, 2003. An examination of this material established that the PC reviewed 44 CUOF incidents during this time period.³⁷

Based on the foregoing, the Monitor finds the LAPD in functional compliance with the provisions of paragraph 67.

Paragraph 69(a) – Use of Force Review Board

The first requirement of paragraph 69³⁸ (paragraph 69(a)) is that the LAPD continue its practice of presenting all CUOF incident investigations to the UOFRB.³⁹

Background

The Monitor last evaluated paragraph 69(a) during the quarter ending March 31, 2003, at which time the LAPD was found in compliance.

³⁷ These 44 incidents comprise CUOF incidents reviewed by the Monitor, some of which were included in the current sample and others reviewed during prior reporting periods. The PC also reviews accidental discharges and animal shootings, which are excluded from the Monitor's sample.

³⁸ Paragraph 69 also requires the LAPD to complete NCUOF investigations within 14 days of occurrence. This particular provision of paragraph 69 was not evaluated during the current quarter of review. Appendix "A" of this report discloses the Monitor's anticipated schedule for the review of paragraphs along with historical compliance assessments.

³⁹ The methodologies require that this paragraph be evaluated only for functional compliance. Primary and secondary compliance are not applicable.

Current Assessment of Compliance

During the current quarter, the Monitor reviewed 35 completed CUOF investigations that were forwarded to the OIG during the period January 1, 2003 through June 30, 2003. For all 35 investigations, the files maintained by the UOFRS contained documentation evidencing review of the incidents by the UOFRB.⁴⁰

During the quarter ending September 30, 2003, members of the Monitor team observed a UOFRB. Three separate incidents were presented. For one incident, the Board participants did not reach a unanimous decision. One member of the Board, the only minority dissenting vote regarding the UOF in question, put on the record that a dissenting opinion would be forwarded to the Chief of Police.

Based on the foregoing, the Monitor finds the LAPD in compliance with this provision of paragraph 69.

⁴⁰ With the exception of incidents involving a canine bite requiring hospitalization, all incidents are heard by a panel of five individuals. The panel is comprised of the CO of the Chief of Support Services, a representative from the Chief of Operations, the Bureau CO from the Division in which the incident occurred, a CO from the Training Division, a CO from Personnel and a peer officer of equal rank. As discussed in paragraph 64, the Division CO of the involved officer(s) is required to present a synopsis of the incident to the Board. By this time, all Board members have received a complete copy of the report prepared by the CIID and theoretically should have read it in its entirety for familiarity. During the presentation, the Board may ask the CO questions regarding the incident, what was on the involved officer's mind, and knowledge of any facts that may not have been reported in the CIID investigation. The involved officers may attend the Board, however, they are not permitted to speak except in response to questions from the Board. After the presentation and after all questions have been answered, the Board, in a closed session, discusses the incident and renders its decision. The majority determines the outcome of the incident for all categories reviewed.

B. SEARCH AND ARREST PROCEDURES

Overview

The Consent Decree requires the LAPD to establish and/or continue to implement policies and procedures regarding searches and arrests. One such requirement is supervisory review of booking recommendations, supporting arrest paperwork, search warrant applications and execution plans to ensure that they meet the Department's standards for appropriateness and legality.

In the Monitor's Report for the Quarter Ending March 31, 2003, the Monitor assessed supervisory review of all booking approvals, arrest paperwork, watch commander logs and detention logs for cases involving charges for resisting arrest, delaying a police investigation and assault on a police officer.

During the current quarter, the Monitor assessed supervisory review of Search Warrants, Ramey Warrants, as well as Search Warrant Logs. The results of our current assessment follow.

Paragraph 71 – Supervisory Review of Warrants

Paragraph 71 sets forth the requirements for supervisory review of all search warrants and probable cause arrest warrants ("Ramey" warrants). Under the mandates of this paragraph, the review must include the following:

- a) A review for completeness of the information contained therein and an authenticity review to include an examination for "canned" language, inconsistent information, and lack of articulation of the legal basis for the warrant; and
- b) A review of the information on the application and affidavit, where applicable, to determine whether the warrant is appropriate, legal and in conformance with LAPD procedure.
- c) A review, by the supervisor, of the officer's plan for executing the search warrant and, after execution of the search warrant, a review of the execution of the search warrant.
- d) Lastly, a supervisor must be present for execution of the search warrant.

Background

The Monitor last evaluated paragraph 71 during the quarter ending September 30, 2002, at which time the LAPD was found in primary compliance with all of the provisions of paragraph 71 and secondary and functional compliance with paragraph 71(a) and (b). However, the Monitor found

the Department in secondary and functional non-compliance with the requirements of paragraph 71(c) due to the lack of supervisory oversight of search warrants.

Current Assessment of Compliance

In order to assess secondary and functional compliance with paragraph 71 during the current quarter, the Monitor selected for review a random sample of 75 search warrant packages from a total population of 328 packages from Deployment Periods 4-6, 2003.⁴¹ The Monitor reviewed the selected search warrant packages for the following requirements outlined in paragraph 71⁴²:

- a) supervisory review of warrant applications;
- b) completeness;
- c) lack of canned language;
- d) consistent information;
- e) articulation of legal basis;
- f) conformance with LAPD procedures;
- g) supervisory review of execution plan;
- h) supervisory presence during execution; and
- i) after action review of the warrant.

The Monitor found that LAPD was in compliance with some of the requirements of paragraph 71, including lack of canned language, articulation of legal basis, conformance with LAPD procedures, and supervisory presence during execution of the search warrant. However, the Monitor noted the following instances of non-compliance with the requirements of paragraph 71(a) and (c)⁴³:

- 14% of the search warrant packages reviewed did not include a written execution plan when required; of those that included a written execution plan, 50% did not include signatures of the supervisor indicating review.

⁴¹ The timeframe for Deployment Periods 4-6, 2003, is April 6th through June 28th, 2003.

⁴² Administrative warrants were excluded from the review since they did not require a written game plan or debriefing critique/after action report.

⁴³ In assessing compliance, the Monitor initially reviewed a random sample of 15 of the 75 search warrant packages selected for review. If the Monitor determined that the Department was in non-compliance from this initial review, no additional packages were reviewed. All 75 packages were reviewed in those instances where the Department was found in compliance.

- 7% of the search warrant packages reviewed did not include a written debriefing critique/after action report when required; of those that included a debriefing critique, 50% did not include supervisors' signatures indicating a review occurred no later than the next working day and 21% did not include commanding officers' signatures indicating a review occurred no later than seven days.
- 36% of the search warrant packages reviewed, where arrests were made during execution of a search or Ramey warrant, did not include the arrest reports.
- 13% of the search warrant packages reviewed did not include the initials of a supervisor indicating review on the bottom of every page of the warrant affidavit.
- 13% of the search warrant packages reviewed failed to indicate or provide verification of the return of the search warrant within ten days of issuance.
- Of the search warrant packages reviewed where property was seized, 43% did not include the Receipt for Property Taken and 14% did not include the Property Report. Of the search warrant packages where property was seized and the package did include both reports, 67% had inconsistencies between them, with evidence listed that did not match, or evidence not listed at all.⁴⁴

The Monitor notes that the LAPD published Special Order 28, "Activation of the Warrant Service/Tactical Plan Report," dated July 15, 2003, which standardizes the Department's documentation of search warrant service. This Order activates the Warrant Service/Tactical Plan Report, which is used in documenting the planning, debriefing and analysis of all search and arrest warrants. It also delineates required oversight by the supervisors and commanding officers before, during and after service of the search warrants.

Based upon the review of the policy outlined in Special Order 28, the Monitor continues to find the LAPD in primary compliance with all of the provisions of paragraph 71. The Monitor also finds the LAPD in secondary and functional compliance with paragraph 71(b). However, based upon the findings described above in connection with the review of search warrant packages, and due to the fact that current policies and procedures outlined in Special Order 25, "Search Warrant and Probable Cause Arrest Warrant Procedures," dated August 10, 2001, are not being implemented in a manner responsive to paragraph 71, the Monitor finds that the LAPD in non-compliance with the secondary and functional requirements of paragraph 71(a) and (c).

⁴⁴ Both the LAPD Audit Division's Search Warrant Applications and Affidavits Audit, dated October 31, 2002, and the Monitor's Report for the Quarter Ending September 30, 2002 noted inconsistencies between the Receipt for Property Taken Report and the Property Report. Both found that 56% of the search warrant packages reviewed that included both reports showed discrepancies between them. The Monitor believes that this is a risk management issue, especially when the evidence seized involves drugs, money, and/or guns, as reported in the Board of Inquiry Report.

Paragraph 72 – Supervisory Review of Warrant Log

Paragraph 72 mandates that each Area and specialized Division of the LAPD maintain a log listing:

- a) each search warrant;
- b) the case file where a copy of such warrant is maintained;
- c) the name of the officer who applied for such warrant; and,
- d) the name of each supervisor who reviewed the application for such warrant.

Background

The Monitor last evaluated paragraph 72 during the quarter ending September 30, 2002, at which time the LAPD was found in primary compliance but in secondary and functional non-compliance with the provisions of paragraph 72.

Current Assessment of Compliance

In order to assess secondary and functional compliance with paragraph 72 during the current quarter, the Monitor reviewed the sample of search warrant packages selected for review in connection with the assessment of paragraph 71. The Monitor compared the search warrants issued from this sample with the corresponding Search Warrant Tracking Logs to ensure completeness and accuracy.

The Warrant Tracking Log tracks the date and time the warrant was issued by a magistrate; investigator's name and serial number; approving supervisor's name and serial number; booking number; search warrant number; whether or not the search warrant was served; on-scene supervisor's name and serial number; warrant return date; and search location address or name and date of birth of the suspect. The Warrant Tracking Log should correspond to the search warrants issued for any given time period.

Pursuant to the Methodologies for paragraph 72, the Monitor calculated a Logging Rate⁴⁵ and Effective Logging Rate⁴⁶ for the Warrant Tracking Logs reviewed. The Monitor found that all of the search warrants reviewed were logged, producing a 100% Logging Rate. In order to assess whether the warrants were logged appropriately, the Monitor reviewed the information contained within the search warrants, finding that of the search warrants reviewed, few were logged appropriately, resulting in a 13% Effective Logging Rate.

⁴⁵ # of warrants logged / # of warrants issued and identified in sample.

⁴⁶ # of warrants logged appropriately / # of warrants logged.

The Monitor identified the following instances in which the LAPD did not include information required under the Consent Decree, thereby failing to appropriately log the search warrants reviewed:

- The Search Warrant Tracking Log did not include a date and time for 47% of the search warrant packages reviewed.
- The Search Warrant Tracking Log did not include an approving supervisor name and serial number for 13% of the search warrant packages reviewed.
- The Search Warrant Tracking Log did not include the search warrant number for 13% of the search warrant packages reviewed.
- The Search Warrant Tracking Log did not include the on-scene supervisor name and serial number for 7% of the search warrant packages reviewed.
- The Search Warrant Tracking Log did not include the commanding officer's signature, serial number and date for 47% of the search warrant packages reviewed.

The Monitor notes that the LAPD published Special Order 28, "Activation of the Warrant Service/Tactical Plan Report," dated July 15, 2003, which standardizes the Department's documentation of search warrant service and revises the Search Warrant Tracking Log. The Monitor has reviewed the newly revised Search Warrant Tracking Log and believes this will clarify what information is necessary to properly complete the log, which should assist in achieving compliance with paragraph 72 in future assessments.

Based upon the newly published Special Order 28, which includes a revised Search Warrant Tracking Log, the Monitor finds the LAPD in primary compliance with paragraph 72. However, based upon the analysis described above, and due to the fact that the policies and procedures outlined in Special Order 25 "Search Warrant and Probable Cause Arrest Warrant Procedures," dated August 10, 2001, were not being implemented in a manner responsive to paragraph 72, the Monitor finds the LAPD in secondary and functional non-compliance with paragraph 72.

C. INITIATION OF COMPLAINTS

Overview

The Consent Decree directs the LAPD to ensure the public unfettered ability to lodge complaints against police officers. The Decree provides specific requirements relative to the intake of complaints, including the continuation of a 24-hour toll-free complaint hotline.

In the Monitor's Report for the Quarter Ending June 30, 2003, the Monitor assessed compliance with Consent Decree requirements relative to officers receiving citizen complaints. As described in the report, the Department's failure to take citizen complaints in accordance with mandated policies and procedures; and, the delay in the prosecution of the administrative proceedings against officers who failed to take citizen complaints resulted in the Monitor finding the Department in non-compliance with certain provisions of the Consent Decree. Conversely, the Monitor noted that for some paragraphs, namely those requiring the reconciliation of lawsuits and claims and the immediate notification by officers to the LAPD of their arrest, that the LAPD remains in compliance.

During the current period of review, members of the Monitor's team met with the LAPD to discuss the status of officers and supervisors previously reported for failing to accept citizen complaints. For each instance of non-compliance, the LAPD generated a letter to either the officer's Division commanding officer or Bureau commanding officer requiring that they personally administer training to the offender regarding the severity of the situation and the requirements of accepting citizen complaints.

The Monitor is scheduled to review Consent Decree requirements regarding the initiation of complaints again during the quarter ending December 31, 2003.

D. CONDUCT OF INVESTIGATIONS

Overview

The Consent Decree provides a series of specific instructions relating to the conduct of complaint investigations. These instructions are published in the LAPD Guide for Supervisors dated October 2000.

In the Monitor's Report for the Quarter Ending June 30, 2003, the Monitor assessed compliance with Consent Decree requirements relative to NCUOF investigations and collateral misconduct investigations.

During the current quarter, the Monitor's evaluation entailed a review of completed CUOF, Chain of Command (COC), and Collateral Misconduct Investigations. The results of our current assessment follow.

Paragraph 79 – PSB Review of Complaint Face Sheets

Paragraph 79 requires the LAPD to document and forward all complaints to the PSB⁴⁷ for review and investigative assignment within ten days of receipt to determine whether or not criteria defined in paragraphs 93 and 94 apply.

Background

The Monitor last evaluated paragraph 79 during the quarter ending March 31, 2003, at which time the LAPD was found in functional non-compliance.

Current Assessment of Compliance

During the current quarter, the Monitor requested and received a listing of all complaints initiated during the period January 1, 2003 through July 17, 2003. A total of 2,836 complaints were identified. The information provided included the date the complaint was reported to the LAPD, the date the complaint face sheet was completed and the date the face sheet was received by the PSB for review and classification. For 623 of the 2,836 complaints listed, the face sheets were provided to the PSB in excess of ten days of receipt, the timetable mandated by the Consent Decree. This translates into an overall compliance rate of 86%.⁴⁸

⁴⁷ The Consent Decree refers to the Internal Affairs Group (IAG). As noted previously, IAG became known as the PSB as part of a restructuring within the LAPD during the quarter ending June 30, 2003.

⁴⁸ 215 of these complaints alleging Failure to Qualify, Failure to Appear and/or Preventable Traffic Collisions identify the date of the incidents as the reportable date. These dates do not represent the date the matter was referred as a complaint. As such, they were excluded from the calculation of compliance.

Based on the foregoing, the Monitor finds the LAPD in functional non-compliance with paragraph 79.

Paragraph 80i – CUOF Incident Investigations

Paragraph 80 defines specific investigative requirements that apply to all CUOF incident investigations and all administrative complaint investigations in which the underlying alleged misconduct falls under the definition of paragraphs 93 and 94. Paragraph 80 contains seven subsections requiring conformance as follows:

- (a) Tape record or videotape interviews of complainants, involved officers, and witnesses;
- (b) Canvass a scene, interview complainants and witnesses at sites and times convenient for them;
- (c) Prohibit group interviews;
- (d) Notify involved officers and the supervisors of involved officers, except when the LAPD deems the complaint to be confidential under the law;
- (e) Interview all supervisors with respect to their conduct at the scene during the incident;
- (f) Collect and preserve all appropriate evidence, including canvassing the scene to locate witnesses;
- (g) Identify and report all inconsistencies in officer and witness interview statements gathered during the investigation.

For reporting purposes, the Monitor has broken paragraph 80 into two subparagraphs: 80i, which relates to CUOF investigations, and 80ii, which relates to complaint investigations. With the exception of subsection (d), all subsections apply to CUOF incident investigations.

Background

The Monitor last reviewed subparagraph 80i during the quarter ending March 31, 2003, at which time the LAPD was found in compliance.

Current Assessment of Compliance

During the current quarter, the Monitor reviewed 36 completed CUOF investigations submitted to the OIG and the Police Commission between January 1, 2003 and June 30, 2003.⁴⁹ Nineteen (19) investigations involved OIS, six (6) involved In-Custody Deaths (ICD), five (5) involved head strikes with an impact weapon, three (3) involved LERII requiring hospitalization, one (1) involved a neck restraint, one (1) involved a canine bite requiring hospitalization and one (1) involved a Law Enforcement Activity-Related Death (LEARD).

While reviewing compliance, the Monitor noted the following:

- For four investigations, either Robbery Homicide Division (RHD) or CIID investigators failed to tape-record at least one witness interview.⁵⁰
- For two investigations, investigators failed to canvass the area for witnesses.⁵¹
- For three investigations, group interviews were permitted.⁵²
- For eight incidents, the LAPD failed to either collect or preserve evidence.
- For seven incidents, the CIID and the UOFRS failed to identify and report inconsistent statements.
- For all incidents reviewed, the supervisors responding to the scene were interviewed regarding their actions.

During an initial review of one OIS incident, the Monitor identified considerable discrepancies between a CIID incident report and its supporting file. This prompted members of the Monitor's team to review all tape-recorded interviews. Upon doing so, the team identified significant deficiencies in the investigation.

These deficiencies prompted the team to review other selected incidents with more scrutiny. For three investigations, the team's review identified the following additional significant deficiencies, which were reported to the DOJ, the LAPD and the City:

⁴⁹ For related paragraphs 61, 64, 67 and 69, the Monitor reviewed 35 completed CUOF incidents. The Monitor elected to expand the population to include one additional CUOF incident heard by the UOFRB that was not submitted to the OIG during the period January 1, 2003 through June 30, 2003.

⁵⁰ In one incident, the suspect provided a statement to a detective who was at the hospital. The detective did not have a tape recorder.

⁵¹ In both incidents witnesses were identified for the LAPD by other witnesses.

⁵² In one incident, two witnesses were interviewed together. In another incident, two officer witnesses to an OIS were asked on two separate occasions to provide a public safety statement by two separate supervisors. In the third incident, witnesses to a shooting were interviewed in a room adjacent to other witnesses who, upon listening to the tape, were determined to be within hearing distance of the interview.

- Failure to document and reference witness statements in CIID reports;
- Misrepresentation of witness statements in CIID reports;
- Failure to attend interviews when requested by witnesses; and
- Failure to identify and report actions or statements indicative of misconduct.

In addition to the above, the Monitor identified two ICD incidents for which the UOFRB recommended a Board of Inquiry for one and an ongoing assessment of jail procedures for another. Both ICD occurred at the LAPD jail. One incident dated back to mid-2001 and the other September 2002. Neither the Board of Inquiry nor the assessment directives were addressed by the LAPD until August 2003 following a verbal report by the Monitor.

As an additional step in assessing compliance with subparagraph 80i, the Monitor observed a UOFRB during the current reporting period. For one OIS incident presented, officer tactics were ruled as “administrative disapproval.” One member was of the minority opinion that the officers’ UOF be held out of policy.⁵³

In prior quarterly reports, the Monitor reported that the LAPD appeared to be making progress toward achieving sustained compliance with the Consent Decree relative to CUOF incident investigations. Given recent developments, it appears as if the LAPD has not progressed as previously reported, and the Monitor’s reliance on CIID investigators and UOFRS procedures was misplaced. Going forward, the Monitor will not rely on notations in reports that witness statements were not transcribed because they did not witness the incident. Instead, where appropriate, the Monitor will review, in detail, relevant tapes.

The CIID is responsible for conducting a thorough unbiased investigation and for reporting all relevant facts to the UOFRB to facilitate a fair assessment of officers’ actions. The CIID has failed to fulfill this responsibility. The Monitor’s review uncovered multiple occasions whereby the CIID failed to identify and report material inconsistent statements. The evidence suggests that for some of these incidents, only those statements that would ultimately support an “in policy” decision by the UOFRB were included in the report.

Equally culpable is the UOFRS for failing to identify these issues. The UOFRS should be, in essence, the ‘armchair review’ function that provides a fresh look at the investigation to ensure it is accurately portrayed to the UOFRB. Members of the UOFRB rely on the accuracy and completeness of the UOFRS report summary as a tool in their decision making process. Unfortunately, the Monitor’s review has revealed that the UOFRS simply regurgitates the information as presented by the CIID.

⁵³ During the course of the Board, the Monitor observed the lead CIID investigator approach one of the officers after its ruling and state, in substance, that she did everything she possibly could for the officer. This same investigator and officer were subsequently observed criticizing the dissenting member’s opinions and decisions.

One last area of concern involves the priorities of RHD investigators. RHD investigators most often arrive at the scene prior to CIID investigators and almost always question the suspect. The Monitor is concerned that RHD questioning is skewed toward determining whether or not the suspect committed a crime, not whether or not the officer(s) used excessive or unnecessary force. Accordingly, the Monitor is concerned that RHD investigators' focus upon solving a crime may impede their ability to administratively investigate UOF.

As noted in the executive summary above, LAPD has moved very quickly to reorganize the oversight of this critical function. This reorganization gives us hope for the future.

Based on the foregoing, the Monitor finds the LAPD in functional non-compliance with subparagraph 80i.

Paragraph 80ii – Complaint Investigations

Paragraph 80 defines specific investigative requirements that apply to all CUOF incident investigations and all administrative complaint investigations in which the underlying alleged misconduct falls under the definition of paragraphs 93 and 94. Paragraph 80 contains seven subsections requiring conformance as follows:

- a) Tape record or videotape interviews of complainants, involved officers, and witnesses;
- b) Canvass a scene, interview complainants and witnesses at sites and times convenient for them;
- c) Prohibit group interviews;
- d) Notify involved officers and the supervisors of involved officers, except when the LAPD deems the complaint to be confidential under the law;
- e) Interview all supervisors with respect to their conduct at the scene during the incident;
- f) Collect and preserve all appropriate evidence, including canvassing the scene to locate witnesses; and
- g) Identify and report all inconsistencies in officer and witness interview statements gathered during the investigation.

For reporting purposes, the Monitor has broken paragraph 80 down into two subparagraphs: 80i, which relates to CUOF investigations, and 80ii, which relates to complaint investigations.

Background

Paragraph 80ii was last evaluated during the quarter ending March 31, 2003, at which time the LAPD was found in compliance with subsections 80ii(b), 80ii(e) and 80ii(g) and in non-compliance with subsections 80ii(a), 80ii(c), 80ii(d) and 80ii(f).

Current Assessment of Compliance

In connection with primary compliance with paragraph 80, the following summarizes LAPD policy, issued since the inception of the Consent Decree, which addresses the requirements of paragraph 80:

- “Complaint Investigations Guide for Supervisors”, October, 2000;
- Robbery Homicide Division Officer Involved Shooting Manual, 1994;
- Administrative Order 12, “Investigating a Personnel Complaint and Evaluating Witness Credibility,” approved by the Police Commission September 25, 2001;
- HRB Notice, “Administrative Investigation Training,” approved by the Police Commission October 9, 2001;
- Special Order 39, “Critical Incident Investigation Division – Established,” approved by the Police Commission December 11, 2001;
- Special Order No. 15, “Revision to Special Order No. 39, 2001 – CIID Investigations,” approved by the Police Commission May 3, 2002;
- Special Order No. 36, “Complaint Reporting Procedures – Revised,” approved by the Police Commission November 13, 2002;
- Special Order No. 1, “Department Complaint Process – Revised,” dated January 1, 2003.

In order to assess functional compliance with paragraph 80ii during the current quarter, the Monitor requested and received a listing of approximately 1,883 closed complaint investigations for the period of January through June 2003. The Monitor selected a random sample of 91 of these complaints. The Monitor determined that ten of these 91 complaint investigations were completed by the PSB.

The Monitor reviewed the ten complaint investigations completed by PSB and determined that the LAPD was in compliance with subsections (b) through (g) of subparagraph 80ii. The only instances of non-compliance noted were in connection with subsection (a) (tape record or videotape interviews of complainants, involved officers, and witnesses): The involved officer was not taped in one incident and a witness was not taped in a separate, unrelated incident.⁵⁴

Based on the foregoing, the Monitor finds the LAPD in primary compliance with subparagraph 80ii and in functional compliance with subsections (b) through (g) of subparagraph 80ii; the Monitor finds the LAPD in non-compliance with subsection (a) of subparagraph 80ii.

⁵⁴ Although these investigations were closed during the six months ended June 30, 2003, the investigations were initiated between August 2001 and March 2002.

Paragraph 81 – COC and NCUOF Investigations

Paragraph 81 requires that certain PSB investigation guidelines in paragraph 80 must also apply to COC investigations and NCUOF administrative investigations.⁵⁵ These guidelines include the directives to interview witnesses separately and to properly collect and preserve evidence.

Background

The Monitor last evaluated paragraph 81 during the quarter ending March 30, 2003, at which time the LAPD was found in non-compliance.

Current Assessment of Compliance

During the current quarter, the Monitor requested and received a listing of approximately 1,883 closed complaint investigations for the period of January through June 2003. The Monitor selected a random sample of 91 of these complaints, of which 90 were provided for review⁵⁶. The Monitor determined that 81 of the 90 complaint investigations reviewed were conducted by COC investigators.

Based on the information contained in the investigation reports, the Monitor attempted to determine whether or not the scene was canvassed for witnesses, separate interviews were conducted in all instances, and all evidence was collected and preserved. The Monitor determined that 13 of the 81 completed complaint investigations failed to meet the requirements described above, resulting in an 84% compliance rate.⁵⁷ The following instances of non-compliance were noted:

- For three of the 81 completed complaint investigations reviewed, the Monitor either determined that a group interview was conducted, or was unable to make a determination because the investigation file did not adequately document interviews.
- For nine of the 81 completed complaint investigations reviewed, the Monitor determined that the LAPD either failed to preserve or collect evidence. Evidence not preserved included photographs of alleged injuries and tape recordings of interviews. Evidence not collected included interviews of officers or third parties identified at the scene. The officers also failed to complete Field Investigation cards.

⁵⁵ The Monitor did not assess compliance regarding NCUOF administrative investigations this quarter.

⁵⁶ The LAPD was unable to locate one complaint, preventing the Monitor from assessing compliance for this particular investigation. Accordingly, this complaint was categorized as non-compliant in calculating compliance rates for paragraphs 81, 82, 84, 85, 86, 87, 90, and 91.

⁵⁷ Eleven (11) of the 12 investigations were completed during 2002, but were not entered into the LAPD's CMS until the beginning of 2003.

- For eight of the 81 completed complaint investigations reviewed, the Monitor could not determine whether investigators canvassed the scene for witnesses.

Based on the foregoing, the Monitor finds the LAPD in functional non-compliance with paragraph 81.

Paragraph 82 – Collateral Misconduct Investigations

Paragraph 82 requires an investigator to immediately notify a supervisor and commence a separate complaint investigation if he or she uncovers information of misconduct unrelated to the incident under investigation.

Background

The Monitor last evaluated paragraph 82 during the quarter ending March 31, 2003, at which time the LAPD was found in functional compliance.

Current Assessment of Compliance

During the current quarter, the Monitor requested and received a listing of approximately 1,883 closed complaint investigations for the period of January through June 2003. The Monitor selected for review a random sample of 91 of these complaints, of which 90 were provided for review.

Of the 90 complaint investigations reviewed, six correctly generated additional unrelated complaint investigations. However, the Monitor found that paragraph 82 requirements were not met for five out of the 91 complaint investigations, resulting in a compliance rate of 95%.

The Monitor concluded that the LAPD should have initiated additional complaint investigations for the following four investigations reviewed:

- The Department failed to initiate a separate complaint against an investigator for allowing a complaint to go out of statute. A review of the chronological log determined that no investigation was conducted during the period August of 2001 through December of 2002.
- A complaint investigation that included substantiated allegations of sexual misconduct of an officer while on-duty identified fellow officers who were in a position to know or should have known about the conduct of the accused officer. None of the officers were interviewed, even though the complainant's allegations identified their knowledge.
- A complainant stated that officers unlawfully searched her apartment and failed to book contraband. The investigation determined that the officers failed to document on Field Investigation cards their contact with two individuals at the location. This should have prompted an additional investigation.

- During a robbery investigation, officers failed to complete a FI card where a crime had been alleged and was identified as a training issue. The officers also failed to identify the robbery suspect.

Based on the foregoing, the Monitor finds the LAPD in functional compliance with paragraph 82.

E. ADJUDICATING INVESTIGATIONS

Overview

The Consent Decree dictates that misconduct complaints be adjudicated in a fair, timely and consistent fashion. The Decree also provides specific requirements relative to the adjudication process, including standards for credibility determination and categories for final adjudication.

The Monitor last assessed the adjudication phase of the complaint process during the quarter ending March 31, 2003.

During the current quarter, the Monitor resumed its review of all aspects of the adjudication phase of the complaint process. The results of our current assessment follow.

Paragraph 84 – Standards for Credibility Determinations

Paragraph 84 requires that when adjudicating a completed complaint investigation, the following apply:

- Use of Standard California Jury Instructions to evaluate credibility;
- Consideration of the accused officer's history and disciplinary records where relevant and appropriate;
- Consideration of the civilian's criminal history, where appropriate;
- No automatic preference of an officer's statement over the statement of any other witness, including the complainant;
- No automatic judgment of insufficient information to make a credibility determination when only conflicting statements exist; and,
- No automatic rendering of a witness statement as biased or untruthful given a familial or social relationship.

Background

The Monitor last evaluated paragraph 84 during the quarter ending March 31, 2003, at which time the LAPD was found in functional non-compliance.

Current Assessment of Compliance

During the current quarter, the Monitor requested and received a listing of approximately 1,883 closed complaint investigations for the period of January through June 2003. The Monitor selected for review a random sample of 91 of these complaints, of which 90 were provided for review.

The Monitor determined that for eight of the 90 complaint investigations reviewed, preference was given to the statements made by officers over the statements provided by witnesses and/or complainants. The Monitor's conclusions were, in some circumstances, based on manager comments contained within the investigation file.

The 8 instances of non-compliance out of the 91 investigations results in an overall compliance rate of 91%.

Based on the foregoing, the Monitor finds the LAPD in continued functional non-compliance with the provisions of paragraph 84.

Paragraph 85 – Preponderance of the Evidence

Paragraph 85 requires that all complaints be adjudicated using a preponderance of the evidence standard⁵⁸ and, wherever supported by evidence, collected complaints shall be adjudicated as follows:⁵⁹

- Sustained
- Sustained – no penalty
- Not resolved
- Unfounded
- Exonerated
- Duplicate
- No Department employee

⁵⁸ Per the LAPD's *Management Guide to Discipline*, dated January 2002, preponderance is defined using the *Black's Law Dictionary* as "evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence, which does not necessarily mean the greater number of witnesses, but opportunity from knowledge, information possessed, and manner of testifying determines the weight of testimony."

⁵⁹ The LAPD also adjudicates complaint investigations as "Insufficient Evidence to Adjudicate," "Other Judicial Review" and "Withdrawn by the Chief of Police." These additional dispositions represent a continuation of LAPD policy and new policy released during October 2001.

Paragraph 85 also specifies that no Complaint Form 1.28 investigation be closed without a final adjudication.

Background

After a complaint investigation is completed and enters the adjudication stage, it can be subject to review by LAPD management, the Review and Evaluations Section of the PSB, the Administrative Division of the PSB, and the OIG. At any one of these levels, the evidence collected during the investigation may be reviewed and critiqued.

The Monitor last evaluated paragraph 85 during the quarter ended March 31, 2003, at which time the LAPD was found in compliance.

Current Assessment of Compliance

In regard to primary compliance, LAPD Manual Section 3/820.20; Special Order 8, “*Complaint Reporting Procedures-Revised*,” February 24, 2000; Management Guide to Discipline, January 2000; Board of Rights Manual; Special Order 36, “*Complaint Reporting Procedures – Revised*,” approved by Police Commission November 13, 2001 define policy for paragraph 85. Although no new policies were issued during the current quarter, the policies that were previously issued continue to adequately meet primary compliance requirements.

In order to assess functional compliance during the current quarter, the Monitor requested and received a listing of approximately 1,883 closed complaint investigations for the period of January through June 2003. The Monitor selected for review a random sample of 91 of these complaints, of which 90 were provided for review, to determine whether or not the LAPD complied with paragraph 85 requirements.

For five of the 90 complaint investigations reviewed, the Monitor questioned the final adjudications; however, the Monitor concluded that the LAPD applied a preponderance of the evidence standard during the adjudication phase of these investigations.

Based on the foregoing, the Monitor finds the LAPD in compliance with paragraph 85.

Paragraph 86 – Withdrawal/Anonymous Complaint Investigations

Paragraph 86 mandates that where complaints are withdrawn, filed anonymously, filed by a person other than the victim of misconduct, or in cases whereby the complainant is unavailable to make a statement, the LAPD shall use reasonable efforts to investigate complaints to determine whether they can be corroborated.

Background

The Monitor last evaluated paragraph 86 during the quarter ending March 31, 2003, at which time the LAPD was found in functional compliance.

Current Assessment of Compliance

During the current quarter, the Monitor requested and received a listing of approximately 1,883 closed complaint investigations for the period of January through June 2003. The Monitor selected for review a random sample of 91 of these complaint investigations, of which 90 were provided for review.

The Monitor's review identified one anonymous complaint and two complaints filed by individuals other than the alleged victims. All three complaint investigations were conducted in a thorough manner, given the information provided.

Based on the foregoing, the Monitor finds the LAPD in functional compliance with paragraph 86.

Paragraph 87 – Timeliness of Complaint Investigations

Paragraph 87 defines the time period in which most investigations must be completed. Taking into consideration an investigation's complexity, the availability of evidence or other extenuating circumstances, the LAPD is required to complete most investigations within five months.

Background

In the Monitor's Report for the Quarter Ending March, 31, 2003, the Monitor interpreted the Methodologies to require that greater than 50% of all complaint investigations be completed within 150 days, with the stipulation that at least 75% of investigations deemed less-complex be completed within 150 days. Under this interpretation, the LAPD was found in non-compliance with paragraph 87 for the quarter ending March 31, 2003.⁶⁰

Subsequent to the issuance of that report, the Monitor met with the DOJ, the City of Los Angeles and the LAPD to further discuss this matter. Based on this meeting and additional review of the Consent Decree and related methodologies, the Monitor has revised its interpretation of the Methodologies, retracting the requirement that 75% of investigations deemed less-complex be completed within 150 days. Accordingly, the Monitor amends its assessment of the Department's compliance with paragraph 87 for the previous quarter, finding the Department in

⁶⁰ The Monitor reported that for all investigations reviewed, approximately 57.69% were completed within the 150-day requirement.

functional compliance. The Report Card included as Appendix A to this report has been edited to reflect that the LAPD was in compliance for the quarter ending March 31, 2003.

Current Assessment of Compliance

During the current quarter, the Monitor requested and received a listing of approximately 1,883 closed complaint investigations for the period of January through June 2003. The Monitor selected for review a random sample of 91 of these compliant investigations, of which 90 were provided for review.

The Monitor's review determined that for 53 of the 90 complaint investigations reviewed, the LAPD failed to complete the investigation within the 150-day time period. The 53 instances of non-compliance out of the 91 investigations results in an overall compliance rate of 41.8%. An analysis of the entire population of completed complaint investigations, determined that 949 out of 1,883 investigations were not completed within 150 days. This translates into a compliance rate of 49.6%.

In addition, the Monitor requested and received a listing of all pending complaints as of June 30, 2003. The following were noted:

- Of the 2,650 complaint investigations initiated during the period July 1, 2001 through December 31, 2001, 76 remain pending and are presumably out of statute;
- Of the 5,048 complaint investigations initiated during the period January 1, 2002 through December 31, 2002, 626 remain pending of which 156 have exceeded the one year statute of limitations.⁶¹

Based on the foregoing, the Monitor finds the LAPD in functional non-compliance with the requirements of paragraph 87.

⁶¹ Section 1070 of the Los Angeles City Charter provides for a tolling of the statute of limitations in certain investigations completed, but referred to a Board of Rights. Based on information provided by the LAPD, the referenced pending investigations are classified as follows: "review," "reactivated," "investigation," "kickback-letter of transmittal," "kickback-skelly response," or "kick-back-other."

F. DISCIPLINE & NON-DISCIPLINARY ACTION

Overview

The Consent Decree provides specific requirements regarding the imposition and reporting of disciplinary and non-disciplinary action. The Chief of Police must report to the Police Commission his imposition of discipline during each calendar quarter. The IG must review, analyze and report to the Police Commission on the Chief's actions, and the Police Commission must assess the appropriateness of his actions.

In the Monitor's Report for the Quarter Ending June 30, 2003, the Monitor assessed modifications made by the LAPD to their discipline report database, the IG and Police Commission's review of the Quarterly Discipline Report (QDR), and the Department's anti-retaliation policy.

During the current quarter, the Monitor's evaluation entailed a review of the Chief of Police's discipline report and the IG and Commission's review of the discipline report; as well as, managerial review of Complaint Form 1.28 Investigations, and notifications to the complainants of complaint resolutions. The results of our current assessment follow.

Paragraph 88 – Chief of Police Report on Discipline

Paragraph 88 requires the Chief of Police to report to the Police Commission, with a copy to the IG, on the imposition of discipline during the previous calendar quarter no later than 45 days from the end of each quarter.

Background

The Monitor last evaluated paragraph 88 during the quarter ending June 30, 2003, at which time LAPD was found in functional non-compliance. As described in previous quarterly reports⁶², both the Monitor and the DOJ have expressed concerns about the timeliness of information presented in the QDR. The Monitor has had ongoing discussions with LAPD personnel concerning the timeliness issue.

⁶² In the Monitor's Reports for the Quarters Ending March 31, 2002; September 30, 2002; March 31, 2003; and June 30, 2003, the LAPD was found to be in functional non-compliance with paragraph 88.

Current Assessment of Compliance

During the current quarter, the Monitor met with Department personnel and requested information concerning the time between the Chief's final determination regarding the imposition of discipline and the date each complaint case was closed for the third quarter 2003.

Initially, the Monitor was informed by PSB that this information was not readily available and that a manual search was not feasible. However, during the quarter, PSB began entering this information into the CIS in anticipation of the preparation of the QDR for the third quarter 2003. On October 9, 2003, the Monitor received a printout showing timeframes between the Chief's final determinations of discipline imposed and the date each complaint case was closed. The Monitor will review this information in the upcoming quarter.

The Department has made efforts to enhance QDR timeliness. Beginning October 1, 2003 complaint cases are being closed prior to submission to the OIG for review. The IG supports this modification since complaint cases are currently being selected for review by the OIG on a sample basis. Furthermore, the IG has the ability to request the Department reopen a case if, in the IG's opinion, it is appropriate to do so.

In addition, the Monitor had discussions with Department personnel regarding a concern expressed in the IG's review report of the first quarter 2003 QDR, which states that the QDR continues to include "aged cases" that "were adjudicated during the tenure of a prior Chief of Police." The IG maintains that inclusion of old cases does not provide a fair picture of the actions of the current Chief. PSB staff represented to the Monitor that in future QDR, attempts will be made to clarify which Chief imposed discipline.

The Monitor withholds determination of functional compliance with the provisions of paragraph 88 pending review of the information provided by the Department on October 9, 2003.

Paragraph 89 – Inspector General and Police Commission Review of QDR

Paragraph 89 requires the Inspector General (IG) to review, analyze, and report to the Police Commission on each QDR. The Police Commission must review the QDR with the Chief of Police and assess the appropriateness of the Chief of Police's actions, specifically with respect to CUOF.

Background

The Monitor last evaluated the provision of paragraph 89 that requires the IG to review, analyze and report to the Police Commission on each QDR during the quarter ending June 30, 2003, at which time the Department was found in functional compliance.

The Monitor last evaluated the provision of paragraph 89 that requires the Police Commission to review and assess the discipline imposed by the Chief of Police during the quarter ending June

30, 2003, at which time the Department was found in functional non-compliance. The Monitor based its assessment of non-compliance on the Commission's failure to review the QDR for the first quarter of 2003 until 68 days after its submission; as well as, the Commission's inadequate assessment of the discipline imposed by the Chief of Police.

Current Assessment of Compliance

IG Review, Analysis, and Reporting to the Police Commission on each QDR

During the current quarter, the Monitor requested but did not receive the IG's review of the QDR for the second quarter 2003. This was due largely to the fact that the Police Commission did not review the report until its meeting on September 30, 2003. The report is expected to be forthcoming and will be reviewed in the next quarter.

As a result, the Monitor withholds determination of functional compliance with the provision of this paragraph that requires the IG to review, analyze and report to the Commission on each QDR.

Police Commission Review and Assessment of Discipline Imposed by the Chief of Police

The Consent Decree requires the Commission review the QDR no later than 45 days after its receipt. During the current quarter, the Monitor determined that the QDR for the second quarter 2003 was reviewed by the Police Commission on September 30, 2003, 47 days after it was submitted to the Commission by the LAPD. In fact, additional review by the Monitor determined that the Commission has not reviewed the QDR on a timely basis since the first quarter 2002. Since that time, the Commission has reviewed the QDR, on average, 52 days after receipt.

During the current quarter, the Monitor reviewed the Police Commission's assessment of the disciplinary actions taken by the Chief of Police for the first quarter 2003. The assessment referenced six CUOF closed during the quarter and stated that the IG presented an analysis of each case to the Commission. The Commission's assessment concurred with the Chief's decisions.

Despite the fact that the Commission's assessment of the QDR was satisfactory; the Monitor finds the Department in functional non-compliance with the provision of paragraph 89 that requires the Police Commission to review discipline imposed by the Chief no later than 45 days after receipt of the QDR. While the Monitor considered exercising its discretion to find the Department in compliance with this paragraph given the minimal delay, the consistent failure of the Police Commission to timely review the QDR prevents the Monitor from concluding as such.

Paragraph 90 – Manager Review of Complaint Form 1.28 Investigations

The LAPD is required to continue its practice of having managers⁶³ evaluate all complaint investigations and identify any underlying problems and/or training needs. Recommendations or actions, if any, shall be implemented by the manager or referred to the appropriate entity for implementation.

Background

The Monitor last evaluated paragraph 90 during the quarter ending March 31, 2003, at which time the LAPD was found in functional non-compliance.

Subsequent to the issuance of the Report for the Quarter Ending March 31, 2003, the Monitor engaged in discussions with the City of Los Angeles, the LAPD, and the DOJ regarding the requirements of the Methodologies. Based upon these discussions, and additional review of the Consent Decree and related methodologies, the Monitor has revised its interpretation of paragraph 90 and has amended its assessment of the Department's compliance with paragraph 90 for the previous quarter, finding the Department in functional compliance. The Report Card, included as Appendix A to this report, has been edited to reflect that the LAPD was in compliance for the quarter ending March 31, 2003.

Current Assessment of Compliance

During the current quarter, the Monitor requested and received a listing of approximately 1,883 closed complaint investigations for the period of January through June 2003. The Monitor selected for review a random sample of 91 of these compliant investigations, of which 90 were provided for review.

The Monitor reviewed the 90 investigations in their entirety, including face sheets, summaries of interviews, chronological logs and other documentation and evidence contained within the investigation package. Of these, the Monitor identified 5 investigations in which the CO or manager should have identified training issues. The 5 instances of non-compliance out of the 91 investigations results in an overall compliance rate of 94.5%.

Based on the foregoing, the Monitor finds the LAPD in functional compliance with paragraph 90.

⁶³ Paragraph 29 of the Consent Decree defines a manager as an LAPD supervisor at the rank of captain or above.

Paragraph 91 – Complaint Resolution Notification

This paragraph requires that once a complaint investigation is completed, the LAPD shall inform the complainant, in writing, of the investigation's significant dates, general allegations and disposition.

Background

The Monitor last evaluated paragraph 91 during the quarter ended September 2002, at which time, the Monitor found the LAPD in functional non-compliance

Current Assessment of Compliance

During the current quarter, the Monitor requested and received a listing of approximately 1,883 closed complaint investigations for the period of January through June 2003. The Monitor selected for review a random sample of 91 of these complaint investigations, of which 90 were provided for review.

Of the 90 completed complaint investigations reviewed, only 65 met all four required paragraph 91 criteria. As in previous quarters, the primary areas of non-compliance identified were the LAPD's failure to document the general allegations of the complaint, as well as the significant dates of the investigation.

Based on the foregoing, the Monitor finds the LAPD in functional non-compliance with paragraph 91.

G. PROFESSIONAL STANDARDS BUREAU

Overview

The Consent Decree mandates that certain categories of cases -- including unauthorized UOF; unlawful search or seizure; dishonesty; domestic violence; and discrimination -- be handled directly by PSB. The Consent Decree also outlines certain best practices with respect to complaint procedures and provides for a transition period to accomplish the reassignment of personnel to PSB.

In the Monitor's Report for the Quarter Ending June 30, 2003, the Monitor assessed compliance with Consent Decree requirements relative to staffing and personnel management within PSB, as well as sting audit provisions.

During the current quarter, the Monitor assessed compliance with the requirement that complaint investigations be reallocated between PSB and COC supervisors, as well as the requirement that certain misconduct complaints be completed solely by the PSB. The results of our current assessment follow.

Paragraph 93 – Complaint Investigations Handled by PSB

Paragraph 93 requires the City to reallocate investigative responsibility from COC supervisors to the PSB for the following misconduct investigations:

- Civil suits or claims for damages involving on duty conduct by LAPD officers or civil suits and claims involving off-duty conduct required to be reported under paragraph 77;
- Unauthorized UOF, other than administrative CUOF investigations;
- Invidious discrimination including improper ethnic remarks and gender bias;
- Unlawful search;
- Unlawful seizure;
- Dishonesty;
- Domestic violence;
- Improper behavior involving narcotics or drugs;
- Sexual misconduct;
- Theft; or

- Any act of retaliation or retribution against an officer or civilian.

Background

The Monitor last evaluated paragraph 93 during the quarter ending March 31, 2003, at which time the Monitor found the LAPD in functional compliance.

Current Assessment of Compliance

The Monitor requested and received a listing of all complaints initiated during the period January 1, 2003 through June 30, 2003. Information requested and received included the unique complaint file number, the date reported to the LAPD, the investigating entity and the date received by the PSB.

In total, the LAPD provided a listing of 2,836 complaints. A random sample of 93 complaints was selected and submitted to the LAPD for the production of complaint face sheets and attachments. The additional information provided the Monitor with a summary of the complaint allegation as well as the assigned investigative entity.

The Monitor reviewed the attachments for the 93 complaints selected, in order to determine if they were properly assigned. For 88 of the 93 complaints or 95%, assignment to either the COC or the PSB was deemed appropriate. The Monitor concluded that the remaining five complaint investigations were erroneously assigned to COC.

Three of these five complaints involved allegations that officers either lied during testimony or in reports. The LAPD contended that a dispute over testimony is not “dishonesty” and therefore does not require assignment to the PSB. However, a review of the related complaint face sheets revealed that the complainants did not allege inappropriate testimony, but in fact, alleged that the officer either committed perjury or committed a false statement in a report. In order to ensure that future complaints specific to this allegation are not misconstrued and/or inappropriately assigned, in future reporting periods, the Monitor will request and review said complaints in detail.

Components of secondary compliance for paragraph 93 include the existence of an audit function and adequate training. The PSB, on a monthly basis, selects samples of complaints for audit. One element of the audit is to ascertain whether or not complaints are properly assigned. The LAPD’s Audit Division is also slated to complete an audit of paragraph 93 during the third quarter of fiscal 2004. In addition, the PSB, on a quarterly basis, provides training to personnel assigned to the Classification Unit.

Based on the foregoing, the Monitor finds the LAPD in primary, secondary and functional compliance with the provisions of paragraph 93. We are, however, very much concerned with the failure to classify allegations of perjury as falling within this paragraph, and will, going forward, monitor such classification.

Paragraph 94 – Additional Complaint Investigations handled by the PSB

Paragraph 94 requires that the PSB, and not COC supervisors, investigate the following:

1. All incidents in which both a civilian is charged by an officer with interfering with a police officer, resisting arrest, or disorderly conduct, and the prosecutor's office notifies the LAPD either that it is dismissing the charge based upon officer credibility or a judge dismissed the charge based upon officer credibility;
2. All incidents in which the LAPD has received written notification from a prosecuting agency in a criminal case that there has been an order suppressing evidence because of any constitutional violation involving potential misconduct by an LAPD officer, any other judicial finding of officer misconduct made in the course of a judicial proceeding or any request by a federal or state judge or magistrate that a misconduct investigation be initiated pursuant to some information developed during a judicial proceeding before a judge or magistrate. The LAPD shall request that all prosecuting agencies provide them with written notification whenever the prosecuting agency has determined that any of the above has occurred;
3. All incidents in which an officer is arrested or charged with a crime other than low grade misdemeanors, as defined in the LAPD manual, which shall be investigated by COC supervisors; and,
4. Any request by a judge or prosecutor that a misconduct investigation be initiated pursuant to information developed during the course of an official proceeding in which such judge or prosecutor has been involved.

Background

The Monitor last evaluated paragraph 94 during the quarter ending March 31, 2003, at which time the LAPD was in functional compliance.

Current Assessment of Compliance

During the current quarter, the Monitor requested that the LAPD provide a listing of all complaints initiated during the period January 1, 2003 through June 30, 2003 that alleged any of the criteria stipulated in paragraph 94.

The LAPD responded that a query of its CMS database determined that no complaints were initiated during this period for the criteria delineated in number 1, above.

The LAPD did provide copies of complaint forms for nine complaint investigations initiated during the prescribed time period that met the criteria as delineated in items 2, 3 and 4, above.⁶⁴ The Monitor reviewed each complaint face sheet and determined that all nine complaint investigations were assigned to PSB investigators.⁶⁵ The Monitor noted that the LAPD's production failed to include one additional complaint that met criteria defined under item 2.⁶⁶ A review of this face sheet determined that it, too, was assigned to PSB for investigation.

Since July 2001 the LAPD has issued two Special Orders and one PSB notice as well as letters to Prosecuting Agencies and Public Defenders, which stipulate the requirements of paragraph 94. The contents of these documents meet the primary compliance criteria set forth for paragraph 94.

Similarly, the LAPD's Audit Division has scheduled an audit of complaint investigations to commence during the third quarter of fiscal year 2004. This audit will include testing the LAPD's compliance with paragraph 94. Additionally, the PSB, on a monthly basis, samples and audits complaint investigations⁶⁷

Based on the foregoing, the Monitor finds the LAPD in primary, secondary and functional compliance with paragraph 94.

⁶⁴ One complaint investigation met criteria defined by item 2, four complaint investigations met criteria defined by item 3 and four complaint investigations met criteria defined by item 4.

⁶⁵ The complaint form documents the Division in which the complaint was initiated as well as the investigative entity to which it is assigned.

⁶⁶ During the quarter ending June 30, 2003, the Monitor tested compliance with paragraph 77 of the Consent Decree, requesting and receiving a list of all officers arrested between April 1, 2002 and March 31, 2003. A review of this material noted one complaint investigation that should have been included with the Monitor's request for information to assess compliance with paragraph 94.

⁶⁷ In its August 1, 2003 status report, the CLA represented that the PSB selected and audited 99 complaints during the period March 1, 2003 through June 30, 2003.

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

Overview

The LAPD prohibits discriminatory conduct. As mandated by the Consent Decree, LAPD officers may not make pedestrian or vehicle stops based solely on race, color ethnicity or national origin. Race, color, ethnicity or national origin can only be utilized as part of a basis for police activity when such activity is based on subject-specific information. The Consent Decree directs the LAPD to enforce these policies and mandates data collection with the ultimate goal of determining whether racially biased stops are being made.

The Monitor last assessed the LAPD's non-discrimination policy during the quarter ending June 30, 2003.

During the current quarter, the Monitor continued its assessment of the Department's compliance with their non-discrimination policy. The results of our current assessment follow.

Paragraphs 102 and 103 - Non-Discrimination Policy

Paragraph 102 requires that the Department continue to prohibit discriminatory practices in the conduct of law enforcement activities, specifically stops and detentions. Paragraph 103 requires adherence to LAPD policy prohibiting biased policing and allowing officers when conducting stops or detentions, or activities following stops or detentions to take into consideration the race, gender, ethnicity, or national origin of (an) individual(s) only when engaging in suspect-specific activity.

Background

The Monitor last evaluated paragraphs 102 and 103 during the quarter ending June 30, 2003, at which time the Department was found in secondary and functional compliance.

Current Assessment of Compliance

During the current quarter, the Department continued its efforts to identify a vendor to develop a methodology to analyze the stop data, which is collected from the field by officers completing Field Data Reports (FDRs). The RFP for analysis was released on May 14, 2003 and approximately eleven vendors responded by July 15, 2003, the response date. Over the course of the past several months, the City and the Department evaluated the responses to the RFP and selected a vendor. Once the City Council approves the vendor, the selection will be made public. The City anticipates that the selected vendor will begin work by January 2004.

While we are encouraged by the impending commencement of work on this topic, we have noted, in prior reports, that the field data collected to date indicates that African Americans and Hispanics are much more likely to be patted down and subjected to a search after being stopped than Caucasians. While we cannot say that the data is conclusive evidence of biased policing, we certainly cannot conclude that there is not biased policing. As such, we will withhold determination on functional compliance with this paragraph.

With respect to secondary compliance, training that instructs officers on the Department's non-discrimination policy and on appropriate, non-biased conduct continues to be offered by the Department on a quarterly basis. During the current quarter, the Department incorporated effective instruction on the Fourteenth Amendment as well as interactive problem solving exercises involving non-biased policing⁶⁸ into its ongoing training. The Department's ongoing training on its non-discrimination policy, augmented with new and effective lessons on a regular basis, demonstrates the Department's commitment to prevent discriminatory policing.

Another component of secondary compliance is the Department's establishment of internal audit procedures to insure compliance with the City and LAPD's non-discrimination policies. The City has stated that the Department has in place a series of procedures, exercises, and systems that are used to determine if the Department is in compliance with these policies. The Monitor has requested that the Department organize these functions into one document, so that the Monitor can review the Department's efforts at assessing and auditing compliance, in their entirety. Until this document is completed and the Monitor has had an opportunity to review it, the Monitor will withhold a determination of secondary compliance with paragraphs 102 and 103.

Based on the foregoing, the Monitor withholds its determination of secondary and functional compliance with the provisions of paragraphs 102 and 103.

Paragraphs 104 and 105 – Motor Vehicle and Pedestrian Stops

Paragraphs 104 and 105 mandate that by November 1, 2001, officers are to collect field data each time they conduct a motor vehicle or a pedestrian stop.

Background

The Monitor last evaluated paragraphs 104 and 105 during the quarter ending June 30, 2003, at which time the LAPD was found in secondary and functional non-compliance.

⁶⁸ For additional information on this training, refer to the Monitor's evaluation of paragraph 117 in this report.

Current Assessment of Compliance

In June 2003, the Department distributed Special Order #29, entitled “Data Collection for Motor Vehicle and Pedestrian Stops,” which defines policy and expectations regarding the new FDR form. In addition, the Department held Department-wide training on how to use the new form. During the current quarter, the Department integrated the new FDR form into field operations. Although various divisions have held corrective training on the new form due to a surge in the ‘logical error’ rate⁶⁹, there was no additional organized Department-wide training on this subject matter, nor have any additional orders been issued this quarter.

This increase in the error rate experienced by the Department was attributed to problems with the scanning of the forms, as well as officer error. The Department acted promptly and has since reduced the error rate to 6% before the data is entered into the STOP database and 2% once corrected by the officers. The Department is continuing its efforts at reducing the error rate to 1%, which was the error rate prior to the implementation of the new form.

In addition to training, secondary compliance requires the Department to conduct an audit to measure whether officers are collecting field data when required and that the data accurately reflects field activity. The Department completed this audit during the current quarter; the Monitor will report on the quality of this audit in its report for the quarter ending December 31, 2003. The findings of this audit also measure the Department’s functional compliance with mandates of paragraph 104 and 105.

Based on the foregoing, the Monitor withholds a determination of secondary and functional compliance with paragraphs 104 and 105.

⁶⁹ A logical error occurs when there are inconsistencies in the reported fields of an FDR.

IV. MANAGEMENT OF GANG UNITS

Overview

In the wake of the Rampart Scandal, the LAPD conducted an audit of its internal operations and in March 2000 reorganized the units that police gang-related crime. The new units are called Special Enforcement Units (SEU). The SEU gang units report to the command staff in the stations where they are assigned, and receive support from SOSD, which has responsibility for monitoring gang units Department-wide.

The Department also established new monitoring procedures and instituted minimum eligibility requirements for SEU personnel before the Consent Decree was finalized or adopted. The Consent Decree directs the LAPD to continue these practices and provides for the adoption of additional requirements in the selection of SEU personnel.

In the Monitor's Report for the Quarter Ending June 30, 2003, the Monitor assessed the LAPD's compliance relative to tour of duty limitations for Gang Supervisors and Officers.

During the current quarter, the Monitor reviewed the LAPD's overall management of gang units, including supervisory oversight, daily operations, the monthly audits of the gang units, as well as the selection process of SEU officers. The results of our current assessment follow.

Paragraphs 106(a) and 106(h) - Gang Coordination

Paragraph 106(a) mandates that all LAPD units primarily responsible for monitoring or reducing gang activity shall be assigned to an Area or Bureau, and managed and controlled by the Area or Bureau command staff. The Citywide and Bureau Gang Coordinators direct the bureau-wide and citywide activities of these units, provide training and technical assistance, and are involved in coordinating and providing information for the audits of these units.

Paragraph 106(h) requires Bureau Gang Coordinators to monitor and assess the operation of all units in their respective bureaus that address gang activity.

Background

The Monitor last evaluated paragraphs 106(a) and (h) during the quarter ending March 31, 2003, at which time the LAPD was found in secondary and functional non-compliance. In its Report for the Quarter Ending March 31, 2003 the Monitor described the LAPD's plans for the restructuring of the gang units and improving the gang unit audit functions.

Current Assessment of Compliance

In order to assess secondary and functional compliance with the mandates of paragraph 106(a) and (h) during the current quarter, the Monitor requested and reviewed the Bureau Gang Coordinator Audits from Deployment Periods 1 and 3, 2003.⁷⁰

The Bureau Gang Coordinator Audits for Deployment Period 1, 2003 were conducted in order to determine SEU's compliance with Consent Decree paragraphs 106(f) and (g) regarding supervisor and area manager supervision of these gang units. As a starting point for these audits, SODS/DSD provided the bureaus with a matrix and audit training to provide guidance to auditors prior to commencing the audits and facilitate their review of the gang unit documentation. While West Bureau did not use any matrix or workplan in its preparation of the audit, South and Valley Bureaus used the appropriate matrix, but did so incorrectly, rendering it ineffectual.⁷¹ The Monitor's review also identified inaccuracies in the audits, which suggest carelessness on the part of the bureau command staff.⁷²

The Bureau Gang Coordinator Audits for Deployment Period 3, 2003 were conducted in order to determine SEU's compliance with paragraph 106e(i) regarding arrest and detention procedures. Audit Division instructed each of the four bureaus to audit all of the SEU arrests and detentions on three randomly selected dates, and provided the bureaus a matrix of questions to facilitate their reviews of gang unit documentation.

Audit Division conducted its own review of the Deployment Period 3, 2003 audit and identified the following deficiencies: The Bureau Gang Coordinators failed to identify all SEU arrestees/detainees for whom there was documentation of the arrest/detention, nor did they report on missing documents, incomplete detention log information, and other deficiencies identified. The Monitor concurs with Audit Division's assessment.

Based on the foregoing, the Monitor finds the LAPD in secondary and functional non-compliance with the provisions of paragraph 106(a) and (h).

The Monitor notes that the Department has been quick to recognize the deficiencies and overall poor quality of the audits. To that end, the Department has reassigned responsibility for the overseeing these audits to CRID. It should be noted that LAPD decided to drop the monthly bureau gang coordinator audits for Deployment Periods 7-9, 2003.

⁷⁰ Deployment Periods 1 and 3, 2003 encompass January 12th through February 8th, 2003 and March 9th through April 5th, 2003, respectively.

⁷¹ For example, South Bureau used one matrix for their review of the 5-day Deployment Period, rather than 1 matrix per day, as instructed. The resulting matrix made subsequent evaluation impossible. Furthermore, the matrices failed to identify the individuals who conducted the audits, making follow-up difficult.

⁷² For example, a crucial part of the audit process is the evaluation of supervision over tactical plans, which is determined by reviewing supervisory oversight of search warrants, among other things. Sixteen of the areas stated that no search warrants were served during the days they reviewed. The Monitor identified six search warrants that were served during these days in six different divisions.

Paragraph 106(e [i]) – Gang Unit Procedures

Paragraph 106 sets forth a series of requirements for officers who work within the SEU units. Paragraph 106(e[i]) mandates that unit supervisors and non-supervisory officers continue to be subject to existing procedures regarding detention, transportation, arrest, processing and booking of arrestees.

Background

In the Monitor's Report for the Quarter Ending June 30, 2002, the LAPD was found in primary compliance, but in secondary and functional non-compliance with the requirements of paragraph 106(e[i]).

Current Assessment of Compliance

In order to assess secondary and functional compliance with the mandates of paragraph 106 (e [i]) during the current quarter, the Monitor requested and received materials from a stratified sample of dates from Deployment Periods 4-6, 2003,⁷³ related to gang unit activities, including Arrest Reports, Daily Worksheets, Daily Field Activity Reports, Sergeants' Logs, Vehicle & Equipment Assignment Sheets, and Adult and Juvenile Detention Logs.

The Monitor reviewed the above documentation to determine if officers were subject to existing procedures regarding detention, transportation, arrest processing and booking of arrestees. The Monitor's review established that officers followed the procedures outlined above. In addition, the Monitor calculated the Inspection Rate⁷⁴ as required by the Methodologies and found that rate to be 100% of the sample reviewed.

Based on the foregoing, the Monitor finds the LAPD in secondary and functional compliance with the provisions of paragraph 106(e[i]).

Paragraph 106(e[ii, iii]) – Gang Unit Uniforms / Vehicles

Paragraph 106(e [ii, iii]) mandates that unit supervisors and non-supervisory officers continue to wear Class A or C uniforms and use marked police vehicles for all activities.

Background

In the Monitor's Report for the Quarter Ending March 31, 2003, the LAPD was found in primary, secondary and functional compliance with the requirements of paragraph 106(e[ii, iii]).

⁷³ Deployment Periods 4-6, 2003 encompass April through June of 2003.

⁷⁴ The Inspection Rate is number of arrestees/detainees inspected as required in paragraph 73 [1-4]/number of arrestees/detainees identified in the sample.

Current Assessment of Compliance

In order to assess secondary and functional compliance with the mandates of paragraph 106 [ii, iii]) during the current quarter, the Monitor requested and received the materials described in paragraph 106 (e [i]) from a stratified random sample of dates from Deployment Periods 4-6, 2003.

The Monitor reviewed Arrest Reports, Sergeants' Logs and Daily Field Activity Reports for language indicating whether the SEU officers were in uniform and using marked police vehicles for all activities. The evaluation established that the SEU officers were in compliance 100% of the time.

Based on the foregoing, the Monitor finds the LAPD in secondary and functional compliance with the provisions of paragraph 106(e [ii, iii]).

Paragraph 106(e [iv]) – Gang Unit Kit Room

Paragraph 106(e [iv]) mandates that unit supervisors and non-supervisory officers continue to check out and return all field equipment from the Area kit room on a daily basis.

Background

In the Monitor's Report for the Quarter Ending March 31, 2003, the LAPD was found in primary compliance, but in secondary and functional non-compliance with the provisions of paragraph 106(e [iv]).

Current Assessment of Compliance

In order to assess secondary and functional compliance with the mandates of paragraph 106(e [iv]) during the current quarter, the Monitor requested and received the materials described in paragraph 106 (e[i]) from a stratified random sample of dates from Deployment Periods 4-6, 2003.

The Monitor's review established that the Vehicle and Equipment Assignment Sheets are essentially treated with indifference by the officers. From the sample of deployment days reviewed, 44% of the officers working in the field were unaccounted for on the Vehicle & Equipment Assignment Sheets. In addition, a comparison of the Vehicle and Equipment Assignment Sheets with the Daily Field Activity Reports for officers' assignment and equipment numbers determined that there were discrepancies between the two sheets 75% of the time. Only 13% of the sheets reviewed included the time equipment was returned, rendering it impossible for the Monitor to determine if equipment was returned by end of watch, as is required.

The Monitor's review established that the most basic procedures regarding equipment check out and return are widely ignored. Only 69% of the Vehicle and Equipment Assignment Sheets

reviewed contained the employee's signature and only 56% contained a supervisor's signature. To signify that equipment had been returned, some of the sheets had equipment numbers crossed out, some were circled, while some of the sheets contained no indication that the equipment had been returned.

Based on the foregoing, the Monitor finds the LAPD in secondary and functional non-compliance with the provisions of paragraph 106(e [iv]).

Paragraph 106(e [v]) – Gang Unit Patrol Roll Calls

Paragraph 106(e [v]) mandates that unit supervisors and non-supervisory officers continue to attend scheduled patrol roll calls.

Background

In the Monitor's Report for the Quarter Ending March 31, 2003, the LAPD was found in primary, secondary and functional compliance with the requirements of paragraph 106(e [v]).

Current Assessment of Compliance

In order to assess secondary and functional compliance with the mandates of paragraph 106(e [v]) during the current quarter, the Monitor requested and received the materials described in paragraph 106(e [i]) from a stratified random sample of dates from Deployment Periods 4-6, 2003.

A review of the Daily Field Activity Reports and Sergeants' Logs established that 100% of SEU officers attended scheduled patrol roll calls or received approval from appropriate managers for any deviation from this requirement.

Based on the foregoing, the Monitor finds the LAPD in secondary and functional compliance with the provisions of paragraph 106(e [v]).

Paragraph 106(e [vi, vii]) – Gang Units / Area Station Activities

Paragraph 106(e[vi,vii]) mandates that unit supervisors and non-supervisory officers continue to base unit activities out of Area stations and not hold arrestees or interview witnesses at off-site locations at night.

Background

In the Monitor's Report for the Quarter Ending March 31, 2003, the LAPD was found in primary, secondary and functional compliance with the requirements of paragraph 106(e[vi,vii]).

Current Assessment of Compliance

In order to assess secondary and functional compliance with the mandates of paragraph 106(e[vi,vii]) during the current quarter, the Monitor requested and received the materials described in paragraph 106(e[i]) from a stratified random sample of dates from Deployment Periods 4-6, 2003.

A review of Arrest Reports, Daily Field Activity Reports and Sergeants' Logs determined that 100% of SEU officers based their unit activities out of the concerned Area stations and did not hold arrestees or interview witnesses at off-site locations at night during the reviewed Deployment Periods.

Based on the foregoing, the Monitor finds the LAPD in secondary and functional compliance with the provisions of paragraph 106(e[vi,vii]).

Paragraph 106(f) and 106(g) – Role of Gang Unit Supervisors and Area Managers

Paragraph 106(f) addresses the daily activities of gang unit supervisors, including providing a daily field presence and maintaining an active role in unit operations. Paragraph 106(g) requires Area managers to ensure that supervisors exercise proper control over these units and provide oversight over planned tactical operations.

Background

In the Monitor's Report for the Quarter Ending March 31, 2003, the LAPD was found in primary compliance, but in secondary and functional non-compliance with the requirements of paragraph 106(f) and 106(g).

Current Assessment of Compliance

In order to assess secondary and functional compliance with the mandates of paragraph 106(f) and 106(g) during the current quarter, the Monitor requested and received the materials described in paragraph 106(e[i]) from a stratified random sample of dates from Deployment Periods 4-6, 2003.

The Monitor found the following regarding the daily activities of gang unit supervisors:

Material Issues

- For 25% of the deployment days reviewed, supervisors did not provide a field presence.
- Total documented supervisor field presence time was 19% of the possible field presence time reviewed.

- 44% of the entries by gang officers for activities listed on Daily Field Activity Reports were written as “gang suppression” or “did so” without any specific details.⁷⁵
- Supervisors provided the required signature for the end of watch on only 44% of the Daily Field Activity Reports reviewed.

Administrative Issues

- Only 88% of the pedestrian stops recorded on the Daily Field Activity Reports listed the corresponding field data report number.
- In only 56% of the Daily Field Activity Reports, officers initialed the last entry as required.
- Only 81% of the Sergeants’ Logs contained the required supervisory signatures.
- Only 75% of the Daily Field Activity Reports reconciled with the corresponding Sergeants’ Logs with regard to the amount of time supervisors spent in the field.
- Only 38% of the officers’ time spent on individual activities reconciled with the total watch time worked on the Daily Field Activity Reports.

Based on the foregoing, the Monitor finds the LAPD in secondary and functional non-compliance with the requirements of paragraph 106(f) and 106(g).

⁷⁵ The blanket categorization of time as “gang suppression” or “did so” raises concern about officer accountability. The Monitor made note of this issue in the Monitor’s Report for the Quarter Ending March 31, 2003.

V. CONFIDENTIAL INFORMANTS

Overview

The use of informants is one of the most sensitive areas of police work. The Consent Decree requires the LAPD to continue to use strict controls in the use and handling of informant information.

The LAPD has completed a newly-revised Informant Manual that is currently going through the appropriate LAPD approval process.

The Monitor last assessed the Department's management of confidential informants (CI) during the quarter ending June 30, 2003 and is scheduled to review Consent Decree requirements regarding confidential informants again during the quarter ending December 31, 2003.

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

Overview

The Consent Decree mandates that the Department evaluate successful programs in other law enforcement agencies across the United States for responding to persons who may be mentally ill. In addition, the Department is required to evaluate LAPD training, policies, and procedures for dealing with persons who may be mentally ill.

The Consent Decree further mandates that the Department prepare a report for the Police Commission detailing its findings and recommending changes in policies, procedures, and training relative to police contact with persons who may be mentally ill. The Police Commission, in turn, is to forward its reports and actions regarding new or revised policies, practices, or training to the City Council and Mayor. In addition, the Department is expected to complete an audit of the LAPD's handling of calls and incidents involving persons who appear to be mentally ill, no more than 32 months after the effective date of the Consent Decree.

As in previous quarters, during the current quarter, the Monitor continued to track the progress being made relative to the Department's Mental Illness Program. The results of our current assessment follow.

Paragraph 112 – Report on Proposed Police Contact with Mentally Ill

Paragraph 112 of the Consent Decree requires the Department to prepare a report for the Police Commission detailing the results of an evaluation of successful programs in other law enforcement agencies across the United States dealing with police contacts with persons who may be mentally ill, as well as an evaluation of LAPD training, policies and procedures for dealing with persons who may be mentally ill. The report must make appropriate recommendations concerning changes in policies, procedures, and training methods regarding police contact with persons who may be mentally ill. The recommendations must include a proposal on potential methods for tracking calls and incidents dealing with persons who may appear to be mentally ill.

Background

The Monitor last evaluated paragraph 112 during the quarter ending June 30, 2003, at which time the Monitor withheld determination of functional compliance pending the review of comments submitted by the Department in response to the Mental Illness Project Recommendations Matrix,

which the Monitor developed and made available to the Department for comment,⁷⁶ and concerns articulated by the Monitor in previous quarters.

Current Assessment of Compliance

During the current quarter, the Monitor received feedback from the Department concerning its Mental Illness Project Recommendations Matrix. The Matrix was revised, incorporating Department comments, and a total of 74 action items were identified. The Monitor met with Department personnel to begin the process of reviewing the Matrix.

Establishment of Centralized Authority and Associated Responsibilities and Duties

The Department has made great strides in centralizing authority for its mental illness program. The title of Mental Health Crisis Response Program (MHCRP) has been adopted and an MHCRP Coordinator has been appointed. Additionally, an Advisory Committee comprised of community, as well as internal and external stakeholders, has been formed and has been meeting with the Department. A Department-wide philosophy/mission statement has been developed.

The MHCRP Coordinator was to have completed an implementation plan no later than three months from the date of the Police Commission's approval of the Department's Mental Illness Project recommendations. Although several drafts have been started, the implementation plan has not been completed.

Expansion of the SMART/MEU Programs

The Los Angeles County Department of Mental Health (LACDMH) has committed to expanding its role in the SMART Program. However, the City has not supported the LAPD's recommendations and funding requests for expansion of the program. Consequently, the LAPD has submitted a scaled-back interim budget request.

Expansion of the CIT Program

Although the CIT Program was not expanded city-wide, it was extended from Central Bureau to Van Nuys, West Los Angeles and Harbor divisions. First responders and field supervisors were trained in these four areas. With the assistance of the Department's consultant, Lodestar

⁷⁶ The Monitor developed this matrix to evaluate the Mental Illness Project progress and made it available to the Department for comment during the quarter ending June 30, 2003. This was done with the expectation that the Monitor would utilize the matrix during the current quarter to assess progress in the following areas:

- Establishment of Centralized Authority and Associated Responsibilities and Duties;
- Expansion of the System-wide Mental Assessment Response Team (SMART) and the Mental Evaluation Unit (MEU).
- Expansion of the Crisis Intervention Team (CIT) Pilot Program;
- Enhancement to LAPD Training Programs; and,
- Tacking and Documenting LAPD Encounters with Mentally Ill Persons.

Management/Research, an “Evaluation Tool” was developed to evaluate the effectiveness of the program.

Enhancement to LAPD Training Programs

A Department task force was formed to address training issues involving encounters with persons who may be mentally ill. Additionally, the task force identified and recommended modifications to language in written policies and training material that needed to be changed to reflect preferences of the mental health community.

The CIT Pilot Program 40-hour training course was revised and implemented in the additional three divisions to which the CIT Program was expanded. An 8-hour recurrent refresher course is currently being developed for training Mental Health Crisis Specialized Responders.

During the first quarter 2003, 4-hour Department-wide training was given to all field personnel at the level of Lieutenant and below in connection with the Department’s philosophy and new policies and procedures concerning encounters with persons who may be mentally ill. The training included assessment and de-escalation skills specific to those encounters.

Using video tape and live lecture presentations, dispatchers were trained on assessment and identification of persons with mental illness. On a bi-monthly basis, at roll call sessions, dispatchers are trained in mental illness assessment strategies.

Tracking and Documenting LAPD Encounters with Mentally Ill Persons

A new database has been established by the MEU which documents encounters by CIT Officers with persons who may be mentally ill. However, the database needs to be expanded along with other MEU systems. A funding request for \$150,000 to enhance MEU database systems was not approved by the City.

Although the Department recommended that the MHCRP Coordinator review all completed NCUOF and CUOF investigations involving persons who may be mentally ill, there is no ongoing program to do so.

Pursuant to the Department’s Mental Illness Project recommendations, five new dispatch codes pertaining to calls involving persons who may be mentally ill have been added to the dispatch system. In addition, the Mobile Field Force Roster, comprised of those officers identified with specialized mental health crisis responder expertise, has been provided to the dispatch center for each deployed watch. In addition, Communications Division Order #10 has been issued to implement procedures for handing calls involving persons with mental illness. However, the Department’s new Computer Aided Dispatch System, which is scheduled for “roll out” in February 2004 does not address tracking and documenting LAPD encounters with mentally ill persons. It has been represented by LAPD personnel that a change order is needed to incorporate new procedures and mental illness tracking.

Additionally, no tracking enhancements have been made to the Consolidated Crime Analysis Database (C-CAD) as recommended in the Department's Mental Illness Project report.

In sum, although the Department has made significant strides in developing its program for responding to persons with mental illness, the program suffers from lack of funding and support from the City. Consequently, the Monitor finds the Department in functional non-compliance with the provisions of paragraph 112.

VII. TRAINING

A. FIELD TRAINING OFFICERS PROGRAM

The Consent Decree requires the LAPD to continue to implement formal training and establish eligibility criteria for FTOs. Consent Decree requirements are intended to ensure that the officers chosen to be FTOs, who are essentially responsible for the professionalism, skill and quality of the future Department, are, themselves, qualified and appropriately trained to educate newer members of the LAPD.

In the Monitor's Report for the Quarter Ending June 30, 2003, the Monitor assessed the process in place for FTO de-selection.

During the current quarter, the Monitor evaluated the LAPD's selection process for FTOs and the quality of the training provided to them. The results of our current assessment follow.

Paragraph 115 – FTO De-selection

Paragraph 115 instructs that the Department may remove a FTO from his or her position for the same acts and behaviors that would disqualify the same officer from selection as an FTO.⁷⁷

Background

This is the first time the Monitor is assessing compliance with paragraph 115. The Monitor attempted to evaluate compliance during the quarters ending March 31, 2003 and June 30, 2003, but withheld its determination due to insufficient sample sizes.

Current Assessment of Compliance

During the current quarter, the Monitor continued its review, begun last quarter, of FTO personnel files, including TEAMS reports. The Monitor reviewed an additional 61 FTO personnel files⁷⁸ for sufficiency of annual evaluations and the FTO eligibility criteria outlined in paragraph 114.

⁷⁷ Under paragraph 114, the required eligibility criteria includes demonstrated analytical skills; demonstrated interpersonal and communication skills; cultural and community sensitivity; diversity; and, commitment to police integrity.

⁷⁸ The Monitor selected personnel files for 116 FTO out of a total population of 802 FTO who served in this capacity from July 1, 2002 through June 30, 2003. 22 were reviewed during the quarter ending June 30, 2003 and 61 were reviewed during the current quarter, for a total of 83. The Monitor discontinued its review after 83 files once it was determined that the Department was in non-compliance.

The Monitor determined that five FTOs should have been removed or not selected for service as an FTO. The five officers in question were found administratively responsible for:

- 1) Fraud, multiple personnel complaints;
- 2) Soliciting a female for her phone number; stolen property;
- 3) Releasing confidential information;
- 4) False statement, firearm discharge; and,
- 5) Not reporting firearm discharge.

In addition, the Monitor determined that personnel evaluations had not been conducted for three FTOs since 1998. With the eight instances of non-compliance noted out of a total sample size of 116, the Department's compliance rate was below 95%.

Based on the foregoing, the Monitor finds the LAPD in non-compliance with paragraph 115.

Paragraph 116 – FTO Training Plan

Paragraph 116 requires FTOs to receive sufficient training in LAPD policies and procedures and training on how to be an instructor.

Background

The Monitor last evaluated this paragraph during the quarter ending September 30, 2002, at which time the Monitor found the LAPD in functional non-compliance with paragraph 116. Non-compliance was based on the fact that Department had only developed and taught 16 of the 24 hours required for FTO update training.⁷⁹

Current Assessment of Compliance

Since the Monitor's last evaluation of this paragraph, the Department developed the final 8 hours of FTO update training, which began in January of 2003. However, despite the implementation of this final 8 hours of training, the Department has struggled with officer attendance.

Consequently, the Department advised the Monitor that they were in functional non-compliance for paragraph 116 due to the low attendance rate at FTO update training.

⁷⁹ FTOs are required to attend a 40-hour POST-mandated school and "regular and periodic" re-training on these same topics (FTO Update School). POST dictates that the FTO update training must consist of 24 hours of classroom work. POST stands for the California Commission on Peace Officer Standards and Practices, which must approve police training throughout the state of California.

B. TRAINING CONTENT

The Consent Decree requires the LAPD to continue to provide periodic training on police integrity. Such training must include and address retaliation, the duty to report misconduct, cultural diversity, community policing, integrity in report writing, Fourth Amendment and other constitutional requirements, the Department's non-discrimination policy and interactive ethical decision-making.

The Monitor reported on new developments in the Department's police integrity training during the quarter ending March 31, 2003.

During the current quarter, the Monitor continued its assessment of the Department's police integrity training, as well as the training of the public members who serve on the Board of Rights and the communication of training suggestions to the LAPD Training Group. The results of our current assessment follow.

Paragraph 117 – Police Integrity Training Requirements

Paragraph 117 requires the LAPD to continue to train, on a regular and periodic basis⁸⁰, all sworn members of the Department in the following areas:

- The duty to report misconduct and facts relevant to such misconduct;
- What constitutes retaliation for misconduct, the prohibition against retaliation for reporting misconduct, and the protections available to officers from retaliation;
- Cultural diversity, which shall include training on interactions with persons of different races, ethnicities, religious groups, sexual orientations, persons of the opposite sex, and persons with disabilities, and also community policing;
- The role of accurately completing written reports in assuring policy integrity, and the proper completion of such reports;
- Fourth amendment and other constitutional requirements, and the requirement of the Department's nondiscrimination policy, governing police reactions in conducting stops, searches, seizures, making arrests and using force; and
- Examples of ethical dilemmas faced by LAPD officers and, where practicable given the location, type, and duration of the training, interactive exercises for resolving ethical dilemmas shall be utilized.

⁸⁰ The Monitor has defined "regular and periodic" to mean "annually" for paragraph 117 and every 24 months for the remaining training paragraphs.

Background

Because the Department's training cycle allocates a full year for the entire department to be trained on a given subject, the Monitor assesses training paragraphs on an annual basis. The Monitor last evaluated paragraph 117 during the quarter ending September 30, 2002, at which time the Monitor found the Department in non-compliance.

Current Assessment of Compliance

The Department is required to either integrate the paragraph 117 police integrity mandates into existing training or to create a new training program that effectively includes them. During the current quarter, the Department's Continuing Education Division (CED) completed development of the eight-hour training curriculum, CEDP VII, Field Officer Update, designed as the vehicle for initial training of Department personnel on police integrity issues.⁸¹ The Monitor's review during the current quarter established that this training program satisfactorily captures the components of paragraph 117.⁸²

The Monitor notes that the Department devoted a team of officers to resolving problems, identified by the Monitor in prior reports, which have historically plagued the Department's training.⁸³ Additionally, the Department is taking significant steps to monitor its own compliance with the mandates of paragraph 117.⁸⁴ Finally, in various venues over the course of the last several months, the Chief of Police has described his commitment to develop a successful training delivery plan and his expectation that his command staff will support this goal. All of these efforts have contributed to the Department being ahead of schedule, for the first time, in regards to officer attendance at a training module.

In order to measure consistency in content and quality of instruction, the Monitor attended training at each of the three sites at which CEDP VII was offered. Despite the fact that the Monitor attended the training within the first days in which it was offered, all of the instructors

⁸¹ The Department has not yet developed a training program to satisfy paragraph 117's requirement for ongoing annual training. It intends to integrate the paragraph 117 mandates into other existing or newly developed lesson plans.

⁸² Although CEDP VII is the first lesson plan to capture all of the elements of 117, the Department has offered other training programs in which components of this paragraph were delivered satisfactorily, including Tools for Tolerance II, delivered by the Museum of Tolerance, and CEDP Module VI, Weapons of Mass Destruction.

⁸³ The Department enlisted its most talented instructors to deliver this training, in order to avoid inconsistency in content and quality of the training due to deficient instructors. A plan is in place to ensure instructor "burn out" does not plague the program. Lastly, the training is being offered at multiple sites at three different times during the day to ensure good attendance.

⁸⁴ On a daily basis, the Department scrutinizes the number of officers each division sends to the training to ensure adequate attendance. In addition, CED has developed a training compliance computer program that measures where the Department stands in its efforts towards reaching compliance for each class.

observed by the Monitor were well-prepared and thorough, and each fostered an interactive learning environment while being mindful of the curriculum that needed to be covered.

Because this training was not introduced until September 21, 2003, less than 95% of Department personnel have been able to attend it. Accordingly, the Monitor must find the LAPD in non-compliance with paragraph 117 in regards to its fiscal year 2002/2003 training. However, the Monitor commends the LAPD for its development of a training program that has a comprehensive curriculum, a novel delivery plan and measurements in place to ensure adequate attendance and consistent, quality training. In sum, the new training that we saw in this area has been terrific.

Paragraph 118 – Public Members on Board of Rights

Paragraph 118 mandates that the Department properly train all civilian members who sit on the Board of Rights in police practices and procedures.

Background

The Monitor evaluated paragraph 118 for the first time during the quarter ending September 30, 2002, at which time the Department was found in non-compliance.

Current Assessment of Compliance

The Monitor was unable to evaluate the Board of Rights training during the current quarter because the training does not have a written curriculum. Although no written curriculum currently exists, it is the Monitor's understanding that a curriculum is currently being developed, which the Monitor intends to review as soon as it is made available.

Based on the foregoing, the Monitor withholds a determination of compliance with paragraph 118.

Paragraph 120 – Communication of Training Suggestions

Paragraph 120 requires the Department to establish procedures for supervisors and officers of the LAPD to communicate to the LAPD Training Group any suggestions they may have for improving the standardized training provided to LAPD officers, and to make written referrals to the appropriate LAPD official regarding suggestions about police policies and tactics.

Background

The Monitor last evaluated paragraph 120 during the quarter ending December 31, 2002, at which time the Monitor found the LAPD in functional compliance.

Current Assessment of Compliance

While the mechanisms to make training suggestions remain in place, the Department continues to explore various additional methods for conducting outreach to garner training suggestions and lessons learned from field experiences; as well as encouraging employees to submit their insights.

Based on the foregoing, the Monitor finds the Department in continued compliance with paragraph 120.

C. SUPERVISORY TRAINING

The Consent Decree mandates that all officers promoted to supervisory positions receive training prior to assumption of their new responsibilities.⁸⁵ Once promoted, supervisors should continue to receive regular training on key issues, including incident control, UOF Investigations, Complaint Investigations, and ethical decision-making.

The Monitor last assessed supervisory training requirements in the Monitor's Report for the Quarter Ending March 31, 2003.

During the current quarter, the Monitor focused on the curricula for supervisory training, and the requirements for officers who perform administrative investigations. The results of our current assessment follow.

Paragraph 121- Supervisory Training Requirements

Paragraph 121 requires the LAPD provide all officers promoted to supervisory positions⁸⁶, up to and including the rank of Captain, with training to perform their new duties and responsibilities. Officers are to receive this training prior to assumption of their new supervisory positions, except for those officers promoted to the rank of Captain, who shall have at least commenced command development training before they assume their new positions.

Background

The Monitor last assessed compliance with Paragraph 121 during the quarter ending March 31, 2003, at which time the Monitor found the LAPD in non-compliance. The Monitor's finding of non-compliance was due largely to the number of officers promoted from DI to DII who did not

⁸⁵ This requirement pertains to all promoted officers, except for those officers promoted to the rank of Captain, who must at least begin their Command Development training before they assume their new positions.

⁸⁶ For the purposes of paragraph 121 of the Consent Decree, supervisors are defined as Detective II, Sergeant I, and above, up to and including Captain.

receive training prior to assuming their new positions. The Department has since rectified this situation by allowing DIs to attend basic supervisory school, which is offered on a more frequent basis than detective supervisory school.

Current Assessment of Compliance

During the current quarter, the Monitor reviewed the training of 91 officers promoted between January 1, 2003 and June 30, 2003, the entire population of promoted officers. Of those 91 officers promoted, a total of 13 received training only after they assumed their posts⁸⁷. This represents a compliance rate of 85.7%.

Prior to the publication of this report, the Monitor learned that these thirteen officers had signed affidavits stating that they refrained from performing supervisory duties until after they had received training. Until such time as the Monitor is able to verify this information, the Monitor will withhold determination of compliance on paragraph 121.

Paragraph 122 – Regular and Periodic Supervisory Training

Paragraph 122 mandates that the Department provide regular and periodic supervisory training on reviewing reports, incident control, and ethical decision-making.

Background

The Monitor last evaluated paragraph 122 during the quarter ending September 30, 2002, at which time the Monitor found the LAPD in functional non-compliance. The Monitor's assessment concluded that the following curricula reasonably addressed the needs of supervisory personnel in the Department: Detective Supervisor School⁸⁸, Basic Supervisor School, Watch Commander School, Command Development School, CEDP I-IV, West Point Leadership, Cultural Tools for Tolerance I and II, IAG Training, and NCUOF Investigation Training.

Current Assessment of Compliance

During the current quarter, the Monitor requested and received a listing of 7,784 LAPD supervisors. Using statistical sampling, a random sample of 122 Supervisors, including officers with the rank of D-II, Sergeant, Lieutenant, Captain, and Deputy Chief, was selected for review by the Monitor. The Monitor analyzed the training data of this sample group to determine if its members had received the appropriate training on a regular and periodic⁸⁹ basis. The Monitor

⁸⁷ All 13 were DIs promoted to DIIs.

⁸⁸ Although the Department discontinued this training during the current year it can be used for 2002 training requirements because the mandates of paragraph 122 are on a 24-month cycle.

⁸⁹ For the purposes of this paragraph, regular and periodic means every 24 months.

determined that 119 officers had received the appropriate training on a regular and periodic basis, resulting in a compliance rate of 97.5%.

Based on the foregoing, the Monitor finds the Department in functional compliance with paragraph 122.

Paragraph 123 – Supervisory Investigations Training

Paragraph 123 mandates that the Department ensure that supervisors who perform, or are expected to perform, administrative investigations, receive training that equips them with the requisite knowledge to conduct UOF and personnel complaint investigations.

Background

The Monitor last evaluated paragraph 123 during the quarter ending September 30, 2002, at which time the LAPD was found in functional non-compliance.

Current Assessment of Compliance

In order to address the specific concerns outlined in the Monitor's Report for the Quarter Ending September 30, 2002, the Department is currently developing a new training curriculum for paragraph 123. However, this curriculum has yet to be implemented.

Based on the foregoing, the Department continues to be in functional non-compliance with paragraph 123.

VIII. INTEGRITY AUDITS

Overview

The audit processes of both the LAPD and the OIG are important components in the reform process for the entire Department. The Consent Decree mandates that the LAPD perform regular and periodic audits of numerous aspects of policing, including search warrants, arrests, UOF, racial profiling, CIs, complaints, gang units, financial disclosure, and police training. Each of these audits is supposed to examine a variety of issues, but a common theme among all of the audits is the requirement to assess and report on compliance with the Consent Decree provisions, and to identify incidents suggestive of inappropriate police behavior, and the related lack of supervisory oversight. The Consent Decree also mandates that the OIG assess the quality, completeness and findings of such audits, and that the OIG perform independent audits of certain topics, namely UOF and complaints.

Until recently, the LAPD has struggled with the Consent Decree requirement to complete quality audits on a timely basis. This has been an ongoing theme in the Monitor's previous quarterly reports. For the current quarter, the Monitor is pleased to note that many of the audits that were previously outstanding for 2001 through 2003 have recently been completed⁹⁰, and three of the audits evaluated to date by the Monitor have met the qualitative requirements associated with the Consent Decree⁹¹. However, the Monitor is concerned by the fact that the gang unit audits have either not been completed, or continue to fall short of the qualitative requirements of the Consent Decree. In light of the gang unit corruption uncovered in connection with the Rampart incident, the Monitor considers that the LAPD's lack of compliance relative to gang unit audits represents a substantial area of non-compliance.

While the LAPD is making good progress with the Department-wide audits, the OIG, on the other hand, is falling behind. Although the OIG has been in compliance with the Consent Decree for certain of its audit reviews, resource constraints have caused the OIG to be several months behind in its evaluations of the audits submitted by the Department, and more than a year behind in completing the OIG's independent audits. As a result, for the past few quarters, the Monitor has concluded that the OIG's audit reviews/audits were non-compliant. This represents another area of concern to the Monitor, as the Monitor is of the view that the OIG's involvement in the reform process is critical to the ultimate self-sufficiency of the LAPD.

⁹⁰ Notwithstanding the audit resource constraints that continue to plague the LAPD's Audit Division.

⁹¹ The Monitor found the Department in compliance for the most recent Department-wide Warrant Applications & Affidavits Audit (CD128(1)) – evaluated by the Monitor in the quarter ending September 30, 2002, the Department-wide Arrest, Booking & Charging Reports Audit (CD128(2)) – evaluated by the Monitor in the quarter ending December 31, 2002, and the Department-wide CI Control Packages Audit (CD128(5)) – evaluated by the Monitor in this quarterly report.

A. AUDIT PLAN

One of the significant findings of the *Board of Inquiry into the Rampart Area Corruption Incident* was the LAPD's failure to establish a meaningful system of internal audits. This finding was subsequently incorporated into paragraph 124 of the Consent Decree, which requires the completion of an Annual Audit Plan, and sets out other requirements associated with establishing a meaningful and effective system of internal audits.

Paragraph 124 – Audit Plan & Responsibilities

Paragraph 124 states that by June 1, 2001, and prior to the beginning of each fiscal year thereafter, the Chief of Police is required to submit to the Police Commission, with a copy to the OIG, a listing of all audits required to be conducted by the LAPD in the upcoming fiscal year, other than sting audits. Paragraph 124 also describes:

- the primary responsibilities of the Audit Division, being the development of the Annual Audit Plan, coordinating, scheduling and conducting audits as required by the Annual Audit Plan and the Chief of Police, and ensuring the timely completion of such audits;
- the requirement to obtain sufficient resources to complete the audits required by the Consent Decree;
- other responsibilities of the Audit Division, including serving as a resource to other LAPD audit units, and performing periodic assessments of the quality of audits performed by other units;
- the topics to be addressed in each audit report;
- the topics to be addressed in each quarterly audit report, including the status of the audits listed in the Annual Audit Plan, and any significant results of such audits; and
- the review and approval process for the Annual Audit Plan and quarterly updates thereto, "provided, however, that the Annual Audit Plan shall include the specified audits to be conducted by the LAPD".

Background

In early 2001, the Audit Division of the LAPD was formed with a mandate to conduct audits as required by the Consent Decree, the Chief of Police or his designates. In May 2001, an ambitious Annual Audit Plan was submitted to the Board of Police Commissioners for 2001-02 that scheduled the completion of 12 audits required by the Consent Decree⁹², and 12 operational audits in areas that were historically problematic. Many of these audits were not completed due to resource constraints, and there were quality deficiencies with most of the audits that were

⁹² Some of these audits were scheduled to be completed more than once per annum.

completed. As a result, the Monitor's reports for quarters ending March 31, 2002 and September 30, 2002 concluded that the LAPD was in non-compliance with the requirements of paragraph 124.

In June 2002, an Annual Audit Plan for 2002-03 was submitted to the Board of Police Commissioners that scheduled the completion of the Department-wide audits required by the Consent Decree, but the Annual Audit Plan lacked specificity relative to both the type of gang unit audits required by paragraph 131 of the Consent Decree, as well as who would be responsible for the completion of such audits. As a result, the Monitor concluded that the Department was in non-compliance with paragraph 124.

In the Monitor's report for the quarter ending March 31, 2003, the Monitor assessed the Department's progress relative to paragraph 124, and again concluded that the Department was in non-compliance, primarily because the ongoing lack of suitable audit resources, at both the Audit Division and SOD (DSD), were preventing the timely completion of numerous audits in the manner required by the Consent Decree.

Current Assessment of Compliance

In order to assess compliance with paragraph 124 for the current quarter, the Monitor reviewed the following:

- the Annual Audit Plan for fiscal 2003-04⁹³ as submitted to the OIG and the Police Commission on April 24, 2003;
- the Quarterly Updates on the 2002-03 Annual Audit Plan as submitted to the Police Commission for the quarters ending September 30, 2002, December 31, 2002, March 31, 2003, and June 30, 2003;
- correspondence dated January 27, 2003 from the Chief of Police to the Police Commission regarding the NCUOF and gang unit audits planned for 2002-03;
- various communications to/from the LAPD regarding the Audit Division's hiring freeze exemptions;
- all of the audit reports issued throughout the year for the Consent Decree audits; and
- a list prepared by CRID that identifies the audit mechanisms in place for all paragraphs requiring an audit.

The Monitor also held discussions with representatives of the Police Commission, the OIG and the LAPD in relation to the requirements of paragraph 124.

The Monitor's findings relative to its assessment of paragraph 124 are set out below:

⁹³ For the period July 2003 to June 2004.

Audit Responsibilities

- Most of the primary responsibilities of the Audit Division were met as identified in paragraph 124, with the exception of the requirement to ensure the timely completion of audits.
- The Audit Division served as a resource to the SOSD (DSD) in connection with the SOSD's recent audits, however, the SOSD (DSD) ignored several aspects of the Audit Division's guidance.
- The Audit Division also served as a resource to the bureau gang co-ordinators in connection with their monthly audits.

Staffing Assessment

- Although a number of audits required by the Consent Decree have recently been completed as a result of substantial efforts by Audit Division personnel, the LAPD's ongoing resource constraints have, in part, caused the LAPD to fall behind relative to its 2003-04 Annual Audit Plan.⁹⁴
- The 2003-04 Annual Audit Plan identifies that certain gang unit audits would be the responsibility of Audit Division, however Audit Division's resources were not increased to enable Audit Division to adequately discharge this responsibility. As articulated in previous Monitor's reports, it should be noted that until such time as the Consent Decree is formally amended to allow the Audit Division to assume responsibility for the SOSD's (DSD's) gang unit audits, any gang unit audits completed by the Audit Division will be found in non-compliance.
- Several audits completed in 2002-03 did not meet the qualitative standards for Consent Decree audits.
- There is an apparent lack of training for the SOSD (DSD) audit personnel who conducted the gang unit audits completed in 2002-03.⁹⁵

Content of Audit Reports

- Although the Monitor identified several ways in which the audit reports submitted in fiscal 2002-03 could be improved, each audit report documented the audit's methodology, data sources, analysis of the data and conclusions.

⁹⁴ Other delays relate to inefficiencies caused by excessive sample sizes, and efforts undertaken to remedy the deficiencies in the fieldwork for certain audits.

⁹⁵ If the gang unit audits are no longer the responsibility of the SOSD (DSD), this is no longer a concern.

Completeness of the Annual Audit Plan

- There are four Consent Decree paragraphs that have a secondary requirement to complete an audit that were not included on the Department's Annual Audit Plan:
 - paragraph 51a-d requires an audit of the use of TEAMS I data and other information and documents for decision-making⁹⁶;
 - paragraph 55b requires an audit to ensure CUOF investigations are conducted by the appropriate personnel;
 - paragraph 59 requires an audit to ensure that the LAPD provides cooperation to District Attorneys who attend at the scene of an OIS or ICD; and
 - paragraph 76 requires an audit of the notification of civil lawsuits alleging misconduct by an LAPD officer.

CRID has advised the Monitor that the above paragraphs will be audited by either the CRID Inspection Team or RMG. As these audits are required by the Methodologies, they fit into the category of "other audits required" by paragraph 124 to be included on the Annual Audit Plan.

- There are other Consent Decree paragraphs with a secondary requirement for an audit that were *not* included on the Annual Audit Plan, but CRID expects these paragraphs will be included within the scope of the audits that are on the Plan. For the sake of completeness, it would be preferable for the Annual Audit Plan to be updated to include these paragraphs within the scope of the following audits:
 - paragraphs 57, 64 and 65 re: the CUF Investigations Audit;
 - paragraph 62b re: the Warrants Audit;
 - paragraph 73 re: the Department-wide ABC Reports Audit; and
 - paragraphs 74(a-i)⁹⁷, 75, 77, 78, 81 and 102 re: the Complaints Audit.

Communications to the Police Commission Regarding Audits Scheduled on the Annual Audit Plan

- The quarterly audit reports issued to the Police Commission for 2002-03, did not fully address the status of the audits listed in the Annual Audit Plan, and did not address the significant results of such audits. This situation was recently improved: the Department's quarterly report for the quarter ended September 30, 2003 provided the Police Commission with a summary of the significant results from the audits completed in that quarter.
- The communication enclosing the 2003-04 Annual Audit Plan acknowledged a delay in the completion of certain Consent Decree audits because of the complexity, magnitude and lack

⁹⁶ This audit would also need to evaluate the accuracy of such data/information.

⁹⁷ The Annual Audit Plan addresses 74c and 74f, but excludes the other sub-paragraphs within paragraph 74.

of personnel resources at Audit Division. This communication also stated, “the scheduling of the audit subjects has been structured to allow time for prior audit recommendations to be implemented.” However, neither this communication, nor any of the quarterly updates on the 2002-03 Annual Audit Plan, made it clear to the Police Commission that certain specified audits, although originally required by the Consent Decree and the Annual Audit Plan to be completed in 2001-02 or 2002-03, were being dropped from the Annual Audit Plan.⁹⁸

- Although the Department advised the Police Commission in January 2003 that it would integrate most of the gang unit audits within the Department-wide audits, most of the audit reports issued since that date did *not* specifically report on the gang unit issues in the relevant Department-wide audits.
- In the Monitor’s Report for the Quarter Ending March 31, 2003, the Monitor stated his belief that the lack of specificity in the 2002-03 Annual Audit Plan was contributing to the gang unit audits not being performed on a timely basis. This situation continued for the balance of 2002-03; however the LAPD’s Annual Audit Plan for 2003-04 was improved to address this issue.

In summary, the Department’s continued lack of suitable audit resources, in particular for the gang unit audits, are preventing the completion of the Department’s audits in the manner required by the Consent Decree. In addition, the Department’s reporting to the Police Commission has not been complete. Accordingly, the Monitor finds the Department in non-compliance with the requirements of paragraph 124.

Proposed Recommendations

In order to clearly communicate the status of the audits from one year to the next to the Police Commission, the Monitor recommends that the Department devise a table/chart identifying which of the required audits have been completed since the implementation of the Consent Decree, compared to the audits that were required to be completed.

In order to ensure that the audits required to be completed by the Consent Decree are indeed completed, the Monitor recommends that the scope of the Annual Audit Plan be amended to include the additional audit requirements identified above.

⁹⁸ For example, the 2002-03 Annual Audit Plan identified that two NCUOF Audits would be completed in that fiscal year: one as required by paragraph 128(3) for 2001-02, and another as required by the Consent Decree for fiscal 2002-03. The fiscal 2001-02 audit was not completed until August 2003, which means that there was one audit completed instead of two for the two-year period from 2001 to 2003. This fact was not specifically brought to the attention of the Police Commission. Similarly, the 2002-03 Annual Audit Plan identified that two Motor Vehicle and Pedestrian Stop Audits and two Complaint Investigations Audits would be completed. However, only one of each audit was completed in this two-year period, and the Police Commission was not specifically advised that the audits required for 2001-03 were not met.

B. AUDITS BY THE LAPD

During this quarter, the Monitor assessed the quality and timeliness of the following audits required by the LAPD:

- Paragraphs 128(5), 131c-5 and 131d – Confidential Informant Control Packages Audit
- Paragraph 131b – Gang Selection Criteria Compliance Audit
- Paragraph 131c-2 – Gang Unit Arrest Booking and Charging Reports Audit
- Paragraphs 128(1) and 131c-1 – Warrant Applications Audits Not Yet Completed

The following audits were recently submitted to the Monitor and will be assessed in the Monitor's Report for the Quarter Ending December 31, 2003:

- Paragraph 128(3), 129ii, and 131c-3 – Non-Categorical Use of Force and Supplemental audits
- Paragraph 128(4), and 131c-4 – Motor Vehicle & Pedestrian Stops Audit
- Paragraph 129i – Categorical Use of Force Investigations Audit
- Paragraph 131a – Gang Unit Work Product Audit

The Monitor acknowledges the substantial effort by LAPD's Audit Division to get caught up, and notes that the only audits that are currently outstanding by Audit Division are the Department-wide and gang unit warrant applications audits required by paragraph 128(1) and 131c-1.

Paragraph 128(5) – Audit Division's Audit of Confidential Informant Control Packages

Paragraph 128(5) requires the Audit Division to complete a regular periodic audit of stratified random samples of CI control packages. This audit requires, at a minimum, an assessment for completeness, authenticity, appropriateness of action taken, conformity with Department procedures and quality of supervisory oversight of the CI control packages and compliance with the requirements for handling CIs as noted in Paragraphs 108 and 109.

Background

The Criminal Intelligence Group (CIG) has completed two prior CI control packages audits, dated July 13, 2001 and September 2, 2002. The Monitor determined both CIG audits were deficient, and were in non-compliance with the Consent Decree. The Monitor reviewed the first audit during the quarter ending December 31, 2001, finding that it failed to identify substantive issues and did not conform to acceptable audit standards. The Monitor reviewed the second

audit during the quarter ending December 31, 2002, finding it in functional non-compliance with paragraph 128(5) because it did not address all of the requirements of Paragraph 108 and the February 26, 2002 LAPD Informants Manual.

Current Assessment of Compliance

In assessing current compliance, the Monitor reviewed the Audit Division's Report dated July 14, 2003, the related audit work plan and crib sheet, the Monitor's sample of completed audit matrices for active and inactive CI packages, selected division security assessment matrices, and other audit working papers including documents relating to audit population and sample determination. The Monitor also reviewed the February 26, 2002 LAPD Informants Manual, Special Order No. 6, and summary of findings and communications of anomalies to Command Bureaus.

Audit Division's audit sample comprised 100% of all active CI packages, a statistically generated random sample of inactive CI packages located at Narcotics Division, and 100% of all inactive CI packages located at other divisions. This sample was selected from the Confidential Informant Tracking System Database's (CITSD) total population⁹⁹ of all active and inactive CIs having contact activity during the preceding five-year period as at January 15, 2003.¹⁰⁰

The Monitor randomly selected samples of 39 active and 80 inactive CI packages from the CI packages in the Audit Division audit and, for each CI package, completed responses to the appropriate active and inactive audit matrix questions. Additionally, the Monitor evaluated the security measures utilized at the six divisions¹⁰¹ covered by its sample through interviews of the custodial officer. The Monitor's findings, which have been discussed with Audit Division personnel, are highlighted below:

Sample Selection

- The method in which Audit Division's sample was ultimately selected was not statistically valid. Where items in the original sample were out of the scope of the audit, these CI packages should have been replaced with other randomly selected CI packages. Also, Audit Division's audit work plan did not specifically address the method to replace deselected samples.

⁹⁹ As the number of active and inactive CIs change from day to day, and the CITSD is unable to re-create a report at a historical date, the Monitor was unable to confirm the totals as at January 15, 2003.

¹⁰⁰ During Audit Division's fieldwork at division locations, it was discovered that the CITSD was inaccurate and Audit Division adjusted its audit accordingly; the Monitor has satisfied itself as to Audit Division's reconciliation of active and inactive totals as reported by CITSD and its fieldwork findings.

¹⁰¹ The six divisions covered in the Monitor's sample were Rampart, 77th, Narcotics Division, OCVD, Hollywood, and North Hollywood.

- Although Audit Division's sample was not statistically valid, this did not impact the validity of its ultimate findings and conclusions because the sample exceeded the minimum sample size required for a statistically valid sample.

Audit Findings

- Audit Division's report identified the Department's handling of CI control packages as non-compliant with respect to the audit objectives of completeness, authenticity review, underlying actions, supervisory oversight and accuracy of the CITSD. The Monitor's sample testing identified similar results.
- Numerous CI-package shortcomings identified by Audit Division were 'rectified' by post-audit revisions to documents or inclusion of missing documents in the CI packages. While the Monitor applauds the timeliness of such remedies, this meant that the Monitor was unable to confirm various anomalies identified by the Audit Division, including issues relating to management approvals, instances of multiple CI package numbers, required documents not included in CI packages, and number of AKAs and monikers, as these appeared not to be anomalies at the time of the Monitor's review.
- For active CI packages, there were 3 instances where Audit Division failed to identify that there were periods of 90 days of non-contact and failed to test whether the CI was re-checked in the Undesirable Informant File and resubmitted for CO approval when reactivating the CI. This represents 1.5% of the total anomalies found in the Monitor's active CI package sample.
- For inactive CI packages, Audit Division failed to identify one inactive package that should have been active. This represents 1% of the total anomalies found in the Monitor's inactive CI package sample.
- In some instances it was unclear as to how Audit Division determined whether the officer handling the informant was uniformed or non-uniformed. Although the Monitor has confirmed that Audit Division performed adequate procedures to make this determination, the lack of documentation in the Audit Division's working papers prevented the Monitor from performing a meta-audit to verify this.
- No inconsistencies were identified between the Audit Division and Monitor's assessment of security issues with respect to the storage of CI packages.

Audit Methodology and Scope

- Audit Division developed an appropriate audit work plan, cribsheet and three audit matrix questionnaires¹⁰² to guide the audit process. The Monitor determined that the design of these tools and their use as designed would meet the audit requirements of Paragraphs 128(5), 108

¹⁰² These included a detailed questionnaire for active CI packages, a condensed version for inactive CI packages and a questionnaire covering security issues arising with the storage and handling of CI control packages by the divisional custodial officers.

and 109 and the key requirements of the Informant Manual and S.O.#6, with the exception of the second part of Paragraph 108i¹⁰³ and Paragraphs 108a and 108b¹⁰⁴.

- The Monitor concurred with Audit Division's reduced scope in the review of inactive CI packages and the key risk areas tested.

Audit Report

- The Audit Division's CI control packages audit report was well-written, and included useful recommendations, such as those related to the new Informant Manual. The report also appropriately advised on the status of actions undertaken or to be undertaken as a result of recommendations arising from prior CI control packages audits.
- Audit Division did not report its results based on the method of sampling used i.e. although findings were reported on a Department-wide, bureau, and division level, no conclusions or separate assessments were made of Narcotics Division and the other divisions.

Based on the foregoing, although there were a few aspects of this audit that could have been improved, the Monitor finds this audit in functional compliance with the requirements of paragraph 128(5).

Proposed Recommendations

Audit Division

- During the fieldwork stage of an audit, in order to allow a meta-audit to be performed, Audit Division should include more details in the comment sections of its audit matrices and/or working papers.
- The matrix questions should include more detail in the comparison of information in the CI packages and the CITSD (i.e., should specifically verify AKA, moniker, first, middle, and last name information).

Department

- Approval procedures for the retention of CI packages past end of watch (i.e., overnight) should be clarified. Approvals should be obtained from the CO prior to signing out the

¹⁰³ The second part of Paragraph 108i indicates that the annual personnel performance evaluation of supervisors shall include an assessment of the quality of the supervisors' oversight of the use of CI control packages by officers under their command. As per the Methodologies, this requirement is pending the implementation of the TEAMS II database.

¹⁰⁴ The Monitor accepts that Paragraphs 108a and b will be evaluated more thoroughly by the Audit Division in the upcoming Search Warrant Applications and Supporting Affidavits Audit, and in the ABC Reports Audit.

package, and should be documented (i.e., either on the informant payment/contact form, or the sign-out card should be modified to document specific approval for overnight retention).

Paragraph 131c-5, 131d – Audit Division’s Audit of Gang Unit Confidential Informant Control Packages

Paragraph 131c-5 requires the DSD (SOSD) to complete a regular periodic audit of a stratified random sample of gang unit CIs, and paragraph 131d requires the DSD (SOSD) to audit the use of CIs by gang units to assess compliance with paragraph 108.

Background

The DSD completed its first and only gang unit use of CI audit as required by paragraph 131d on May 29, 2002. The Monitor reviewed that audit during the quarter ending December 31, 2002, finding the DSD in functional non-compliance with paragraph 131d, as the audit scope was too narrow and the audit lacked sufficient depth.

For the quarters ending December 31, 2002 and March 31, 2003, the LAPD has been found in functional non-compliance with the Consent Decree requirement to conduct audits for paragraph 131c-5 on a “regular, periodic basis”.

Current Assessment of Compliance

Audit Division submitted a report dated July 14, 2003 that addressed the Department-wide audit of CI control packages. This audit was evaluated by the Monitor earlier in this quarterly report, and was found to be in compliance with the requirements of the Consent Decree.

The Audit Division advised the Monitor orally that the Department-wide audit of CI control packages was also intended to address the requirements of 131c-5 and 131d.

In its previous quarterly reports, the Monitor reported that there were significant resource issues facing the DSD that affected the DSD’s willingness/ability to accept responsibility for the gang unit audits, notwithstanding that paragraph 131 assigned such responsibility to the DSD. As a result, the Audit Division took on the responsibility of performing certain gang unit audits, including the gang unit CI control packages audit. Although the Monitor is in agreement with this in principle, unless the Consent Decree is formally changed by the parties, this audit is in non-compliance with the Consent Decree, which requires the DSD to complete all gang unit audits required by Paragraph 131.

Additionally, the Monitor notes the following concerns relative to the gang-unit audit requirements for this audit:

- There was no mention in the audit report covering memoranda to the Monitor that this audit was meant to address paragraphs 131c-5 and 131d.

- Although the CI audit report included the Audit Division's findings from its review of the SEU CI packages within the Department-wide findings, no specific gang related issues were addressed, and no conclusions were drawn that specifically related to the SEU active and inactive packages.

Based on the foregoing, the Monitor finds this audit in functional non-compliance with the requirements of paragraphs 131c-5 and 131d.

Paragraph 131b– Gang Selection Criteria Compliance Audit

Paragraph 131b requires the SOSD (DSD) to complete regular periodic audits to assess compliance with the SEU selection processes and eligibility criteria set forth in paragraphs 106 and 107¹⁰⁵ for supervisors and officers. Paragraphs 106 and 107 establish the specific audit criteria to be evaluated, including number of years required as a supervisor/police officer, skills required, information/documentation required for review and limits to assignment to SEUs.

Background

The Consent Decree and the Annual Audit Plan for 2002-2003 required the DSD to complete its first annual SEU Selection Processes audit by June 30, 2002. This audit was not completed until June 2003¹⁰⁶. Accordingly, the Monitor has found the DSD in functional non-compliance with paragraph 131b since September 2002, as a result of the SEU Selection Processes audit not being completed on a "regular, periodic basis."

Current Assessment of Compliance

In assessing current compliance, the Monitor reviewed the quality of the DSD's SEU Selection Process Audit dated April 8, 2003, as well as the underlying selection eligibility packages and audit working papers that were the basis for this audit.

As the DSD's audit report was submitted to the Police Commission on June 11, 2003, one year past its due date, this audit was self-acknowledged by the Department to be in non-compliance with the Consent Decree requirement that this audit be performed on a regular and periodic basis. The Department further acknowledged that the audit findings were stale and deficient.

In light of these self-acknowledged deficiencies, the Monitor's review of this audit was limited to identifying its strengths and areas for improvement relative to future audits and the Monitor's

¹⁰⁵ The DSD appropriately noted in its report that paragraphs 106a, e, f, g, h and 107c do not address selection processes or eligibility criteria and were not assessed during the course of this audit. The DSD further notes that paragraph 107c is outside of the scope of this audit; the Monitor noted in its Report for the Quarter Ending March 31, 2003 that paragraph 107c is a "meet and confer" item.

¹⁰⁶ Although the audit report was dated April 8, 2003, the Chief of Police did not approve the report until June 10, 2003, according to the memo attached to the audit report.

sample was limited to a random sample of 13 selection eligibility packages. The Monitor’s findings, which have been discussed with the DSD, are highlighted below:

Sample Selection & Timeliness

- The DSD queried the internal SEU Tracking Database system, which identified 209 police officers and 23 supervisors assigned to SEU Gang Detail between March 2000 and March 2002, including pre and post-Consent Decree assignments to SEU. The DSD reviewed 100% of the population of both pre and post-Consent Decree assignments as follows:

	<u>Police Officers</u>	<u>Supervisors</u>	<u>Total</u>
Assigned Pre-CD	145	17	162
Assigned Post-CD	<u>64</u>	<u>6</u>	<u>70</u> *
	<u>209</u>	<u>23</u>	<u>232</u>

* Monitor’s Sample comprised 12 police officers and 1 supervisor selected from the 70 post-Consent Decree assignments.

- The duration of the audit fieldwork was excessive and required more resources than necessary, contributing to the lack of timeliness of the audit¹⁰⁷; this was primarily due to the excessive sample size for this audit. The Monitor considers that a statistically valid sample of post-Consent Decree assignments would have sufficed and would have significantly reduced the amount of time expended in conducting this audit.

Audit Findings

- The DSD identified shortcomings regarding the SEU selection processes and eligibility criteria; most notably, the DSD identified that approximately 30% of all packages reviewed lacked sufficient documentation to validate selection eligibility. The Monitor agreed with such findings, but noted that the DSD failed to evaluate the sufficiency of the evidence related to the COC’s review.
- The DSD failed to evaluate certain criteria required by paragraph 107 of the Consent Decree, specifically, whether the SEU selection packages included the *appropriate* TEAMS report for each SEU officer (i.e. the current promotional TEAMS report).
- The DSD evaluated certain non-Consent Decree criteria reflected in a directive dated October 15, 2001 on SEU selection, but did not evaluate certain other criteria in this directive. Specifically, the DSD did not evaluate whether (i) the applicant’s UOF history was reviewed for pattern of conduct; (ii) PSB was queried for pending complaints; and (iii) interviews were conducted of the applicant’s current and/or immediate prior supervisors.

¹⁰⁷ Fieldwork commenced March 2002; the final report was completed April 2003 and was submitted to the Police Commission in June 2003.

Audit Methodology & Scope

- The DSD did not prepare a separate work plan or cribsheet; instead, this information was partially reflected in their audit report¹⁰⁸. Further, the DSD's matrices failed to adequately document the basis of its findings to facilitate the Monitor's subsequent review.
- The DSD failed to adequately document the substantiation of its population, and failed to address the deficiencies with the SEU database¹⁰⁹.

Audit Report

In January 2003, Audit Division met with the DSD to provide direction and guidance regarding the draft audit report to that date. While certain concerns were addressed, the DSD did not address the following:

- The DSD's draft audit report was complicated and difficult to follow, and did not adequately address certain detailed findings.
- The DSD's draft audit report required more insightful recommendations that addressed the underlying issues related to non-compliance, or the inability to assess compliance.

Based on the foregoing, the Monitor finds this audit in functional non-compliance with the requirements of paragraph 131b.

Proposed Recommendations

1. The Department should evaluate the processes relating to the DSD's SEU Database in order correct the deficiencies therein, and should perform ongoing tests of the integrity of the data.
2. The Monitor reiterates its recommendation that all future audits should be adequately planned and documented in a detailed workplan setting out the operational definitions, standards and measures that auditors are required to evaluate.
3. An appropriate matrix and supporting cribsheet should be used for this audit that adequately evaluates the criteria set out in the workplan and facilitates subsequent evaluation. Further, the matrices should include: (i) criteria not evaluated that should have been, as described above; and (ii) sufficient information to enable the Monitor and OIG to perform a meta-audit.
4. The Monitor reiterates its recommendation that auditors should clearly document the process involved in substantiating the audit population and sample selected for review.

¹⁰⁸ The DSD did not define all the operational definitions, standards and measures required to evaluate the criteria set out in the Consent Decree at the commencement of the audit.

¹⁰⁹ See the Monitor's Report for the Quarter Ending June 30, 2003 – paragraph 106d for further details.

5. Prior to commencing fieldwork, future auditors should compare the documentation relating to the transfer of personnel into SEU (Transfer Order, Form 1.40) to the information reflected in the DSD's SEU Database to test the accuracy of the population; suitable follow-up should be undertaken regarding any discrepancies.
6. The audit report should clearly set out the audit objectives used to assess compliance with the selection processes and eligibility criteria of personnel assigned to Gang Units within SEUs. Similarly, audit findings should refer to the specific objectives evaluated.
7. Recommendations should be reported separately from the actions taken/to be taken to address deficiencies.

Paragraph 131c-2 – Gang Unit Arrest Booking and Charging Reports Audit

Paragraph 131c-2 requires the SOSD (DSD) to complete a regular periodic audit of Arrest Booking and Charging (“ABC”) Reports prepared by gang units, as determined by paragraph 106. Paragraph 128(2) establishes the audit requirements to be assessed, including a review of the gang unit Arrest Reports for completeness, authenticity, appropriateness of legal action taken, conformity with Department procedures and quality of supervisory oversight.

Background

In its Report for the Quarter Ending June 30, 2002, the Monitor found the DSD's first audit of ABC Reports, dated April 1, 2002, in non-compliance with paragraph 131c-2 because it was incomplete and deficient in quality.

Current Assessment of Compliance

In assessing current compliance, the Monitor reviewed the DSD's Report dated March 5, 2003; as well as, the underlying audit workplan and crib sheet; audit working papers; a randomly generated sample of completed audit matrices and related ABC Reports; follow-up correspondence identifying audit issues and responses from Bureau Commanders; and, Audit Division's written comments dated March 28, 2003 on its review of the DSD's audit.

As the DSD's audit report was not submitted to the Police Commission until June 17, 2003, over one year past its due date, this audit has been self-acknowledged by the Department to be in non-compliance with the Consent Decree requirement that this audit be performed on a regular and periodic basis.

In light of this deficiency, the Monitor's review of the audit matrices was limited to a selection of audit matrix questions for a sample of 27 arrests audited by the DSD. Specifically, the Monitor

focused on audit matrix questions related to supervisory oversight, Miranda rights assessment, searches, and reporting of seized evidence. The Monitor's findings are as follows¹¹⁰:

Sample Selection & Timeliness

- The DSD tested a random sample of 499 arrest reports from October to December 2001 and identified a number of substantive deficiencies at the Department level: 212 were incomplete; 75 contained inconsistent information; 13 lacked articulation of the legal basis for the arrests; 44 indicated seizure of narcotics, guns or currency for which the officer did not issue the required form; 137 lacked or had incomplete Miranda responses; and 53 had inappropriate approvals.
- This audit was not completed on a timely basis: audit fieldwork commenced April 2002, the final report was completed in March 2003 and was submitted to the Police Commission in June 2003. By comparison, for the same audit period October to December 2001, Audit Division also commenced its fieldwork in April 2002 but was able to complete and submit its report to the Police Commission in September 2002, nine months before DSD's report was submitted.
- During the course of the audit process, as the audit fieldwork revealed problems similar to those identified in the first gang unit Arrest Reports audit, the DSD should have considered reducing their sample size. The sample size of 499 Arrest Reports was therefore excessive, required more resources than were necessary, and contributed to the lack of timeliness of this audit as articulated above.
- Problems identified with the Department's Information Technology Division (ITD) database in the prior audit were not corrected at the time of the DSD's fieldwork; therefore, the DSD and the Monitor could not ensure the completeness of the audit population. However, the Monitor noted that the DSD expended substantial efforts to establish its best determination of the audit population.

Audit Methodology & Scope

- The DSD's use of Audit Division's ABC audit workplan, cribsheet and audit matrix questionnaire was appropriate as a starting point for this audit. However, there were no specific audit procedures to test the risks and policies associated with gang unit arrests.¹¹¹

¹¹⁰ The Monitor offered to discuss these findings at one or more meetings with the DSD and Audit Division; such a meeting occurred with Audit Division, however, the DSD declined this offer.

¹¹¹ Such procedures could have included testing the requirement to take detainees/interviewees to the station for night-time interviews and bookings unless certain circumstances were articulated; testing whether confidential informants were handled by uniformed gang unit officers; testing whether the watch commanders were notified regarding the transportation of detainees to locations other than Department facilities; and testing whether watch commanders were notified regarding suspects requiring immediate medical attention.

- The DSD did not specifically address the requirements of Paragraph 131f related to assessing the watch commander's review of the gang unit Arrest Reports and the relationships of the particular gang unit officers working together.

Audit Findings

- The findings from this audit are stale-dated, and the duration of the audit process was excessive.
- The problems found in this audit largely mirrored the results of the DSD's initial audit reported April 1, 2002. This was because the audit period selected for this audit, October 1 to December 31, 2001, followed too closely to the initial audit period of August 2001 to allow the audit recommendations from the first audit to be implemented.
- For 5 of the 27 Reports, the DSD failed to report a booking search as denoted on the Booking Approval Form 12.31.

Audit Report

- The Monitor agreed with Audit Division's assessment that although the DSD audit report provided specificity as to anomalies, the DSD's follow-up process with the Bureau Commanders was insufficient as the DSD submitted their entire audit report along with a covering form letter requesting responses to issues identified in the report. Instead, it would be preferable for the follow-up with the Bureau Commanders to provide specific reference to the audit issues related to each Bureau.
- The audit report was concise and generally provided appropriate summary data and tables to present key findings, and included useful clarifications of some of the technical terms in the audit report. However, certain summaries were not elaborated in the report, so it was not possible to identify the full extent of the problems with gang unit arrests.

The Monitor notes that future gang unit Arrest Reports audits have been reassigned to Audit Division and will be included as a stratum of the next Department-wide ABC Reports audit. Although the Monitor is in agreement with this in principle, unless the Consent Decree is formally changed by the parties, such future audits will be in non-compliance with the Consent Decree, which requires the DSD to complete all gang unit audits required by Paragraph 131.

Based on the foregoing, the Monitor finds this audit in functional non-compliance with the requirements of paragraph 131c-2.

Proposed Recommendations

The Monitor recommends that follow-up procedures with Bureau Commanders should be Bureau-specific, rather than general in nature.

Similar to a recommendation that the Monitor made in its report for the quarter ending March 31, 2003, the Monitor suggests that sample sizes for future audits are reassessed during the initial stages of the audit considering the overall objectives of the audit, the confidence levels required based on the expected results, as well as the availability of resources.

Paragraphs 128(1) and 131c-1 – Warrants Audits Not Yet Completed

Paragraph 128(1) mandates a regular, periodic Department-wide audit of warrant applications and supporting affidavits (referred to hereinafter as a “Warrants Audit”), and paragraph 131c-1 mandates a similar SEU Warrants Audit. The qualitative factors that should be assessed in such audits are addressed in the remaining provisions of paragraphs 128 and 131, respectively.

Background

As required by the Consent Decree, both the Department-wide and gang unit audits are required to be completed on a “regular, periodic” basis. The parties have agreed that this means that these audits must be completed on at least an annual basis.

On June 21, 2001, Criminal Intelligence Group completed the first Department-wide Warrants Audit; in the Monitor’s Quarterly Report for December 2001, the Monitor concluded that the quality of this audit was deficient and that it was a non-compliant audit. On July 8, 2002, Audit Division completed the second Department-wide Warrants Audit; the Monitor concluded in its Quarterly Report for September 2002 that the quality of this audit was significantly improved, and that this was a compliant audit.

Although due by June 30, 2002, the Department has not previously completed an SEU Warrants Audit. Accordingly, the Department has been found out of compliance with the requirement to complete a regular, periodic paragraph 131c-1 audit since June 2002.

Current Assessment of Compliance

The following table summarizes the Consent Decree deadlines for the paragraph 128(1) and paragraph 131c-1 audits:

	<u>Current Due Dates</u>	<u>Status</u>
128(1) – Dept-Wide Warrants Audit	Jun 2003	Overdue > 3 months
131c-1 –Gang Unit Warrants Audit	June 2002 June 2003	Overdue > 15 months Overdue > 3 months

In order to be compliant with the regular periodic requirement of paragraph 128(1), the Monitor’s expectation was that a Department-wide Warrants Audit would be completed approximately one year after submission of the previous Warrants Audit in July 2002¹¹². The Department’s Annual Audit Plan for 2002-03 was consistent with this expectation, and indicated that such an audit would be completed in the fourth quarter (i.e. the quarter ending June 30, 2003). However, this audit was deferred to the second quarter of fiscal 2003-04 (i.e. the quarter ending December 31, 2003), to enable the Department sufficient time to implement the recommendations from the July 2002 audit. Accordingly, this audit was not completed on a regular, periodic basis and the Department is in non-compliance with the requirements of paragraph 128(1).

To date, although there have been several plans indicating that the gang unit warrants audit would be completed, this audit has not been performed. Accordingly, the Department is non-compliant with the requirements of paragraph 131c-1.

Until the above audits are completed, the Monitor will find the LAPD in functional non-compliance with the requirements of paragraphs 128(1) and 131c-1 of the Consent Decree. When these audits are completed, the Monitor will evaluate the quality of such audits; timeliness will not be evaluated at that time.¹¹³

C. INSPECTOR GENERAL AUDITS

Overview

During the quarter ending September 30, 2003, the Monitor assessed the timeliness of transmittal of the following Audit Division and SOSD (DSD) audits to the OIG:

- Audit Division’s Non-Categorical Use of Force Reports Audit (CD128(3) and CD129ii).
- Audit Division’s Supplemental Non-Categorical Use of Force Reports Audit (CD128(3) and CD129ii).

¹¹² This audit was submitted for the fiscal year ended June 2002.

¹¹³ Missing audits will be separately tracked by the Monitor in order to assess whether “substantial compliance” has been achieved for at least two years as required by paragraph 179 of the Consent Decree.

- Audit Division's Motor Vehicle and Pedestrian Stops Audit (CD128(4)).
- Audit Division's Confidential Informant Control Package Audit (CD128(5)).
- Audit Division's Categorical Use of Force Investigations Audit (CD129i).
- SOSD's (DSD) Special Enforcement Unit Gang Detail Selection Process Audit (CD131b).
- SOSD's (DSD) Audit of SEU Arrest, Booking and Charging Reports (CD131c-2).

The Monitor also assessed the timeliness and quality of the OIG's review of the following audits:

- EES' Sting Audits (CD127).
- Audit Division's Interim Report on the Status of the Department's Efforts to Comply with the Consent Decree Mandates for the Management of Personnel Complaint Investigations (CD129iii).
- Audit Division's CI Control Package Audit (CD128(5)).
- SOSD's (DSD's) Special Enforcement Unit Gang Detail Selection Process Audit (CD131b).
- SOSD's (DSD's) Audit of SEU ABC Reports (CD131c-2).

Paragraph 135 – OIG Evaluation of LAPD Audits

Paragraph 135 requires the Department to provide the OIG with copies of specific audit reports within seven (7) days of completion, so they may evaluate all such audits to assess their quality, completeness, and findings. For ease of reporting, the Monitor has split its reporting on paragraph 135 into two components:

- Paragraph 135a assesses the timeliness of the transmittal of LAPD audits to the OIG, and
- Paragraph 135b assesses the timeliness and quality of the OIG's review of such audits.

Paragraph 135a – Timeliness of Transmittal of LAPD Audits to the OIG

Background

For the quarters ending December 31, 2002, March 31, 2003, and June 30, 2003, the Monitor assessed the timeliness of the audits received by the OIG, and found the Department in functional non-compliance with the requirement to transmit Departmental audits to the OIG within seven (7) days.

Current Assessment of Compliance

In order to assess compliance with the timeliness provisions of paragraph 135 for the current quarter, the Monitor reviewed copies of the audits prepared by Audit Division and SOSD listed above and correspondence regarding the transmittal from the Department to the OIG. The Monitor also communicated directly with the OIG to substantiate the information received.

The following table summarizes the timing of the transmittal of the above audits to the OIG:

<u>Date Of/To</u>	<u>CD128(3)</u>	<u>CD 128(3)¹¹⁴</u>	<u>CD 128(4)</u>	<u>CD 128(5)</u>	<u>CD 129i</u>	<u>CD 131b</u>	<u>CD 131c-2</u>
Audit Report	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Apr 8, '03	Mar 5, '03
Approval by Chief of Police	Aug 22, '03	Aug 22, '03	Aug 20, '03	Jun 27, '03	Aug 20, '03	Jun 10, '03	Jun 10, '03
Police Commission	Aug 22, '03	Aug 22, '03	Aug 22, '03	Jul 8, '03	Aug 22, '03	Jun 11, '03	Jun 11, '03
OIG	Aug 25, '03	Aug 25, '03	Aug 25, '03	Jul 14, '03	Aug 26, '03	Jun 12, '03	Jun 12, '03
# of Days From Chief's Approval to OIG Receipt ¹¹⁵	3	3	5	17	5	2	2
Assessment of Compliance	√	√	√	X	√	√	√

√ = Compliant: X = Non-Compliant

Based on the foregoing, the Monitor finds the Department in functional non-compliance with the provisions of paragraph 135a that requires the transmittal of Departmental audit reports to the OIG within 7 days of completion.

Paragraph 135(b) –Evaluation of the OIG’s Reviews of the LAPD’s Audits

Background

In the Monitor’s Reports for the Quarters Ending March 31, 2002 and September 30, 2002, the Monitor found the OIG in non-compliance with the requirements of paragraph 135 because the OIG did not adequately assess the quality, completeness and findings of certain audits completed

¹¹⁴ Audit Division’s Supplemental NCUOF Audit.

¹¹⁵ The “Methodologies to Aid in Determination of Consent Decree Compliance” defines the date of completion as the date of the audit report. Contrary to previous quarters, Audit Division did not date all of its audit reports listed above. Therefore, the completion date is assumed to be the date the audit report is approved by the Chief of Police. Although the SOSD (DSD) dated its two audits referred to above, for purposes herein and future CD135a assessments, the Monitor considers the date of approval by the Chief of Police as the audit report’s completion date.

by the LAPD. For the quarter ending December 31, 2002, the Monitor noted improvements to the quality of the OIG's review processes, and found the OIG in compliance.

For the quarter ending March 31, 2003, the OIG was behind in its reviews of certain Audit Division audits. Accordingly, the Monitor found the OIG non-compliant with the requirement to submit its reviews on a timely basis, and deferred assessing the quality of these reviews to the quarter ending June 30, 2003, when the Monitor withheld a determination of compliance overall due to the unresolved interpretational issues relating to one of the audits reviewed by the OIG.

Current Assessment of Quality Compliance

For this quarter, the Monitor assessed the quality of the OIG's reviews of the following audits:

- EES' Sting Audits (CD127).
- Audit Division's Interim Report on the Status of the Department's Efforts to Comply with the Consent Decree Mandates for the Management of Personnel Complaint Investigations (CD129iii).

The OIG is currently reviewing the following audits (as evaluated by the Monitor in this quarter), but continues to be behind in its reviews:

- Audit Division's Confidential Informant Control Package Audit (CD128(5)) submitted to the OIG on July 14, 2003.
- SOSD's (DSD) Special Enforcement Unit Gang Detail Selection Process Audit (CD131b) submitted to the OIG on June 12, 2003.
- SOSD's (DSD) Audit of SEU Arrest, Booking and Charging Reports (CD131c-2) submitted to the OIG on June 12, 2003.

Although these audits were submitted to the OIG in June and July 2003, the OIG did not complete its review of these audits by September 30, 2003 because of an ongoing lack of resources. Accordingly, the Monitor finds the OIG to be non-compliant with the requirement to submit these reviews on a timely basis. These audit reviews are expected to be completed in October 2003; accordingly, the Monitor will assess the quality of these reviews in its Report for the Quarter Ending December 31, 2003.

OIG's Review of EES' Sting Audits (CD127)

In order to assess compliance with the qualitative provisions of paragraph 135 for the current quarter, the Monitor reviewed the OIG's report dated June 27, 2003 regarding the OIG's review of EES' Sting Audits as required by paragraph 127, the OIG's audit working papers, and a random sample of 10 of the 22 sting audit reports completed during the quarter ending March 2003.

The Monitor's findings, which have been discussed with both the OIG and the EES, are highlighted below:

- Although the OIG evaluated 100% of the 22 sting audits that were completed by the EES in the quarter ended March 2003, the OIG did not evaluate the sufficiency and appropriateness of the EES' sample.
- The OIG appropriately concluded that the EES' sting audits were well-designed and thorough; however, the OIG did not document whether the audit reports accurately and completely portrayed the particulars of each sting. Specifically, the OIG's audit working papers suggest that the OIG did not watch or listen to any of the video and audio-tapes that were made during the stings to evaluate the quality, completeness and findings of the sting audit reports.
- For 2 of the 10 sting audits evaluated by both the Monitor and the OIG, the Monitor concluded that the behavior of certain officers was not entirely appropriate, and that the appropriate commanding officers should have been informed for retraining purposes¹¹⁶. Representatives of both the OIG and EES agreed with the Monitor's conclusion; accordingly, the Monitor recommends that a suitable communication be issued to the relevant commanding officers on this.
- For 3 of the 10 sting audits evaluated by both the Monitor and the OIG, the OIG's working papers did not fully reflect the purpose of the sting.
- There was no cribsheet or workplan to guide the OIG's staff in their review of the sting audits.

In conclusion, the Monitor finds the OIG to be in functional non-compliance with the qualitative provisions of paragraph 135 as related to the OIG's review of EES' Sting Audits completed during the quarter ending March 31, 2003.

OIG's Review of Audit Division's Interim Report Prepared in Connection with the Consent Decree Mandates for the Management of Personnel Complaint Investigations (CD129iii)

In order to assess compliance with the qualitative provisions of paragraph 135 for the current quarter, the Monitor reviewed the OIG's one-page report dated August 11, 2003 regarding its review of the Audit Division's interim summary report on complaint investigations.

Although the OIG's report highlighted certain aspects of the Audit Division's interim report, and recommended that the interim report be accepted by the Police Commission, the OIG did not

¹¹⁶ In one sting, the officer in question initially asked the undercover what the citizen wanted to do about her complaint, when the appropriate response would have been to immediately get a supervisor. In another sting that was aborted prior to the formal reporting of the complaint by the undercover, the watch commander failed to mention the incident in the watch commander's daily log.

perform a meta-audit. Accordingly, the Monitor finds the OIG to be in functional non-compliance with the qualitative provisions of paragraph 135 as related to this particular review.

Paragraph 136ii – OIG Audit of Complaint Form 1.28 Investigations.

Paragraph 136ii requires the OIG to conduct a regular periodic audit and review of a stratified random sample of all Complaint Form 1.28 investigations. In its review, the OIG shall assess the quality, completeness, and findings of the investigations and whether they were completed in a timely manner and properly adjudicated. These findings are to be reported promptly in writing to the Police Commission.

Background

As reported in the Monitor's reports for the last five quarters, the OIG had not completed its first complaints audit; accordingly, for each of these quarters, the Monitor found the OIG to be in non-compliance with the Consent Decree requirement to conduct this audit on a "regular, periodic" basis.

Current Assessment of Compliance

Although the OIG is nearing completion on its Complaint Form 1.28 Investigations Audit, because of limited resources, this audit was not submitted to the Police Commission by September 30, 2003. Until this audit is completed, the Monitor will continue to find the OIG in functional non-compliance with the requirements of paragraph 136ii. When this audit is completed, the Monitor will evaluate the quality of this audit; timeliness will not be evaluated at that time, but instead, the Monitor will track missing audits separately in order to assess whether "substantial compliance" has been achieved for at least two years as required by paragraph 179 of the Consent Decree.

IX. OPERATIONS OF THE POLICE COMMISSION & INSPECTOR GENERAL

A. OPERATIONS OF THE POLICE COMMISSION

Overview

The Consent Decree requires that the Police Commission review and evaluate all CUOF to determine conformance with LAPD policies, procedures, and the requirements of the Consent Decree. The Police Commission is also charged with reviewing various audits to determine whether changes in LAPD policies are necessary; all such changes must be approved by the Police Commission. In addition, the Police Commission conducts annual reviews of the Chief of Police and is charged with investigating complaints against the Chief of Police. Finally, the Commission reviews and approves the LAPD's budget requests.

In the Monitor's Report for the Quarter Ending June 30, 2003, the Monitor continued its assessment of the Police Commission's handling of retaliation complaints and its review of CUOF.

During the current quarter, the Monitor reviewed current performance appraisal criteria for the Chief of Police's annual evaluation and the format for that evaluation. In addition, the Monitor assessed the Police Commission's review of Consent Decree audits and the Commission's review and approval of new/changed policies and procedures. The results of our current assessment follow.

Paragraph 143 – Police Commission Review of Audits, Policies & Procedures

Paragraph 143 requires the Police Commission and the IG to review certain Consent Decree audits, to consider the results of such audits in its annual evaluation of the Chief of Police, and to review and approve all new or changed LAPD policies and procedures. For ease of reference, the Monitor has split its reporting on paragraph 143 into three components:

- Paragraph 143a assesses the Police Commission's review of the Consent Decree audits;
- Paragraph 143b assesses the Police Commission's evaluation of the Chief of Police; and
- Paragraph 143c assesses the Police Commission's review and approval of new/changed policies and procedures.

The Monitor's assessments of paragraphs 143a and 143c follow.

Paragraph 143a – Police Commission Review of Audits

Paragraph 143a requires the Police Commission and the IG to review the specified audit reports, the sting audit reports, and the audits required by paragraphs 111, 113, 125, 126, 133, and to determine whether any changes or modifications in LAPD policies are necessary.

Background

As reported in the Monitor’s Report for the Quarter Ending December 31, 2002, the Monitor found that the Police Commission lacked a system to track audits to ensure that they were completed and provided to the Police Commission on a timely basis. Because of this, as well as additional problems noted, the Monitor found the Police Commission in functional non-compliance with the provisions of paragraph 143a.

For the quarter ending March 31, 2003, the Monitor conducted an in-depth review to determine whether the Police Commission had reviewed all of the audits completed and outstanding to that date, and to evaluate the Police Commission’s oversight of the impact of such audits on LAPD’s policies. The Monitor found that most of the audits were not being reviewed by the Police Commission on a timely basis. Furthermore, the lack of minutes from the Police Commission’s meetings meant that the Monitor was unable to assess the Police Commission’s oversight of the impact of such audits on LAPD’s policies. As a result, the Monitor found the Police Commission in non-compliance with the provisions of paragraph 143a.

Current Assessment of Compliance

During the current quarter, the Monitor performed some limited testing to determine whether all audits were being tracked. The Monitor determined that the Police Commission was unaware that the Police Commission was meant to receive the gang unit audits required by paragraph 131¹¹⁷. The Monitor further determined that the Police Commission was unaware that many of these gang unit audits had not yet been completed.

Based on the foregoing, the Monitor continues to find the Police Commission in non-compliance with the provisions of paragraph 143a.

Paragraph 143c – Police Commission Review and Approval of All New LAPD Policies and Procedures

Paragraph 143c requires the Police Commission to review and approve all new LAPD policies and procedures, as well as changes to existing policies and procedures that are made to address the requirements of the Consent Decree.

¹¹⁷ Such audits are included within the Consent Decree definition of “specified audits.”

Background

The Monitor last evaluated this paragraph during the quarter ending March 31, 2003, at which time the Department was found in functional non-compliance.

Current Assessment of Compliance

During the current quarter, the Monitor reviewed all new LAPD policies and procedures and changes to existing policies and procedures that were made to address the requirements of the Consent Decree for the period January 1, 2003 to August 31, 2003. One policy matter and 18 new procedures or changes to existing procedures were approved by the Police Commission.

With regard to the policy matter, the Monitor determined that it was appropriately approved by the Police Commission prior to implementation by the Department. Of the 18 new procedures or changes to existing procedures, 17 were approved by the Police Commission within 14 days, as required by the Consent Decree. One required modification and was subsequently approved after modification by the Department. The modification was requested of the Department by the Police Commission within the 14-day period required by the Consent Decree.

In 12 of 18 instances during the period reviewed, the Department forwarded new or changed procedures to the Police Commission within 14 days as required by the Consent Decree. The six remaining instances involved meet and confer issues where the Department forwarded advance notice and copies of proposed procedures to the Police Commission to allow for “bargaining instructions” from the Police Commission before meeting with the Police Protective League. Once finalized, the procedures were timely resubmitted to the Police Commission and timely approved by that body.

Based on the foregoing, the Monitor finds the Department in functional compliance with the provisions of Paragraph 143c. The Department should be commended for its efforts in working with the Police Commission in order to meet the 14-day requirements of this provision.

Paragraph 144 – Police Commission Annual Review of Chief of Police

Paragraph 144 requires the Police Commission, while conducting their annual review of the Chief of Police, to consider the Police Chief’s responses to UOF 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 of the Consent Decree.

Background

In 2002, the Police Commission conducted a 5-year review of the former Chief of Police as part of the reappointment process. A new Chief of Police was subsequently appointed. The Monitor had elected to withhold assessment of paragraph 144 until the Police Commission’s annual review of the current Chief of Police, which was scheduled for July 2003.

Current Assessment of Compliance

During the current quarter, the Monitor reviewed the current performance appraisal criteria for the Chief of Police's annual evaluation and the format for that evaluation, which was approved by the Police Commission on July 22, 2003.

The Monitor also requested the Chief of Police's summary of information, requested by the Police Commission on July 22, 2003, which consists of the information that the Chief of Police would like considered during his performance evaluation. The Monitor was informed by the Department that the summary of information was available for review, as of October 1, 2003.

The Chief of Police's performance evaluation was scheduled for discussion in closed session at the October 7, 2003 meeting of the Police Commission, but was postponed until October 14, 2003.

The Monitor again elects to withhold determination of functional compliance until said evaluation can be completed and paragraph 144 can be effectively assessed.

B. OPERATIONS OF THE INSPECTOR GENERAL

Overview

The Consent Decree affirms that the IG shall review and evaluate all CUOF incidents and provides that he shall be notified of all such incidents in a timely manner. In addition, he may observe all CUOF "roll outs" and may attend UOF Review Board meetings. The IG's observations, reviews and evaluations are reported to the Police Commission for consideration. In addition, the IG shall accept complaints from LAPD officers and review all complaint intake information to ensure that they are being received in a manner that complies with LAPD policies and procedures, and the terms of the Consent Decree.

In the Monitor's Report for the Quarter Ending June 30, 2003, the Monitor continued its assessment of the IG's handling of retaliation complaints and his review of CUOF, as well as OIG complaint intake procedures.

During the current quarter, the Monitor assessed the IG's acceptance of complaints lodged by LAPD officers. The results of our current assessment follow.

Paragraph 150 – IG Acceptance of Complaints from LAPD Officers

Paragraph 150 requires the IG to accept complaints from LAPD officers regarding matters that the IG has authority to investigate. The IG is also required not to disclose the identity of complainants except under certain circumstances.

Background

The Monitor last evaluated paragraph 150 during the quarter ending September 30, 2002, at which time the OIG was found in compliance.

Current Assessment of Compliance

During the current quarter, the Monitor met with OIG staff and reviewed procedures for the acceptance of complaints by the IG.

The Monitor's assessment encompassed a review of complaints received by the IG for the period March 15, 2003 through September 15, 2003. Of the 137 complaints received by the IG, eight were filed by Department employees. This review established that the OIG continues to track complaints and maintains records of the complaints brought to its attention by LAPD personnel. Complaints are forwarded to PSB as required.

Whenever complainants request confidentiality, OIG staff explain the complainants' duty to adhere to COC procedures when reporting misconduct and advise complainants that by the very nature of the complaint they might be identified. It is also explained to complainants that the IG is not afforded an absolute privilege protecting conversations with them as a matter of law. According to OIG staff, for the six month period reviewed, no request was made by the Police Commission for a confidential complainant's identity, nor was there any need to identify a confidential complainant to the Commission.

Based on the foregoing, the Monitor finds the OIG in functional compliance with the provisions of paragraph 150.

C. GENERAL

The Consent Decree requires the City and the Department take appropriate timely and reasonable steps to implement recommendations and remedy deficiencies noted in reviews, audits and reports issued by the Commission, the IG, and the Department under the Consent Decree. Since the implementation of the Consent Decree, there have been numerous reports issued that identify recommendations to correct deficiencies at various levels within the LAPD.

As in previous quarters, during the current quarter, the Monitor assessed the Department's progress in tracking recommendations and their implementation. In addition, the Monitor assessed whether appropriate, timely and reasonable steps have been undertaken to implement recommendations and remedy deficiencies emanating from LAPD and OIG audits.

Paragraph 154 – Recommendations to Improve Deficiencies

Paragraph 154 requires the City and the Department to take appropriate, timely and reasonable steps to implement recommendations and remedy deficiencies noted in reviews, audits and reports issued by the Police Commission, the IG, and the Department under the Consent Decree. The Monitor notes that the City's position is that paragraph 154 is not required to be monitored; the Monitor's view is that this paragraph should be monitored by examining:

- a) whether a suitable process is in place to track audit-related recommendations and the implementation thereof;
- b) whether appropriate, timely and reasonable steps have been undertaken to implement recommendations and remedy deficiencies emanating from successive audits completed by the LAPD or OIG;
- c) whether a suitable process is in place to track recommendations emanating from other reviews and reports required by the Consent Decree; and
- d) whether appropriate, timely and reasonable steps have been undertaken to implement recommendations and remedy deficiencies emanating from other reviews and reports required by the Consent Decree.

Background

In the Monitor's Report for the Quarter Ending September 30, 2002, the Monitor assessed the Department's implementation of recommendations made in connection with successive Consent Decree audits completed to that date, and concluded that the Department was in non-compliance with the requirement to take appropriate, timely and reasonable steps to implement the recommendations identified in such audits.

In the Monitor's Report for the Quarter Ending December 31, 2002, the Monitor reported that although the Department had made some progress, there were numerous recurring deficiencies identified in successive audits that were not yet implemented. In addition, the Monitor reported that neither the City nor the Department, including the Audit Division, IG and the Police Commission, nor any other group performing audits, had developed a process to track the LAPD's implementation of recommendations emanating from audits and other reviews and reports required by the Consent Decree. Accordingly, the Monitor concluded that the City and LAPD were in continued non-compliance with paragraph 154.

In the Monitor's report for the quarter ending March 31, 2003, the Monitor reported that although the LAPD was in the process of developing a system to adequately track recommendations to correct deficiencies identified in Consent Decree reviews, reports or audits, this system was not yet fully operational. Accordingly, the Department was unable to show whether it was taking appropriate, timing and reasonable steps to remedy its deficiencies, and the Monitor concluded that the City and LAPD were in continued non-compliance with paragraph 154.

Current Assessment of Compliance

During the current quarter, the Monitor evaluated whether a suitable process is in place to track audit-related recommendations and the implementation thereof (component a., above), and whether appropriate, timely and reasonable steps have been undertaken to implement recommendations and remedy deficiencies emanating from successive audits completed by the LAPD or OIG (component b., above). The Monitor's assessment follows.

Processes to Track Audit-Related Recommendations

In the Monitor's Report for the Quarter Ending December 31, 2002, the Monitor reiterated its recommendation from a prior quarterly report that "each successive audit report should include a section [that] discusses the progress on recommendations and issues identified for follow-up in prior audit report(s)." The following successive audits have been completed since December 2002:

<i>Audit Topics</i>	<i>Recent Audit Report Dates</i>	<i>Prior LAPD Audit Report Dates</i>	<i>OIG's Prior Reviews & Audits</i>
a) Department-Wide CI Control Packages Audit	June 2003	Sept 2002 & July 2001	Nov 2002
b) Gang Unit CI Control Packages & Gang Use of CIs Audits	¹¹⁸	May 2002	Nov 2002
c) Gang Unit ABC Reports Audit	June 2003	April 2002	June 2002
d) Gang Unit Work Product Audit	July 2003	June 2001	July 2001
e) UOF Reports & NCUOF Investigations Audit	Aug 2003	Oct 2001 ¹¹⁹	Aug 2002 ¹²⁰ & Dec 2001
f) CUOF Investigations Audit	Aug 2003	April 2002	May 2002

Most of the above audit reports refer to the prior LAPD audits, identify the recommendations from such prior audit reports, and either identifying the actions taken to implement such recommendations, or repeating the recommendations that are outstanding¹²¹. However, the recent LAPD audit reports do not refer to the prior audit reviews or audits that were completed by the OIG, nor do these audit reports refer to the recommendations emanating from the OIG's reviews/audits.

In addition to the audit tracking within the LAPD's audit reports, CRID has been preparing a monthly Audit Recommendations Status Report for the Police Commission, which lists the

¹¹⁸ This audit topic is apparently included as part of the CI Control Packages Audit dated June 2003, referenced above.

¹¹⁹ This audit was conducted by the Audit Division and focused on the UOF Reports, rather than the NCUOF Investigations; the objectives for this audit were therefore different from the objectives for the OIG's Audit of NCUOF Investigations.

¹²⁰ This was the OIG's independent audit relative to paragraph 136i.

¹²¹ The CI Audit Report dated June 2003 did not mention the prior gang unit CI audit dated May 2002. The Gang Unit Work Product Audit Report dated July 2003 mentioned the existence of the June 2001 Gang Unit Work Product Audit, but did not track the implementation of recommendations emanating from that audit, and instead suggested that such tracking "may be found in the Audit Recommendations Status Report completed by CRID." The Monitor notes that CRID's status report dated September 11, 2003 does not include any of these recommendations.

recommendations from the recent LAPD audits, and tracks the steps taken to remedy such recommendations. However, these reports do not track the recommendations emanating from the OIG's reviews/audits, nor do they track recommendations emanating from some of the earlier audits completed by the LAPD.

Accordingly, while the Department has made good progress in developing suitable processes to track LAPD's recent audit recommendations and the steps undertaken to remedy the underlying deficiencies, this process is incomplete, and there is not yet a process to track the OIG's audit recommendations and action thereon.

Implementation of Recommendations Emanating from Successive Audits

In order to test whether appropriate, timely and reasonable steps have been undertaken to implement recommendations and remedy deficiencies emanating from successive audits completed by the LAPD or OIG, the Monitor reviewed the audit reports referenced above. Although it was apparent that appropriate, timely and reasonable steps were undertaken to implement most of the recommendations contained in the former audits on each of these topics, there were a few notable exceptions:

- a) Because the OIG's recommendations were not tracked, the Monitor has been unable to identify whether appropriate, timely and reasonable steps were undertaken in connection with such recommendations.¹²²
- b) Because the recommendations from the LAPD's Gang Unit Work Product Audit were not tracked in the recent audit of this topic, nor were they itemized in CRID's Audit Recommendations Status Report, the Monitor has been unable to identify whether appropriate, timely and reasonable steps were undertaken related to such recommendations.
- c) The recent CI Control Packages Audit in June 2003 identified that one of the recommendations from the September 2002 audit remained outstanding, namely the need to provide training on the preparation and maintenance of a CI package. This recommendation was intended to remedy the significant deficiencies found during the audit with the CI packages; accordingly, Audit Division essentially repeated its earlier recommendation, and its June 2003 report also articulated the steps necessary to implement this recommendation. Based on CRID's Audit Recommendations Status Report dated September 11, 2003, informant training is now on the Department's Training and Compliance Strategy Plan. Although progress has been made relative to the original recommendation, the training has not yet occurred, so the Monitor considers that the efforts taken to correct the underlying deficiencies with the CI packages have not been done on a timely basis.

¹²² As identified in the Monitor's Report for the Quarter Ending December 31, 2002, the Monitor does not intend to develop an independent system for tracking progress on the implementation of recommendations relevant to paragraph 154 of the Consent Decree.

- d) The August 2003 NCUOF Audit Report tracks the recommendations from the October 2001 UOF Reports Audit and identifies that the recommendations related to supervisor's training had been addressed in a revised curricula for the Supervisors and Watch Commanders School; however, there was no indication whether such training had, in fact, been provided to supervisors.

Based on the foregoing, the Monitor finds the City and the LAPD to be in primary and functional non-compliance with paragraph 154.

X. COMMUNITY OUTREACH AND PUBLIC INFORMATION

Overview

The Consent Decree includes provisions intended to enhance the interaction between officers and community members in daily policing activities. One such requirement is for the LAPD to conduct a Community Outreach program for each LAPD geographic area, including one meeting in each Area on a quarterly basis for the first year of the Consent Decree, and one meeting in each Area annually thereafter.

The Consent Decree also mandates that the LAPD prepare and publish on its website semiannual public reports that include 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 UOF. Additionally, the Consent Decree mandates the establishment of a media advisory working group to facilitate information dissemination to the predominant ethnicities and cultures in Los Angeles.

In the Monitor's Report for the Quarter Ending June 30, 2003, the Monitor reviewed the Department's compliance with Consent Decree mandates to hold annual public meetings and to continue its operation of the Media Advisory Group.

During the current quarter, the Monitor continued its assessment of the Media Advisory Group, as well as a review of the Department's semi annual public reports. The results of our current assessment follow.

Paragraph 156 – Website Reports

Paragraph 156 instructs the LAPD to prepare and publish certain semi-annual reports on its website.

Background

The Monitor last evaluated paragraph 156 during the quarter ending March 31, 2003, at which time the LAPD was found in compliance.¹²³

¹²³ The Monitor found the LAPD in non-compliance in its Report for the Quarter Ending March 31, 2003. This finding was based on the City's failure to post 4 directives in its semi-annual report. Subsequent to the publication of the report, the City pointed out that the 4 cited directives were procedures, as opposed to policies, and therefore were not required to be posted. The Monitor agreed with the City and changed its assessment of paragraph 156 to compliant.

Current Assessment of Compliance

In order to assess compliance during the current quarter, the Monitor reviewed the semi-annual report for the period January 1, 2003 through June 30, 2003, which is posted on the LAPD's website. The semi-annual report includes, as mandated by the Consent Decree, the pedestrian and traffic stop data for January 1, 2003 through June 30, 2003; a summary of all discipline imposed during this period; reports of audits completed during this period; as well as new policies or changes in policies made by the Department to address the Consent Decree for the six month period.

Based on the foregoing, the Monitor finds the Department in functional compliance with paragraph 156.

Paragraph 157 – Meeting with Community Advisory Groups

Paragraph 157 requires the LAPD to establish a media advisory group to facilitate information dissemination to the predominant ethnicities and cultures in Los Angeles. This group is required to meet quarterly.

Background

The LAPD has been found in compliance with paragraph 157 for three consecutive quarters, beginning with the quarter ending December 31, 2002.

Current Assessment of Compliance

During the current quarter, the Monitor requested and reviewed all paperwork leading up to, and resulting from, the Media Advisory Group's quarterly meeting, including the meeting's attendance list and notes. The meeting, which was held on July 31, 2003, was focused on outreach to the Korean Community of Los Angeles. Five representatives of the Korean media participated, as well as two representatives from Councilmember Jan Perry's office.

Based on the foregoing, the Monitor finds the Department in functional compliance with the mandates of paragraph 157.

XI. CORRECTIONS TO PREVIOUS QUARTERLY REPORTS

The Monitor issues the following corrections to previously-issued quarterly reports after discussions among the Monitor, the City, and The Department of Justice.

Paragraph 87 – Timeliness of Complaint Investigations

Paragraph 87 defines the time period in which most investigations must be completed. Taking into consideration an investigation's complexity, the availability of evidence or other extenuating circumstances, the LAPD is required to complete most investigations within five months.

Background

In the Monitor's Report for the Quarter Ending March 31, 2003, the Monitor interpreted the Methodologies to require that greater than 50% of all complaint investigations be completed within 150 days, with the stipulation that at least 75% of investigations deemed less-complex be completed within 150 days. Under this interpretation, the LAPD was found in non-compliance with paragraph 87 for the quarter ending March 31, 2003. Subsequent to the issuance of this report, the Monitor met with the DOJ, the City of Los Angeles and the LAPD to further discuss this matter. Based on this meeting and additional review of the Consent Decree and related methodologies, the Monitor has revised its interpretation of the Methodologies, retracting the requirement that 75% of investigations deemed less-complex be completed within 150 days. Accordingly, the Monitor amends its assessment of the Department's compliance with paragraph 87 for the previous quarter.

Correction

The Monitor finds the Department in functional compliance with paragraph 87 for the quarter ending March 31, 2003. The Report Card, included as Appendix A to this report, has been edited accordingly.

Paragraph 90 – Manager Review of Complaint Form 1.28 Investigations

The LAPD is required to continue its practice of having managers evaluate all complaint investigations and identify any underlying problems and/or training needs. Recommendations or actions, if any, shall be implemented by the manager or referred to the appropriate entity for implementation.

Background

The Monitor last evaluated paragraph 90 during the quarter ending March 31, 2003, at which time the LAPD was found in functional non-compliance.

Subsequent to the issuance of the Report for the Quarter Ending March 31, 2003, the Monitor engaged in discussions with the City of Los Angeles, the LAPD, and the DOJ regarding the requirements of the Methodologies. Based upon these discussions, the Monitor has revised its interpretation of paragraph 90 and has amended its assessment of the Department's compliance with paragraph 90 for the previous quarter

Correction

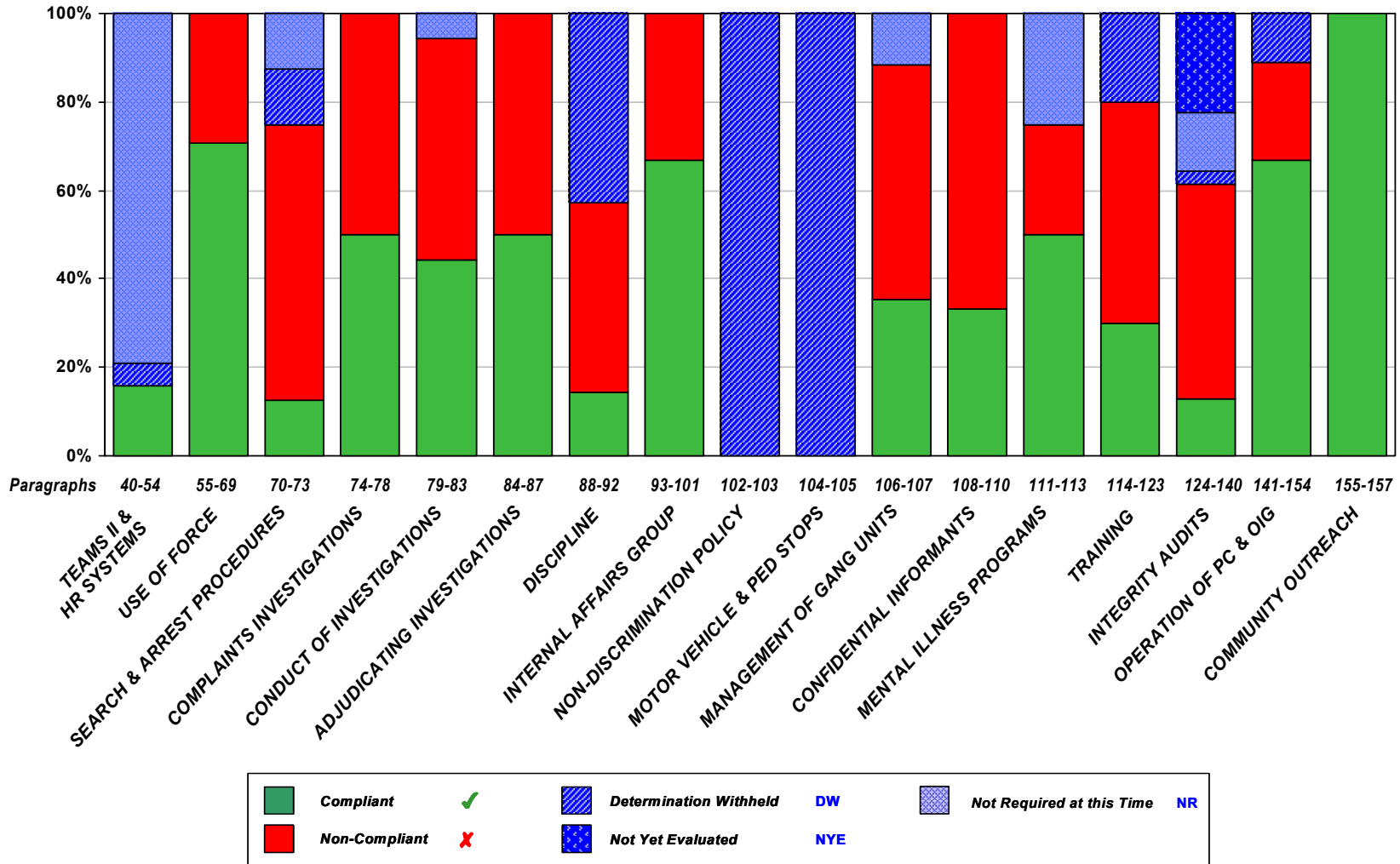
The Monitor finds the Department in functional compliance with paragraph 90 for the quarter ending March 31, 2003. The Report Card, included as Appendix A to this report, has been edited accordingly.

XI. CONCLUSION

Organizational and cultural reform is difficult. No one should expect uninterrupted progress. This period, the Monitor discovered a serious problem with a critical integrity and compliance function of LAPD, that is the impartiality of police investigations of CUOF incidents involving OIS, ICD, and LERII requiring hospitalization. This is discouraging, and demonstrates the substantial challenge that reform faces in changing unacceptable aspects of LAPD's past culture. However, the response by management has been swift and meaningful; demonstrating that failure to change will not be tolerated. Management's response, while not vitiating the problem, gives us great hope for the future. Two and one-half years ago, when the Consent Decree oversight was commenced, we knew there would be resistance to change, but we could not be sure that the leadership of the Department was committed to overcoming that resistance. Today, we see every element of the leadership of LAPD and the City working vigorously to overcome any and all problems. While trying is not enough, the Monitor is optimistic of ultimate success.

"Report Card" Summarizing the Monitor's Evaluation of Compliance
With the Consent Decree as of the Quarter Ending September 30, 2003

REPORT CARD STATUS SUMMARY



Office of the Independent Monitor
of the Los Angeles Police Department

* This chart summarizes the most recent grades assigned for each paragraph/sub-paragraph of the Consent Decree as depicted in the "Status as of Last Evaluation" column of the accompanying detailed Report Card, from paragraph 40 to 157. Please refer to Report Card Note [1] for additional information regarding compliance grading.



"Report Card" Summarizing the Monitor's Evaluation of Compliance
With the Consent Decree as of the Quarter Ending September 30, 2003

ASSESSMENT OF COMPLIANCE [1] (for last 5 Quarters)					EVALUATION TIMING			Comments re: Last Evaluation
Jul-Sep 2003	Apr-Jun 2003	Jan-Mar 2003	Oct-Dec 2002	Jul-Sep 2002	Status as of Last Eval'n	Last Eval'n Quarter Ending	Next Expected Eval'n Q/E	

I. INTRODUCTION									
1 to 38	General Provisions and Definitions								No task
II. MANAGEMENT AND SUPERVISORY MEASURES TO PROMOTE CIVIL RIGHTS INTEGRITY									
A. TEAMS II [Computer Information System]									
39	New Training Evaluation and Management System (TEAMS II)								No task
II. MANAGEMENT AND SUPERVISORY MEASURES TO PROMOTE CIVIL RIGHTS INTEGRITY									
A. TEAMS II [Computer Information System]									
40	Access by Police Commission, Inspector General & Chief of Police					NR		Pending further development of TEAMS II	
41	Information to be Contained in TEAMS II (Design Assessment)					NR		Pending further development of TEAMS II	
42	Input of Historical Data into TEAMS II					NR		Pending further development of TEAMS II	
43	Data Analysis Capabilities					NR		Pending further development of TEAMS II	
44	Linking and Cross-Referencing of Data					NR		Pending further development of TEAMS II	
45	Approved Design Document		✓	DW	✓	Dec-02	-		
46	Protocol for Using TEAMS II (Incl. for Supervision & Audit Purposes)					NR		Pending further development of TEAMS II	
47	Protocol Requirements					NR		Pending further development of TEAMS II	
48	Training (re: Use of TEAMS II and Protocol Implementation)					NR		Pending further development of TEAMS II	
49	Data Capture & Retention					NR		Pending further development of TEAMS II	
50	a) TEAMS II Design Approved 30 Days after Submission to DOJ		✓	X	✓	Dec-02	-		
	b) Approval of Use Protocols 15 Months after Approval of Design				NR			Pending further development of TEAMS II	
	c) Beta of TEAMS II Available 12 Months after Approval of Design				NR			Pending further development of TEAMS II	
	d) Computer Program and Hardware Operational for Beta of TEAMS II				NR			Pending further development of TEAMS II	
	e) TEAMS II Fully Implemented 21 Months after Approval of Design				NR			Pending further development of TEAMS II	
51	Use of TEAMS I Data for Decision Making			DW	DW	Jun-03	Dec-03		
52	TEAMS II Modifications Process					NR		Pending further development of TEAMS II	
B. Management and Coordination of Risk Assessment Responsibilities									
53	Human Resources Bureau Responsibilities re: Risk Assessments					✓	Sep-01	-	
C. Performance Evaluation System									
54	Annual Performance Evaluation System Developed & Implemented					NR			
III. INCIDENTS, PROCEDURES, DOCUMENTATION, INVESTIGATION, AND REVIEW									
A. Use of Force									

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REPORT OF THE INDEPENDENT MONITOR FOR THE LOS ANGELES POLICE DEPARTMENT

"Report Card" Summarizing the Monitor's Evaluation of Compliance
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		Jul-Sep 2003	Apr-Jun 2003	Jan-Mar 2003	Oct-Dec 2002	Jul-Sep 2002	Status as of Last Eval'n	Last Eval'n Quarter Ending		Next Expected Eval'n Q/E
55	OHB Conduct all Categorical Use of Force Admin. Investigations	X		✓		✓	X	Sep-03	Mar-04	Secondary non-compliance; Department is in primary and functional compliance
56	OHB Attend / Investigate all Categorical Use of Force Incidents		✓		✓		✓	Jun-03	Dec-03	
57	LAPD Conduct Criminal Categorical Use of Force Investigations	✓		✓		✓	✓	Sep-03	Mar-04	
58	LAPD Notify DA of Shooting Incident or Death in Police Custody		✓		✓		✓	Jun-03	Dec-03	
59	LAPD Cooperate with DA at Scene of Incident		✓		✓		✓	Jun-03	Dec-03	
60	Individual Attorneys for Officers Involved in OIS Incidents						✓	Jun-02		Next evaluation date undetermined
61	Separate Statements of Officers Involved in OIS	X		X		✓	X	Sep-03	Mar-04	
62	Supervisory Oversight for Categorical UOF Incidents & Search Warrants		X		X	X	X	Jun-03	Dec-03	
63	Confidential Psychological Evaluation for Officers in Deadly Categorical UOF Incident		X		✓		X	Jun-03	Dec-03	
64	a) Officer History Considered for Non-Disciplinary Action in CUOF	✓		✓		X	✓	Sep-03	Mar-04	
	b) Officer History Considered for Disciplinary Action in CUOF	✓		✓		✓	✓	Sep-03	Mar-04	
65	Requirement to Report Non-Categorical Uses of Force		✓		X		✓	Jun-03	Dec-03	
66	UOF Report Revised						✓	Jun-02		Next evaluation date undetermined
67	Commission Review Categorical UOF	✓		✓		✓	✓	Sep-03	Mar-04	
68	Non-Categorical Use of Force Investigations		✓		✓		✓	Jun-03	Dec-03	
69	a) Review of Categorical UOF by Review Board	✓		✓		✓	✓	Sep-03	Mar-04	
	b) Non-Categorical UOF Review		X		X		X	Jun-03	Dec-03	
B. Search and Arrest Procedures										
70	a) Review & Approval of Booking Recommendations/Arrests by WC for Completeness and Authenticity				X		X	Dec-02	Dec-03	
	b) Evaluation of Penal Code 148 et al. Incidents			DW		X	DW	Mar-03	Dec-03	
	c) Supervisor's Performance Evaluations Consider Quality of Supervisory Review						NR			Meet and confer
71	Supervisory Review of Search Warrants and Ramey Warrants									
	a) Review for Completeness and authenticity	X				✓	X	Sep-03	Jun-04	
	b) Appropriate, Legal and in Conformance with Policy	✓				✓	✓	Sep-03	Jun-04	
	c) Supervisory Review	X				X	X	Sep-03	Jun-04	
72	Search Warrant Log	X				X	X	Sep-03	Jun-04	
73	WC Inspection & Interview of Detainees & Arrestees					X	X	Sep-02	Dec-03	
C. Complaint Investigations										
74	Receipt/Maintenance of Complaints		X	DW		✓	X	Jun-03	Dec-03	
	i) Record Calls on 24 Hour Complaint Hotline			✓		✓	✓	Mar-03	Dec-03	

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		Jul-Sep 2003	Apr-Jun 2003	Jan-Mar 2003	Oct-Dec 2002	Jul-Sep 2002	Status as of Last Eval'n	Last Eval'n Quarter Ending		Next Expected Eval'n Q/E
75	Initiation of Complaint Form 1.28		X	DW		DW	X	Jun-03	Dec-03	
76	Civil Lawsuits Alleging Misconduct of LAPD		✓		✓		✓	Jun-03	Jun-04	
77	Arrest/Litigation Involving Officer		✓				✓	Jun-03	Jun-04	
78	Requirement to Report Officer Misconduct		X		DW		X	Jun-03	Dec-03	
D. Conduct of Investigations										
79	IAG Review of Complaints "Face Sheet"	X		X		X	X	Sep-03	Mar-04	
80i	CUOF Investigations									
	a) Tape-Record / Videotape Interviews for CUOF Investigations	X		✓		X	X	Sep-03	Mar-04	
	b) Canvassing and Interviewing of Witnesses / Complainants to CUOF Investigations	X		✓		✓	X	Sep-03	Mar-04	
	c) Group Interviews Prohibited for CUOF Inv'ns	X		✓		✓	X	Sep-03	Mar-04	
	d) Not applicable									
	e) Interview All Supervisors for CUOF Investigations	✓		✓		✓	✓	Sep-03	Mar-04	
	f) Collect and Preserve Evidence for CUOF Investigations	X		✓		X	X	Sep-03	Mar-04	
	g) Identify and Report All Inconsistencies for CUOF Inv'ns	X		✓		✓	X	Sep-03	Mar-04	
80ii	Complaint Investigations									
	a) Tape-Record / Videotape Interviews for Complaint Investigations	X		X		X	X	Sep-03	Mar-04	
	b) Canvassing and Interviewing of Witnesses / Complainants to Complaint Investigations	✓		✓		✓	✓	Sep-03	Mar-04	
	c) Group Interviews Prohibited for Complaint Inv'ns	✓		X		✓	✓	Sep-03	Mar-04	
	d) Notify Involved Officers & their Supervisors Regarding Complaint Investigations	✓		X		✓	✓	Sep-03	Mar-04	
	e) Interview All Supervisors for Complaint Investigations	✓		✓		✓	✓	Sep-03	Mar-04	
	f) Collect and Preserve Evidence for Complaint Investigations	✓		X		X	✓	Sep-03	Mar-04	
	g) Identify and Report All Inconsistencies for Complaint Inv'ns	✓		✓		✓	✓	Sep-03	Mar-04	
81	a) Chain of Command Investigations of Complaints	X		X		DW	X	Sep-03	Mar-04	
	b) Non-Categorical Uses of Force Investigations		X		X		X	Jun-03	Dec-03	
82	Collateral Misconduct Investigations	✓	✓	✓		DW	✓	Sep-03	Dec-03	
83	TEAMS II Access						NR			Pending further development of TEAMS II
E. Adjudicating Investigations										
84	Standards for Credibility Determinations	X		X		X	X	Sep-03	Mar-04	
85	Adjudication of Complaint Form 1.28 Investigations	✓		✓		✓	✓	Sep-03	Mar-04	
86	Withdrawal/Anonymous Complaint Investigations	✓		✓		DW	✓	Sep-03	Mar-04	
87	Timely Complaint Investigations	X		✓		✓	X	Sep-03	Mar-04	

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F. Discipline & Non-Disciplinary Action										
88	Chief's Discipline Report to Commission and IG	DW	X	X	X	X	DW	Sep-03	Dec-03	
89	a) IG Review Discipline Report	DW	✓	✓	✓	✓	DW	Sep-03	Dec-03	
	b) Commission Review/Assess Discipline Report	X	X	DW	X	X	X	Sep-03	Dec-03	
	c) PC Assessment Considered Part of COP Annual Review	DW					DW	Sep-03	Dec-03	Related to compliance determination for paragraph 144.
90	Manager Review Complaint Form 1.28 Investigations	✓		✓		✓	✓	Sep-03	Mar-04	
91	Complaint Resolution Notification	X		X		X	X	Sep-03	Mar-04	
92	Anti-Retaliation Policy		X	DW			X	Jun-03	Mar-04	
G. Internal Affairs Group										
93	Complaint Investigations	✓		✓		✓	✓	Sep-03	Mar-04	
94	Reallocate Investigations from Chain-of-Command Supervisors	✓		✓		DW	✓	Sep-03	Mar-04	
95	Filling Investigator Positions		X		✓		X	Jun-03	Dec-03	
96	Chief Misconduct Complaints		X	DW	DW		X	Jun-03	Jun-04	
97	Scheduled Integrity/Sting Audits		✓		✓		✓	Jun-03	Dec-03	
98	Hiring of IAG Investigators/Supervisors		✓		✓		✓	Jun-03	Dec-03	
99	IAG Terms of Duty		✓				✓	Jun-03	Jun-04	
100	IAG Evaluations		X		✓		X	Jun-03	Jun-04	
101	Referral of Criminal Conduct			✓			✓	Mar-03	Dec-03	
H. Non-Discrimination Policy and Motor Vehicle and Pedestrian Stops										
102	Non-Discriminatory Policy and Assessment of Discrimination in Motor Vehicle & Pedestrian Stops	DW	✓	X	X	X	DW	Sep-03	Dec-03	
103	Use of Discrimination in Stops/Detention	DW	✓	X	X	X	DW	Sep-03	Dec-03	
104	Motor Vehicle Stop Reports	DW	X	X	X	X	DW	Sep-03	Dec-03	
105	Pedestrian Stop Reports	DW	X	X	X	X	DW	Sep-03	Dec-03	
IV. MANAGEMENT OF GANG UNITS										
106	a) Gang Coordination	X		X		X	X	Sep-03	Jun-04	
	b) Eligibility Criteria for Selection of Gang Non-Supervisory Officers			X		X	X	Mar-03	Dec-03	
	c) Eligibility Criteria for Selection of Gang Supervisors			X		X	X	Mar-03	Dec-03	
	d) Tour of Duty Limitations for Gang Supervisors and Officers		X	X		✓	X	Jun-03	Dec-03	
	e) i) Detention, Transportation, Arrest, Booking and Charging of Gang Arrestees	✓		X			✓	Sep-03	Jun-04	
	ii) Class A or C Uniforms for Gang Officers	✓		✓			✓	Sep-03	Jun-04	
	iii) Marked Police Vehicles for Gang Officers	✓		✓			✓	Sep-03	Jun-04	

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	ASSESSMENT OF COMPLIANCE [1] (for last 5 Quarters)					EVALUATION TIMING		Comments re: Last Evaluation	
	Jul-Sep 2003	Apr-Jun 2003	Jan-Mar 2003	Oct-Dec 2002	Jul-Sep 2002	Status as of Last Eval'n	Last Eval'n Quarter Ending		Next Expected Eval'n Q/E
	iv) Gang Officers Check Out and Return Field Equipment from Area Kit Room	X		X			X		Sep-03
v) Gang Officers Attendance for Patrol Roll Calls	✓		✓			✓	Sep-03	Jun-04	
vi) Gang Unit Activities Out of Area Station	✓		✓			✓	Sep-03	Jun-04	
vii) Gang Arrestees/Witness Interviewed at Night at Primary Area Station	✓		✓			✓	Sep-03	Jun-04	
f) Role of Gang Unit Supervisor	X		X		X	X	Sep-03	Jun-04	
g) Role of Gang Area Managers	X		X		X	X	Sep-03	Jun-04	
h) Role of Bureau Gang Coordinator	X		X		X	X	Sep-03	Jun-04	
107 a) Eligibility Criteria for Work in Gang Units						NR		Dec-03	
b) Selection Process for Gang Unit Personnel			X		X	X	Mar-03	Dec-03	
c) Supervisory Review of Incidents & Impact on Eligibility to Remain in Gang Unit						NR		Dec-03	
V. CONFIDENTIAL INFORMANTS									
108 Procedures for the Handling of Informants		X		X		X	Jun-03	Jun-04	
109 Confidential Informants Database		✓		✓		✓	Jun-03	Jun-04	
110 Confidential Informant Manual		X		X		X	Jun-03	Jun-04	
VI. DEVELOPMENT OF PROGRAM FOR RESPONDING TO PERSONS WITH MENTAL ILLNESS									
111 Evaluation of Other Successful Programs						✓	Jun-02	-	
112 a) Report to Police Commission on Police Contact with Mentally Ill	X	DW	DW	DW	DW	X	Sep-03	Mar-04	
b) Report to City Council and Mayor on Police Contact with Mentally Ill				✓		✓	Dec-02	-	
113 Audit of Police Contact with Mentally Ill						NR		February 2004 deadline	
VII. TRAINING									
A. Field Training Officers Program									
114 Eligibility Criteria for FTO					X	X	Sep-02	Mar-04	
115 FTO De-selection	X	DW	DW			X	Sep-03	Mar-04	
116 FTO Training Plan	X				X	X	Sep-03	Mar-04	
B. Training Content									
117 Police Integrity Training Requirements	X			X	X	X	Sep-03	Mar-04	
118 Public Members on Board of Rights	DW				X	DW	Sep-03	Mar-04	
119 Tuition Reimbursement			✓			✓	Mar-03	Mar-04	
120 Communication of Training Suggestions	✓			✓		✓	Sep-03	Mar-04	
C. Supervisory Training									
121 Supervisory Training Requirements	DW		X			DW	Sep-03	Dec-03	

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	Jul-Sep 2003	Apr-Jun 2003	Jan-Mar 2003	Oct-Dec 2002	Jul-Sep 2002	Status as of Last Eval'n	Last Eval'n Quarter Ending		Next Expected Eval'n Q/E
	122 Regular and Periodic Supervisory Training	✓				✗	✓		Sep-03
123 Supervisory Investigations Training	✗				✗	✗	Sep-03	Mar-04	
VIII. INTEGRITY AUDITS									
A. Audit Plan									
124 Audit Plan & Responsibilities	✗		✗		✗	✗	Sep-03	Jun-04	Ongoing lack of adequate audit resources & inability to ensure timely audits
B. Audits by the LAPD									
125 a) Warrant Applications & Affidavits Audit						-	Last evaluated Dec-01; superceded by 128(1) audit - see below for status		
b) Arrest, Booking & Charging Reports Audit						-	Last evaluated Dec-01; superceded by 128(2) audit - see below for status		
c) Confidential Informant Control Packages Audit						-	Last evaluated Dec-01; superceded by 128(5) audit - see below for status		
d) Gang Unit Work Product Audit						-	Last evaluated Dec-01; superceded by 131(a) audit - see below for status		
126 Use of Force Reports Audit						-	Last evaluated Mar-02; superceded by 128(3) audit - see below for status		
127 Sting Audits Reporting Protocol		✓		✓		✓	Jun-03	Dec-03	
128 1) Warrant Applications & Affidavits Audit	✗				✓	✗	Sep-03	Mar-04	"Regular, periodic audit" not conducted
2) Arrest, Booking & Charging Reports Audit			DW	✓		DW	Mar-03	Mar-04	Audit scope of Supplemental paragraph 70b audit subject to interpretation
3) Use of Force Reports Audit	NYE	✗	✗	✗		NYE	Sep-03	Dec-03	Audit report recently received by Monitor
4) Motor Vehicle & Pedestrian Stops Audit	NYE	✗	✗	✗	✗	NYE	Sep-03	Dec-03	Audit report recently received by Monitor
5) Confidential Informant Control Packages Audit	✓	NYE		✗		✓	Sep-03	Sep-04	
129 i) Categorical Use of Force Investigations Audit	NYE	✗				NYE	Sep-03	Dec-03	Audit report recently received by Monitor
ii) Non-Categorical Use of Force Investigations Audit	NYE	✗	✗	✗	✗	NYE	Sep-03	Dec-03	Audit report recently received by Monitor
iii) Complaint Form 1.28 Investigations		✗	✗	✗	✗	✗	Jun-03	Jun-04	Quality audit with acknowledged deficiencies
130 Annual Report on Complaints & Disposition			✓			✓	Mar-03	Mar-04	
131 a) Gang Unit Work Product Audit	NYE	✗	✗	✗	✗	NYE	Sep-03	Dec-03	Audit report recently received by Monitor
b) Gang Unit Selection Criteria Compliance Audit	✗	NYE	✗	✗		✗	Sep-03	Sep-04	
c-1) Gang Unit Warrant Applications & Affidavits Audit	✗	✗	✗	✗	✗	✗	Sep-03	Mar-04	"Regular, periodic audit" not conducted
c-2) Gang Unit Arrest, Booking & Charging Reports Audits	✗	NYE				✗	Sep-03	Sep-04	
c-3) Gang Unit Use of Force Reports Audit	NYE	✗	✗	✗		NYE	Sep-03	Dec-03	Audit report recently received by Monitor
c-4) Gang Unit Motor Vehicle & Pedestrian Stops Audit	NYE	✗	✗	✗	✗	NYE	Sep-03	Dec-03	Audit report recently received by Monitor
c-5) Gang Unit Informant Control Packages Audit	✗	NYE	✗	✗		✗	Sep-03	Sep-04	Audit did not adequately address gang issues
d) Gang Unit Use of Confidential Informants Audit	✗	NYE		✗		✗	Sep-03	Sep-04	Audit did not adequately address gang issues
132 Financial Disclosure Requirements & Audits						NR			Meet and confer
133 Police Training Audit				✗		✗	Dec-02	Dec-03	
134 Skeletal Fractures During UOF Audit			✗	DW		✗	Mar-03	-	Deficient quality

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With the Consent Decree as of the Quarter Ending September 30, 2003

	ASSESSMENT OF COMPLIANCE [1] (for last 5 Quarters)					EVALUATION TIMING		Comments re: Last Evaluation	
	Jul-Sep 2003	Apr-Jun 2003	Jan-Mar 2003	Oct-Dec 2002	Jul-Sep 2002	Status as of Last Eval'n	Last Eval'n Quarter Ending		Next Expected Eval'n Q/E
	C. Inspector General Audits								
135 a) Timeliness of Transmittal of LAPD Audits to OIG	X	X	X	X		X	Sep-03	Dec-03	Transmittal not timely
b) Evaluation of IG's Reviews of LAPD's Audits	X	DW	X	✓	X	X	Sep-03	Dec-03	Deficient quality and lack of timeliness
136 IG Review of Categorical UOF Investigations				X		X	Dec-02	Mar-04	Reporting requirements not met
i) IG Audit of Non-Categorical Uses of Force				X		X	Dec-02	Dec-03	Deficient quality
ii) IG Audit of Complaint Form 1.28 Investigations	X	X	X	X	X	X	Sep-03	Mar-04	"Regular, periodic audit" not conducted
137 IG Audit of LAPD's Use of TEAMS II Protocol (as per CD47)						NR			Pending further development of TEAMS II
138 IG to Use TEAMS II to Conduct Audits and Review LAPD Audits for At Risk Behavior, Practices or Procedures						NR			Pending further development of TEAMS II
139 Recording, Tracking & Investigation of Retaliation Complaints		✓	✓	✓	✓	✓	Jun-03	Jun-04	
140 Audits Initiated by the Police Commission (to be Conducted by the LAPD or IG) and Audits Initiated by the IG						NR		Dec-03	No audits initiated by the Police Commission or Inspector General
IX. OPERATIONS OF THE POLICE COMMISSION & INSPECTOR GENERAL									
A. Police Commission									
141 Obligations of Commission/IG/Chief									No task
142 a) Commission/IG Review of All Categorical UOF		✓		✓		✓	Jun-03	Jun-04	
b) Annual CUOF Report Detailing Commission's Findings		X			✓	X	Jun-03	Jun-04	
143 a) Police Commission Review of Audits	X		X	X		X	Sep-03	Jun-04	Gang audits not adequately tracked
b) Consider Audit Results in Evaluation of COP	DW					DW	Sep-03	Dec-03	Related to compliance determination for paragraph 144.
c) Review and Approval of All New LAPD Policies & Procedures	✓		X			✓	Sep-03	Sep-04	
144 Review of Chief	DW					DW	Sep-03	Dec-03	
145 Chief Misconduct Complaints		X	DW	DW		X	Jun-03	Jun-04	
146 Approval of LAPD Budget			✓	✓		✓	Mar-03	Dec-03	
B. Inspector General									
147 a) Notification and Observation of CUOF "Roll-outs"		✓			✓	✓	Jun-03	Jun-04	
b) Notification to the PC of Non-Conformance		✓		✓		✓	Jun-03	Jun-04	
148 UOF Review Board Meetings				✓		✓	Dec-02	Dec-03	
149 Promptly Providing Documents & Information to IG				✓		✓	Dec-02	Dec-03	
150 a) IG Acceptance of Complaints from LAPD Officers	✓				✓	✓	Sep-03	Sep-04	
b) Disclosure of Complainant's Identity	✓				✓	✓	Sep-03	Sep-04	
151 Officer Obligations to Investigate									No task
152 a) Complaint Intake Information Provided to IG within One Week of IAG's Receipt		✓			✓	✓	Jun-03	Jun-04	
b) Complaint Intake Information Consistent with LAPD Policies and Procedures		✓			✓	✓	Jun-03	Jun-04	

✓ = Compliant, X = Non-Compliant

NR = Not Required at this Time; NYE = Not Yet Evaluated; DW = Determination Withheld

"Report Card" Summarizing the Monitor's Evaluation of Compliance
With the Consent Decree as of the Quarter Ending September 30, 2003

	ASSESSMENT OF COMPLIANCE [1] (for last 5 Quarters)					EVALUATION TIMING		Comments re: Last Evaluation	
	Jul-Sep 2003	Apr-Jun 2003	Jan-Mar 2003	Oct-Dec 2002	Jul-Sep 2002	Status as of Last Eval'n	Last Eval'n Quarter Ending		Next Expected Eval'n Q/E
153 Informing the Police Commission of Pending Investigations & Audits				✓		✓	Dec-02	Dec-03	
C. General									
154 Recommendations Implemented to Improve Deficiencies	X		X	X	X	X	Sep-03	Jun-04	
X. COMMUNITY OUTREACH AND PUBLIC INFORMATION									
155 i) Public Meeting in First Year of CD						✓	Jun-02	-	
ii) Public Meetings Annually		✓				✓	Jun-03	Jun-04	
156 Website Reports	✓	DW	✓	X	X	✓	Sep-03	Dec-03	
157 Meeting with Community Advisory Groups	✓	✓	✓	✓		✓	Sep-03	Dec-03	

Notes:

[1] As described in the Monitor's Report for the Quarter Ending September 30, 2002, the Monitor assesses primary, secondary, and functional compliance with the requirements of the Consent Decree. This Report Card provides an overall grade for compliance with each paragraph or subparagraph - if the Department is in non-compliance with any of these three definitions of compliance for a paragraph or subparagraph, the Department is in overall non-compliance with that paragraph or subparagraph.

**APPENDIX B: Acronyms Frequently Utilized in Quarterly Reports Issued by
the Independent Monitor**

This Appendix provides a listing of acronyms utilized by the Independent Monitor in the main body of the current report, as well as prior reports.

ACRONYM	DEFINITION
ABC	Arrest, Booking and Charging
APRIS	Automated Personnel Records Imaging System
BSS	Behavioral Science Services
C-CAD	Consolidated Crime Analysis Database
CDSDT	Consent Decree Source Document Training
CED	Continuing Education Division
CEDP	Continuing Education Delivery Plan
CIG	Criminal Intelligence Group
CIID	Critical Incident Investigation Division
CIT	Crisis Intervention Team
CITSD	Confidential Informant Tracking System Database
CLIS	Claim/Litigation Information System
CMS	Complaint Management System
CO	Commanding Officer
COC	Chain of Command

CPC	California Penal Code
CUOF	Categorical Use of Force
DCP	Department Command Post
DHD	Detective Headquarters Division
DOJ	Department of Justice
DP	Deployment Period
DPS	Deployment Period System
DSD	Detective Support Division
EES	Ethics Enforcement Section
FDR	Field Data Report
FTA	Failure to Appear
FTO	Field Training Officer
FTQ	Failure to Qualify
IAD	Internal Affairs Division
IAG	Internal Affairs Group
ICARS	Integrated Crime & Arrest Records System
ICD	In-Custody Death
IG	Inspector General
I/O	Investigating Officer
ITD	Information Technology Division
LACDMH	Los Angeles County Department of Mental Health

LEARD	Law Enforcement Activity Related Death
LERII	Law Enforcement Related Injury Incident
MEU	Mental Evaluation Unit
MHCRP	Mental Health Crisis Response Program
NCUOF	Non-Categorical Use of Force
OHB	Operations Headquarters Bureau
OIG	Office of the Inspector General
OIS	Officer-Involved Shooting
QDR	Quarterly Discipline Report
PRD	Planning and Research Division
PSB	Professional Standards Bureau (successor to IAG)
PTC	Preventable Traffic Collision
REU	Review and Evaluations Unit (of the IAG)
RFP	Request for Proposal
RHD	Robbery Homicide Division
RMD	Risk Management Division
RMIS	Risk Management Information System
SEU	Special Enforcement Unit
SMART	System-wide Mental Assessment Response Team
SOSD	Special Operations Support Division



Office of the Independent Monitor
of the Los Angeles Police Department

REPORT OF THE INDEPENDENT MONITOR
FOR THE QUARTER ENDING SEPTEMBER 30, 2003
Issued November 17, 2003

TEAMS	Training Evaluation & Management System
TEAMS II	Successor System to TEAMS
UOF	Use of Force
UOFRB	Use of Force Review Board
UOFRS	Use of Force Review Section
UOF-SF	Use of Force – Skeletal Fracture
UOFS	Use of Force System