

INTRADEPARTMENTAL CORRESPONDENCE

April 19, 2017
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: CATEGORICAL USE OF FORCE PROCESS AUDIT (AD No. 16-002)

RECOMMENDED ACTIONS

1. It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Categorical Use of Force Process Audit.
2. It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Executive Summary thereto.

DISCUSSION

Audit Division conducted the Categorical Use of Force Process Division Audit to evaluate compliance with Department policies and procedures.

If additional information regarding this audit is required, please contact Arif Alikhan, Director, Office of Constitutional Policing and Policy, at (213) 486-8730.

Respectfully,



CHARLIE BECK
Chief of Police

Attachment

LOS ANGELES POLICE DEPARTMENT

***CATEGORICAL USE OF FORCE PROCESS
AUDIT
(AD No. 16-002)***



Conducted by
AUDIT DIVISION

CHARLIE BECK
Chief of Police

March 2017

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CATEGORICAL USE OF FORCE PROCESS AUDIT

Conducted by
Audit Division
Third Quarter, FY 2015/16

PURPOSE

In accordance with the Los Angeles Police Department (Department) Annual Audit Plan for Fiscal Year (FY) 2015/16, Audit Division (AD) conducted a Categorical Use of Force (CUOF) Process Audit to evaluate adherence with Department policies and procedures.

We conducted this performance audit in accordance with generally accepted government auditing standards, except Audit Division has not obtained the required external peer review. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.¹

BACKGROUND

Department Manual, 2nd Quarter 2016, Vol. 3, "Management Rules and Procedures, Section 792.05, "Definitions," states:

A CUOF is defined as:

- An incident involving the use of deadly force (e.g., discharge of a firearm) by a Department employee;
- All uses of an upper body control hold by a Department employee, including the use of a modified carotid, full carotid or locked carotid hold;
- All deaths while the arrestee or detainee is in the custodial care of the Department (also known as an In-Custody Death or ICD);
- A use of force incident resulting in death;
- A use of force incident resulting in an injury requiring hospitalization, commonly referred to as a law enforcement related injury or LERI;
- All intentional head strikes with an impact weapon or device (e.g., baton, flashlight, etc.) and all unintentional (inadvertent or accidental) head strikes that results in serious bodily injury, hospitalization, or death;

Note: Serious bodily injury, as defined in California Penal Code Section 243(f)(4), includes, but is not limited to, the following:

- Loss of consciousness;
- Concussion;
- Bone fracture;

¹Audit Division has tentatively scheduled external peer review for 2017. Lack of peer review did not affect the audit and the assurance provided. (U.S. Government Accountability Office, *Generally Accepted Government Auditing Standards*, December 2011 Revision.)

- Protracted loss or impairment of function of any bodily member or organ;
 - A wound requiring extensive suturing; and,
 - Serious disfigurement.
-
- All other unintentional head strikes shall be investigated as Level I NCUOF incidents;
 - Officer-involved animal shootings and non-tactical unintentional discharges;
 - An incident in which a member of the public has contact with a Department canine and hospitalization is required. Under Department policy, a canine contact is not a use of force but has been included in this category to satisfy the provisions of the Consent Decree; and,
 - Incidents where the Department has agreed to conduct similar critical incident investigations for a non-Department entity, such as a Los Angeles Fire Department Arson Unit.

PRIOR AUDITS

Audit Division completed a CUOF audit in the First Quarter, FY 2013/14. Standards were met for Real-Time Analysis and Critical Response (RACR) Division CUOF notifications to the Commanding Officer (CO), Professional Standards Bureau (PSB), and the Involved Employee's CO notification. There were areas for improvement identified with regard to Watch Commander notifications of CUOF incidents to RACR Division and RACR Division notifications to the Chief of Police (COP), Chief of Staff (COS), and Office of the Inspector General (OIG).

PRIOR RECOMMENDATIONS

The following recommendations were made:

- 1) *It is recommended that Planning and Research Division (PRD) examine Department Manual Sections 3/794.35 Categorical Use of Force – Notifications Real-Time Analysis and Critical Response Division, and 4/204.80 Animal Shootings and Non-Tactical Unintentional Discharges of Firearms; determine which of these two sections is correct, thus providing clarification for affected Department personnel.²*

Status on Recommendation No. 1: Implemented. *Special Order No. 10*, March 25, 2015, "Categorical Use of Force Investigations Involving Animal Shooting and Non-Tactical Unintentional Discharges of Firearms," revised *Department Manual*, Vol. 3, "Management Rules and Procedures, Section 794.10, "Categorical Use of Force Investigations"; and Vol. 4, "Line Procedures," Section 204.80, "Animal Shootings"; and moved Section 204.80 to Section 794.10.

- 2) *It is recommended that PRD review Department Manual Section 3/794.35 Categorical Use of Force - Notifications Area Watch Commander/Incident Commander; determine whether a need exists to either expand the timeframe for watch commanders to make notifications, or provide a window of time for these notifications to be made.*

²Planning and Research Division has since been renamed Policies and Procedures Division.

Status on Recommendation No. 2: Implemented. *Special Order No. 5*, March 1, 2012, “Department Manual Section 3/794.35, Area Watch Commander/Incident Commander - Renamed and Revised; Manual Section 3/794.37, Force Investigation Division Investigation - Revised; Manual Section 3/794.36, Additional Notification Requirements - Deleted; and Manual Section 3/794.38, Notification to the District Attorney and Inspector General – Deleted,” previously addressed the issues identified in the recommendation. Policies and Procedures Division (PPD) reviewed the recommendation and determined that it was not in the Department’s best interest to further increase the allowable notification times.

SCOPE AND METHODOLOGY

Each objective’s audit period, population, and methodologies varied as described in the Audit Procedures. Audit Division obtained a list of CUOF incidents from the Force Investigation Division (FID) and gathered documents based on the CUOF investigations to determine the involved employees. Audit Division also obtained Watch Commander’s Daily Reports, Form 15.80.00, (WCDR) from the involved entities, and incident notification logs from RACR to determine notification times.

SUMMARY OF FINDINGS

The audit contains six objectives. Based on test work performed, AD found improvement over the last audit, particularly with CUOF notifications. Training compliance was high, though showed a decrease from the prior audit.

Notifications of the CUOFs by Area watch commanders to RACR within 30 minutes were at 78 percent (38/49). Notifications were made for all reviewed CUOFs, but timeliness needs improvement. Areas submitting Intradepartmental Correspondence, Form 15.02.00 to the Use of Force Review Board (UOFRB) within 30 days of the incident was assessed at 84 percent (69/82); six exceeded 60 days. This is an administrative issue and given the compliance rate, the risk is minimal.

Perhaps a focus can be made on processes pertaining to forwarding the UOFRB Report from the COP to the Board of Police Commissioners within 60 calendar days prior to the administrative statute date. This assessment yielded a 78 percent (53/68) compliance rate. Although this is also administrative, it is imperative that the review and adjudication process is completed within the one-year statute.

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Table No. 1 – Summary of Audit Findings

Objective No.	Description/Objectives	Findings	
		FY 2013/14	FY 2015/16
1. Force Investigation Division Investigator			
1(a)	Review of Complaint History	N/A ³	N/A
1(b)	Completion of Required Training	12/12 (100%)	12/13 (92%)
2. Real-Time Analysis and Critical Response Division Notifications			
2(a)	Area Watch Commander's Notification to Real-Time Analysis and Critical Response Division	38/53 (72%)	38/49 (78%)
2(b)	Real-Time Analysis and Critical Response Notifications to Force Investigation Division, Chief of Police, Chief of Staff, and Office of the Inspector General	159/208 (76%)	195/196 (99%)
2(c)	Real-Time Analysis and Critical Response Notifications to the Commanding Officer of Professional Standards Bureau, Involved Employee's Commanding Officer, Department Risk Manager, and Los Angeles County District Attorney's Office	N/A	185/192 (96%)
3. Use of Force Review Board			
3(a)	Completion of Correspondence	20/23 (87%)	80/86 (93%)
3(b)	Timeliness of Correspondence	17/23 (74%)	69/82 (84%)
4. Disciplinary Categorical Uses of Force			
4(a)	Timely Completion of Required Training Update	35/35 (100%)	32/33 (97%)
4(b)	Completion of Required Tactical Debrief Training	31/31 (100%)	36/42 (86%)
4(c)	Completion and/or Initiation of Administrative Disapproval Remedial Actions – <i>Performance Assessment Only</i>	34/34 (100%)	37/42 (88%)
4(d)	Completion of the Use of Force Review Board Report	13/35 (37%)	23/23 (100%)
5. Non-Disciplinary Categorical Uses of Force			
5(a)	Completion of Required Training Update	248/248 (100%)	181/190 (95%)
5(b)	Completion of Required Tactical Debrief Training	242/244 (99%)	256/280 (91%)
6. Timely Categorical Uses of Force Reports to the Board of Police Commissioners		81/82 (99%)	53/68 (78%)

DETAILED FINDINGS

Objective No. 1 – Force Investigation Division Investigator

Audit Division assessed the investigator competency criteria with two sub-objectives: FID investigator complaint history and selection, and training.

³There were no FID detective investigators to assess during this timeframe because none had complaints or adverse judicial findings that would require consideration for their selection or retention.

Objective No. 1(a) – Review of Complaint History

Criteria

Department Manual, 2nd Quarter 2016, Vol. 3, “Management Rules and Procedures,” Section 763.70, “Selection to and/or Loans to Force Investigation Division,” states:

Supervisors and managers will be required to document their consideration of any sustained complaint, adverse judicial finding, or discipline against an officer on a TEAMS Evaluation Report, Form 01.78.04, for each of the following:

- Excessive use of force;
- False arrest or charge;
- Improper search or seizure;
- Sexual harassment;
- Discrimination; or,
- Dishonesty.

The Commanding Officer, FID, may decide to select or retain an officer with a sustained complaint or adverse judicial finding in one or more of these categories. However, that decision must be justified in writing on a TEAMS Evaluation Report, Form 01.78.04, and retained in the selection package.

Audit Procedures

Audit Division obtained a list of 55 detective investigators assigned to FID in Deployment Period (DP) No. 1, 2016 (December 27, 2015 through January 23, 2016) from the Department Local Area Network (LAN). A review of the 55 detective investigators revealed that 42 were assessed during the prior audit and therefore removed from this objective. This resulted in 13 detective investigators’ complaint histories that were assessed for this objective.

The complaint histories were reviewed to determine if any involved unauthorized force, false imprisonment, unlawful search, sexual misconduct, discrimination, or dishonesty. In incidents where complaints for the above mentioned misconduct were found, auditors reviewed the supervisor's documentation of consideration and/or retention of the detective investigator on the Training Evaluation and Management System (TEAMS) Evaluation Report (TER).

Findings

There were no FID detective investigators to assess during this timeframe because none had complaints or adverse judicial findings that would require consideration for their selection or retention.

Objective No. 1(b) – Completion of Required Training

Criteria

Department Manual, 2nd Quarter 2016, Vol. 3, “Management Rules and Procedures,” Section 763.70, “Selection to and/or Loans to Force Investigation Division,” states:

Unless they have already attended, selected employees must attend and successfully complete the first available Police Officer Standards and Training (POST) certified Homicide School following selection.

Audit Procedures

Audit Division reviewed the TEAMS II reports of the 13 detective investigators assessed in Objective No. 1(a). The Department met the standard if the report indicated the detective investigator attended the first available Peace Officer Standards and Training (POST) certified Homicide School.

Findings

Twelve (92%) of the 13 FID detective investigators met the standard for this objective. There was one detective investigator who had been assigned to FID since October 2014 and transferred out in DP 7, 2016. There was no indication in this employee’s TEAMS II report that he attended the required training.

Objective No. 2 – Real-Time Analysis and Critical Response Division Notifications

This objective contains three sub-objectives assessing notifications to and from RACR. Notifications to RACR allow the area of occurrence to handle the incident while RACR notifies the appropriate responding investigative and administrative entities.

Objective No. 2(a) – Area Watch Commander’s Notification to Real-Time Analysis and Critical Response Division

Criteria

Department Manual, 2nd Quarter 2016, Vol. 3, “Management Rules and Procedures,” Section 794.35, “Categorical Use of Force – Notifications,” states:

The Area watch commander/Incident Commander is responsible for making the following notifications within 30 minutes of learning that a CUOF incident has occurred:

- Real-Time Analysis and Critical Response Division (RACR);
- Area commanding officer of the Area of occurrence; and,
- Bureau commanding officer of the Area of occurrence.

Note: In such instances where the notification is beyond the 30 minutes, the justification must be documented in the Watch Commanders Daily Report, Form 15.80.00.

Audit Procedures

Audit Division identified 97 CUOF incidents from January 1, 2015 through December 31, 2015, that required notifications for this objective. Audit Division randomly selected a statistically valid sample from the population, yielding 49 incidents.⁴ Auditors reviewed RACR Incident Notification Logs, FID Control Logs, and the WCDRs. The Department met the standard if documentation showed the Area watch commander/Incident Commander notified RACR within 30 minutes of learning a CUOF incident occurred, or if notification was beyond 30 minutes, justification was documented on the WCDR.

Findings

Thirty-eight (78%) of the 49 CUOF incidents met the standard for this objective. Table No. 2 details 11 incidents that did not meet the standard for this objective. None of the 11 findings had any documentation to indicate extenuating circumstances precluding the requirement.

Table No. 2 – Watch Commander’s Notifications Exceeding Thirty Minutes

Area/division	1-30 minutes over	31-60 minutes over	Exceeded 60 minutes
Central	(1) OIS ⁵ Hit		
Southwest	(1) OIS Hit	(1) OIS No-Hit	
77 th Street		(1) OIS No-Hit	
Van Nuys		(1) OIS Hit	
Foothill	(1) ICD ⁶		
North Hollywood	(1) OIS Hit		(1) Carotid Restraint
Mission	(1) OIS Hit ⁷		
Pacific		(1) OIS Hit	
Gang and Narcotics		(1) OIS No-Hit	

Objective No. 2(b) – Real-Time Analysis and Critical Response Notifications to Force Investigation Division, Chief of Police, Chief of Staff, and Office of the Inspector General

Criteria

Department Manual, 2nd Quarter 2016, Vol. 3, “Management Rules and Procedures,” Section 794.35, “Categorical Use of Force – Notifications,” states:

⁴A one-tailed test with a 95 percent confidence level and a four percent error rate yielded a statistically valid random sample of 49 incidents. Testing results from the statistically valid sample can be projected to the population.

⁵OIS is the abbreviation for *Officer Involved Shooting*.

⁶ICD is the abbreviation for *In-Custody Death*.

⁷This incident had a conflict in notification times per the WCDR and RACR Incident Notification Logs that AD was unable to explain.

Real-Time Analysis and Critical Response Division is responsible for making the following notifications within 20 minutes of being notified by the Area watch commander/Incident Commander that a CUOF incident has occurred:

- Force Investigation Division (or the designated on-call FID team during non-business hours);
- Office of the Chief of Police or his designee;
- Chief of Staff; and,
- Office of the Inspector General (OIG) on behalf of the Board of Police Commissioners.

Audit Procedures

Audit Division reviewed the RACR Incident Notification Logs from the 49 CUOF incidents (196 notifications) identified in Objective No. 2(a) to determine if RACR notified FID, COP, COS and OIG within the required 20 minutes. The Department met the standard if documentation indicated RACR notified FID, COP, COS and OIG within the required 20 minutes.

Findings

One hundred ninety-five (99%) of the 196 notifications met the standard for this objective. One notification to OIG regarding an OIS-Hit exceeded the 20-minute requirement by ten minutes.

Objective No. 2(c) – Real-Time Analysis and Critical Response Notifications to the Commanding Officer of Professional Standards Bureau, Involved Employee's Commanding Officer, Department Risk Manager, and Los Angeles County District Attorney's Office

Criteria

Department Manual, 2nd Quarter 2016, Vol. 3, "Management Rules and Procedures," Section 794.35, "Categorical Use of Force – Notifications," states:

As soon as possible after being notified of a CUOF incident, but not required within 20 minutes, RACR is responsible to make notifications to the following entities:

- Commanding Officer, Professional Standards Bureau;
- Involved employee(s) commanding officer;
- Department Risk Manager; and,
- Los Angeles District Attorney's Office for those cases identified in the roll out protocol governing such notifications.

Audit Procedures

Audit Division reviewed the RACR Division Incident Notification Logs from Objective No. 2(a) and 2(b) CUOF incidents. RACR could not locate one of the 49 logs, therefore 48 logs were

assessed. The Department met the standard if auditors found documentation indicating RACR notified the CO, PSB, Involved Employee's CO, Department Risk Manager (DRM) and, when applicable, the Los Angeles District Attorney's Office (LADA), totaling 192 notifications.

Findings

One hundred eighty-five (96%) of the 192 notifications met the standard for this objective. Table No. 3 details the seven incidents with no indication of notifications.

Table No. 3 – Real-Time Analysis and Critical Response Notifications to the Commanding Officer of Professional Standards Bureau, Involved Employee's Commanding Officer, and Department Risk Manager

Entity	Not Documented
CO, PSB	(1) K9 Contact (3) OIS Hit
Involved Employee's CO	(1) ICD (1) OIS Hit
Department Risk Manager	(1) CRCH ⁸

Objective No. 3 - Use of Force Review Board

This objective contains two sub-objectives assessing the completion and timeliness of correspondence related to the return to field duty for employees involved in certain CUOF incidents.

Criteria

Department Manual, 2nd Quarter 2016, Vol. 3, "Management Rules and Procedures," Section 794.40, "Return to Field Duty of Employees Involved in an Officer-Involved Shooting Resulting in Injury or a Categorical Use Of Force Resulting in Death Or The Substantial Possibility Of Death," states:

Within 30 calendar days of the incident, the commanding officer of the employee who is involved in an officer-involved shooting resulting in an injury to any person or a Categorical use of force resulting in death or the substantial possibility of death shall submit a Form 15.02.00 via the chain of command to the Chair of the Use of Force Review Board confirming compliance with these guidelines. The Form 15.02.00 shall include:

- The date of the incident;
- The date of the officer's BSS visit (if applicable);
- The date of the commanding officer's consultation with BSS (if applicable);
- The recommendation of BSS regarding the duty status of the involved employee (if applicable);

⁸CRCH is the abbreviation for *Carotid Restraint Control Hold*

- The commanding officer's recommendation as to an employee's readiness and suitability to return or not return to field duty status shall be based on an employee interview, BSS recommendation, TEAMS II review, and Chief of Police approval;
- The dates that approval was obtained from the bureau commanding officer, Assistant Chief and Chief of Police to return the employee to field duty;
- The date the officer(s) was returned to field duty, if such a determination was made;
- The specific assignment(s) of the involved employee on each of the dates prior to the officer being returned to field duty; and,

Note: If the involved employee has not returned to field duty within 30 calendar days of the incident **due to the recommendation of BSS or non-approval by the Chief of Police**, an additional Form 15.02.00 shall be submitted every 30 days thereafter indicating specific assignment(s) of the involved employee pending his/her return to field duty until approved for return to full duty.

- Any duty restrictions attached to the return to field duty determination.

Objective No. 3(a) – Completion of Correspondence

Audit Procedures

Audit Division examined Intradepartmental Correspondence (Correspondence), Form 15.02.00, submitted to the Use of Force Review Board (UOFRB) for officers involved in CUOF incidents from January 1, 2015 through December 31, 2015. With guidance from the Use of Force Review Division (UOFRD), auditors identified 49 CUOFs involving 86 employees requiring a Correspondence to the UOFRB.

The Department met the standard if the Correspondence contained all the required information.

Findings

Eighty (93%) of the 86 required Correspondence met the standard for this objective. Table No. 4 details the six that did not meet the standard.

Table No. 4 – Discrepancies with the Correspondence to Use of Force Review Board

Area	Missing Assistant Chief Approval	Missing Specific Daily Assignments	Unable to Locate
Northeast			(1) OIS Non-Hit
Van Nuys			(2) OIS Hit
Foothill			(1) OIS Hit
Mission	(1) OIS Hit		
Wilshire		(1) OIS Hit	

Objective No. 3(b) – Timeliness of the Correspondence

Audit Procedures

Of the 49 CUOF incidents involving 86 employees from Objective No. 3(a), AD assessed 46 incidents involving 82 employees for Objective No. 3(b).⁹ The Department met the standard if each Correspondence was submitted to the UOFRB within 30 calendar days of the CUOF incident.

Findings

Sixty-nine (84%) of the 82 required Correspondence met the standard for this objective. Table No. 5 details the thirteen that did not.

Table No. 5 – Timeliness of Correspondence to Use of Force Review Board

Area/Division	Exceeded by 1-30 Days	Exceeded by 31-60 Days	Exceeded 60 Days
Central	(3) OIS Hit		
Harbor	(2) OIS Hit		
Southwest			(2) OIS Hit, (1) OIS Non-Hit
Wilshire			(1) OIS Hit
Metropolitan	(2) OIS Hit		(2) OIS Hit

Objective No. 4 – Disciplinary Categorical Uses Of Force

This objective contains four sub-objectives assessing the completion and timeliness of actions following CUOF incidents. The objective involves a population of CUOF incidents that were closed and adjudicated from January 1, 2015, through December 31, 2015 with findings of Administrative Disapprovals.

Objective No. 4(a) – Timely Completion of Required Update Training

Criteria

Department Manual, 2nd Quarter 2016, Vol. 3, “Management Rules and Procedures,” Section 796.35, “Procedures for Coordinating Directed Training,” states:

The Area/division commanding officer of any employee who substantially involved in a Categorical Use of Force (CUOF) incident, animal shooting, non-tactical/accidental or negligent discharge of a firearm shall: . . .

⁹In the previous objective, Correspondence for three incidents involving four employees could not be located.

- Ensure the substantially involved employee(s) receives a training update as directed within 90 days following the incident, or prior to the involved officer(s) return to field duties, if applicable:

Audit Procedures

Audit Division received a UOFRD data run containing 23 CUOF incidents involving 42 employees that were closed and adjudicated from January 1, 2015, through December 31, 2015. Of 42 employees with Administrative Disapprovals, nine were not identified at the onset of the investigation as being involved. Auditors reviewed the TEAMS II reports of the remaining 33 employees.

The Department met the standard if the employee's TEAMS II report contained documentation showing the Training Update course was completed within 90 days following the incident or prior to the involved employee's return to field duties.

Findings

Thirty-two (97%) of 33 employees met the standard for this objective. One lacked the Training Update documentation within TEAMS II (FID 072-14 – Van Nuys Area).¹⁰

Objective No. 4(b) – Completion of Required Tactical Debrief Training

Criteria

Department Manual, 2nd Quarter 2016, Vol. 3, "Management Rules and Procedures," Section 792.15, "Tactical Debrief," states:

A Tactical Debrief shall be conducted for all CUOF incidents within 90 calendar days of the conclusion of the BOPC review process.

During the adjudication process, the UOFRB, COP, and BOPC may identify areas of conduct that should be included during the Tactical Debrief. After the adjudication, Use of Force Review Division (UOFRD) shall compile the list of issues to be debriefed and provide it to the CUOF Debrief Facilitator.

The Categorical Use of Force Debrief Facilitator shall conduct the Tactical Debrief with the personnel involved in the CUOF incident. The Categorical Use of Force Debrief Facilitator shall be responsible for presenting the fact pattern of the case and leading a facilitated discussion on the training, tactics, force, and leadership issues applicable to the incident. The Categorical Use of Force Debrief Facilitator will present those tactical practices identified by the adjudication process as "strengths" and "lessons learned" so

¹⁰Per an update AD performed February 2017, the Van Nuys Area officer's TEAMS II report indicated the training has not been completed. It was also confirmed with Van Nuys Area Training Coordinator that the employee did not complete the training.

that future practices, policies, or procedures can be enhanced. The Tactical Debrief shall provide training in the areas of drawing and exhibiting a firearm and use of force.

Audit Procedures

Audit Division assessed 23 CUOFs involving 42 employees from Objective No. 4(a). The Department met the standard if auditors found documentation in the employee's TEAMS II report showing the Tactical Debrief was completed within 90 days after the Board of Police Commissioners (BOPC) review process.

Findings

Thirty-six (86%) of the 42 employees met the standard for this objective. Table No. 6 details five employees lacking Tactical Debrief documentation, and one (Southwest, OIS Hit) who completed the Tactical Debrief 121 days after the BOPC review process.

Table No. 6 –Tactical Debrief Training Findings

Area	No Documentation of Tactical Debrief	Update Performed February 2017 on Completion of Tactical Debrief	Completed Tactical Debrief that Exceeded 90 Days
Central	(1) OIS Hit	(1) Debrief completed, however it exceeded the 90-day requirement by 511 days. There were no extenuating circumstances explaining the extended delay.	
Southwest	(2) OIS Non-Hit	(2) Tactical Debrief completed within the 90-day requirement.	(1) OIS Hit ¹¹
Southeast	(1) OIS Unintentional Discharge	(1) Tactical Debrief has not been completed per TEAMS II Report	
Hollywood	(1) OIS Hit	(1) Tactical Debrief completed within the 90-day requirement.	

Objective No. 4(c) – Completion and/or Initiation of Administrative Disapproval Remedial Actions – Performance Assessment Only

Criteria

Department Manual, 2nd Quarter 2016, Vol. 3, "Management Rules and Procedures," Section 792.20, "Administrative Disapproval (Tactics, Drawing and Exhibiting Or Use Of Force)," states:

When the UOFRB recommends or the COP finds that an employee's actions (tactics, drawing and exhibiting, or use of force) should be classified as "Administrative Disapproval," the UOFRB will specify in writing the specific recommended remedial actions

¹¹There were no extenuating circumstances that precluded the officer from completing the training within the 90-day requirement.

and state why they expect that the remedial actions will reduce the risk of the officer repeating the disapproved behavior. Such remedial actions may include:

- Completion of Extensive Retraining;; [sic]
- Notice to Correct Deficiencies; and/or,
- Personnel Complaint.

When the BOPC concurs that a finding of Administrative Disapproval is appropriate, the matter will be referred back to the Department for the appropriate remedial action as delineated above.

The *Department Manual* does not give a timeline for remedial action to be initiated (Personnel Complaint) or completed (Extensive Retraining or Notice to Correct Deficiencies).

Audit Procedures

Audit Division assessed 23 CUOFs involving 42 employees from Objective No. 4(a). Auditors reviewed TEAMS II reports to verify whether Extensive Retraining and/or Personnel Complaints were completed or initiated. This objective was assessed for performance, not compliance.

Conclusion

Thirty-seven (88%) of the 42 employees had documentation of remedial actions. Table No. 7 details five that did not.

Table No. 7 – No Documentation of Extensive Retraining

Area	Type of CUOF
Rampart	(1) OIS Unintentional Discharge
Southwest	(1) OIS Non-Hit
North Hollywood	(2) OIS Non-Hit
Hollywood	(1) OIS Hit

Additional Information

Although completion of directed Extensive Retraining has no timeline requirement, AD noted that at the time of AD's review, five to eight months had passed since BOPC approved the above CUOF incidents.

Additionally, AD found an inconsistency between the UOFRB report and the information in UOFRD's database involving three employees from one incident.¹² The UOFRB report documented UOFRD, COP, and the BOPC's review and determinations of the actions taken of all significantly involved officers at a CUOF incident. Any remedial actions to be rendered are documented on the UOFRB report. The UOFRB report indicated the remedial action was a

¹²FID 072-14-OIS – Unintentional Discharge

Notice to Correct, while the UOFRD database indicated that the remedial action was a Notice to Correct and Extensive Retraining. Audit Division was unable to resolve the discrepancy.

Objective No. 4(d) – Completion of the Use Of Force Review Board Report

Criteria

Department Manual, 2nd Quarter 2016, Vol. 3, “Management Rules and Procedures,” Section 792.06, “Categorical Use of Force Investigation Administrative Statute Deadline,” states:

When Force Investigation Division (FID) completes its investigation, UOFRD shall conduct a review and cause a Use of Force Review Board (UOFRB) to be convened in accordance with Department Manual Section 2/092.50, Use of Force Review Board - Responsibilities. The UOFRB will submit its recommendations to the Chief of Police. The Chief of Police will submit correspondence to the BOPC, detailing the recommended administrative findings by the administrative statute deadline, unless sufficient cause exists for an extension of that deadline.

Additionally, the UOFRB shall convene and evaluate the CUOF incident. During the CUOF adjudication process, the involved employee's work and complaint histories will be reviewed. This review procedure mirrors the review requirement in Objective No. 4(a) for disciplinary CUOF incidents.

Audit Procedures

Audit Division assessed 23 CUOFs involving 42 employees from Objective No. 4(a). Auditors reviewed the UOFRB reports for employees whose CUOF actions were adjudicated by the UOFRB as Administrative Disapproval. The Department met the standard if the employee's UOFRB report was completed within a calendar year, unless an extension was approved.

Findings

Each (100%) of the 23 UOFRB reports met the standard for this objective.

Objective No. 5 – Non-Disciplinary Categorical Uses Of Force

This objective contains two sub-objectives assessing the completion and timeliness of actions following CUOF incidents for a population of CUOFs that were closed and adjudicated as non-disciplinary from January 1, 2015, through December 31, 2015.

Objective No. 5(a) – Completion of Required Training Update

Criteria

Department Manual, 2nd Quarter 2016, Vol. 3, “Management Rules and Procedures,” Section 796.35, “Procedures for Coordinating Directed Training,” states:

The Area/division commanding officer of any employee who [sic] substantially involved in a Categorical Use of Force (CUOF) incident, animal shooting, non-tactical/accidental or negligent discharge of a firearm shall:

- Identify those personnel who were substantial involved in the event;
- Attend the “Chief of Police 72-hour Briefing” if convened. At the briefing, the commanding officer shall obtain concurrence from those present, including the Personnel and Training Bureau (PTB) representative, on the tactical and training issues of the Training Update, if any training shall be completed prior to the involved officer(s) return to field duty, and the entity responsible for providing the training;
- If no “Chief of Police 72-hour Briefing” is conducted, consult with the concerned bureau commanding officer and the PTB representative to obtain concurrence on tactical and training issues of the training update, if any training shall be completed prior to the involved officer(s) return to field duty, and the entity responsible for providing the training;
- Coordinate with Use of Force Review Division (UOFRD) to ensure that the appropriate subject areas are covered;
- Ensure the substantially involved employee(s) receives a training update as directed within 90 days following the incident, or prior to the involved officer(s) return to field duties, if applicable;
- Ensure that Area/division staff does not conduct interviews of the officers to determine specific facts related to the incident but provides only a general Training Update on the identified subject matter;
- Ensure that any Training Update conducted within the Area/division subsequent to a CUOF is correctly entered into the identified employee’s Training Management System within Training Evaluation and Management System II (TEAMS II), and that the entry states TRAINING UPDATE and includes the applicable Force Investigation Division (FID) Case Number or applicable tracking number; and,
- Forward Intradepartmental Correspondence to UOFRD noting the Training Update was completed and a TEAMS II report entry was made for the concerned employee(s). A copy of the employee’s TEAMS II report reflecting the Training Update should be attached.

Audit Procedures

Audit Division examined 72 non-disciplinary CUOFs involving 293 employees presented to the UOFRB from January 1, 2015, through December 31, 2015. Of these, AD deselected employees for the following reasons: 12 retired, resigned, or were terminated; 55 were identified from TEAMS II as not involved; and 36 were identified as involved during the course of the CUOF investigation 90 days beyond the incident date. Auditors assessed the remaining 190.

The Department met the standard if documentation within the employee’s TEAMS II report indicated the Training Update was completed within 90 days after the CUOF incident.

Findings

One hundred eighty-one (95%) of 190 employees met the standard for this objective. Table No. 8 details the nine employees who did not meet the standard.

Table No. 8 – Discrepancies with Required Training Update

Area/Division	No Documentation of Training Update	Update Performed February 2017 on Completion of Training Update	Exceeded 90 Days
Northeast			(2) LERII
Newton			(1) LERII, (1) OIS - Hit
South Traffic			(1) OIS - Animal
Metropolitan	(1) OIS – No Hit, (2) K9 Contact	(3) Officers' TEAMS II reports indicated the Training Update has not been completed.	
Custody Services			(1) ICD

Objective No. 5(b) – Completion of Required Tactical Debrief Training

Criteria

Department Manual, 2nd Quarter 2016, Vol. 3, “Management Rules and Procedures,” Section 792.15, “Tactical Debrief,” states:

A Tactical Debrief shall be conducted for all CUOF incidents within 90 calendar days of the conclusion of the BOPC review process.

During the adjudication process, the UOFRB, COP, and BOPC may identify areas of conduct that should be included during the Tactical Debrief. After the adjudication, Use of Force Review Division (UOFRD) shall compile the list of issues to be debriefed and provide it to the CUOF Debrief Facilitator.

The Categorical Use of Force Debrief Facilitator shall conduct the Tactical Debrief with the personnel involved in the CUOF incident. The Categorical Use of Force Debrief Facilitator shall be responsible for presenting the fact pattern of the case and leading a facilitated discussion on the training, tactics, force, and leadership issues applicable to the incident. The Categorical Use of Force Debrief Facilitator will present those tactical practices identified by the adjudication process as “strengths” and “lessons learned” so that future practices, policies, or procedures can be enhanced. The Tactical Debrief shall provide training in the areas of drawing and exhibiting a firearm and use of force.

Audit Procedures

Audit Division examined 72 non-disciplinary CUOFs involving 293 employees from Objective No. 5(a). Thirteen officers were de-selected because they had retired, resigned, were assigned to Personnel Division-Return to Work Section, were assigned to an undercover assignment, or were terminated; 280 employees were assessed for this objective.

The Department met the standard if documentation was found in the employee's TEAMS II report indicating the Tactical Debrief was completed within 90 days after the BOPC review process concluded.

Findings

Two hundred fifty-six (91%) of 280 employees met the standard for this objective. The following table details the 24 employees who did not meet the standard.

Table No. 9 – Tactical Debrief Training

Area/Division	No Documentation of Tactical Debrief Training	Update Performed February 2017 on Completion of Training Update	Exceeded 90 Days
Central	(6) OIS - Hit	(6) Tactical Debriefs completed within the 90-day requirement.	
Hollenbeck	(1) OIS - Hit	(1) Per the officer's TEAMS II Report, training has not been completed.	(1) LERII (1) OIS - Hit
Northeast	(1) LERII	(1) Debrief completed, however it exceeded the 90-day requirement by 266 days. There were no extenuating circumstances explaining the extended delay.	
77 th Street			(1) LERII
West Valley	(1) LERII	(1) Debrief completed, however it exceeded the 90-day requirement by 23 days.	
North Hollywood			(1) LERII
Foothill	(2) OIS – Hit	(2) Debrief completed, however it exceeded the 90-day requirement by 377 and 300 days. There were no extenuating circumstances explaining the extended delay.	
Hollywood	(7) OIS - Hit	(5) Tactical Debriefs (78-14) completed within the 90-day requirement. (2) Per the officer's TEAMS II Reports (FID 76-14), training has not been completed.	
Metropolitan	(1) OIS – Hit	(1) Per the officer's TEAMS II Report, training has not been completed.	(1) OIS - Hit

Objective No. 6 – Timely Categorical Use Of Force Reports to the Board of Police Commissioners

Criteria

Department Manual, 2nd Quarter 2016, Vol. 3, "Management Rules and Procedures," Section 792.06, "Categorical Use of Force Investigation Administrative Statute Deadline," states:

To ensure that a categorical use of force (CUOF) is properly reviewed and adjudicated in a timely manner, the Chief of Police shall submit all CUOF recommended administrative findings to the Board of Police Commissioners (BOPC) by administrative statute deadline, which is 60 calendar days prior to the administrative statute date. The statute date is either one year from the date the CUOF incident is reported to a Department supervisor or the amended statute date if the statute date is tolled. If the statute date is

amended due to tolling, the Commanding Officer (CO), Use of Force Review Division (UOFRD), shall provide the BOPC with the amended statute date.

Audit Procedures

Audit Division requested a list of CUOF incidents from September 1, 2014 through August 30, 2015, for which the statute date would be 60 days beyond the audit date. Auditors identified 68 CUOFs for assessment. The Department met the standard if the UOFRB Report was forwarded from the COP to the BOPC within 60 calendar days prior to the administrative statute date.

Findings

Fifty-three (78%) of 68 CUOF incidents met the standard for this objective. The following table details 15 CUOF incidents that did not meet the standard.

Table No. 10 – Use of Force Review Board Reports to Board of Police Commissioners

CUOF Incident Type	1-30 Days Over	Exceeded 31 Days
LERII	1	1
OIS – Hit	2	2
OIS – No Hit	1	2
OIS – Unintentional Discharge	1	
ICD	1	1
K9 Contact	1	2

OTHER RELATED MATTER

Audit Division discovered a conflict among two *Department Manual* sections and an internal directive. *Department Manual*, 2nd Quarter 2016, Vol. 3, “Management Rules and Procedures,” Section 796.35, “Procedures for Coordinating Directed Training,” states it is the Area’s or Training Division’s responsibility to enter training information; however, Section 792.15, “Tactical Debrief,” states it is the CUOF facilitator’s responsibility to enter training information. Additionally, the Categorical Use of Force Special Order No. 25, 2008, General Training Update Packet provided by Use of Force Review Division to command officers includes an internal form with instructions to complete and send to the POST Unit for entering the training information.

RECOMMENDATIONS

- 1) It is recommended that Policies and Procedures Division re-visit *Department Manual*, Vol. 3, “Management Rules and Procedures,” Section 792.20, “Administrative Disapproval (Tactics, Drawing And Exhibiting Or Use Of Force),” to incorporate a 90-day timeframe for completion of remedial actions and documentation criteria subsequent to the Board of Police Commissioner’s concurrence of the findings. See Objective No. 4(c).

This recommendation will be consistent with the timeliness of the 90-day requirements for the General Training Update (subsequent to the Categorical Use of Force incident) and the Tactical Debrief (subsequent to the Board of Police Commissioner's review).

- 2) It is recommended that Policies and Procedures Division and Training Division address the conflict with the *Department Manual* and the current accepted practice of Peace Officer Standards and Training Unit being the sole entity with responsibility for entering Required Update Training.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

- 1) Audit Division validated the findings with the COs at each Area/division.
- 2) Audit Division provided a copy of the audit report to the Assistant to the Director, Office of Operations, and CO, Use of Force Review Division, who expressed general agreement with the audit findings.