Los Angeles Police Department

BOARD OF INQUIRY
into the

RAMPART AREA CORRUPTION INCIDENT

Public Report

BERNARD C. PARKS
Chief of Police

March 1, 2000

March 1, 2000
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: BOARD OF INQUIRY INTO THE RAMPART CORRUPTION INCIDENT

Honorable Members:

It is requested that the Board approve the enclosed Report of the Board of Inquiry that was convened to gather facts related to the Rampart Area corruption incident. Upon approval, the report should be forwarded to the Mayor and City Council for appropriate action. The Board of Inquiry's report contains many thoughtful short and long-term recommendations that we believe are necessary to prevent similar incidents from occurring in the future. As the City's formal budget process begins in mid-April, there is some urgency in reaching consensus on several key recommendations requiring financial support.

As we have discussed on several occasions, this is the first of at least two public reports that will be issued regarding the corruption investigation. This first report examines and analyzes the management aspects of the incident including a Departmentwide examination to determine the breadth and depth of the problem. Recognizing our responsibility to be open and candid with the public we serve, an executive summary has also been prepared and, along with the full report, is now available to the public on the Department's Web site (www.lapdonline.org). As a Board of Inquiry (BOI) is a fact-finding body, extensive follow-up investigation will be required into the personnel issues identified through the BOI process. To facilitate that effort, a complete record of the Board's findings, which includes legally-protected personnel and disciplinary issues, has been compiled and will be used to ensure those issues are addressed.

Similar to the public report we issued several years ago at the conclusion of the Fuhrman investigation, a second report will be issued after the Rampart Task Force has completed its investigation. We believe it is imperative that full and complete public disclosure occurs regarding this investigation including public disclosure of the exact nature and disposition of each allegation. Given the complexity of the Rampart investigation and the need to investigate these charges fully and thoroughly, we would expect that report to be issued in about a year. Until that time, the Department will continue to brief the Board of Police Commissioners, as well as the Mayor and City Council, regarding the investigation's progress, which is

being conducted jointly with the District Attorney's Office and the Office of the United States Attorney General.

We believe it is important to state once again, that the Los Angeles Police Department discovered this corrupt behavior and immediately initiated a comprehensive investigation into the entire matter. For almost two years now, we have committed substantial resources to that investigation and will continue to do so as the investigation progresses. At no time did we attempt to hide or keep this incident from the public. On the contrary, we made immediate and full disclosure to the Board of Police Commissioners, the Office of the District Attorney, the United States Attorney's Office, and then to the public. We continue to work hand-in-hand with the prosecutorial agencies and are submitting the results of each investigation to them for criminal filing. As I committed to the people of Los Angeles in August 1998, we will thoroughly investigate **every** criminal lead and allegation of misconduct to its appropriate disposition.

It is important to remember during this difficult time that the vast majority of our officers are hard working, honest and responsible individuals who come to work every day to serve their communities. However, as human beings we know that certain events indelibly alter our lives, whether we realize it at the time or not. Anyone who has experienced the death of a child, or suffered through the humiliation of being victimized by a violent crime, knows they can never again look at the world in the same way. Organizations too have those defining moments and the events that have been uncovered in Rampart will and should be just such a life-altering experience for the Los Angeles Police Department. The men and women who chose to involve themselves in this disgraceful activity will be dealt with. But, we as an organization must recognize that, while they individually and collectively provided the motivation, we as an organization provided the opportunity. Our failure to carefully review reports, our failure to examine events closely to identify patterns, our failure to provide effective oversight and auditing created the opportunity for this cancer to grow. So, as tempting as it may be to declare the battle over and the war won, we must never forget that this occurred and be ever vigilant that we **never** allow the opportunity for this to occur again.

BERNARD C. PARKS
Chief of Police

Enclosures

PREFACE

In 1996, the Department of Justice convened the National Symposium on Police Integrity. The 200 participants in this three-day meeting included police chiefs, sheriffs, police researchers, members of other professions, and community leaders. In addition to the United States, there were representatives from the United Kingdom, the Netherlands, Sweden, Belarus, Nicaragua, Haiti, El Salvador, and Honduras. The results of that symposium were published in January 1997 and included the thoughts and observations of many national leaders from Attorney General Janet Reno to Dr. Vicchio, a professor of philosophy at the College of Notre Dame in Baltimore[1].

Though there are a number of interesting and insightful viewpoints expressed in that publication, there is one in particular which is most relevant to the issues at hand. That observation came from Captain Ross Swope, Metropolitan Police Department, Washington, D.C. At the heart of Captain Ross Swope's remarks was a simple yet profound observation that:

> "The major cause in the lack of integrity in American police officers
>   is mediocrity."

Captain Swope went on to explain that mediocrity stems from the failure to hold officers responsible and accountable. It comes from a lack of commitment, laziness, excessive tolerance and the use of kid gloves. He felt that dealing with mediocrity is perhaps the greatest contemporary challenge to American law enforcement.

When asked to explain how mediocrity is dangerous, Captain Swope drew an analogy of the bell curve. At the high end of the bell curve are those officers who practice all the core values: prudence, truth, courage, justice, honesty and responsibility. At the other end, are the officers with few of those values. In the large middle are those officers who have some or most of the core values. The extent of moral influence in a police department depends on the extent to which the lower and upper portions influence those in the middle. The men and women who control that influence are sergeants, lieutenants and captains. The irony is that everyone within a work place knows full well which of the three categories their co-workers fall into. When officers in the middle see that officers at the bottom end are not dealt with, they sometimes begin to imitate their behavior. Similarly, when those at the top end are recognized and rewarded, they become the workplace standard. The principal, though not exclusive, agents in encouraging top-end or allowing bottom-end behaviors are supervisors and middle managers. It is our sergeants, lieutenants and captains who have the daily and ongoing responsibility to ensure that the appropriate workplace standards are maintained. However, that observation in no way relieves upper managers from their responsibility to ensure that proper standards are being maintained in their subordinate commands by providing appropriate guidance, exerting their oversight responsibility and honestly evaluating the effectiveness of the commands for which they are ultimately responsible.

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[1] "Police Integrity, Public Service with Honor" U.S. Department of Justice, January 1997

As you read this report from the Board of Inquiry, keep Captain Swope's observations in mind for we found, and you will see, that mediocrity was alive and well in Rampart up until about 1998. We are sad to report that we also found mediocrity threatening to engulf many of our other workplace environments as well. This is not to say or imply in any way that corruption is occurring throughout the Department, for we do **not** believe that is the case. However, there are strong indicators that mediocrity is flourishing in many other workplaces and the mindset of too many managers and supervisors is allowing it to occur. Rather than challenging our people to do their best, too many of our leaders are allowing mediocre performance and, in some cases, even making excuses for it.

If Captain Swope is correct in his observation that corruption follows mediocrity, and we believe that he is, then we must begin immediately to instill a true standard of excellence throughout the Department. In most cases, this will not require new programs or approaches to police work. However, it will require the scrupulous adherence to existing policies and standards, the ability to detect any individual or collective pattern of performance which falls short of that expectation, and the **courage** to deal with those who are responsible for those failures. Anything less will surely allow another Rampart to occur.

In conclusion, we would like to express our gratitude to the leadership of the subcommittees and work groups as well as the over 300 men and women who worked so tirelessly in conducting this Board of Inquiry. Tens of thousands of documents were meticulously reviewed and hundreds of interviews conducted. In many cases, this was done while people continued to fulfill the responsibilities of their primary assignment. We would also like to express our sincere appreciation to the nearly seventy men and women currently assigned to the criminal and administrative task forces pursuing the Rampart corruption investigation. Obviously, their story of dedication and tremendous personal sacrifice cannot be told now, but we are confident they will receive the recognition so clearly due them.

Deputy Chief Michael J. Bostic   Police Administrator II William R. Moran
Chair, Board of Inquiry   Associate Member, Board of Inquiry

Deputy Chief Maurice R. Moore   Commander Daniel R. Koenig
Associate Member, Board of Inquiry   Assistant to the Board of Inquiry

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CHAPTER 1

INTRODUCTION

BACKGROUND

In late 1997 and early 1998, three incidents occurred in which Los Angeles Police Officers were identified as suspects in serious criminal activity. The incidents began on November 6, 1997, when three suspects robbed a Los Angeles Bank of America. The investigation into that robbery led to the arrest of Officer David Mack, who was assigned to West Los Angeles Area at the time, and his girlfriend, an employee of the bank. The second incident occurred on February 26,1998, and involved the false imprisonment and beating of a handcuffed arrestee at the Rampart Substation. The officer who beat the suspect was Rampart CRASH Officer Brian Hewitt. Two other CRASH officers, one of whom was Ethan Cohan, were present and acquiesced to the beating. The third incident involved the March 2,1998, theft of three kilograms of cocaine from the Department's Property Division. The investigation into that theft led to the arrest of Officer Rafael Perez, who was assigned to Rampart CRASH.

The investigations into these incidents disclosed that the suspect officers were closely associated either as working partners or close friends, and all but one of them were assigned to Rampart Area. The only exception, David Mack, had previously been assigned to Rampart and was a close friend of Rafael Perez. Due to the seriousness of the criminal activity, commonality among the officers and potential for involvement of more Department employees, Chief of Police Bernard C. Parks formed a special criminal Task Force in May 1998 to investigative these incidents.

The Bank Robbery

On November 6, 1997, at approximately 0920 hours, two suspects entered the Bank of America, 985 West Jefferson Boulevard, Los Angeles, posing as customers. One of the suspects pulled a gun and confronted Errolyn Romero, the Bank's Customer Service Manager. The suspect walked Romero to the vault area where two other bank employees were working. The suspect pointed his gun at the employees and demanded money that had been delivered earlier by an armored carrier. The suspect then grabbed three plastic bags containing $722,000 and left the bank along with his accomplice. The two suspects ran to a white van driven by a third suspect and escaped before the police arrived.

The preliminary investigation conducted by Robbery Homicide Division's Bank Detail disclosed that Errolyn Romero had ordered $722,000 the day before the robbery. Her order was suspicious because it generated a large amount of unnecessary currency in the bank and her order was for unusual denominations. Romero and the other two bank employees who had been confronted by the suspects agreed to take a polygraph examination. On December 9, 1997, the other two employees were examined and showed "no deception" as to the relevant questions asked. On December 16, 1997, Errolyn Romero took the polygraph examination which showed her to be "deceptive." During subsequent interviews, Romero admitted her role in the robbery and

identified her boyfriend, Officer David Mack, as one of the men who robbed the bank. The LAPD detectives subsequently arrested Mack and Romero for the bank robbery. On December 17, 1997, the case against Mack and Romero was submitted to the Assistant United States Attorney who filed a federal complaint charging Mack and Romero with armed bank robbery.

During the follow-up investigation, it was determined that Mack traveled to Las Vegas, Nevada, two days after the robbery. On that trip, he was accompanied by two of his best friends, Officer Rafael Perez and another officer, both of whom were assigned to Rampart Area. Interviews with Perez and the other officer did not provide any pertinent information regarding the bank robbery. However, their interviews would become significant later as Perez' own criminal activity came to light.

At the time of this report, Officer David Mack has resigned from the LAPD, been convicted of the bank robbery and was sentenced to 14 years and 3 months in federal prison. His girlfriend and accomplice, Errolyn Romero, received a 2½-year sentence in federal prison and was ordered to pay restitution in the amount of $722,000. The investigation continues into the identification of Officer Mack's other accomplices and location of the bank's money.

False Imprisonment and Beating of an Arrestee

In the evening of February 26, 1998, Rampart CRASH Officers Brian Hewitt and Daniel Lujan detained two 18th Street gang members for alleged CYA parole violations. After searching and handcuffing the two men, the officers drove the suspects to their cars several blocks away where they searched both of their vehicles and confiscated some personal property from one vehicle. The officers transported the men to the Rampart Substation and placed them in separate interview rooms.

A short time later, Hewitt entered one of the rooms and demanded that the man give him information about gang activity. When the man refused to cooperate, Hewitt choked and beat him until he vomited blood. Lujan and another officer were aware of the beating, but released the man from the Substation without reporting it or providing him with medical treatment. The man subsequently checked into a hospital and the Department was notified of his allegations. A preliminary personnel investigation was conducted during which numerous items of evidence including blood samples from inside the interview room were recovered. Administrative charges were brought against all three officers for the beating and cover-up of the incident. Officers Hewitt and Cohan were eventually terminated at separate Boards of Rights; but, a third Board found the other officer not guilty. (In Los Angeles, a three-member Board of Rights, composed of two staff or command officers and one community member, hears allegations of major misconduct. Each accused officer may select a separate Board and the Chief of Police may impose no greater penalty than the Board recommends.) On two occasions, a criminal filing has been sought against Hewitt, but the case was rejected both times by the District Attorney's Special Investigations Section due to insufficient evidence to convict. The District Attorney's Office is now considering the case for a third time. Criminal filing was also sought from the State Attorney General, but rejected there as well.

Theft of Cocaine

On March 27, 1998, Property Division personnel notified their commanding officer of a problem with three kilograms of cocaine that had been checked out for court. Property Division records showed that an officer had signed out three kilograms of cocaine for court on March 2, 1998. When the cocaine or a receipt from the court was not returned to Property Division, a notice was sent to the officer's command. The officer came to Property Division in response to the notice and disavowed any knowledge of the cocaine. The Property Officer who handled the original transaction was working and verified that this was not the same person who had checked out the cocaine.

A personnel investigation was initiated and it was soon discovered that there was no reason for the cocaine to be checked out in the first place as the court case had already been adjudicated. An extensive audit of both Property and Scientific Investigation Divisions was conducted to determine if the item was truly missing and if any other items may have been tampered with. This required the auditors to personally inspect over 200,000 items of property and track each item back to the time it was first booked into Property Division. The investigation soon focused on Officer Rafael Perez, who was assigned to Rampart CRASH. Perez had been loaned to narcotics for six months just prior to the theft and knew about the three kilograms of cocaine from that assignment. On August 17, 1998, the District Attorney filed one count of Possession of Cocaine for Sale, one count of Grand Theft, and one count of Forgery against Rafael Perez. The Task Force arrested Perez on August 25, 1998. On December 7, 1998, Rafael Perez' trial began, but a mistrial was declared when the jury became deadlocked eight to four in favor of a guilty verdict.

Re-trial was scheduled for March 30, 1999. Investigative efforts during and after the first trial produced evidence that Perez was responsible for additional thefts of cocaine from Property Division. He was also identified as being closely associated with known narcotics dealers and some of his past arrestees claimed that he and his partner had planted evidence on them. One of the known narcotics dealers was eventually identified as having gone to Las Vegas with Perez, Mack and a third officer immediately after Mack's bank robbery.

As the evidence mounted, Perez, through his attorney, offered to plead guilty to the charges and cooperate with Task Force detectives in exchange for a reduced prison sentence. Just prior to the scheduled start of the second trial in September 1999, the District Attorney and defense agreed to a reduced prison sentence for Perez in return for his guilty plea and cooperation in providing information to the Department on corruption activities at Rampart. Perez' sentencing is being held in abeyance and is contingent upon his truthful cooperation.

TASK FORCE STAFFING

Prior to the formation of a Task Force, the investigation into these matters was conducted using the Department's regular organizational structure for investigating criminal allegations. In May 1998, these investigations were re-assigned to a Task Force which was assembled to investigate any criminal and significant administrative charges which may arise. Other allegations of misconduct are being investigated by Internal Affairs Group. Due to the nature of the criminal

activity involved, personnel selected for the Task Force possess a variety of experiences including the investigation of major crimes and police misconduct cases. Task Force staffing levels and Department entities assigned to assist them are as follows:

May 1998

When the Task Force was activated, it consisted of eleven officers: a commander, a lieutenant, a sergeant and eight detectives.

July 1998

Two additional Detectives I were added bringing the Task Force up to 13 full time personnel. Resources from law enforcement entities outside the LAPD were added for technical assistance and specialized Department entities were assigned specific support missions such as surveillance missions conducted by the Department's Special Investigation Section (SIS), with support from Air Support Division.

August 1998

Though the Task Force remained at 13 full-time personnel, significant additional resources were utilized during this period on a mission-specific basis. The SIS detectives continued to support the Task Force with surveillance missions along with IAG's Special Operations Section. Three additional detectives assisted with search warrant service and Metropolitan Division's SWAT personnel assisted in the service of high-risk search warrants. In addition, six detectives and a police officer assisted with various specialized aspects of the investigation.

September 1998

After Rafael Perez' arrest, four additional detectives were added to the Task Force bringing its strength to 17 officers.

September 1999

After Perez began to provide information to the Task Force in September 1999, the Task Force was expanded once again with four additional personnel. As of January 2000, the Task Force is staffed by a commander, a lieutenant, four sergeants, fourteen detectives, and a police officer, for a total of 21full-time personnel. As this case continues to progress, staffing will be adjusted to ensure that a full and complete investigation is conducted into this entire matter.

BOARD OF INQUIRY

On September 21, 1999, Chief Parks convened a Board of Inquiry (BOI) to assess the totality of the Rampart corruption incident without infringing on the work of the Task Force. The Board consisted of Deputy Chief Michael Bostic, as Chair, Police Administrator II William Moran and Deputy Chief Maurice Moore, Associate Board Members, and Commander Daniel Koenig, Assistant to the Board. The Board was comprised of seven subcommittees and two work groups.

Each of those entities was chaired by a staff officer who selected his or her own committee staff. This resulted in a cross section of over 300 people becoming involved in the BOI process. Each subcommittee and work group investigated the issues within their area of responsibility and reported their findings to the Board. Following are the subcommittees and work groups and a brief description of their responsibilities.

Working Group Profiling the Involved Officers

This working group was led by Commander Betty Kelepecz, Personnel Group. This work group developed a complete profile of fourteen officers who were initially identified as possibly involved in this incident. (At the time of this report, no charges have been filed against most of these officers.) This included a thorough examination of the officers' pre-employment information as well as their complete work histories. It also included a full review of the Department's hiring standards and process. Their findings are reported in Chapter 2.

Subcommittee on Work Product Analysis

This subcommittee was chaired by Commander Garrett Zimmon, Transit Group. His subcommittee conducted a complete analysis of the officers' prior cases. In addition, they conducted a random sample of other specialized units throughout the Department to determine if similar patterns were present. The findings of this subcommittee are reported in Chapter 3.

Subcommittee on Rampart Management and Supervision

This subcommittee was chaired by Deputy Chief Carlo Cudio, Operations-South Bureau. Members of this subcommittee interviewed key managers and supervisors who were assigned to Rampart from 1994 to 1999. Their mission was to identify Rampart's management and supervisory profile during that period and to determine what, if any, corruption prevention and/or detection systems were in place. This included examining the level of oversight provided by Operations Central Bureau. The findings of this subcommittee are reported in Chapter 4.

Working Group on Risk Management Profile of Rampart

This working group was led by Commander David Doan, Employee Relations Group. This work group examined an operational command's four primary areas of risk management—personnel complaints, uses of force, pursuits and traffic collisions—to determine what, if any, patterns existed in Rampart from 1994 through 1999. Their findings are reported in Chapter 5.

Subcommittee on Department Operations Systems

This subcommittee was chaired by Deputy Chief Charles Dinse, Operations-West Bureau. They reviewed the existing management and organizational structure for Areas and geographic bureaus to determine its effectiveness. They also examined the use of specialized units within Area commands as well as operational systems such as evidence control, booking and report approval, search warrant review, informant control, personnel evaluations, supervisory deployment, and management control systems. Their findings are reported in Chapter 6.

Subcommittee on Administrative Investigations

This subcommittee was chaired by Commanders Willie Pannell, Training Group, and Scott LaChasse, Criminal Intelligence Group. This subcommittee was tasked with examining the way in which supervisors prepare and managers review non-disciplinary administrative investigations including uses of force, pursuits and employee-involved traffic collisions. This included existing audit mechanisms designed to ensure the credibility of those reviews. Their findings are reported in Chapter 7.

Subcommittee on Officer-Involved Shooting Investigative Protocol

This subcommittee was chaired by Commander James McMurray, Internal Affairs Group. This subcommittee's mission was to examine the way in which the Department responds to and investigates (criminally and administratively) all officer-involved shooting incidents including supervisory response, management oversight and evidentiary support. The findings of this subcommittee are reported in Chapter 8 of this report.

Subcommittee on Corruption Investigative Protocol

This subcommittee was chaired by Commander Margaret York, Detective Services Group. Their mission was to identify a suitable protocol for handling major personnel investigations including cooperation with and notification to other law enforcement agencies, methods to determine breadth and depth of the problem, investigative oversight, and on-going case-management review to ensure investigative integrity. Their finding are reported in Chapter 9.

Subcommittee on Police Integrity Systems

This subcommittee was chaired by Deputy Chief Gregory Berg, Operations-Central Bureau. They conducted an internal review of our existing corruption-prevention systems as well as a nationwide review of corruption-prevention practices to identify the "best practices." Their findings are reported in Chapter 10.

Conclusions and Recommendations

After reviewing the work of the subcommittees and working groups, the Board of Inquiry came to its own conclusions and made recommendations regarding a variety of issues. The Board's conclusions and recommendations are contained in Chapter 11.

CHAPTER 2

OFFICER PROFILES

During Perez' initial interviews, he implicated several present and former members of the Rampart CRASH unit in criminal acts and serious acts of misconduct. For this chapter, an employee profile was developed for Perez and thirteen other officers initially identified by Perez. Preparation of these profiles was assigned to Commander Betty Kelepecz, Commanding Officer, Personnel Group. Working with her staff, the following documents were examined:

- Pre-employment Background Package
- Pre-employment psychological profiles
- Department and Divisional Personnel Package
- Personnel Evaluation Reports
- TEAMS Reports
- Personnel Complaints
- Use of Force Reports
- Work Permit History Sheets

Many of these records are protected under a variety of State and federal laws that prohibit public dissemination of the information they contain. For example, California Penal Code section 832.7 states, in pertinent part, "Peace officer personnel records and records maintained by any state or local agency pursuant to Section 832.5 [relating to the investigation of internal complaints], or information obtained from those records are confidential…." There are narrow exceptions to this law. One such exception allows an agency to "disseminate [certain] data…if that information is in a form which does not identify the individuals involved."

Therefore, the information in this chapter is presented in a generic, summary form. In order to prevent linking events to a particular officer, all references to "he" may also include "she." While names and other identifying information are not provided, the issues that arose in developing these profiles are discussed in detail. It is important to keep in mind that most of these officers have <u>not</u> been charged with misconduct. Therefore, protecting their privacy as well as that of community members whose names appear in some documents is of paramount importance to the Board.

PRE-EMPLOYMENT PROFILES

Twelve of the officers were males and two were females; six were Caucasian, five were Hispanic, two were Black and one was Asian. One officer had a baccalaureate degree; four had at least two years of college; five had some college, but less than two years; and, four had high school only. Six of the officers had prior military experience, four in the Marine Corps, one in the Army and one in the Air Force.

Hiring Issues

A brief discussion of the City's hiring process for police officer applicants is important to understanding this section. (A more detailed discussion is provided in the "Conclusions and Management Insight" section at the end of this chapter.) Most applicants to the Los Angeles Police Department are required to pass a written test. The only exception is "police specialist" applicants who are already peace officers with another department in California. (The written test exemption for college graduates was eliminated in 1986.) Candidates who pass the written test are interviewed by a panel, usually consisting of an LAPD supervisor and an interview specialist from the Personnel Department. Each candidate receives a numeric score for the interview which places him or her on a civil service list. As a candidate's numeric score is approached on a list, the candidate is scheduled for a medical examination, psychological assessment and background investigation. In the background stage, there are nine areas in which a candidate can be disqualified:

- Employment Record
- Respect for the Law
- Honesty
- Respect for Others
- Mature Judgment
- Military Record
- Financial Record
- Driving Record
- Use of Drugs/Intoxicants[1]

If no problems arise during the medical, psychological or background screening, the candidate becomes eligible for appointment. If an issue arises, the Police Department may only make a recommendation to the Personnel Department regarding a candidate's suitability to be a police officer. The Personnel Department decides if the information is sufficient to disqualify the candidate and may accept or reject the Police Department's recommendation. In the alternative, the Personnel Department may decide to "defer" the candidate until additional information can be obtained and/or tests administered. A candidate who is disqualified may appeal his or her disqualification to the Board of Civil Service Commissioners, which makes the final decision.

Once Personnel Department approves a candidate for selection, the Police Department has the authority, under the Rule of Three Whole Scores, to select the candidates it believes are most qualified. However, that process has its mathematical limitations with respect to candidates whose recommended disqualification is rejected. Due largely to prior court actions, the City has five civil service hiring selection lists for police officer candidates: Black, Hispanic, female, bilingual Asian/Pacific Islander, and all others. When selecting members of an Academy class, the Police Department has the authority to "non-select" a maximum of five candidates per list.

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[1] On January 11, 1991, the Civil Service Commission added "Use of Drugs/Intoxicants" as a separate (9th) category. Prior to that, a candidate's use of drugs and intoxicants was addressed under the category of Mature Judgement. This addition did not alter the hiring standards, but did capture disqualification factors more accurately.

If there are more than five candidates on a list who have negative background issues but have not been disqualified, the Police Department can either decline to select the five worst candidates and hire the remaining questionable candidates or reduce the class size so that no unacceptable candidate is appointed.

Of the 14 officers, four had questionable issues in their pre-employment background which strongly indicate they never should have been hired as Los Angeles Police Officers. Those four officers were hired in 1988, 1989, 1990, and 1994, and three of them have since been fired for felonious conduct. The officer hired in 1988 had been arrested as an adult for grand theft. The incident occurred when he struck a public bus driver during a dispute over a transfer. When the driver's watch fell to the ground, the officer picked it up and began walking away, which resulted in his arrest. The Department did not recommended his disqualification or deselect him under three whole scores. The officer hired in 1989 admitted losing his temper during arguments with his wife and pushing her on six different occasions. He was psychologically deferred due to "temperament/impulse control." However, he was eventually cleared for hiring by the Personnel Department psychologist.

The officer hired in 1990 had been arrested three times before he became an officer at the age of 24. As a juvenile, he was arrested for stealing hubcaps. As an adult, he was arrested and convicted of driving under the influence (DUI). One year before his hire, he was cited for having an open container of an alcoholic beverage in his car and was arrested for driving on a suspended license (suspended from the earlier DUI) for which he was sentenced to ten days in jail. In the military, he was disciplined for disobeying a lawful order. His background investigation disclosed that he "loses his cool very easily" over minor incidents, and acted like a "big macho man." The psychological examiner advised the Personnel Department that there was not enough negative information to warrant his disqualification.

The officer hired in 1994 sold marijuana to two other students on one occasion while he was in high school. At age 15, the police detained him for investigation of tampering with vehicles on a car sales lot. He was taken to the station and released to his parents. Those law enforcement contacts were self-admitted and nothing on his criminal history printout indicates that he was ever formally arrested. However, there is a notation in the package that "All records have been sealed" indicating that he may have had a juvenile record that could not be accessed for the background investigation. In any event, the Police Department recommended his disqualification, but it was overturned by the Personnel Department.

It is important to note that the July 9, 1991, Report of the Independent (Christopher) Commission, which will be discussed further in the conclusion to this chapter, all but predicted that a weak application of hiring standards was allowing risky candidates to become Los Angeles Police Officers.

Psychological Profile

The Police Department's Chief Police Psychologist and a representative from the Personnel Department's Occupational Health and Safety Division reviewed the pre-employment psychological data for the profiled officers. Due to issues surrounding medical confidentiality, data specific to any one

officer could not be revealed in this report. This two-member team reviewed the following material for each profiled officer:

- Pre-investigative questionnaire and background;
- Personal history questionnaire and answer sheet;
- Minnesota Multiphasic Personality Inventory (MMPI) answer sheets;
- 16 Personality Factor (16PF) answer sheets; and,
- Background summaries created for the Board of Inquiry

In some instances, the personal history questionnaire answer sheets were illegible and one 16PF could not be located. Additionally, it was discovered that the psychologist's interview notes, taken during candidate screenings, are routinely discarded. Without those notes, there was no way for a reviewer to know if critical items were discussed and rendered insignificant based on the candidate's response. In any event, a review of the psychological test data suggests that it was properly interpreted and utilized. No issues of concern were noted. However, several weeks after the Profile Work Group submitted their draft, the Board of Inquiry received a request from Sheldon Kay, Ph.D., Lead Psychologist, Occupational Health Services Division, Personnel Department, to add the following disclaimer to this section of the Board's report:

> "In addition to the fact that the review of the psychological files of the officers did not find anything that indicated that the officers were not psychologically suited for police work, it should be emphasized that the psychological selection process is not designed to identify applicants who might later become corrupt officers. In general, corrupt behavior—such as lying, stealing, framing citizens—does not signify psychological instability. Instead, such behavior can indicate a breakdown in ethics, the undue influence of peer pressure, or organizational deficiencies. For selection purposes, the best predictor of a propensity to act in unethical ways is the individual's past behavior. That is, how the individual handled ethical choices in the past. To that end, a thorough background investigation is the best method for identifying such individuals."

Appointment Dates

The following chart shows the fiscal year in which each officer was hired as well as the total number of officers hired within the same fiscal year .

Hiring Periods

Profiled Officers	Officers Hired in Same Fiscal Year
1980/81 (1)	602
1986/87 (1)	457
1988/89 (2)	768
1989/90 (3)	987
1992/93 (1)	148
1993/94 (2)	566
1994/95 (3)	928
1995/96 (1)	1,257

The Department hired 9,827 new officers between July 1, 1980 and June 30, 1999. The fewest officers (123) were hired in FY 1985/86 and the most officers (1,257) were hired in FY 1995/96. The average number of officers hired annually, from the oldest to the newest profiled officer (19 year span), is 517; the median is 545. Seven of the profiled officers were hired during three fiscal years of peak hiring. Five of the officers were hired after the Public Safety Plan went into effect in October 1993, but several of them were already in the hiring "pipeline" at the time.

RISK MANAGEMENT PROFILES

Personnel Complaints

A total of 67 personnel complaints of various types have been made against the profiled officers. Those 67 complaints resulted in 104 individual allegations, of which 6 were Exonerated, 25 Unfounded, 49 Not Resolved and 24 Sustained. Almost half of the 104 allegations were for Unbecoming Conduct and Unauthorized Force, about half of those were classified as Not Resolved. Five of the profiled officers were responsible for two-thirds of the complaints. Three of those five officers are the same officers who had questionable issues in their pre-employment packages and two of those three have been fired for felonious conduct.

There is no "benchmark" which allows a comparison of the profiled officers to a Department average, especially in the areas of personnel complaints and uses of force. Areas, duty assignments and watch hours vary so dramatically in level of activity that legitimate comparison becomes very difficult. However, recognizing that such comparison might prove instructive, Personnel Group will be working with the outside consulting firm hired to evaluate the TEAMS II project to decide how, or if, such a benchmark could be established. Nevertheless, there are patterns to these complaints that should have been recognized and addressed by Rampart management. Those patterns are discussed in the Risk Management Profile of Rampart Area, which is contained in Chapter 5.

Uses of Force

There were 111 reported non-lethal use-of-force incidents involving these 14 officers. Four of the officers accounted for 46% of these use-of-force incidents. Two of those officers, who accounted for 14 and 10 incidents respectively, are among the four officers with questionable backgrounds and they both have been fired for felonious conduct.

From 1990 to 1997, one or more of the profiled officers were involved in a total of 12 officer-involved shootings. Six of those shootings occurred during 1996 and 1997, five of which involved Rampart CRASH (3 in 1996 and 2 in 1997). In three of the five Rampart CRASH shootings, the Use of Force Review Board was critical of the tactics and supervision, or lack thereof. In a 1996 shooting, the Board criticized the fact that no supervisor was present or apparently even requested. In another 1996 shooting, a supervisor was present, but the Board criticized the tactics used and found them to be inconsistent with Department tactical standards. Finally, in a 1997 shooting, a supervisor was present, but he was disciplined for the poor tactics that were used. The Chief of Police and Board of Police Commissioners concurred with the Use of Force Review Board's conclusions on those issues and all of the shootings were determined to be in policy at the time, though several are now being reconsidered. A description of each incident is provided in Chapter 5, Risk Management Profile of Rampart Area.

Work Permits

Seven of the officers have had a work permit for off-duty employment at some point in their careers. However, only one had an active work permit more recent that 1997. All work permits were for security positions and there did not appear to be any supervisor/subordinate work permit conflicts.

Lawsuits

When an employee is named as a defendant in a lawsuit arising from his or her employment, the City of Los Angeles is almost invariably named as a defendant. Those cases are recorded and tracked by the City Attorney's Office as well as the Department's Legal Affairs Section, Risk Management Division. A check of those files disclosed that one or more of the profiled officers are involved in six lawsuits or claims for damages, though that figure changes almost daily.

The Ovando lawsuit has been reported extensively in the press and will not be discussed here in any detail. The lawsuit involves an OIS in which Ovando alleges that the deadly force Perez and his partner used was unjustified and that evidence was planted and used to unjustly convict him.

Two of the officers are defendants in one claim involving an officer-involved shooting in which the claimants' cousin was shot and killed. The Department classified the OIS as in policy, but the claim alleges that the use of deadly force was unjustified.

One officer is a named in a lawsuit and a claim for damages. The plaintiffs in the lawsuit allege that in

1998, the officer and his partner assaulted and illegally detained them. This suit resulted in a personnel complaint. The complaint was classified as not resolved and the suit is pending. The claim for damages alleges that in 1999, the officer and four other officers broke the claimant's vehicle cup holder during a detention. The claim was denied by the City Attorney's Office. A personnel investigation has not been initiated and no lawsuit has been filed.

Another officer is named as a defendant in two lawsuits stemming from incidents that occurred in 1998. In the first case, the plaintiff alleges that he was beaten while in a police station. A personnel complaint was initiated and the officer was fired. The case is presently in the discovery stage and no trial date has been set. In the second case, the plaintiff alleges that he was unlawfully arrested and detained. He was transported to the police station, but released without being charged. The officer has already been fired on the other matter and a personnel complaint was not initiated into these allegations. The case is scheduled for arbitration and the City Council has approved settlement discussions.

An automated search of public records was also conducted to identify any other legal matters in which one or more of the profiled officers may have been involved. That search revealed several personal family matters as well as two bankruptcy filings. One of officers filed for bankruptcy before he was hired, which was known at the time of his hire. The other officer filed for bankruptcy about five years after he was hired due to extensive living, housing and car expenses.

It was also disclosed that one of the profiled officers who has been fired is filing suit against the City of Los Angeles to be reinstated as a police officer and have the complaint for which he was terminated expunged from his complaint history. He claims that the Board of Rights abused its discretion as there was insufficient evidence to support its findings and, even if true, his penalty was excessive.

WORK GROUP CONCLUSIONS AND MANAGEMENT INSIGHT

This work group developed a tremendous amount of historical information that raises a number of issues regarding the hiring and retention of some profiled officers. As is always the case in analyzing historical data, it is critical to maintain a sense of time and place in order to identify core issues and pursue meaningful solutions. For example, many of the issues raised in this chapter parallel similar concerns raised in the 1991 Report of the Independent (Christopher) Commission. If the problems found in these profiles were corrected as a result of the Independent Commission's work, it would be futile to pursue their solution again. Conversely, issues found in both this report and the Independent Commission's report which have not been resolved must be given the highest priority.

With that in mind, following is a discussion of improvements the City of Los Angeles can make to ensure that only the best candidates are hired as Los Angeles Police Officers.

Pre-employment Background Issues

Pre-employment information on four of the profiled officers raises serious issues regarding their initial employment with the Department. Criminal records, inability to manage personal finances, histories of violent behavior and narcotics involvement are all factors that should have precluded their employment

as police officers. However, four of the profiled officers were hired in spite of these factors. Three of them were hired before the Independent Commission report was published and they have now been fired or resigned in lieu of termination. As their hiring predates the 1991 "reforms," it is tempting to attribute these hiring failures to factors corrected long ago and simply close this chapter. However, that does not explain the fourth officer who was hired three years later (1994) in spite of indications that he had sold narcotics as a juvenile and his involvement in a vehicle tampering incident. So, as painful as it may be, we must recognize that this problem has not been solved. But, it must be resolved if we are to provide the people of this City with the quality of law enforcement they deserve.

Background Investigations

The Independent Commission concluded, and this Board certainly agrees, that a comprehensive and thorough pre-employment background investigation is a critical component in good personnel selection. Many of the pre-1991 problems such as staffing and training were addressed after the Independent Commission's report was issued. However, a 1997 internal audit disclosed that a "short form" background check format was being used in lieu of the more detailed background investigation narratives. We were never able to pinpoint its origin, but it appears that the short form originated during the 1994 or 1995 accelerated hiring periods in order to meet the increased demand for large Academy classes. As a result, the investigative paperwork may not have contained the same emphasis or detail needed to properly evaluate a marginal candidate. Since the elimination of the shorter format in late 1997, multiple pages of narrative are now included with every candidate's background investigation face sheet. These narratives provide a clearer picture into each candidate, not only for background supervisors, but also for all City entities involved in the hiring process.

While it is impossible to substantiate completely, it appears that the application of our hiring standards was compromised when these officers were hired during periods of accelerated hiring in the late 1980s and early 1990s. This is not to say that anyone intended to do so. But, one need only look at the pre-employment histories of these four people to see that something was seriously wrong when they were approved for hire. The fact that these men were hired with egregious information in their packages leaves only two explanations: 1) Recognize that erosion has occurred and shore up the systems to prevent it from recurring; or, 2) Insist that the application of our standards did not erode, which means that criminal conduct, drug dealing, financial irresponsibility and violent behavior are consistent with our standards. Clearly, there has been erosion, the blame for which cannot be placed on one individual or group, but rather on a multifaceted system with competing interests. We must recognize that it has occurred and commit ourselves to never sacrificing quality for the expediency of numbers.

With the ongoing need to hire new officers, it is critical that we continue to conduct in-depth background investigations. In addition to exploring a candidate's past, many areas of inquiry during the background investigation also allow the Department to test a candidate's veracity. This frequently occurs in the area of a candidate's prior contacts with law enforcement wherein a candidate is expected to divulge fully and truthfully each and every detention and arrest. However, police departments are prohibited from using critical records to verify a candidate's response in this area.

For decades, police departments accessed the County's automated history of juvenile and adult arrests to screen police officer candidates. With the implementation of the Consolidated Criminal History Reporting System (CCHRS), the system was expanded to automatically query Department of Justice (DOJ) history files. However, several years ago, access to these files was specifically excluded from pre-employment screening. Intentionally or inadvertently, that included screening for police officer candidates. Now, a candidate's criminal history can only be determined by sending the applicant's fingerprints to DOJ in Sacramento. However, that database contains only criminal convictions and is contingent upon all agencies submitting the proper documentation to DOJ. Agencies are unaware of cases which have been purged or expunged, a variety of relatively minor violations, and cases which were not filed criminally. Yet, these types of police contacts—minor and/or not resulting in a criminal filing and conviction—are precisely the types of behaviors which establish a candidate's pattern of conduct.

The other significant problem in this area occurs when a candidate has had the records of a juvenile matter sealed by a court. Police applicants fill out a background questionnaire which asks, "Have you ever had a criminal record sealed?" If a candidate answers yes, that area is explored by the background investigator, but the Department must take the candidate at his or her word because we cannot access a sealed record. This prohibition, in concert with our inability to access a candidate's full criminal history, places law enforcement agencies in an extremely precarious position with respect to hiring officers. This information is especially relevant given that most candidates are in their early 20s making juvenile behavior very contemporaneous. While no one would begrudge a young person the ability to seal the records of a non-violent youthful indiscretion, that information simply must be available to a law enforcement agency should the person later decide to become a peace officer.

In addition to criminal justice system information, our ability is also limited in the areas of a candidate's financial history, involvement in civil actions, professional licensing and education, and current and historical addresses. This is particularly true of the 150 to 200 candidates a year who apply from outside California. This information gap could be overcome easily if the Department had access to the depth of information that is available today through any number of public information service agencies. Clearly, we should avail ourselves of that information in assessing a candidate's suitability for employment as a police officer.

It is interesting to note that 7 of the 14 profiled officers resided out of California prior to their employment. This did not include those who were out of the state on military assignments. However, the Department does not currently conduct in-person investigations on candidates from outside California. The investigator is forced to rely on telephonic interviews, letters of correspondence requesting law enforcement checks and employment information, and letters of reference from the names supplied by the candidate. Out of state interviews, although tape-recorded, are conducted telephonically even if adverse information is obtained. The most difficult candidates to investigate are current or former police officers and public safety personnel. Their former employers rarely reveal any data telephonically except dates of employment. However, many hesitant employers have often stated they would provide the information if an investigator meets with them in person, which is done only in selected cases. The Department has recently started sending investigators out of state (Washington,

Oregon, Arizona and Nevada) to complete previously stalled investigations. Each of these trips led to the candidates' disqualification after information was obtained which never would have been obtained without an in-person visit.

In order to improve in the area of candidate background investigations, it is **imperative** that we:

- Seek state legislation which allows a law enforcement agency access to an applicant's full criminal history when screening a candidate for employment and provides that any record sealed by a court shall be available to a law enforcement agency screening a candidate for employment.

- Utilize the services of outside vendors for public information on candidates, especially those from out of state. Private vendors subscribe to a multitude of databases that provide public information such as civil actions, professional licenses and newspaper clippings. While the Department could also subscribe to those services, it appears more cost effective to simply contract with a vendor and let the vendor maintain an array of subscriptions. Naturally, the cost would vary depending upon the type of data requested and the speed with which the information is required. However, using this resource will increase the depth of our background investigations and give us full access to court and other public records nationwide.

- Utilize the services of retired officers residing throughout the country (and world if necessary) as occasional contract investigators, under the classification of Interview Specialist, to ensure a thorough background investigation is conducted. Training for the investigators can be accomplished easily as the next POST approved, Department-sponsored, Background Investigator Training School is being professionally videotaped. Using the training tapes, background manual and forms, along with telephonic tutoring, out of state investigators can be trained and activated for service in a relatively short period of time. The information obtained from in-person interviews greatly outweighs any costs associated with such a program and the reduced wages and travel expenses make the use of out of state investigators extremely cost effective.

Psychological Screening

A check of other law enforcement agency practices regarding psychological screening was conducted by Behavioral Science Services (BSS). That check showed little variance in the hiring practices among agencies. However, there were differences in the type of tests administered and the stage at which the psychological interviews are given to candidates. The Department (BSS) does not have input into this critical screening process and, most importantly, has no method of auditing the information to ensure the process is working.

In order to improve the psychological screening of candidates, serious consideration should be given to transferring the responsibility for candidate psychological testing to the Department's Chief Police Psychologist. This would most likely require a Charter change, but would allow for the system to become a more efficient process, and would resolve issues of fitness for duty in a more timely manner.

Under the direction of the Chief Police Psychologist, screening would be conducted by outside specialists on a personal service contract. If this responsibility is not transferred to the Police Department, BSS must at least be allowed to become a partner in the process and take an active role in the psychological screening of police candidates.

In preparing these profiles, it was discovered that the City's psychologists destroy their interview notes shortly after interviewing a candidate. Without the individual psychologist's notes, a review of that process is extremely limited. An auditor cannot determine if any issues found in the background investigation or revealed during psychological testing were discussed during the interview. Maintaining appropriate levels of confidentiality, while allowing meaningful review of pre-employment psychological data, is of paramount concern. It is in the City's best interest to have all future candidates sign a waiver or release of confidentiality at the time they take the preemployment psychological test. Candidates would thus be aware that their psychological test results and interviews might be reviewed at a future date for audit or investigative purposes. Personnel Department psychologists should retain **all** of their notes in the candidate's file and that file, along with the notes, should be retained for the entire time the candidate is an employee, plus 5 years.

Later in this report (Chapter 10, Integrity Systems) a national perspective is provided on the entire issue of psychological testing for police officer candidates. That subcommittee concluded that the California State Commission of Peace Officer Standards and Training (POST) should be asked to convene a statewide task force to examine psychological testing of police officer candidates. We certainly support that recommendation.

Polygraph Examinations

The vast majority of law enforcement agencies routinely use some form of truth verification instrument to screen **all** of their police officer candidates. However, under the current Civil Service Commission policy, Personnel Department will only approve a polygraph test when it deals with an issue which would result in a candidate's permanent disqualification. To compound matters, the Civil Service Commission itself must approve each and every polygraph test. Obviously, that inhibits the City's ability to effectively identify risky candidates and eliminate them from hire early in the process. The use of a polygraph examination is a critical tool in the police officer selection process and its use must be improved. In fact, the Department may be able to clear some of the recurring non-selected candidates if they took and passed a polygraph exam. So, it is important that:

- For the short term, the polygraph must be authorized as an investigative tool used during the candidate's background investigation.

- For the long term, polygraph examinations should be administered to <u>all</u> police officer candidates, with a particular emphasis on drug use and integrity issues, <u>prior</u> to conducting their background investigation. The cost associated with this effort will undoubtedly be offset by the reduced costs associated with disciplinary and litigation processes generated by problem officers.

In her January 28, 1997, letter to the Civil Service Commission, Assistant City Attorney Diane Wentworth wrote a favorable opinion on the use of polygraph exams for all candidates regarding their prior narcotics use and truthfulness. Recently, the Mayor's Office, Personnel Department and Police Department agreed, in concept, on the expanded use of a polygraph for candidate screening. The Mayor's Office has asked the City Attorney for a written opinion regarding the use of a polygraph to screen all police officer candidates on any background issue.

Disqualification Standards

Under the current and new City Charters, only the Personnel Department has the authority to disqualify a police applicant. Personnel Department uses hiring standards and guidelines set by the Civil Service Commission, which is the review authority for any applicant's appeal of their disqualification. In essence, the Police Department completes background investigations for the Personnel Department, which then decides if a candidate is qualified to be a police officer using the nine factors identified at the beginning of this chapter.

Once Personnel Department approves a candidate for selection, the Police Department has the authority, under the Rule of Three Whole Scores, to select the candidates it believes are most qualified. However, that process has its mathematical limitations. Due largely to prior court actions, usually a consent decree, the City has five civil service hiring selection lists for police officer candidates: Black, Hispanic, female, bilingual Asian/Pacific Islander, and all others. When selecting members of an Academy class, the Police Department has the authority to "non-select" a maximum of five candidates per list. If there are more than five candidates on a list who have negative background issues but have not been disqualified by the Personnel Department, the Police Department has two options:

- Non-select the five worst candidates and hire the remaining questionable candidates to fill the Academy class, which basically amounts to hiring the least unacceptable candidates, or

- Reduce the class size so that no unacceptable candidate is appointed.

Generally in the past, and without exception during the past few years, the Police Department has elected not to accept questionable candidates which results in smaller Academy class sizes. However, the unacceptable candidates continue to appear on subsequent certification lists and, in some cases, have created situations where there are insufficient acceptable candidates who are reachable on a particular list. Because the City's hiring process is continuous, new candidates continually appear on these lists which has allowed the Police Department to fill its classes, albeit at a reduced size, with acceptable candidates. However, this has been the result of chance, not the product of an efficient and effective hiring system.

The key to hiring the best candidates is to exercise the City's prerogative to deselect those candidates whose backgrounds make them risky selections for the position of Police Officer for the City of Los Angeles. Police officer selections are supposed to follow the City's Background Standard Guidelines in assessing a candidate's suitability. However, the Police and Personnel Departments do not share a

common interpretation of those guidelines. The Police Department has historically taken a more conservative view of the guidelines while the Personnel Department has maintained a more tolerant view. Consequently, some candidates the Police Department deems to be unsuitable are approved for hire by the Personnel Department.

As the Chief of Police is ultimately responsible for the Department's performance, including the performance of its employees, the best solution would be to make the Chief of Police ultimately responsible for determining their eligibility and selecting the best candidates. Absent that, the following actions must be taken to ensure that candidates, whose past behavior indicates unsuitability for the job of police officer, are identified and disqualified:

- In the short term, the Personnel and Police Departments must come to a common understanding and interpretation of the current guidelines. With the recent assistance of the Mayor's Office, the two Departments are scheduled to begin meeting for discussions on the Background Standard Guidelines. The studies of non-selected candidates and officer discipline will be an integral part of these discussions.

- Candidates who are disqualified due to background issues generally can appeal to the Civil Service Commission or General Manager of the Personnel Department. Specific guidelines for those appeals must be established to ensure consistent, job-related factors are used in assessing a candidate's suitability. This should include consideration of the candidate's complete package.

- In the long term, the current disqualification standards must be revised to allow for the disqualification of candidates who clearly are not suited to be police officers, as evidenced by their past conduct.

    NOTE: These improvements are entirely consistent with Doctor Kay's position (page 13), that, "…a thorough background investigation is the best method for identifying such (unethical) individuals."

Training, Evaluation and Management System

The Department's primary tool and readily available source of information regarding any employee is the Training, Evaluation and Management System (TEAMS). The primary information available in TEAMS includes specific categories of employee assignment/rank history, personnel discipline summary, commendations, attendance, use-of-force information, outside work permit and other risk management topics. However, there are significant discrepancies between TEAMS summaries and actual documentation of ongoing or completed investigations, commendations and use-of-force history. Many of those discrepancies occurred during the initial data entry, particularly for officers with a common name. We recognized this would occur and everyone has been strongly encouraged to review their TEAMS printout to verify that the information is correct. Promotional examinations and competition for advanced paygrade positions seem to be driving this process as applicants almost invariably double-check their TEAMS printout for accuracy. The other problem that occurs frequently

is that an event is not recorded in TEAMS until the full administrative review cycle has been completed. In the case of a significant personnel complaint, for example, this can take up to 2 years during which there is no record in TEAMS that a significant matter is under investigation. (This whole issue is addressed further in Chapter 7, Management Review of Administrative Investigations.)

These shortcomings in TEAMS inhibit the Department's effort to administer discipline in a progressive manner as the accurate capture of all discipline, positive as well as negative, is crucial to that philosophy. The ability to capture data has evolved and been greatly enhanced over years past; however, the criticality of continuous, timely, and accurate information cannot be overlooked. Not only is the information contained within the summary used as a "pointer system" directing the reviewer to the source document for complete information on the incident in question, but it is also intended to alert management to possible issues and patterns involving an employee. This is an important tool in our pursuit of effective risk management and several steps must be taken to ensure the timely and accurate capture of TEAMS summary data.

- It is apparent that training which is mandated through the disposition of an administrative investigation is not being entered into TEAMS as required by a Human Resources Bureau Notice. That Notice needs to be reissued and reemphasized.

- Enhance our data capturing and input infrastructure. Whereas multiple entities are responsible for inputting certain data into the system, one entity such as Inspection and Control or the formation of a Quality and Control Unit, should be charged with conducting continuous audits. The purpose of the audit should be to ensure that the information contained within the TEAMS summaries are maintained in a timely and accurate fashion.

- Improve our employees' ability to review and correct their TEAMS information. Currently, individual employees are responsible (and are encouraged) to review their TEAMS summaries for accuracy. However, a formal review should take place at regularly scheduled intervals. Currently, opportunity exists for at least an annual TEAMS review to occur between employees and their supervisors in conjunction with the completion of each employee's annual performance evaluation. A verified and updated TEAMS report should accompany each employee evaluation report, just as we require updated residence and emergency notification forms. With the LAN, the evaluation form could be modified easily to include a similar check box. Resolving any discrepancies should be the responsibility of the reviewing supervisor.

TEAMS and the Training Management System are discussed further in Chapter 7, Management Review of Administrative Investigations.

Tracking Administrative Transfers

Because of our size, Police Department employees have the opportunity to transfer between commands on a regular basis. These occurrences, while mostly routine, occasionally include an employee who is transferred as the result of an administrative process. Additionally, we, like many other workplaces,

have employees who cannot or should not be assigned to the same chain of command. Most common among those are relatives of different ranks where the assignment of a junior employee to a position within the senior employee's chain-of-command would pose a conflict of interest.

Through Personnel Division and our Employee Relations Administrator, we maintain redundant paper files of administrative transfers. However, we currently rely on institutional knowledge to prevent the creation of conflict-of-interest situations. This should be replaced with an automated system to ensure that this information is considered, or at least known, when an employee is being considered for transfer. This is hardly a monumental undertaking in that a system must be designed to track only a few hundred people. However, the consequences of not having this information readily available are significant.

CHAPTER 3

WORK PRODUCT ANALYSIS

The Work Product Subcommittee was comprised of the following personnel:

> Commander Garrett W. Zimmon, Transit Group, as Chair
> Captain Gary J. Brennan, Anti-Terrorist Division
> Captain Bruce E. Crosley, North Hollywood Area
> Captain Earl C. Paysinger, DARE Division
> Captain Paul S. Pesqueira, Hollenbeck Area
> Captain Gary S. Williams, Pacific Area
> Lieutenant Robert L. Cedillos, Inspection and Control Section
> Lieutenant Daniel E. Keefe, ECCCS Division

This subcommittee was tasked with conducting an analysis of prior cases, including search warrants, in which Rampart Area CRASH Unit officers were involved. The subcommittee was also tasked with conducting a trend analysis of sample cases of other specialized units throughout the Department to determine if patterns emerged similar to those that occurred in Rampart Area.

The subcommittee maintained liaison with the Rampart Management and Supervision Subcommittee and the Subcommittee on Administrative Investigations to reduce duplication of effort and ensure availability of original records for inspection by each subcommittee.

METHODOLOGY

The subcommittee established three work groups to accomplish its tasks: The Rampart Work Group, the CRASH Units Work Group, and the Specialized Units Work Group.

Rampart Work Group

The Rampart Work Group was co-chaired by Captains Williams and Pesqueira, with Lieutenants Keefe and Cedillos providing administrative support. This group was tasked with auditing cases and work product involving eleven current and former Rampart Area CRASH Unit officers. Two of the officers profiled in Chapter 2 were not included in this review so as not to conflict with the Task Force's investigation. Another officer was not included because his duties did not include completion of work product that would be reviewed by the subcommittee.

Subsequent to beginning the audit, the work group was informed that the audit would be expanded to include additional officers who were assigned to the Rampart Area CRASH Unit during the audited time period. Because of time constraints and complexity of the task, the subcommittee was only able to complete its audit of the original eleven officers leaving the additional officers to be addressed in a follow-up audit.

During this entire process, the work group maintained liaison with the Robbery Homicide Task Force and kept the Task Force apprised of individual cases and patterns. Copies of case packages were forwarded to the Task Force and noted in this report.

CRASH Unit Work Group

The CRASH Units Work Group was co-chaired by Captains Brennan and Crosley. This group was tasked with auditing sample case packages for CRASH units Departmentwide, except the Rampart Area CRASH Unit. The work group completed audits of all 21 CRASH units.

Specialized Units Work Group

The Specialized Units Work Group was chaired by Captain Paysinger. This group was tasked with auditing sample case packages for Department specialized units other than CRASH. Because of time constraints, the work group was only able to complete its audit of three squads within Narcotics Division's Field Enforcement Sections and 29 specialized units within 11 Areas. An audit of Metropolitan Division began during this initial report period, but was not completed at the time of this report. The additional audits will be reported in a follow-up report.

Each work group developed its own methodology, but was provided with a set of checklists developed to ensure uniformity when reviewing work product materials. Copies of the checklists are included as Addenda 1, 2, and 3). Arrest case packages for felony arrests (with an emphasis on narcotics arrests), in which the identified officers or selected units were involved, were the primary work product audited by the work groups. The work product audit included the following material, though every document was not applicable to every arrest case package:

- Arrest reports
- Crime reports
- Evidence/Property/10.10 reports
- Search warrants
- Daily Field Activities Reports and Sergeant's Logs
- Field Interview Cards
- Informant Cards
- Booking approvals
- Use of Force Reports (as related to arrest reports)
- Pursuit Reports (as related to arrest reports)
- Follow-Up Investigations
- Case filing information
- Recap (when available)
- Any other documents related to the arrest and/or detention of suspects during the audited period.

Auditors were instructed to inspect the work product for patterns and inconsistencies in the following areas:

- Use of "rubber stamp" or "boilerplate" arrest reports, including source of activity, probable cause, and searches
- Use of informants
- Handling of evidence, including how it was seized, type, quantity, and disposition
- Arrestees' statements
- Booking approval circumstances
- Supervision at scene of arrests
- Approval of reports
- Search warrants, when applicable, including supporting documentation
- Use of Force

An Initial Checklist – Arrest Report form was developed as the basic audit checklist completed for every case package reviewed. An appropriate supplemental checklist was completed for each of the above associated documents that were inspected within the case package. An Analyzation/Conclusion Checklist was developed and then completed to document the audit findings for each officer or unit audited. The Checklists provided the basis for the summary of findings in this report and comprise the detailed findings for this investigation. They are maintained in the subcommittee's files for reference. Copies of case packages or records in which patterns or inconsistencies were found were forwarded to Crime Analysis Section for records retention. Case packages or records in which no patterns or inconsistencies were found were returned to file at the location from which they were removed. A complete list of all case packages inspected during this audit were listed on the Case Audit Checklists for each officer or unit audited.

RAMPART WORK PRODUCT

Because Perez stated that his illegal activities began as early as 1995, it was decided to audit Rampart Area CRASH Unit work product for the period from July 1994 through July 1998. Perez implied that the type of conduct in which he engaged was common among some officers in the Rampart Area CRASH Unit. The four-year time period afforded a review of material six months prior to the time Perez admitted the activity began, and extended to three months after his activities were discovered in late March 1998.

The Rampart Work Group coordinated with the Task Force to retrieve Rampart Area CRASH Unit case packages for the audited period. Using the CRASH arrest book as a reference, work group personnel worked with RHD personnel to retrieve all felony case packages for which one of the 11 identified officers was listed as an arresting officer and was assigned to the Rampart Area CRASH Unit at the time of the arrest. Case packages retrieved included adult and juvenile arrests for felony narcotics and non-narcotics charges. Case packages were retrieved from Rampart Area, the narcotics arrest package storage container at the Central Facilities Building, and from the City Records Center.

The work product of each officer was audited, including their assignment prior to and/or after their Rampart CRASH assignment. Case packages were reviewed by six teams consisting of three or four sergeants and/or detectives each. Each team reviewed the work product for two of the identified officers. Because of time constraints, the teams began with and completed audits

of work product for each officer during his or his assignment to the Rampart Area CRASH Unit first. The teams completed appropriate checklists for associated reports and an Analyzation /Conclusion Checklist for each officer. The Analyzation/Conclusion Checklist summarized the findings for each officer.

After reviewing work product of the identified officers during their assignment to Rampart CRASH, the teams audited an additional 20 case packages for each officer. Ten case packages were selected for the period immediately prior to the officer's assignment to Rampart CRASH and ten case packages were selected for the period immediately after each officer left the unit. These packages were audited to determine if any patterns noted during the officers' CRASH assignments also occurred in their work product before and after the assignment. Information on arrests made by each officer for the periods audited was obtained from the Police Arrest and Crime Management Information System (PACMIS).

Work Product of the 11 Officers

Due to confidentiality laws, the Department must protect the identity of the reviewed officers. We are also cognizant of one's ability to piece information from one part of this report together with another. Therefore, the 11 officers are simply referred to as Officer #1 through Officer #11. While numbers protect the officers' confidentiality, they allow the reader to discern patterns and concerns which, after all, is the issue in this Board of Inquiry. As in Chapter 2, the term "he" includes "she."

Officer #1

Officer #1 was assigned to Rampart patrol for probation and worked the Rampart CRASH Unit for six months in mid-1996.

Thirty-six of his arrest case packages were audited. Twenty-six of these cases occurred during his Rampart CRASH assignment, eight cases were prior to his CRASH assignment, and two cases were after his CRASH assignment. Of the 26 CRASH arrests, four involved the recovery of one or more firearms and 23 involved narcotics. Of the two post-CRASH arrests, one involved the recovery of one firearm and the other involved the recovery of three firearms. Of the eight pre-CRASH arrests, one involved the recovery of a firearm. There were no narcotics arrests in the pre-or post-CRASH cases.

The vast majority of Officer #1's arrests and reports were indicative of sound police work and tactics. However, one of his arrests involving a firearm reported a suspect making a statement remarkably similar to quotes by two separate suspects in two firearms cases involving Officer #11, a senior officer with whom Officer #1 worked regularly during his assignment to Rampart CRASH. However, they were not working together during the three arrests in question. Many of the reports and booking approvals completed by Officer #1 did not appear to have been reviewed by a supervisor in that the supervisor's name was frequently typed or printed rather than signed. One of his pre-CRASH arrest reports was clearly approved by either him or his partner.

Officer #2

Officer #2 was transferred to Rampart after completing probation in another command. After a six-month loan to narcotics, he returned to Rampart and was loaned to CRASH for two DPs during the late summer of 1998 after which he returned to Rampart patrol.

The work group audited 17 case packages for arrests in which Officer #2 was involved. Only one arrest for narcotics was listed on Officer #2's PACMIS report for the time he was loaned to Rampart CRASH, but that report could not be located. So, no CRASH case packages could be audited for him. The 17 case packages which were audited consisted of 10 while he was assigned to Rampart patrol, five before and five after his CRASH loan, and seven cases while he was on loan to narcotics. None of the arrests involved firearms. All 7 arrests while he was assigned to narcotics involved narcotics, but none of the patrol arrests involved narcotics.

Five cases involved suspects making incriminating statements. In three of the five cases, the incriminating statements were obtained by either Perez or Officer #6 who worked with Officer #2 during the narcotics loan. It was noted that in one instance, Officer #2 obtained a written statement from a narcotics suspect after Perez obtained a Miranda waiver from the suspect. However, Officer #2 was working with another officer that day and the reports did not indicate why Perez obtained the waiver from the arrestee.

Based upon the available documentation, it was not possible to determine the frequency with which supervisors were present during arrests. Arrest reports prepared by Officer #2 were unique and showed no evidence of using boilerplate or "rubber stamp" type of reports. No evidence of Officer #2 printing the supervisor's name on reports or obtaining telephonic booking approvals was noted on any of the reports. One report was weak in establishing probable cause to initiate narcotics investigation, but no patterns or other issues were noted Officer #2's reports.

Officer #3

Officer #3 transferred to Rampart Area after completing probation in another command. He worked patrol for about five months and then was assigned to CRASH for four DPs in 1996. He worked with Perez for three of those DPs.

The group audited 19 packages for arrests in which Officer #3 was involved. In 13 of the case packages, Officer #3 was partnered with Perez. Four of those arrests involved firearms and four involved narcotics. These arrests generally involved the use of observation posts set up on known gang locations from which the officers observed weapons and narcotics transactions in plain view. In 12 of the 13 arrests, Perez wrote the reports, recovered evidence (narcotics and firearms when involved), booked the evidence, and obtained any incriminating statements (verbal and written). Reports frequently documented a suspect "cop out" concerning the firearms violations. Officer #3 completed the reports and booked the evidence in only one arrest, which was for a narcotics violation. In over half of the cases audited, the name of the supervisor giving booking approval and approving the reports was either typed or printed on the reports. Therefore, it appears that the supervisor had not given in-person booking or report approvals.

No inconsistencies or patterns involving Officer #3's work product were identified when working with other partners. No patterns or inconsistencies were noted in Officer #3's work product in the six case packages audited prior to his CRASH assignment.

Officer #4

Officer #4 was assigned to Rampart patrol on probation and worked the CRASH Unit for 11 months from mid-1996 through mid-1997, some of that time he was in Phase II of his probation which prohibited a CRASH assignment.

The auditors identified 23 case packages for arrests in which Officer #4 was involved. Of those cases, nine involved the recovery of firearms and 13 involved the recovery of narcotics. No packages for his assignments prior to or after CRASH were audited due to time constraints. Officer #4 was involved in one case in which a suspect made an admission of guilt and six cases in which he and/or his partner made an arrest as a result of observing evidence in plain view. Officer #4 did not author nor was he a participant in any arrest that resulted in a boilerplate or "rubber stamp" type of report. An unknown informant was used in three of the 23 cases.

There was reference to a supervisor being present at the arrest scene in two cases. The source of activity, observations, and investigations in all 23 cases reflected a thorough investigation and, almost without exception, his cases resulted in criminal filings. The names of two sergeants were printed in the approval boxes on 19 of the 23 arrest reports. Both supervisors were assigned to the Rampart Area CRASH Unit at the time and were responsible for approving reports. A third sergeant's name, who was also assigned to CRASH at that time, was printed on two of the reports. The names were printed on the reports in many different handwritings.

Officer #5

Officer #5 was assigned to Rampart after completing probation in another command. Three months after transfer to Rampart, he was assigned to CRASH for about 15 months from mid-1996 through mid-1997. After CRASH, he was assigned to the Rampart Detective Hype Unit.

This audit consisted of 59 case packages for arrests in which Officer #5 was involved. Of the 59 cases, 34 involved CRASH arrests, ten involved arrests prior to CRASH, and 15 involved arrests after CRASH. Of the 34 CRASH cases, nine involved recovery of a firearm and 16 involved narcotics. Of the ten pre-CRASH cases, none involved firearms or narcotics. Of the 15 post-CRASH cases, none involved firearms and two involved narcotics.

Officer #5's arrest reports indicate that about one-fourth of his arrests were a result of his personal observations. The majority of Officer #5's reports indicated that suspects were involved in narcotics activity and discarded evidence as officers approached. Defendants confessed to the crime in six investigations and Officer #5 recovered evidence in plain view during ten arrests. Officer #5 utilized an unnamed informant in one investigation, which led to an arrest of a narcotics suspect. The remainder of the arrests resulted either from Officer #5's personal observations or information from citizens who refused to identify themselves for fear of retaliation.

The audit of case packages involving Officer #5 appears to be consistent with standard Department reporting procedures, except for the approving supervisor's signature. It appears that Officer #5 or his partner routinely printed the supervisor's name on booking approvals and arrest reports. On at least three arrest reports, the name of the supervisor approving the report was printed and in parentheses the initials of the reporting/arresting officer who submitted the report were printed.

Officer #6

Officer #6 was transferred to Rampart after completing probation in another command. Officer #6 was assigned to Rampart CRASH about five months later and was in CRASH for nearly a year from mid-1996 through mid-1997.

A total of 49 case packages were audited for Officer #6. Of these, 30 were from 1996 (12 involved narcotics arrests) and 19 were from 1997 (17 involved narcotics arrests). The auditors noted that Officer #6 was partnered with Perez in 44 of the cases audited. There were 44 cases audited involving Officer #6 in which guns and/or narcotics were recovered. In 19 of the cases, the defendant admitted to possessing the guns or narcotics, either spontaneously or through a written statement. There were a total of 15 arrests in which guns were recovered. In 11 of these cases, the guns were either in plain view or were dropped in the officers' presence. In ten of these cases, seizure of the guns was the result of information from unnamed citizens or confidential informants. In ten (two thirds) of the gun cases, a Property Receipt, Form 10.10, was issued. There were a total of 29 arrests in which narcotics were recovered. In 23 of these cases, the narcotics were either in plain view or were dropped in the officers' presence.

When Officer #6 was partnered with Perez, there were a high number of arrests resulting from information garnered from informants or an unnamed citizen. Out of 29 narcotics arrests, 17 of the cases resulted from one of those information sources. The informant normally would give the officers the identity of their suppliers along with a telephone number. Many of the informants would then order narcotics with Perez overhearing the conversation. The supplier would then be arrested when he responded to a prearranged location with the narcotics in plain view. Typically, these arrests then involved going back to the supplier's house, where a consent search was conducted and additional evidence recovered. In 16 of these cases, the suspects made either spontaneous statements or confessions linking him or her to the narcotics. In five of the cases in which Officer #6 worked with CRASH officers other than Perez, there were no unusual circumstances in the arrest.

Of the 49 case packages that were examined, nine reports indicated there was a supervisor present at the arrest. There were 18 reports that did not indicate if a supervisor was at scene and 22 reports where it could not be determined if a supervisor was present. An audit of sergeants' logs for that period revealed only ten logs that corresponded with an arrest report involving Officer #6. Three of the logs indicated that a supervisor was present at the scene of an arrest. The other seven logs acknowledged the arrest, but it could not be determined if a supervisor was actually present during the arrest or just commenting on the incident.

Of particular note were two arrests made six months apart that involved unusual similarities, including the fact that two of the three suspects were the same in both arrests. In the first case, Perez and another officer arrested three gang members in early 1996. Perez and Officer #6 arrested the same three gang members again during the summer of 1996. In both cases, the suspects were riding together in a car when the officers saw them. Upon seeing the officers, the suspects pulled their vehicle over into a parking lot or a driveway. A passenger exited the vehicle while holding a handgun in his right hand, in plain view. The passenger then ran from the officers and was eventually apprehended. In the first case, the gun was recovered in an undescribed manner and the suspects were arrested for conspiracy to commit murder. However, there were no statements made by any of the defendants regarding any plans to shoot someone. The District Attorney (DA) only filed charges on one of the suspects who admitted knowing the gun was stolen. In this particular case, the lack of supervision and review of the arrest caused the defendants to be booked on an inappropriate charge.

In the second case, the gun was never recovered. One suspect made a spontaneous statement, "You ain't got shit now. Where's the gun? Without that you ain't got shit." Without this statement, the suspect could not have been held. Perez wrote the arrest report, but Officer #6 wrote the vehicle report. In the vehicle report, Officer #6 described traffic violations as reason for stopping the vehicle, but the arrest narrative never mentioned these traffic violations. The arrest report describes the weapon as a blue steel revolver, but the vehicle report described it as a .380 caliber semi-automatic pistol.

Only three of the 49 arrest reports were actually signed by a supervisor. In the vast majority of the reports, the supervisors' names were printed on the booking approvals and on the arrest reports. On three reports, it appeared that Officer #6 printed the name of the supervisor on the forms and then wrote his initials above the name, possibly indicating that these were done with the approval of a supervisor. There was no evidence to indicate whether or not the supervisors actually gave booking approval or reviewed the reports.

Officer #6 was consistently one of the top producers in the CRASH unit and the 49 cases were a good representation of his work product. His writing style and the types of arrests in which he became involved changed when he worked with Perez. Correspondingly, when Perez was assigned to work with other officers, his arrests and report writing style also changed. For example, when Perez and Officer #6 worked together their reports were vague as to probable cause and the precise chronology of events leading up to the seizure of evidence. This did not occur, at least to the same extent, when they worked with others.

Officer #7

Officer #7 was transferred to Rampart after probation and was assigned to Rampart CRASH two months later. He spent about two years in CRASH, from late 1994 through mid-1996 when he was fired.

The group audited 75 case packages for arrests in which Officer #7 was involved. Of those cases, 57 occurred during his Rampart CRASH assignment, ten were prior to his CRASH assignment, and eight cases were after his CRASH assignment. Of the 57 CRASH case packages, 16 involved

recovery of one or more firearms and 26 involved narcotics. His case packages prior to CRASH involved recovery of two firearms and no narcotics. His case packages after CRASH involved recovery of one firearm and no narcotics.

Two cases, which occurred during Officer #7's assignment to Rampart CRASH, were of particular note. One involved the recovery of multiple firearms, which the officers said were in plain view within a vehicle, and the other resulted from the search of a residence during a party based upon information received from an 18th Street gang member. In the first case, the officers stated they observed four suspects passing a blue steel revolver among them in a vehicle while following the suspects' vehicle at night. The officers stopped the vehicle resulting in the recovery of multiple firearms and arrest of the suspects. In the second case, six suspects were arrested and six firearms recovered at an 18th Street gang party.

Another grouping of three cases had remarkable similarities, though they occurred one year apart. Each report contained a similar narrative describing how the three different suspects all discarded narcotics evidence after approaching the uniformed officers who were in a hybrid vehicle (black and white, but no roof-top lights) without realizing they were the police. In 28 (23 narcotics and 5 firearms) of the 57 CRASH arrests, evidence was found in plain view or recovered after being dropped in plain view by the suspects. Ten case packages state that a supervisor was at the scene of the arrest; however, an audit of two sergeant's logs and five Daily Field Activities Reports (DFAR) did not have any supervisor's name on them. (Not all the supervisor's reports and DFARs could be located for this audit.)

The auditors observed several variations of the same supervisor's signature on booking approvals and arrest reports. Some of the time the signature was printed, some of the time it was handwritten, and some of the time it was typed. Occasionally, a supervisor's name was entered on a document with an officer's initials following. Auditors were unable to determine which of the supervisors' signatures were authentic as no sample of their signatures was provided for comparison.

The audit of the 57 case packages involving Officer #7 while he was assigned to Rampart CRASH revealed that he consistently made what appear to be routine narcotics and gang-related investigations. Typically, the officers were in full uniform in a dual-purpose vehicle deployed in areas known to them from past incidents or citizen complaints as locations with high narcotics and/or gang activity. In the majority of cases, the officers observed activity consistent with narcotics transactions and/or gang activity.

The audit of the ten case packages involving Officer #7 prior to his being assigned to Rampart CRASH revealed practices consistent with routine patrol activities. Seven of the ten cases documented a radio call as the source of activity. Auditors observed no anomalies in these cases. However, two of the case packages did not include a receipt for property (a shaved key and Club anti-auto theft device, and two knives); two packages did not include a Booking Recommendation; and, one contained a Booking Recommendation that appeared to have had telephonic approval.

The overall review of the eight case packages involving Officer #7 after his reassignment to Rampart patrol documented a carry over in patterns found in cases during his assignment to

CRASH. Two Booking Recommendations had the supervisor's signature typed, two other Booking Recommendations had variations of the same supervisor's signature. Officer #7 was the recovering officer in all five of the incidents where evidence was recovered in plain view. The majority of the arrests he made continued to involve officer-initiated activities and gang members.

Officer #8

Officer #8 was assigned to an undercover position out of the Academy and then transferred to Rampart patrol. After about ten months, he was assigned to Rampart CRASH where he worked about 1 ½ years from early 1996 through the late summer of 1997. Subsequent to his CRASH assignment, he was assigned to the Rampart Detective Hype Unit.

The audit identified 42 case packages for arrests in which Officer #8 was involved. Of the 42 cases, 31 involved CRASH arrests, two involved arrests prior to CRASH, and nine involved arrests after Officer #8 left the CRASH unit. Of the 31 CRASH case packages, five involved recovery of a firearm and 22 involved narcotics. Of the 2 pre-CRASH cases, none involved firearms and one involved narcotics. Of the nine post-CRASH cases, none involved firearms and seven involved narcotics.

The arrest reports completed by Officer #8 indicated that approximately one-third of his arrests were a result of his personal observations. The majority of Officer #8's reports indicated that suspects were involved in narcotics activity and discarded evidence as officers approached. These are not inconsistent activities given the nature of this assignment. Defendants confessed to the crime in three of his investigations, and Officer #8 recovered evidence in plain view during ten arrests. Officer #8 utilized an unnamed informant in one case, which led to an arrest of a narcotics suspect. The remainder of the arrests resulted either from Officer #8's personal observations or information from citizens who refused to identify themselves for fear of retaliation.

The audit of Officer #8's case packages did not indicate any deviation from the standard Department reporting procedures, with the exception of the approving supervisors' names on booking approvals and arrest reports. The audit revealed that the arresting officers had placed the supervisors' names on the booking approvals and arrest reports. In 18 of the 31 cases, the supervisors' names were printed with Officer #8's initials in parentheses.

Officer #9

Officer #9 worked a variety of assignments before transferring to Rampart Area. He was assigned to Rampart CRASH for nearly a year from mid-1996 through mid-1997. Subsequent to his CRASH assignment, he was assigned to Rampart CRASH Detective Table.

The work group reviewed 48 case packages for arrests in which Officer #9 was involved. Thirty-two of these case packages occurred during his assignment to Rampart CRASH, ten occurred prior to his CRASH assignment, and one occurred after his CRASH assignment. Of the 32 CRASH cases, nine involved recovery of firearms, 23 involved narcotics, and three involved both firearms and narcotics. In 12 of the 32 CRASH cases, the evidence was recovered in plain view. Officers

recovered narcotics in 23 of the arrests made. In 13 of these cases, the narcotics were recovered after being discarded by the suspect. A Receipt for Property Taken into Custody was required in 27 cases, but only 19 receipts were issued.

Although some of the "Source of Activity" sections of the arrest reports contained similar wording, there was no indication of a boilerplate or "rubber stamp" type of arrest report format being used. The arrest reports were unique to the specific circumstances of the arrest. Several booking approvals, property reports, and arrest reports contained hand printed supervisory approvals. It appeared that officers were printing the approving supervisors' names on the reports. It was not possible to determine from the material audited if supervisors were actually reviewing the reports. The pre-CRASH reports showed no discernable patterns or inconsistencies. All the reports were complete and thorough.

Officer #10

Officer #10 had a number of assignments prior to his Rampart assignment. After three years in Rampart, he was assigned to Rampart CRASH for about one year from mid-1996 through mid-1997 after which he returned to Rampart patrol.

The audit identified 42 case packages for arrests in which Officer #10 was involved. Eighteen of those cases occurred during his Rampart CRASH assignment, 13 cases were prior to his CRASH assignment, and 11 cases were after his CRASH assignment. Of the 18 CRASH arrests, four involved the recovery of a firearm and seven involved narcotics. Of the 11 post-CRASH arrests, none involved firearms or narcotics. Of the 13 pre-CRASH arrests, one involved the recovery of a firearm and one involved narcotics.

The pre-CRASH case packages contained charges ranging from robbery, kidnap and assaults to receiving stolen property and burglary. Activities leading up to the arrests were usually generated by a radio call. The auditors found that either the supervisor giving booking approval or the watch commander signed all reports. All signatures appeared to be authentic. The auditors found no significant discrepancies in any of the reports for the period 1994-1995.

Of the 18 CRASH cases, only two contained incriminating statements by the suspects. Five of the arrests involved evidence recovered in plain view, and five involved the use of an informant (four unidentified citizens and one confidential informant). The reports did not indicate if Department procedures for the use of informants were followed. There was no evidence of boilerplate or "rubber stamp" type format being used for these reports. However, the names of the supervisors giving booking approval and approving reports were printed on reports in several of the case packages indicating that Officer #10 was putting the supervisors' names on the reports for them.

Aside from printing the supervisor's name on reports and the lack of documentation on the use of a Confidential Informant, the 22 CRASH case packages reflected practices that were consistent with proper Department procedures for officers involved in gang suppression and narcotics enforcement. No significant patterns were found indicating anything outside the normal range of proper police practices.

Officer #11

Officer #11 worked a variety of assignments prior to being transferred to Rampart patrol. After about three years in Rampart, he was assigned to the CRASH Unit where he spent about three years from mid-1994 through mid-1997.

The auditors located 105 case packages for arrests in which Officer #11 was involved. Of those cases, 100 involved CRASH arrests. Of those, 38 involved recovery of one or more firearms and 38 cases involved narcotics. As Officer #11 was assigned to CRASH before the audit period, none of his pre-CRASH cases was audited. Five cases were audited for the period following his assignment to CRASH, none of which involved firearms and four involved narcotics.

The majority of Officer #11's audited arrests appear to be routine. However, a few incidents were noteworthy. Three cases involved the recovery of firearms and the reports included remarkably similar admissions by unrelated suspects, reported as exact quotes. Two cases were identified involving suspects discarding or carelessly showing a firearm resulting in their arrest. Three cases were identified involving consent searches by suspects or their parents which resulted in the seizure of narcotics or guns. In virtually all of the cases involving Officer #11, it appeared that he recorded the supervisor's name on the booking form and/or arrest report. In two cases, bookings and arrest reports were processed without a supervisor's approval signature.

While reviewing reports completed by other CRASH officers, it was noted that Officer #11 was signing their booking approvals and arrest reports. He would usually sign one particular sergeant's name and, as this audit did not include interviews, we were unable to determine why that was occurring. On some occasions, Officer #11 would initial the signatures.

Rampart Area CRASH Unit

The audit raised a number of questions regarding Rampart CRASH during this period. Though the nature of narcotics and gang investigations tends to produce patterns that could be characterized as "normal" or frequently occurring, the audit identified some general patterns and practices in Rampart CRASH that were of concern. The most prevalent of these was the routine and widespread practice of officers writing the approving supervisors' names on booking approvals and arrest reports. While an assumption might be made that the officers were doing this to save time or assist the supervisor, the practice raises serious questions as to whether the supervisors actually reviewed the reports. This practice appeared to have involved all the supervisors assigned to Rampart CRASH during the audit period. (The current Rampart captain has put an end to this practice.)

Rampart CRASH officers frequently reported that suspects discarded contraband such as narcotics and weapons by tossing it to the ground often within clear view of the officers only a few feet away. While this is not necessarily an uncommon occurrence with gang members or people involved in the sales, purchase, or use of narcotics, the frequency with which this reportedly occurred becomes suspicious when the booking and arrest reports are not reviewed and approved by a Department supervisor.

Several reports indicated that Rampart CRASH officers routinely acted upon information from "citizen informants" encountered during the course of their daily activities. There was no discernable pattern regarding the use of these informants. However, there were several cases in which confidential informants were used and that use was documented in the reports. However, there was no indication that Rampart CRASH officers followed established Department procedures regarding the use of confidential informants. Equally important, there is no indication that any supervisor, detectives or managers ever asked them about it, even though it was clearly recorded in their reports.

A number of arrest reports were seriously lacking in content and there were several instances where CRASH officers seemed to use unusually similar verbiage when it came to probable cause. Officers often omitted specific elements of the crime and probable cause was "weak" in a number of instances. The report narratives also tended to be unusually similar on several occasions. In at least one instance, a defendant was booked on an inappropriate charge.

The Rampart Area CRASH Arrest Book contained information on only about 40% of the arrests made by CRASH officers. It appears that many of the officers' arrest reports were never routed through the CRASH office for review by the unit supervisor and logging into the Arrest Book.

Subcommittee Findings

There are several facets of the Rampart CRASH operation which are troublesome. The most obvious area which emerges time after time is the apparent lack of involvement of the CRASH supervisors in the day-to-day operations of the unit. Rampart CRASH officers made about three to four arrests every night. It appeared they worked independent of each other, although they responded as a unit during large incidents and search warrants. From DP #6 through DP #9, 1996 (summer), there was only one sergeant supervising the CRASH unit which consisted of about 18 officers per DP during that time.

As noted previously, CRASH officers routinely signed their own booking recommendations and/or the arrest reports. This is a serious breach of a major corruption check and balance designed to ensure independent review of every arrest. Bypassing that system was blatant and readily apparent to anyone who looked. In addition, officers routinely engaged in surveillance of gang and narcotics activity without supervisory consultation, participation, or oversight. There was little evidence to suggest that supervisors were at the scene of very many CRASH activities. There was no indication that CRASH officers or supervisors had interaction with Rampart's watch commanders or other Rampart supervisors. This was undoubtedly caused, to some extent, by the CRASH Unit being attached to detectives and located at a facility remote from the main station due to overcrowding. However, geography alone cannot account for the degree of isolation. Clearly, Rampart CRASH saw itself as an entity separate and apart from the rest of the command.

Booking approvals notwithstanding, the arrest reports indicate that CRASH officers routinely arrested numerous suspects with firearms and seized large quantities of narcotics. It seems unlikely that all those arrests of gang members and violent suspects would be conducted without some force being used. In fact, the auditors found only four documented incidents of force being

employed in a ten-month period. This must be contrasted with the fact that several of the audited officers, who had a documented history of using force prior to their CRASH assignment, suddenly had few if any use of force incidents while assigned to Rampart CRASH.

Rampart CRASH officers used confidential informants often enough for it to be noticed by their supervisors, detectives and Rampart management. Several arrest reports openly discuss the use of confidential informants. Yet, those informants were not documented properly by the CRASH officers. This reflects a lack of compliance with Department procedures for the use of such informants and identifies a significant training issue as well as a serious lack of supervisory and management oversight. Closer supervision and management oversight may well have prevented many of the discrepancies regarding the use and reporting of informants. (The use of informants is discussed in detail in Chapter 6, Department Operations Systems.)

During the audit period, most of Rampart's patrol officers were on a modified work schedule (3/12). However, specialized units such as CRASH were required to work a standard work week (5/8). The desirability of the modified schedule inhibited many officers from seeking a CRASH position. This resulted in many young, inexperienced officers, including two probationary officers, being assigned to Rampart CRASH during the audited period in order to fill the unit's deployment needs. Though the officers were considered competent and reliable based upon their field performance, a CRASH assignment is inappropriate for probationary officers. The probationary period is for officers to learn the basic duties of a patrol officer. While a brief one or two-month loan to CRASH or some other specialized unit may serve to broaden a probationary officer's experience, such loans should be used very rarely and only for highly-qualified probationers (usually with prior police experience) under much closer supervision than was provided in Rampart CRASH.

The circumstances surrounding supervision of the Rampart CRASH Unit and the practice of officers writing supervisors' names on reports must be examined in detail in order to determine when, where, and how this apparently acceptable supervisory practice evolved. Additionally, the Rampart Area and Operations Support Division commanding officers must carefully rethink their staffing strategies for the CRASH Unit as it pertains to the supervision. These supervisors are tasked with leading a small contingent of young, enthusiastic, but relatively inexperienced officers, in a specialized assignment housed away from the main station, the watch commander, and other personnel. It is absolutely essential that only those sergeants epitomizing the Department's highest standards be placed in this assignment.

A further analysis of the Rampart Area CRASH Unit work product should be conducted, with biopsies on specific cases where recurring patterns emerge for specific officers. The time period for this audit was relatively brief given the number of officers to be audited and the seriousness of the issues involved. The audit should be expanded to include all officers assigned to the Rampart Area CRASH Unit from July 1994 through July 1998.

The use of informants by Rampart CRASH officers should be audited thoroughly by a specialized entity conversant with the use of informants and/or by Inspection and Control Section. This audit should determine the extent of the unit's reliance upon informants and ensure that all relevant Department provisions regarding informant use are being followed. It may be

helpful to extend that audit to all CRASH units Citywide to ensure that procedures are being followed.

Case biopsies should be done on the suspicious arrests made by Officers #2, #3, and #6 when they were assigned as partners with Perez. This more comprehensive audit should include cases where other officers were partnered with Perez, but the suspicious patterns did not occur. In addition to examining each of these cases, a focus of the audit should be to determine what factors caused Perez to work in different ways with different partners.

CRASH UNITS DEPARTMENTWIDE

Background

This portion of the audit was conducted to determine if other CRASH units had patterns or practices similar to those identified in the Rampart Area investigation or that would be of concern to management. The sampling was taken for the period of January 1997, through July 1999. This time period was selected to provide a sufficient period overlapping the Rampart CRASH audit to provide a basis for comparison and to provide a sample of current CRASH practices Departmentwide. Auditors were directed to look for indications of patterns or inconsistencies in CRASH units' work product that suggested conduct or activity similar to that which occurred in Rampart Area. The work group was able to audit the remaining 17 Areas and four bureau CRASH units.

Five two-week periods were selected for this audit and each CRASH unit was audited for the same periods. The spacing between the periods allowed sufficient time to elapse between samplings so that any changes in patterns or practices for the units could be identified. Those time periods were:

> January 2-15, 1997
> August 17-30, 1997
> April 12-25, 1998
> December 6-19, 1998
> July 11-24, 1999

The work group was comprised of four teams, each made up of two sergeants and/or detectives. Each team was assigned to audit all CRASH units within a specific bureau. Felony arrest reports or case packages, when available, and misdemeanor arrest reports involving guns were retrieved and audited. The number of reports audited for each CRASH unit varied for a number of reasons, including the number of personnel assigned, amount of gang-related crime in the Area, and individual productivity of the unit.

Audit of CRASH Units

Operations-Central Bureau CRASH

Sixty-three reports were reviewed encompassing all five audit periods. Most of the arrests involved narcotics-related offenses, parole/probation violations, and weapons violations. One pattern and two reporting discrepancies were noted.

The pattern involved six arrest reports completed by three officers in July. Several similarities were noted in the arrest reports, all of which involved narcotics offenses. Only one indicated the arrestee was actually a gang member while the other five arrestees ranged in age from 30 to 54 years. In four cases, the arrestees made spontaneous statements wherein they either admitted to drug possession or current conditions of parole or probation. These arrestees were then Mirandized, but each declined to provide any further statements after the Miranda warning was given. Half the detentions were for riding a bicycle on the sidewalk. The same supervisor approved four of the six reports.

The first discrepancy involved an arrest for parole violation because the arrestee had a dagger in a vehicle. However, the dagger was not listed on the evidence report. The second discrepancy involved the supervisor's signature on three booking recommendations. The printed name on the booking recommendations did not match the supervisor's signature in the related reports. The handwriting was the same throughout the booking recommendation form, indicating that the arresting officer may have signed for the supervisor.

Central Area CRASH

Central CRASH is a small unit consisting of five to six officers at any given time. Twenty-five arrest reports were reviewed for the audit.   Most of the felony arrests involved narcotics and the arrest of non-gang members. Several arrests were at known narcotics locations. Officers would observe a hand-to-hand exchange or receive information from an unidentified source that narcotics were being sold. Once at the location, the arrestee would see the officers and then drop the narcotics. The similarities in each of these arrest reports were different enough so as not to constitute a pattern. No other patterns emerged; however, the low number of gang arrests by the Central CRASH unit was notable.

Northeast Area CRASH

Forty-two arrest reports were reviewed encompassing all five time periods audited. Northeast CRASH's work product is consistent with the work product of other CRASH units in Operations-Central Bureau. However, general report writing errors were evident. Two arrest reports contain very similar descriptions on their source of activity suggesting the use of a boilerplate report practice. One arrest report described a roadblock used at a gang funeral to search all vehicles for weapons without articulating specific probable cause to search each vehicle. During the search of one vehicle, narcotics were recovered. No other patterns emerged.

Hollenbeck Area CRASH

Thirty-three arrest reports were reviewed encompassing all five time periods audited. The majority of these arrests involved narcotics and weapons violations. A general lack of clarity or articulation in reporting probable cause for detention and/or a search was evident. In one instance, the approving supervisor's signature on the arrest report and the booking recommendation differed in appearance. No other patterns emerged.

Newton Area CRASH

Fifty-three arrest reports were reviewed encompassing all five time periods audited. These arrests included 36 arrests for narcotics and weapons violations. Newton CRASH officers worked closely with the CRASH detectives as many arrest reports were based on crime reports or follow-up investigations related to crime reports. There appeared to be an overall lack of on-site supervision during narcotics investigations involving observation posts, chase units, and searches of residences. Senior CRASH officers with some narcotics training and expertise initiated their own surveillance and directed resources to support the targeting of problem locations. Some reports did not clearly establish exigent circumstances for warrantless searches, especially in the sample from August 1997. Some references to information from an anonymous citizen were used to initiate investigations. However, no description of how the citizen legitimately possessed the knowledge or why it was necessary for the citizen to remain anonymous was articulated.

Five inconsistencies regarding supervisor signatures were identified. Four were noted in late 1996, and one in July 1999, suggesting that the officers were signing their own arrest reports. The same supervisor was involved in each case, indicating a possible practice of allowing subordinates to sign one's name without review of the reports .

One inconsistency regarding an injured arrestee was noted. During the initial pat-own search for weapons, the officer felt a handgun in the arrestee's jacket. Before he could handcuff the arrestee, the arrestee punched the officer in the face. A short foot pursuit ensued and the arrestee was apprehended and the weapon recovered. Once in custody, the officers observed an abrasion on the arrestee's nose. Eventually, the arrestee was transported to County U.S.C.M.C. for a possible broken nose. The medical treatment and use-of-force boxes on the arrest report were not marked, even though the suspect received treatment and a use-of-force report was completed. Further, there is no mention in the reports of on-scene supervision.

Operations-South Bureau CRASH

Thirteen arrest reports were reviewed for OSB CRASH encompassing the five time periods audited. The arrests ranged from narcotics possession, felony warrants, probation violations, and receiving stolen property. This CRASH unit's activities appeared consistent with the overall function of a CRASH unit. Of the 13 reports reviewed, eight had the same supervisor approving the booking and arrest report, two had different supervisors approving the reports, and in three instances, copies of the booking recommendation were not located.

There was one inconsistency in a 1998 supervisory approval. Officers made a multi-three arrest for narcotics and each booking approval listed the same approving supervisor. However, there appeared to be three variations of the same signature. The supervisor who approved the arrest report was not the same supervisor who signed the booking recommendation. No other patterns emerged.

77th Street Area CRASH

Sixty-four arrest reports were reviewed encompassing the five time periods audited. Few officers made more than two arrests per time period and, based upon the size of the unit and the changes in personnel, it was difficult to identify any patterns or trends. Overall, unit activity was consistent with the function of a CRASH unit. An officer's gang or narcotics expertise and the reason for the detention and arrest were clearly established in the arrest report narratives. Boilerplate type arrest reports were not found. Officers generally were not issuing Property Receipts, Form 10.10, for narcotics when narcotics-related arrests were made. However, the Property Reports matched the narrative description of the evidence seized.

Southwest Area CRASH

Seventeen arrest reports were reviewed encompassing the five time periods audited. Overall, Southwest CRASH focused on addressing gang-related activity. The majority of the arrests involved the recovery of narcotics and guns. Upon examining the narcotics-related arrest reports, the arrestees either discarded the evidence or the officers observed the evidence in plain sight. Only one arrestee admitted to the possession of the narcotics. Of the nine narcotics-related arrest reports audited, six involved officers making a pedestrian stop for a traffic violation or a probation violation. Overall, no specific problems were identified at Southwest CRASH.

Southeast Area CRASH

Thirty-one arrest reports were reviewed for the five time periods audited. Sixteen arrests involved narcotics offenses. Half of the narcotics-related arrests were of admitted gang members. Five arrests involved the recovery of a firearm and four of the five reports identified the arrestee as a gang member. The remaining 11 arrests were made for various crimes such as driving without owner's consent, robbery, felony warrants, and probation/parole violations. Southeast CRASH's work product was consistent with work generally performed by CRASH units.

Two variations in a supervisor's signature were noted. In the first case, officers made an arrest for possession for sales of marijuana. Although a lieutenant approved the booking, one of the authors of the report approved and signed the arrest report by writing a sergeant's name and placing initials next to the name (1998). In another case, two officers made an arrest for a parole hold and, although the supervisor's signature appears on the booking recommendation, the same supervisor's name appears printed on the arrest report face sheet without initials next to it. Both names printed on each face sheet appear to be from the same person.

Harbor Area CRASH

Sixteen arrest reports were reviewed encompassing the five time periods audited. The arrests include carrying concealed weapons and other gun violations, felony warrants, narcotics, driving without owner's consent, robbery, and probation and parole violations. Overall, Harbor CRASH's work product was consistent with the activity of a CRASH unit.   No specific trends or patterns and inconsistencies were identified.

One possible supervisory approval inconsistency was identified. Officers made an arrest for possession for sale in 1997 and the booking recommendation section is signed by the supervisor, but the same supervisor's name is printed on the arrest report face sheet. It is unknown if the arrest report was actually signed by the supervisor.

Operations-West Bureau CRASH

Operations-West Bureau CRASH is an administrative unit which audits and maintains statistics for West Bureau CRASH units. No reports from OWB CRASH were audited.

Hollywood Area CRASH

Thirty arrest reports were reviewed encompassing the five time periods audited. Seven of those arrests were for narcotics-related activities. Most of the evidence seized was either discarded by the defendant or recovered during a frisk search or a search incidental to arrest. Ten of the thirty reports had signature inconsistencies suggesting that officers may be signing their own reports. In two other reports, the narratives are almost identical suggesting that a boilerplate was used. The boilerplate arrests involved the same officers making arrests for cocaine possession in the same approximate area.

Pacific Area CRASH

Ten arrest reports were reviewed encompassing the five time periods audited. Eight of the ten arrests involved narcotics-related activities and two involved Penal Code sections. Problems with probable cause as well as search and evidence inconsistencies were identified in three of the ten arrest reports which were all related. The sergeants' signatures on the arrest reports appeared inconsistent, as though the same name was signed by different people. No other patterns or inconsistencies were found.

Wilshire Area CRASH

Thirty-nine arrest reports were reviewed encompassing the five time periods audited. Ten of the arrests involved narcotics activities and the other arrests were for felony warrants, robbery, and murder. Of the 18 cases in which evidence was recovered, the evidence was either discarded by the defendant or recovered incidental to arrest. Two inconsistencies were identified. In the first, the Property Receipt indicated that $15 was recovered, listed as (1) $5 and (15) $1 bills, while the report indicated $20 dollars recovered, (1) $5 and (15) $1 bills (97-07 31553). In another

case, narcotics evidence was recovered and booked, but there was no indication on the arrest report that a property report was completed. No other patterns or inconsistencies were identified.

West Los Angeles Area CRASH

Twenty felony arrest reports were reviewed encompassing the five time periods audited. Eight of the reports were for narcotics-related activities. West Los Angeles CRASH officers appeared to have a balance between narcotics-related activity and crime suppression activities. There were no patterns or inconsistencies noted.

Operations-Valley Bureau CRASH

Five arrest reports were reviewed encompassing the five time periods audited. All were for narcotics-related offenses. The source of activity of the reports appeared to be weak when it came to connecting the focus of the CRASH officers with their activities while in the field. In all of the arrest reports, it was not evident if a supervisor was at the arrest scene. One typical report indicated on the face sheet that the suspect was a gang member, but the body of the report made no mention of him being a gang member. In another arrest report (1998), the supervisor's name was printed in the signature block, suggesting a supervisor had not actually reviewed and approved the report. No other significant patters or inconsistencies were found.

Devonshire Area CRASH

Nineteen arrest reports were reviewed encompassing all time periods audited. Half of the arrests were for persons not identified as gang members. The source of activity and/or observations sections of the reports were generally insufficient to connect the officers' functions with their field activities. In the majority of arrests, the approving supervisor's name was either printed or typed on the form rather than signed, raising a question as to whether a supervisor actually approved the reports.

Two officers in particular made the majority of arrests, usually related to narcotics. Most often the scenario of their arrests was similar. There was a minor traffic violation, observation of narcotics, or verbal consent for a search and the discovery of narcotics. When advised of Miranda, the suspects immediately confessed. The arrest reports were usually one-half to one page hand written, without much detail. Usually, no property receipt was issued and, if it was, the narcotics were omitted from the receipt. The amount and weight of narcotics booked and packaged was inconsistent on several of the reports. One arrest report, also involving narcotics, does not accurately list the narcotics recovered because the booking recommendation, property report, and analyzed evidence report all list different quantities for the narcotics.

Van Nuys Area CRASH

Nineteen felony arrest reports were reviewed encompassing all time periods audited. The review revealed that a majority of Van Nuys CRASH officers' felony arrests were for narcotics-related crimes. Three reports contained conflicting or incomplete information regarding narcotics being recovered and booked. Two of those reports involved discrepancies between the officers' and

the SID analysts' description of the weight or packaging of the narcotics. The third report did not list the amount of narcotics booked in the evidence report.

North Hollywood Area CRASH

Six arrest reports were reviewed encompassing all time periods audited. It appeared that CRASH officers made most of their felony arrests for narcotics-related crimes. The source of activity section of the reports generally did not connect the CRASH officers' gang focus with their field activities. North Hollywood is a relatively small unit, with low felony arrest productivity. The number of officers assigned ranged from no officers in one period to ten officers in another. No significant patterns or inconsistencies were found.

Foothill Area CRASH

Ten arrest reports were reviewed encompassing the five time periods audited. Approximately 30 percent of the reports were for non-gang related arrests. In one instance, the arrest report lacked proper probable cause, indicating a lack of proper supervisory review of the report. Another report had a discrepancy regarding the amount of narcotics recovered and booked. In this case, the officers made an arrest for possession of marijuana. The narrative implied that four marijuana cigarettes were recovered, but the arrest report face sheet listed only three marijuana cigarettes recovered. The narrative does not establish how much marijuana was present. No other patterns emerged.

West Valley Area CRASH

Six arrest reports were reviewed encompassing the five time periods audited. In one report, the description of narcotics evidence in the arrest report was inconsistent with the description of the same narcotics in the property report. Because of the small sample size (6 reports), it could not be determined if this was a simple error or indicative of a pattern.

Subcommittee Findings

A lack of conscientious supervision appeared to be the source many report inadequacies observed by the audit team. Many instances of printed or typed supervisor's names on booking approvals and various reports suggests that a supervisor may not have approved some of these critical reports. If supervisors did review the reports, errors such as omitting the "Booking" section of an arrest report, failing to ensure that officers followed proper procedures for the use of informants, and failure to record on the reports that a reportable use of force occurred, all indicate that supervisors are not closely involved in reviewing felony contacts. Although these errors were not the norm, the lack of supervisory oversight of CRASH operations might be a significant factor in the number of overall deficiencies observed.

The "Source of Activity" sections of arrest reports were generally very good and established an excellent insight into the reason for the presence of a specialized group of officers with a mission to target gang and narcotics problems in an area. However, many CRASH units appear to believe they have "implied authority" to detain any gang member(s) they see driving or walking

in a "gang infested" area. While gang and narcotics problems may establish a solid Source of Activity, they cannot be considered license to detain or arrest without other clearly articulated facts. Articulation of an additional fact or two may negate the appearance of a "rubber stamp" detention or arrest. The lack of sufficient probable cause would also indicate that supervision was not closely reviewing arrest reports. These practices were fairly widespread and remained unchanged during the entire audit period from 1997 to 1999.

It appears that some CRASH operations do not focus on gang activity. Arrests and enforcement efforts are frequently directed to narcotics activity involving non-gang members. There also appears to be a lack of a close working relationship with detectives for the purpose of developing a real investigative CRASH (gang) operation and response to gang activity. While a community-police approach is also needed, this audit was not sufficient to determine the level of community involvement that is currently used to focus each Area's CRASH unit on specific gang activity.

The audit of CRASH units Departmentwide should continue and include a more comprehensive sample of unit activities and reports. Even with the small sample size in this audit, there appear to be patterns justifying a more comprehensive and thorough audit including a larger work-product sample for longer time periods. Those cases identified as suspicious should be biopsied for more thorough and complete analysis, particularly in the Devonshire CRASH Unit.

Each CRASH unit's work product should also be audited to determine responsiveness to gang problems and how each unit perceives its role, i.e., intelligence-gathering units, special problems units focusing on a variety of non-gang related crimes and problems, gang suppression units, or narcotics enforcement units. The audit should include overall work product, including misdemeanor arrests and citations. The audit should also focus on supervisory practices and the span of control between CRASH supervisors and officers. The audit should examine each CRASH supervisor's daily logs and compare the amount of time spent supervising personnel in the field, completing administrative paperwork, auditing personnel for risk management issues, and approving bookings and reports.

SPECIALIZED UNITS

The sampling time period for this work group was January 1997 through July 1999, the same as the other two work groups in this subcommittee. This period was selected to allow comparison with the findings in Rampart CRASH and Citywide CRASH units. The five two-week audit periods for this work group were different than the time periods used for the Citywide CRASH audits in order to allow for greater coverage of the audit. The time periods for this audit were:

>	January 2-15, 1997
>	August 17-30, 1997
>	April 12-25, 1998
>	December 6-19, 1998
>	July 11-24, 1999

The work group was comprised of six teams, each made up of two to three sergeants and/or detectives. Initially, five teams were assigned to audit three Areas each and one team was

assigned two Areas. The teams were to audit all specialized units within each Area. However, it quickly became apparent that there was insufficient time to accomplish the entire audit in the time allotted. Consequently, 11 Areas representing all four geographic bureaus and three squads within Narcotics Division's Field Enforcement Sections were selected for review. An audit of Metropolitan Division was begun, but not completed in time to include the results in this report.

Specialized units audited included special problems units (SPU), hype car units, career criminal units (CCU), Narcotics Division bureau field enforcement sections (FES), parolee at large units (PAL), community response units (CRU), special enforcement groups (SEG), and vice units. The specific commands and units selected for audit were those units to which Rampart CRASH officers were transferred or loaned during the period audited, and a random sampling of other specialized units. This method was intended to determine if patterns demonstrated by officers assigned to the Rampart Area CRASH Unit were exported to other units, and if officers continued their patterns when they were transferred or loaned to other assignments. The following chart shows the specialized units that have been audited at this time.

Specialized Units Audited

Area	Special Problem Unit	Hype Car	Career Criminal Unit	Vice Unit	Parolee Unit	Community Response Unit	Narcotics Division FES Squad*
Central	✔	✔		✔			
Devonshire	✔		✔				
Harbor	✔	✔		✔	✔	✔	✔
Hollenbeck	✔	✔		✔			
Hollywood	✔						
Northeast	✔	✔		✔		✔	✔
N. Hollywood	✔	✔		✔			✔
Newton			✔				
Pacific	✔			✔			
77th Street		✔	✔	✔	✔		
Wilshire				✔			

The results of these audits are grouped by type of specialized unit. They represent an overall evaluation of those sample specialized units of similar function (i.e., all vice units) for which an audit was completed.

<u>Vice Units</u>

Eight vice units were audited from Central, Harbor, Hollenbeck, Pacific, Northeast, North Hollywood, 77th Street and Wilshire Areas. Within these units, approximately **2,500** individual arrest, Field Release From Custody (RFC), and other related reports were reviewed to determine whether any patterns or inconsistencies existed that could be deemed questionable or inconsistent with established policy. Overall, it appeared that the enforcement aspects of these units were

being handled in accordance with established procedure. The auditors had little, if any, difficulty locating the documents necessary for review. All vice-related controls were in place and appeared to function in the manner for which they had been designed.

Harbor, Hollenbeck, Pacific, and Wilshire Areas. No discrepancies noted.

Central Area. An isolated incident occurred during which two officers detained a suspect for a felony narcotics offense. During the "pat-down" search, marijuana was recovered. It was determined that the suspect also had a felony warrant and was ultimately booked for the warrant charge. Though the narcotics was booked, there was no mention in the arrest report of the narcotics evidence that led to the arrest.

Northeast Area. A pattern that was noted involved a sporting event ticket scalper detail during which the vice unit used a pre-typed RFC wherein the only element that changed was the name of the officer involved and location of the offense. The use of a pre-typed report causes obvious discrepancies such as defendants always possessing tickets in their right hand. The narrative of several RFCs indicated that the scalper possessed "tickets." However, only one ticket was actually seized and there was no indication of the disposition of other tickets that may have been taken as evidence. On other occasions there was no evidence of a Property Receipt being issued to the violator, nor was specific ticket information listed in the body of the report. During the same detail, two RFCs were completed within a 15-minute timeframe and the evidence (tickets) listed in the reports as being seized was identical on both occasions. Another audit inconsistency was noted during a lewd conduct arrest in which two officers observed the actual violation occur in a park setting. However, the diagram of the arrest report depicted the violation having occurred in a public restroom.

North Hollywood Area. A single discrepancy was noted on a drinking in public RFC. The narrative portion of the report indicated that the violator had beer bottles in his possession and that the evidence was booked at North Hollywood. But, the face sheet of the RFC neglected to include the disposition of the evidence.

77ᵗʰ Street Area. A pattern was noted on five separate arrest reports where arresting officers signed for their supervisor as approving the arrest and initialed the face sheet. There was no indication that a supervisor was actually aware that the arrests had occurred. On a separate occasion, two officers made two prostitution-related observation arrests within 15 minutes of each other. However, the time periods referenced in the related reports conflicted.

<u>**Special Problems/Community Response Units (SPU/CRU)**</u>

Ten SPU and CRU units were audited from Central, Devonshire, Harbor, Hollenbeck, Hollywood, Pacific, Northeast, and North Hollywood Areas. Harbor and Northeast Areas had both a CRU and SPU unit while the other six Areas only had SPU units. The mission of SPU is to address an Area's repressible crime patterns while CRU units respond to community complaints, usually involving quality-of-life issues. Approximately **1,800** arrest and related reports were reviewed for this portion of the audit. Generally, these units were well supervised and worked on various missions related to crime and quality-of-life issues consistent with the

directives of the respective commanding officers. It appeared that SPU and CRU personnel were generally deployed in uniform, driving hybrid police vehicles. This high-profile practice is consistent with the Department's objective of emphasizing a greater visible police presence in the community. The following issues of concern were noted during this audit.

Devonshire, Harbor, Hollenbeck, and North Hollywood Areas. No discrepancies noted.

Central Area. During the audit of Central Area SPU, only four arrest reports were found that substantiated any enforcement activity of the unit during the specified time period. The auditors located these reports only after an exhaustive review of every report generated by Central Area during the audit time period. No arrest logs or DFARs were located and it appeared that none were maintained. Only after an audit of supervisory logs was completed could it be determined that the mission of SPU personnel was largely dictated by detective operations and the Narcotics Division FES. It was assumed that the four to six officers assigned to this SPU detail were deployed in observation posts for the purpose of addressing burglary or other Part I criminal activity in the Area. However, there was no independent data located by auditors that supported this assumption.

Hollywood Area. Two reports indicated that the SPU supervisor was the arresting officer, author of the arrest report, and approving supervisor for a 1997 arrest. One case was identified in which the gross weight of the narcotics and the amount of the U.S. currency seized were not listed on the arrest report.

Pacific Area. In one 1997 incident, SPU officers claimed to have made the arrest of a felony narcotics suspect; however, the reports reflected that the actual arrest was made by Pacific Area Narcotics FES. Two of the suspects received medical treatment for substantial injuries; but, there was no indication in the reports of how those injuries were sustained nor was there a corresponding Use of Force Report in file. The arrest report did not include the quantity of cocaine that was recovered during the arrest.

Northeast Area. An isolated incident occurred in 1998 during which a suspect was arrested for a felony narcotics offense. The arrest report face sheet identifies the narcotics evidence and the narcotics was booked; but, there is no indication in the arrest report of where the substance was booked.

Career Criminal/Parolee-at-Large Units (CCU/PAL)

Four CCU or PAL units were audited from Devonshire, Harbor, Newton and 77th Street Areas. The purpose of these units is to identify and arrest violent career criminals and those in violation of the terms of their parole within the boundaries of the specific Area. Both of these units were assigned to their Area's Operations Support Divisions and there appeared to be about seven such details in existence throughout the City. After reviewing an estimated **600** reports, the following inconsistencies were noted.

Devonshire and Harbor Areas. No discrepancies noted.

Newton Area. In one 1998 case, officers made an arrest outside the City and the arrest report did not indicate that a supervisor was present, or that the outside jurisdiction was notified of the Department's activity in their city.

77th Street Area. Six reports were located that documented the arrest and booking of suspects for felony warrant violations. The reports, authored by the same two officers, contained single sentence entries in the "Source of Activity," "Observation," "Arrest," and "Booking" categories. In one incident, the arrest was made outside the City and there was no information documenting the presence of a supervisor.

Hype Units

Six hype units were audited from Central, Harbor, Hollenbeck, Northeast, North Hollywood, and 77th Street Areas. Throughout the Department, eight Areas reported deploying hype units during the audit periods. Two of these Areas combined the hype unit with either SPU or CCU, with separate deployment rosters maintained for the hype unit. The purpose of these units is to identify and arrest suspects within their respective divisions who are responsible for both violent crimes and property crimes due to their habitual narcotics abuse. Approximately **1,500** reports were reviewed with the following inconsistencies noted.

Central, Harbor, Hollenbeck, and 77th Street Areas. No discrepancies noted.

Northeast Area. Three arrest reports were identified in which the reports appeared to be written from a template. In each report, the suspect was observed for three minutes, had the same objective symptoms, had just begun a methadone program, and had the same pupil measurements. On one of the reports, the suspect's name listed on the face sheet is different from the suspect's name listed in the narrative portion of the report, further indicating that a template report was used as well as poor supervisory review.

North Hollywood Area. During the review of four arrest reports, it was noted that an officer reported expertise far exceeding his two-year tenure with the Department. In reports dating from February 1997 through July 1997, he reported having made anywhere from 360 to 600 arrests for 11550 H&S in support of his narcotics expertise. If this data was indeed accurate, it would represent an average of three to five misdemeanor arrests per day for the six-month period identified.

Narcotics Division – Field Enforcement Section Squads

Three of Narcotics Division's FES squads were audited from Harbor, Northeast and North Hollywood Areas. Although line supervision of these squads is provided by Narcotics Division, each squad is directly responsible for addressing narcotics violations and related issues at the Areas to which they are assigned. Over **600** separate arrest and related documents were reviewed. As a general rule, these units were well managed and adhered to a strict enforcement protocol as defined by either Narcotics Division and/or the Area management team. Given the number of narcotics arrests that are the norm with units such as these, there were relatively few patterns or inconsistencies identified.

Northeast Area. A suspect in an automobile was arrested in 1997 for felony narcotics and then transported to her residence. There, a consent search of her property was conducted during which a large amount of cash was seized. The resulting case documentation indicated a discrepancy of $40 that was never addressed or resolved. Although two separate Property Receipts were completed, neither was endorsed by the arrestee nor were they approved by an uninvolved supervisor.

North Hollywood Area. After an extensive surveillance in 1998, a felony narcotics arrest was made and an unknown amount of money was seized from several different locations within the suspect's residence, pursuant to a consent search. However, the arrest report gave no indication of the amount of currency seized nor did the arrest report state where it was booked. In another felony narcotics arrest following a consent search, approximately $9,000 in U. S. currency was seized. The Receipt for Property Taken into Custody did not specify the precise amount, but rather stated, "Miscellaneous denominations – unknown total at this time."

Harbor Area. In at least four separate arrest reports from 1998, two detectives developed their probable cause based upon information they received from a confidential <u>untested</u> informant and the accompanying generic statement, "Received numerous citizen complaints."   There were no corroborating facts or observations listed to substantiate the actions that led to the arrests. In each of these instances, the suspects gave consent for a search leading to the recovery of contraband. In three 1997 cases, two detectives also used the term "confidential untested informant" as the source of activity, with no reported effort to corroborate the information.

Subcommittee Findings

During the review of these operational entities, there were extremely few irregularities noted in vice units. This appeared to be because of the check-and-balance system created by the audit systems and oversight of vice units by local commands, their bureaus and Organized Crime and Vice Division. These multiple layers of oversight create an effective method of accountability and ensure consistency of performance among vice units. Even with this check-and-balance system, one common issue was noted—vice units throughout the Department use pre-typed or "boilerplate" type RFCs. Given the fact that this practice has been widely accepted throughout the Department and endorsed by the Office of the City Attorney for nearly a decade, it would be difficult to discern a pattern of abuse should one be present. Despite this acceptance, close scrutiny of these documents did not reveal any apparent abnormalities that could be construed as problematic. However, strong consideration should be given to abolishing the practice of "boilerplate" reports to alleviate the perception of "uniform" arrests.

One prevalent theme in the review of specialized units was that many of them lacked a consistent mission. It appeared that SPU enforcement routinely focused on narcotics and or gang-related issues that are normally the responsibility of other specialized details. Supervision of these units tended to be good to very good, but neglected to provide the type of meaningful and appropriate oversight necessary to mitigate the problems noted in this audit. Although units maintained separate staffing rosters, their reports were often combined with those of other specialized units

within the same Area. Whereas this practice may be efficient from a processing and storage standpoint, it did make retrieval of the reports more difficult for audit purposes.

There were several leadership issues that emerged relating to CCU and PAL specialized details. One of these dealt with unit members working with outside law enforcement agencies and the resultant lack of coordination of supervision, tactics, communication, and organizational policy issues. Still another was the manner in which inexperienced team members were allowed to conduct investigations and effect felony arrests outside the City limits, often without supervision. A final concern was a lack of proper and/or adequate reporting procedures. Although arrestees were sometimes taken into custody by joint task force operations, that approach should not negate our responsibility to thoroughly document our involvement in the arrest or detention.

There were few irregularities noted during the audits of the various hype units other than the difficulty in locating some of the reports. Generally, it was discovered that hype unit personnel are tenured and experienced officers who follow a strict enforcement regimen. Assigned to Operations Support Divisions, their activities are focused and mission specific.

Finally, further investigation should be conducted into the discrepancies noted in this chapter. In some cases, a full case biopsy will be required to determine if the discrepancy involves misconduct, errors in documentation, or lack of thorough supervisory review.

SUBCOMMITTEE CONCLUSIONS AND MANAGEMENT INSIGHT

There were no patterns or trends within the units audited that would suggest Departmentwide corruption problems within CRASH or any other specialized units. However, there were inconsistencies which indicate that the practices of CRASH and specialized units must receive closer supervision and management oversight. The subcommittee found a general lack of adequate supervision of CRASH units, but many other specialized units seem to suffer from the same problem. These problems include the absence of sergeants on a regular basis at the scene of arrests, inconsistent supervisory review of reports, a lack of in-person supervisory booking and report approvals, and a general lack of field supervisory presence and direction. Equally important is the lack of management oversight to ensure that effective supervision is occurring.

It was obvious from our review that we need to dramatically improve our supervision and management oversight of our specialized units and especially our CRASH units. The span of supervisory control for CRASH units varied widely with some units having two sergeants for four officers while others had one sergeant to supervise seventeen officers. A larger span of control inevitably contributes to sloppy or negligent report writing, especially as it relates to articulating specific probable cause and describing narcotics when it is taken into custody and booked.   There is not a clear understanding by specialized units, especially CRASH units, about the use of informants or the documentation of informant information. There also appears to be a strong tendency among CRASH units for officers to focus on narcotics activity whether or not it is related to a gang problem. This suggests a philosophy of productivity for the sake of numbers. Reasonable suspicion to conduct pat-down searches for weapons is generally not articulated in reports Citywide.   Many CRASH officers fail to connect their expertise and knowledge of the gang problems in the area with the actual subjects of their investigation and arrests. Also, many

CRASH operations appear to be lacking any long-range strategies such as a full-spectrum approach involving intelligence, follow-up investigation, probation, parole, search warrants, vertical prosecution, community involvement, and community outreach.

A further analysis of the Rampart Area CRASH Unit work product should be conducted, with biopsies done on specific cases where problems or recurring patterns were identified. The subcommittee necessarily conducted a random sample of these officers' activities. However, a full audit should be done on the 46 additional officers who were assigned to Rampart Area CRASH from July 1994, through July 1998 to ensure that an accurate and comprehensive picture of Rampart CRASH operations during that time period is obtained. Case biopsies should be done on arrests made by Officer #3, Officer #6, and Officer #2 when they were assigned as partners with Perez. A focus of that audit should be to determine what factors caused Perez to work in different ways with different partners.

The audit of CRASH units Departmentwide should continue and include a more comprehensive sample of unit activities and reports. The time constraints imposed on this initial audit limited our review to arrest reports only. A more comprehensive and thorough audit should include a larger sample of work product comprised of all reports related to the cases under audit for longer time periods. Each CRASH unit's work product should be examined to determine responsiveness to gang problems and how each unit perceives its role, e.g., intelligence gathering, focusing on special problems, gang suppression, or narcotics enforcement. This review should include how well CRASH units use intelligence, investigative follow-up, probation, parole, vertical prosecutions, and community outreach to enhance their operational strategies. The review should also include an examination of CRASH supervisors' daily logs to determine the amount of time spent supervising personnel in the field, completing paperwork, auditing for risk management issues, and reviewing booking and arrest reports.

The audit of specialized units Departmentwide should be continued and the audit period should be expanded as necessary to complete a comprehensive audit of those entities included in this audit, as well as those that were not because of time constraints. Specific attention should be given to those specialized units to which Rampart CRASH officers transferred to determine the extent to which Rampart CRASH practices may have been exported to other specialized units.

An immediate internal investigation of Rampart Area CRASH supervisory practices should be conducted by IAG to determine if any misconduct was associated with the issues of officers approving their own reports and the general lack of supervisory oversight within the Rampart CRASH Unit. In addition, a directive should be published reminding all personnel of the Department Manual sections relating to obtaining supervisory approval on all bookings and reports. (This is being done by Management Services Division.) As a follow-up in this area, the Department should conduct a detailed review of supervisory workload and demands placed on supervisors Departmentwide to determine if adequate field supervision is lacking due to inadequate training, poor supervisory initiative or inordinate demands being placed on supervisors. Report writing and report approval classes should be added to the Sergeants and Watch Commanders Schools with an emphasis on proper booking and report approval procedures and the importance of supervisory review of field activities and reports.

Publication of the informant manual, currently under development by Criminal Intelligence Group, must be expedited and distributed to all staff and command officers to ensure that use of informants is applied uniformly Departmentwide. Commanding officers should ensure their commands are aware of proper procedures, and classes on the use of informants should also be added to Sergeants and Watch Commanders Schools.

Finally, we must resurrect our audit and control systems. It is glaringly apparent that supervisors are not conscientiously reading reports before they sign then, if they sign them at all. Area and bureau commanding officers are not spot-checking reports to ensure their quality. For example, there was widespread inconsistency in the use of the Property Receipt, Form 10.10, to document evidence taken into custody and poor supervisory review allowed the reports to be processed without correction. In all too many cases, Area/division records rooms could not locate some of the reports we requested due to misfiled or missing reports. Proper filing and ease of document retrieval are critical to an effective audit system. The audit system currently used to monitor vice unit activities incorporates audits by bureaus and Organized Crime and Vice Division and is apparently successful based upon the findings of this audit. It is reasonable to assume that such an audit system would also be successful if applied to Area activities. In that regard, the PACMIS database should also be reviewed to ensure that it captures sufficient information for audit purposes, such as the names of both arresting officers on a case.

CHAPTER 4

RAMPART MANAGEMENT & SUPERVISION

The Subcommittee on the Management and Supervision of Rampart was tasked with determining the level to which effective corruption prevention/detection systems were in place in Rampart from 1994 to 1999. Primarily, this was done by thorough interviews to assess the duty performance of all key Rampart managers and supervisors during that same period. The subcommittee also reviewed the management systems and oversight provided by Operations-Central Bureau.

The subcommittee was comprised of the following personnel:

>   Deputy Chief Carlo Cudio, Operations-South Bureau, Chair
>   Commander George Ibarra, Department Commander, Assistant Chair
>   Captain Richard Eide, Narcotics Group
>   Captain George Gascón, Harbor Area
>   Captain Ken Hale, Air Support Division
>   Captain Joe Curreri, Devonshire Area
>   Captain Michael Chambers, Southwest Area
>   Captain Mike Hillmann, West Los Angeles Area
>   Captain Charles Beck, Southeast Area
>   Lieutenant Rita Knecht, Employee Relations Section

METHODOLOGY

The subcommittee developed a methodology to accomplish their assigned task. The first step was to identify the significant management and supervisory issues to be investigated. These issues were used as a broad outline for conducting in-depth interviews. It was also decided that the interviews would be supported by the review of pertinent administrative documents. It was felt that this process would provide the subcommittee with the required information needed to determine the effectiveness of Rampart Area's management systems. The final step was to establish a reporting procedure that would allow for the orderly collection of information and the development of meaningful recommendations for the improvement of Rampart Area as well as other commands throughout the Department.

Key Issues

During a lengthy discussion, the subcommittee identified a number of significant management and supervisory issues that might be addressed during this portion of the Board of Inquiry. This was an important step as the identification of these issues would become the cornerstone of the interview and document review process. The subcommittee ultimately selected six significant issues for investigation, each of which had several sub-issues that were also investigated during the inquiry process. The issues selected were:

1. Impact of Rampart Culture;
2. Management Controls;
3. Training;
4. Environmental Concerns;
5. Personnel Practices; and,
6. Leadership.

Interview Process

The next step was to develop a comprehensive interview process which required that the subcommittee create an internal organizational structure to conduct the interviews. The subcommittee was divided into four interview teams, each consisting of two command officers who would conduct the interviews and a lieutenant who would be responsible for taking notes, operating the tape recording equipment, and coordinating the appearance of witnesses. Each team was also assigned clerical staff to assist in scheduling the interviews and performing routine administrative tasks. A separate organizational structure was developed to interview command officers from Rampart Area and Operations-Central Bureau (OCB). The subcommittee Chairman and Assistant Chairman personally interviewed Rampart command officers and the staff officers assigned to OCB were interviewed by a panel of two Deputy Chiefs and a Commander who performed the note taking and coordination function.

The subcommittee then established formal procedures for the interview process, which were reviewed and approved by the Employee Relations Administrator before implementation. It was decided that the interview teams would use standard employee admonitions as needed, tape record every interview, and take detailed notes. The statements culled from the interviews would not be paraphrased except in unusual circumstances. A special agreement was negotiated between the Los Angeles Police Protective League and the Employee Relations Administrator allowing officers to personally tape record their interviews. It was agreed that this was a one-time agreement and would not constitute any precedent allowing officers to personally tape record interviews at future Boards of Inquiry. This agreement was documented in a letter sent by the Employee Relations Administrator to the Protective League.

The subcommittee also discussed how the interviews should be conducted. It was decided the tone of the interviews would not be accusatory, but simply ask a series of questions drawn from the six significant supervisory and management issues previously identified. It was felt this approach would be more successful in obtaining the information needed and elicit honest, opened-ended responses about Rampart supervision and management.

The subcommittee then developed a database of every supervisor assigned to Rampart Area from 1994 through 1999. It was decided that each of the four interview teams would conduct approximately one quarter of the required interviews. This amounted to approximately 60 interviews per team. The interview teams scheduled their own interviews based upon the availability of the supervisors to be interviewed. Each interview team selected a convenient interview location, taking the regular work locations of the interviewees into consideration.

It should be noted that the subcommittee was only able to interview about half the supervisors who worked at Rampart during those six years. Some of those supervisors could not be interviewed because they faced potential disciplinary actions and any interviews of these supervisors could have negatively impacted ongoing or future administrative or criminal investigations. Many other supervisors had retired and were either geographically unavailable or did not wish to cooperate in this inquiry. Normally, an inquiry would consider and analyze the comments and findings derived from every supervisor in order to ensure a fair and objective analysis. It also establishes a check and balance so the conclusions and recommendations are not based solely on one side of a story. So, the subcommittee's inability to interview every supervisor may impact some of the findings. Notwithstanding its inability to interview everyone, the subcommittee firmly believes that the interviews conducted and documents reviewed provide ample support for the findings and recommendations outlined in this report.

Los Angeles Police Protective League Involvement

The subcommittee enlisted the assistance of the Los Angeles Police Protective League and the Officer Representation Section to provide employee representation for the interview process consistent with current law and employer/employee memorandums of understanding. It should be noted that both of these entities were tremendously supportive of the inquiry process and worked hard to ensure the process proceeded smoothly. They were in constant communication with the Subcommittee Chair and issues of concern were resolved immediately. Their efforts certainly helped to speed up the interview process and the Department is _very_ appreciative of their complete cooperation and support.

Review of Documentation

The subcommittee developed an evaluation process for the management documents in place at Rampart Area. Those documents included, but were not limited to, Sergeants Logs, Watch Commander Logs, Daily Worksheets, audits, Home Garaging Reports, and Extraordinary Duty Reports.

It was determined that a team of supervisors with patrol and detective experience would be tasked with analyzing official management documents from Rampart Area for the purpose of identifying whether there had been appropriate supervisory review and adherence to Department standards. The team consisted of one lieutenant, four sergeants and one detective II and they were supported by other personnel who assisted them in recovering all key supervisory and management reports. Significant findings were brought to the attention of the subcommittee, used in the interview process, and ultimately included in the final report.

Due to time constraints, it was necessary to random sample these documents. It was determined that the team would analyze reports for one month from each quarter for the years 1994 through 1999, which would allow for the year-to-year comparison of data. The following table indicates the months that were reviewed.

Year	Month	Month	Month	Month
1994	January	April	July	November
1995	January	April	July	November
1996	January	July	September	December
1997	January	April	July	November
1998	January	April	July	November
1999	January	April	July	November

Due to work by other Department entities, the document review team was unable to locate enough documents to significantly analyze some months. When that occurred, the document review team selected an alternate month as close to the selected month as possible. The Subcommittee on the Work Product of the Involved Officers (Chapter 3) was tasked with analyzing documents from Rampart Area's Detective operations and case files. So, the focus of this document review was on management and supervisory issues concentrating on uniformed functions.

SUMMARY OF FINDINGS

The subcommittee's work provided significant insight into the managerial and organizational issues and events that occurred in Rampart Area between 1994 and 1999. However, those individual insights were based upon people's perceptions, which must be compared to the information gathered by other subcommittees. In other words, opinions should be viewed as exactly that unless they are corroborated by other facts.

Background

Rampart Area is one of the largest operational commands within the Los Angeles Police Department, with over 400 sworn and civilian personnel assigned. While Rampart covers only 7.9 square miles, its population density of approximately 36,000 people per square mile is the highest in the City. Largely because Rampart is home to some of the City's most violent street gangs, it has suffered a long history of extremely high crime rates, particularly in the violent crime categories. Rampart routinely leads the City in homicides, narcotics activity and violent crime arrests. Rampart officers also handle an extremely high volume of calls for service.

Rampart Area's demographics are also unique. Significant portions of the people who live within Rampart Area are undocumented aliens from Central America. Many of these people speak only Spanish and are not well versed in the customs and laws of the United States. Some have a history of distrust for law enforcement stemming from their perceptions of law enforcement within their respective home countries. These factors have proven to be a challenge for every new commanding officer assigned to Rampart Area.

In 1986, the Department initiated a mass transfer of officers out of Rampart Area for this very reason. That action came to be known throughout the Department as the "Easter Massacre," because the transfer was published on Easter Sunday. It had come to the Department's attention that Rampart officers were becoming involved in use-of-force incidents and not reporting them because, "they were too busy to do things right." That attitude was supported by many of their supervisors at the time and, unfortunately, many of the command's management team as well.

Unfortunately, the findings of this subcommittee support the conclusion that this pattern has occurred within Rampart once again.

The Influence of Supervisors

In the 1990s, the propensity to challenge management rose again through the influence of several exceptionally strong supervisors. For example, one such supervisor was assigned to run the CRASH unit. He was a no-nonsense, tactically-oriented, military veteran, who had the unique ability to gain the unquestioned allegiance of peers, subordinates and even superiors. With Rampart's gang problem virtually out of control, he was seen as the man needed to lead an aggressive CRASH unit and deal with the violent gang problem.

While he inspired esprit de corps and cohesiveness within the unit, he consistently undermined management and set an inappropriate tone for young officers. Many of his peers acknowledged that he directly challenged management and encouraged others to do so. Many supervisors, including lieutenants, sought his approval before taking action. He and several of his cohorts often challenged directives and policy in supervisors' meetings and they would ostracize anyone who disagreed with or challenged their philosophy and approach to police work.

To a certain extent, he intimidated many command officers. While they did not agree with his philosophy, they did not appear to minimize his influence through counseling, reassignment, discipline, or transfer. The one exception was a captain who reassigned him to patrol after an incident in which another sergeant's vehicle tires were slashed by an unknown member of the CRASH unit. But even in patrol, he continued to exert his influence within the CRASH unit.

There was no evidence that this sergeant was aware of or would ever condone illegal activities. In fact, his reputation is such that it is highly unlikely any of his subordinates would attempt illegal activities while he was around. Nevertheless, his influence and philosophy of strict loyalty to the unit and its members coupled with his vehement disdain for management certainly helped to establish a climate in which some officers felt safe bending or ignoring the rules.

New Command Team

In November 1993, the C/O of Rampart Area was promoted to Commander and transferred. At the same time, the Rampart Patrol Division C/O was upgraded to Captain II and reassigned. This created the need to establish an entirely new management team in Rampart Area.

The new management team inherited a command that had a long-standing reputation of being inundated with work. This resulted in a poor record of meeting its administrative and disciplinary investigation due dates. Other factors such as a patrol force that was considered to be very pro-union (several Rampart officers had been elected to the Protective League Board of Directors at that time), strong peer groups within the sergeant and officer ranks, and an anti-management culture, compounded an already difficult managerial assignment.

Personalities and Management Styles

It appears the Department did not place much emphasis on personal compatibility when it selected the new command team. The inquiry disclosed that the two captains disliked each other well before they were assigned to their new positions. Theirs was a contentious relationship from the very beginning, a fact which came to the attention of upper management early on. However, no action was taken except to provide occasional counseling.

Ironically, the management style of both command officers was similar. They were intelligent, decisive and outspoken. They were strong leaders with a solid record of performance in a wide variety of assignments throughout their careers. Both were considered to be solid in their administrative and management skills.

Shortly after this management team was in place, a detective lieutenant position became vacant. The Area C/O filled it with a lieutenant with whom he had worked in a prior command. The lieutenant was also a strong personality with a reputation as a very competent, but outspoken leader. Shortly after that, another detective lieutenant position opened and it was filled with a man who was also a strong personality, but considered to be lenient when it came to disciplinary matters.

Obviously, the common denominator for this management team was the fact that each member was extremely strong-willed with previous reputations as effective leaders. While it could be argued that none of them would be considered "people persons," they did possess solid credentials that helped them to effectively manage Rampart operations. When this team was formed, a strong emphasis was placed on correcting previous administrative and managerial problems. This continued for approximately one year until Rampart was designated as one of the commands to participate in a pilot Compressed Work Schedule.

The Compressed Work Schedule

On January 26, 1995, former Chief of Police Willie Williams implemented a pilot Compressed Work Schedule (CWS) in several commands throughout the Department. For years the Protective League had asked the Department to implement a CWS pilot program. Williams ultimately agreed and Rampart was selected to be one of the four Areas to participate. Both of the Rampart C/Os were adamantly opposed to Rampart's involvement in the pilot program and fought to have Rampart removed from consideration. Eventually, they were overruled and were told that if the CWS could work successfully at Rampart Area, it could work anywhere. But, they felt that the workload at Rampart would be negatively affected by the CWS because supervisors and officers would simply become part-time workers.

Under the CWS pilot, regular patrol supervisors and officers were assigned to platoons with each platoon working 3-day, 12-hour shifts each week rather than the traditional 5 day, 8-hour shifts per week. Detectives were allowed to work 10-hour shifts, 4 days per week. Though the initial direction was for detective divisions to spread the additional day off throughout each week, detectives soon gravitated to everyone taking the additional day in conjunction with their regular days off. One audit showed that about 25% of the detectives took Mondays off (a detective division's busiest day from weekend arrests) and 75% took Fridays off. However, each pilot Area's specialized units, including CRASH, were excluded from the pilot and continued to work 5 days per week or 19 days per deployment period shifts. As CRASH worked for detective supervisors and their busiest nights were Friday and Saturday nights, this further eroded detective's hands-on, face-to-face supervision of their CRASH units.

The decision to exempt CRASH units from the pilot played a key role in this incident and dramatically changed the personnel practices of the Department. Prior to its implementation, CRASH assignments were regarded as prestigious, attracting the best young patrol officers and supervisors. This changed with the implementation of the CWS. Many of these officers and supervisors went back to working regular patrol assignments to take advantage of CWS. Instead of having the very best officers and supervisors, the CRASH unit and other specialized entities were now staffed by a pool of officers and supervisors with limited tenure and experience. The specialized units often had new, untested sergeants and either very young officers or officers who may not have been selected into the units had a larger selection pool existed. In some cases, probationary officers were assigned to CRASH in order to fulfill their personnel needs. These inexperienced young officers were simply unable to distinguish effective police work from patterns indicative of potential misconduct. Thus, the CWS limited choice and options. To the present day, recruitment to CRASH and vice remains difficult due to the loss of field time for promotional qualification, loss of the patrol bonus in vice (2 ½% of salary) and the requirement that officers in those units be available to work flexible hours.

Implementation of a Split Command

Shortly after the implementation of the CWS, another important organizational change occurred that was a probable contributing factor in this corruption incident. For years, Rampart Station was extremely overcrowded with over 400 sworn and civilian personnel crammed into a building designed to support only 200 people. For this reason, Rampart Area was at the top of the list to get a new station. Unfortunately, the necessary funds have never been found to build a new Rampart Station. When overcrowding reached the crisis level, the City sought to lease space in the surrounding community to alleviate the untenable conditions. But the only space available that could meet Rampart's needs was an office building at 3rd Street and Union Avenue, three miles from the main station. In April 1995, the City approved the leasing agreement and Rampart detective operations were moved into this facility.

The patrol C/O, who had line command over CRASH, insisted that CRASH operations remain in the main station because he felt they needed to be closely monitored. After the detectives moved out of the main station, he arranged for CRASH to occupy space directly across from his office. However, after he left Rampart in mid-1995, the Area C/O moved CRASH operations

downstairs in the main station to make room for his administrative staff on the second floor. A short time later, CRASH was moved to the 3rd and Union building because the new building had extra space and CRASH supervisors had indicated they needed additional space to operate effectively.

While the corruption within Rampart CRASH comes down to the personal integrity of those involved, it is apparent that the decision to house the CRASH unit with the detective command at 3rd and Union played an important role. Numerous interviewees stated this decision was probably the most important factor that allowed this incident to occur. It allowed the CRASH unit to operate with very little supervisory oversight by the watch commanders or other patrol supervisors, none of whom felt responsible for overseeing them. The command staff and the Detective OIC worked Day Watch hours and were rarely present to observe CRASH's activities at night. This left supervisory responsibility to the CRASH sergeants, many of whom did not have the ability or willingness to perform their duties appropriately.

The New Captain—Mid-1995

By all indications, administrative and management systems were in good condition when the patrol C/O transferred out of Rampart. Although the animosity and distrust between the captains had persisted, they continued to perform their respective duties appropriately. In fact, OCB had given Rampart Area high marks for improving their administrative and disciplinary processes. Even though Rampart had dramatically improved its internal operations, it was universally understood that the two captains had a very uneasy relationship during most of this time.

Former Chief of Police Willie Williams promoted a lieutenant to captain and assigned him to replace the outgoing C/O at Rampart Patrol Division. Both the Area and bureau C/Os vehemently opposed this decision. The newly promoted captain was perceived as a very nice person, but not a particularly strong or experienced manager and he had not worked in a patrol environment for decades. Many expressed the belief that he was not well prepared to accept the responsibilities of a patrol commanding officer in an extremely busy Area such as Rampart. The C/O of OCB personally expressed those concerns to Chief Williams, but his concerns were effectively ignored and the new captain was transferred into Rampart.

Rampart Command Team—1995 to 1998

This command team would manage Rampart Area for the next two and one-half years. They had a tremendous impact on morale, supervision, administrative functions, and discipline. The key elements of the corruption scandal occurred when this team was managing Rampart.

The new captain's management style was easy-going and he routinely allowed his subordinate supervisors to make managerial decisions for him. It appears to many that he believed in delegating responsibility, although not accountability, to his subordinate supervisors. This was a dramatic change from his predecessor who made decisions himself and then held his supervisors accountable for implementation.

One significant result of this change in command was that the Area C/O assumed a more direct role in commanding patrol operations. Although he may have disliked the prior captain, he knew that he was a strong manager who could be counted upon to make the right decision. It is obvious that he did not feel the same way about the new captain. The inquiry disclosed that the Area C/O was upset over the new C/O's work ethic and performance from the start. This led him to ultimately micro-manage the patrol command. This decision to spend more time on patrol-related issues allowed the detective lieutenant to have much more control over Rampart detective operations. He used this opportunity to solidify his position and it is evident he relished having his own command separate from the main station.

To place all this in proper perspective, it is important to note that Rampart underwent three major organizational changes in a very short time period. In January 1995, Rampart implemented the compressed work schedule; three months later (April 1995), it bifurcated its command between two sites; and, three months after that, the command team was changed. All this occurred while they were dealing with one of the most challenging geographic commands in the Department.

While this management team clearly had a difficult assignment and had to deal with tremendous organizational changes, significant managerial and supervisory problems arose during the time they were in command. Following are some significant findings that address the supervisory and managerial issues identified in the Methodology Section of this report.

Leadership

There were numerous findings that support a conclusion that the command staff at Rampart Area had not exerted appropriate leadership in a variety of areas. The first example of this was the overwhelming feeling from the supervisors interviewed that Rampart Area had developed a tremendous leadership vacuum. Several supervisors stated they did not believe Rampart management had established any vision or mission whatsoever, and that the true leaders at Rampart were a handful of watch commanders and supervisors. Few supervisors interviewed identified the Area C/O as the clear-cut leader of Rampart. Although most of the supervisors interviewed believed that he was a hard worker, it appears that his focus was on completing paperwork instead of leading his command.

The inquiry disclosed that the new patrol C/O was universally thought of as a pleasant individual, but few characterized him as a leader. In fact, most characterized his leadership ability in unflattering terms. He spent long periods away from his command serving on Department Boards of Rights and attending other meetings away from the station. This created the impression that he was chronically absent. Although there were probably extenuating factors that resulted in his lack of visibility, there is little doubt that his leadership skills were lacking.

Several interviewees told of an incident that clearly outlined his lack of leadership. The Department implemented the new Ideal Area concept, which required the captain to assume command of Rampart's Operations Support Division. When he moved over to assume his new command at the 3rd and Union facility, he allowed his subordinate lieutenant to remain in the commanding officer's office and elected to establish his office in a small room down the hall. This became an inside joke to the detectives and clearly sent a signal to everyone who the real

boss was. The Area C/O and OCB eventually had to order him to occupy the commanding officer's office.

Discipline

Several supervisors interviewed indicated that they believed the Area C/O routinely played favorites with his adjudication of disciplinary matters. Some supervisors interviewed stated they believed that the captain gave certain sworn and civilian employees at Rampart special treatment on disciplinary matters. These same supervisors felt that he was displaying poor leadership. However, this was refuted surprisingly by the other C/O with whom he did not get along. He specifically said that he never saw any evidence of an improper relationship.

Some supervisors also talked about the fact that the C/O was perceived to be overly supportive of his CRASH unit on disciplinary matters. Rampart Area's disciplinary profile is discussed extensively in Chapter 5, Risk Management Profile of Rampart. However, there clearly was a pattern to the community complaints being made against certain members of the Rampart CRASH Unit, predominately from 1995 through 1997.

Supervisory and Management Controls

The apparent lack of supervisory and management control over the CRASH unit was a significant factor identified during this inquiry. In fact, the subcommittee's inquiry revealed that the command team administered little oversight of the CRASH unit. It was left to operate entirely on its own, supervised only by the CRASH sergeants and with no accountability to the on-duty watch commander.

The practice of officers printing or signing a sergeant's name to booking approvals and arrest reports was a particularly glaring illustration of poor CRASH supervision. The practice also appeared to be related to the large span of control in the unit. At one time, CRASH had over twenty officers and only one sergeant. Yet, the sergeant was expected to handle all the administrative work related to CRASH in addition to field supervision. CRASH officers were allowed to deploy in the field despite the absence of a CRASH supervisor. There was virtually no night-time supervisory control over the vehicles assigned to Rampart Detectives which allowed CRASH officers unrestricted access to plain and undercover type vehicles. CRASH officers would simply park their assigned Black and White vehicles at the 3rd and Union parking lot and use plain vehicles, often exchanging vehicles more than once during their tour of duty. This allowed them to operate in vehicles that could not be traced to them.

The inquiry revealed other examples of poor management and supervisory control which ranged from a perception that command staff were rarely seen at Rampart to the submittal of innocuous and vague Sergeant and Watch Commander's logs. The findings supported the conclusion that a *laissez faire* philosophy existed at Rampart when it came to supervisory and management controls.

Some supervisors believed that Rampart Area was so busy that it was unmanageable. Without question, the operational and management workload at Rampart Area was heavy. Up until about

1995, Rampart almost always led the Department in measurable workload and violent crime. From then through today, Rampart remains one of the largest and busiest commands in the City, along with 77th Street, Southeast, Wilshire, Hollywood and Van Nuys Areas.

Personnel Practices

Many people interviewed indicated Rampart Area had limited management controls when it came to the selection process for CRASH assignments. Captains we interviewed and others familiar with the process disputed this perception. The selection process for CRASH consisted of a CRASH officer nominating a potential candidate to his or her sergeant. The sergeant would then attend a deployment meeting and ask for the officer. The request was generally approved unless the officer had an obvious disciplinary problem. Essentially, this generated a "sponsor system" for CRASH selections under which the officer who "sponsored" another officer into the unit worked with the new officer, at least for the first few months of orientation.

This type of selection process is not uncommon throughout the Department, as command officers usually rely upon their OICs to recommend officers for specialized units. The problem with this selection method is that it usually lacks thoughtful selection criteria against which a candidate's talents, work history and experience can be weighed. Without a selection system predicated upon clearly established criteria, selections become little more than a "beauty contest" in which officers whose attitudes and performance are consistent with the unit's expectations will be selected. Obviously, this limits management control of these units and can create significant personnel problems both within the unit and the command.

Rampart Culture

The investigation clearly disclosed evidence that Rampart Area had established its own unique culture. Rampart officers identified with and relished the fact that Rampart was a special place to work. They routinely wore jackets and clothing with insignias identifying them as working at Rampart. The fact that so many officers felt such a strong allegiance to Rampart is not necessarily negative. The Department supports the notion that officers take pride in their assignments which is generally good for employee morale and increases comradery. However, when the allegiance is taken to an extreme, officers may be more committed to the goals and values of their peer leaders than those of the Department.

What separated the Rampart culture from the rest of the Department was the frequently heard chorus, "We do things differently here," the so-called, "Rampart Way." Though not unique, this type of mentality was significantly more pronounced and pervasive at Rampart than in other divisions. The "Rampart Way" mentality was particularly strong within Rampart CRASH. The inquiry uncovered ample evidence that Rampart CRASH had developed its own culture and operated as an entity unto itself. It routinely made up its own rules and, for all intents and purposes, was left to function with little or no oversight. This certainly perpetuated a feeling of cultural elitism and was a significant contributing factor in this corruption incident.

The inquiry also revealed a clear impression within Rampart that, because it was an extremely busy place to work, officers and supervisors alike could circumvent established Department rules

and procedures. This sentiment appeared to be supported by officers, supervisors, and even some members of the Rampart management team.

Training

The inquiry disclosed that there was a lack of balance in the training given at Rampart Area. While evidence suggests that the mandated standardized training was followed at roll call, the vast majority of all other training focused on tactics, feeding into the siege mentality. Interviews revealed that Rampart had created a culture in which its officers believed they were engaged in a life-and-death struggle with the gang element of Rampart. The fact that Rampart was the clear-cut leader in violent crime added credibility to this thinking. It fed an "Us versus Them" mentality and placed a tremendous emphasis on the importance of tactical acumen. A more balanced perspective in training might have reduced this mentality.

Community Demographics

The investigation also disclosed that Rampart Area's demographics played a significant role in this corruption incident. Rampart Area is densely populated with predominantly Spanish-speaking people who have immigrated to the United States from Central American countries. Many of these people are undocumented aliens who fear they will be deported by the police. They also have come to this country with preconceived notions of how the police operate, based on their experience in their home countries, where the police routinely brutalized its citizens without reproach. With a community inherently reluctant or fearful of making complaints, corrupt officers are freer to operate without the fear of being caught.

Personnel Evaluations

The subcommittee examined the rating reports or personnel evaluations for the key members of the Rampart Area management team from 1994 through 1998. Department employees are rated annually, except those on probation who are rated either monthly or quarterly, depending upon their rank. Ratings also cover different one-year periods depending upon the person's rank. This is done to spread their completion out over the year thereby minimizing an over concentration of administrative responsibilities.

Much to our amazement, the detective chain of command for Rampart CRASH had not received a personnel evaluation in years. Many of them have since retired making the issue moot, but the lack of formal evaluations was consistent throughout the command. None of them were rated after 1995.

Staff and Command Officer Evaluations and Merit Pay

The evaluation process for staff and command officers is described in the City's Administrative Code and the Department Manual. Essentially, staff and command officers are evaluated annually, usually in January, for the preceding year. The evaluation is completed by the staff or command officer's immediate superior who recommends one of four classifications for the person's overall duty performance: Unsatisfactory, Satisfactory, Excellent, or Outstanding. The

evaluation and recommendation are submitted to the rater's immediate superior for review and then forwarded to the Department's Merit Pay Review Board. The Merit Pay Review Board considers the evaluations collectively and makes the final determination for each captain and commander's overall evaluation. The Chief of Police makes that determination for deputy chiefs. The objective of the Merit Pay Review Board is to ensure consistency in the manner in which staff and command officers are rated which then becomes the basis for merit pay increases or decreases.

Beginning with the 1994 evaluations, former Police Chief Willie L. Williams announced that each person's final overall evaluation would not be changed from that which was recommended by the rater and approved by the reviewer. This was contrary to the Administrative Code's requirement and, in essence, dismantled the Department's Merit Pay Review system. Although some staff officers conscientiously evaluated their subordinates' performance, most saw this as an opportunity to inflate the ratings which had the effect of awarding merit pay increases much earlier than would have occurred had the evaluations been reviewed by the Merit Pay Review Board. In 1996, a proposal to revise the Administrative Code was forwarded to the Fire Department for consideration as any change to the merit-pay system would also impact officers in the Fire Department. The Fire Department was not anxious to change the Administrative Code and, as a result, this issue languished.

In 1998 (for 1997 evaluations), the Department began to reestablish the Merit Pay Review system to more accurately reflect each person's duty performance and ensure that rating criteria were uniformly applied in the completion of Performance Evaluation Reports. In so doing, accountability has been brought to the forefront and merit pay increases will again represent a system which rewards only those whose duty performance has been exemplary.

Operations-Central Bureau Oversight

One Deputy Chief was in command of OCB during most of this period. He had regular staff meetings and personally interacted with Area and patrol division commanding officers. He took personal responsibility for reviewing all patrol-related matters and delegated the review of detective, CRASH and traffic matters to the commander who served as his assistant. There was a significant period where his commander position was vacant until a commander was finally assigned, but he retired a short time later.

There were limitations on OCB oversight capability. It had responsibility for about 1,500 employees who were assigned to five Areas and a traffic division, each with their own set of challenges. Also, OCB had very limited resources for conducting audits of Rampart or any of the other entities under its control. The budgeted positions for an operational bureau only allowed a handful of people to handle the bureau's daily responsibilities. He was reluctant to "harvest" personnel from his line commands for non-budgeted administrative functions. So he tried to work within the framework of the legitimate authorities assigned to OCB. He was always concerned about Rampart, as he was well aware of its history and issues. However, he had greater concern for several other OCB Areas that were demonstrating a greater potential for problems than Rampart. Therefore, he directed more energy and attention to them.

Using the resources he had at OCB, he developed the prototype for the Department's current Risk Management assessment strategy. His staff developed a mechanism to track the four major risk management factors—personnel complaints, use of force, pursuits and traffic collisions—so he could contrast and compare his commands. The first analysis done through that system disclosed several OCB commands with patterns that needed further examination. Just as that process was nearing completion and becoming a useful pointer system, he was transferred to another command. However, the effort was continued by Operations-Valley Bureau where it was automated and is being used today for risk management purposes.

After a few years in Rampart, the Area C/O expressed the need for reassignment to a less demanding command. The OCB command staff made repeated pleas at Chief of Police staff meetings to grant the transfer, but they were unsuccessful. Several other staff officers confirmed that the need for the move was discussed openly during this time, but was not acted upon until the C/O had almost five years in the command. By that time, many people believed that he had abdicated many of his day-to-day responsibilities to his subordinates, some at inappropriately low levels.

Change of Command

In early 1998, the Area C/O was transferred and he was replaced with a new C/O, but four months later he was promoted and replaced. In November 1998, the detective C/O was reassigned ending his four-year tour at Rampart.

At the beginning of his assignment, the new Area C/O felt that people may not have fully appreciated the gravity of the situation in Rampart. It was very difficult under these circumstances to identify people who were part of the problem and separate them from those who could be part of the solution. This made it difficult to make the necessary personnel changes through the administrative transfer process. Each administrative transfer requires detailed documentation and, without people who could be trusted to do that work in confidence, it took some time to get those changes moving. He also felt particularly hamstrung by the inability to keep a captain in Rampart's Operations Support Division for more than a few months. Rotating command personnel through such assignments is contrary to the objective of stabilizing a division in crisis. Should a similar situation arise again, command officers should be locked in place, regardless of advancement opportunities or promotions. However, this was also an unusual period in the Department's history in that we experienced extraordinary vacancies in the Deputy Chief through Captain ranks during this period.

It is felt that many positive changes occurred since this change of command occurred. However it must also be noted that many of the problems identified in this report, particularly the mindset of certain people, continue today. Recent disciplinary matters unrelated to this Board of Inquiry have underscored the fact that much more must be done to correct the problems of the past.

DETAILED FINDINGS

The detailed findings represent a synthesis of the information provided by the supervisors and command officers interviewed. Consideration was given to each individual's background,

biases, experience, and level of cooperation in order to separate knowledge from rumors. Statements were also correlated with the findings generated during the document review process.

Culture

The subcommittee identified several factors in its analysis of the Rampart culture.

1. The "Rampart Way"
2. Rampart Artifacts
3. A "Bunker Mentality"
4. A specific CRASH culture
5. Socialization practices among officers
6. Off-duty employment
7. The "Code of Silence"

The Rampart Way

Rampart officers prided themselves on the reputation that Rampart was the busiest Area in the City. Until recent years, Rampart often led the Department in the number of homicides and calls for service. The inherent danger of working in such an Area made it all the more important to maintain superior patrol tactics. The "Rampart Way" became a common phrase uttered by Rampart veterans, especially to employees newly transferred to the Area.

The majority of employees interviewed acknowledged that a "Rampart Way" mindset permeated the station. It was common to hear the phrase during tactical debriefs. Several supervisors explained it in terms of officers discussing an approach to a situation. If an officer had recently transferred into Rampart from another division, a veteran Rampart officer might correct him and say, "That's not how it's done here [in Rampart]," or "This is the way it's done in Rampart." Such pronouncements might be made even when the described tactic was no different than that used in any other part of the Department. Supervisors, with few exceptions, seemed to let such pronouncements go unchallenged.

In one example, a supervisor described a training day which was conducted by one of the most experienced experts in Metropolitan Division. Despite the guest instructor's credentials, the officers were unreceptive to the instruction because the instructor was not from Rampart Area. Another example was the accepted practice of probationary officers being required to arrive at the station one hour early to wash police cars, check out equipment and load the shotguns. Though the practice was widely known among supervisors, it was only recently stopped when it came to the captain's attention. Several supervisors explained the practice was an example of "Rampart Pride." Until the practice was challenged, apparently no supervisor recognized the issue of compensation or the potential for a grievance, nor did anyone seem concerned about the potential for City liability had one of the probationers discharged a shotgun in the absence of a Field Training Officer.

Many supervisors provided specific illustrations of how readily officers at Rampart Area challenged directions that did not suit them, even down to the smallest decisions. When

management tried to deal with the policy of a 136-hour overtime cap, several of the senior detectives claimed that because Rampart was so busy, it was exempted from the 136-hour limit adding, "That was the Rampart way!" In the absence of a strong lieutenant and the frequent transfers of captains in and out of the detective command, several senior detectives had virtually assumed command of Rampart detectives and they were not about to give up their power readily. Essentially, they would not follow any direction without being given a direct order. Everything was a "labor issue" and following directions was consistently delayed while subordinates debated that issue. When managers walked through the squad room, detectives would cover their work, turn their computer screens off and stop talking on the phone. At one point Behavioral Sciences Section staff was consulted and confirmed that the employees' actions were consistent with people who had been used to *laissez faire* supervision and were now faced with stricter controls.

Detectives hardly had a monopoly on challenging supervision and controls. Several patrol supervisors, who came to Rampart from other commands, found themselves struggling to gain compliance with standard procedures that were not followed in Rampart. An experienced sergeant with prior experience as a detective, sergeant, complaint investigator, and CRASH OIC, transferred into Rampart. He soon noticed how often Rampart officers were involved in plain-clothes, observation post (OP) operations, often with outside agencies such as FBI, INS, and ATF. He found that generally, no written plans were submitted for approval at the bureau level as had been the practice in Hollywood Area. When he asked another supervisor about it, he was told, "This isn't West Bureau; it's Central Bureau."

When a supervisor was assigned to supervise the CRASH unit, he found detective managers and supervisors would continually undermine his authority. Two CRASH officers approached him for approval to conduct a plain-clothes operation. The supervisor immediately recognized the circumstances as a "rip off" because the merchandise offered for sale would sell for much higher than the quoted price. The officers insisted on doing the operation, but he refused permission. He later learned that a detective supervisor had already authorized the operation with no written plan or consideration given to officer safety.

In another example, a supervisor told the CRASH unit that they were not to go into the field if he was not working. He later learned that a detective supervisor would give them permission to go in the field when he was off duty. The CRASH officers made many arrests inside homes in the absence of *Ramey* warrants. When this was mentioned the detectives, they replied that "it (getting warrants) takes too long." What was truly surprising was that most of the officers' arrests were filed by prosecutors in spite of the true facts being outlined in the arrest reports.

A lieutenant noticed that the senior police officers did not know the crime patterns in their assigned Basic Cars and many did not even know who the senior lead officers were. When he tried to correct this problem, he encountered resistance. At the time, the Police Assisted Community Enhancement (PACE) Unit was under the Area C/O and the Senior Lead Officers (SLOs) handled all the community complaints. When the lieutenant tried to get patrol officers involved in problem solving and encourage them to know their Basic Car's problems, they strongly resisted. After he directed them to be prepared to present the information in roll call, no one was prepared. He eventually got them to comply, but it was "like pulling teeth."

Rampart Artifacts

Several unofficial Rampart logos were emblazoned in patches which officers wore off duty on their shirts, jackets, and caps. The most controversial was the CRASH patch made up of a skull and a poker hand consisting of a pair of aces and a pair of eights, known as "The Deadman's Hand." Western folklore says that this was the poker hand Wild Bill Hickock was holding when he was shot to death in South Dakota. Most employees interviewed acknowledged the CRASH patch, but added that other Areas had unit patches as well.

While several officers had tattoos, only one officer was described by one sergeant as having a tattoo similar to the Rampart CRASH logo, showing the "Deadman's Hand."

Bunker Mentality

An unbalanced emphasis on tactics training, along with Rampart nicknames such as "Fort Apache" and the painting of the castle ramparts falling inward, reflected a patrol division in which officers felt they were under siege.

A former C/O of OCB concurred that a "bunker mentality" existed at Rampart Area, but no different than most especially busy Areas. He believed that the Department contributed to this mentality by taking extraordinary steps in dealing with gangs, narcotics, homicides, and crime in general in Rampart Area. He described numerous task forces, increased deployment, and closing of intersections to create cul-de-sacs. These and other measures communicated to Department personnel and others that Rampart had unique problems that required unique methods of policing. He expressed the belief that the Department must be careful with such messages to ensure they are not misinterpreted by impressionable officers.

CRASH Culture

The CRASH unit, made up of one to two sergeants and up to 24 officers at any given time, developed its own subculture within Rampart Area. Few supervisors had any contact, let alone any control over the CRASH unit, unless directly assigned. A watch commander recalled questioning CRASH supervision when he noticed they often worked without an assigned sergeant on duty. As the on-duty watch commander, he was concerned that he did not know when CRASH was operating and unsuccessfully tried to have a Daily Work Sheet submitted to him, at least when a CRASH sergeant was not on duty.

Towards the end of the 1992 Riots, officers were still working 12-hour shifts, but the number of officers on the streets had reduced crime dramatically. Nevertheless, patrol officers were expected to be in the field as a presence. A patrol supervisor walked into the station and noticed the entire CRASH unit with their uniform shirts off, playing cards and working out. He told the watch commander who confronted the CRASH supervisors. The patrol supervisor was later confronted about "tattling on the CRASH officers." Two days later, the tires of the supervisor's personal vehicle were slashed. When he replaced them, they were slashed again. A personnel complaint investigation was initiated, but the responsible person was never identified.

The CRASH unit developed into an entity unto itself. It maintained its own booking bench and only CRASH supervisors provided booking approval and signed arrest reports. At one point, CRASH had its own kit room, separate from the patrol kit room. This became problematic when a watch commander attempted to identify officers involved in a complaint, but could not find a work sheet for the CRASH vehicles. The physical separation became more problematic in April 1995, when CRASH moved to 3rd and Union. CRASH officers had a "dress of the day" at training days. It consisted of military-type camouflage pants and every officer in CRASH was expected to wear it. No one described this dress being used during field operations.

Separate roll calls from the patrol division, a unique patch, jackets, an emphasis on narcotics enforcement, and an outward appearance of elitism were common CRASH traits that Rampart shared with other CRASH and specialized units. When a supervisor took over Rampart CRASH in 1992, he made it a priority to make every CRASH officer into a narcotics expert. In spite of CRASH's primary function as a gang intelligence gathering entity, the supervisor justified a narcotics-enforcement emphasis on the correlation between gangs and narcotics.

A wide chasm developed between patrol supervisors and Rampart CRASH officers. Several supervisors recalled the CRASH practice of requesting a CRASH supervisor rather than a supervisor in general. If a patrol supervisor showed up, CRASH officers would tell the patrol supervisor that he or she was no longer needed or that a CRASH supervisor was on the way. Similarly, CRASH would often specifically request a CRASH unit when back-up was needed. These practices fostered a sense of exclusion that resulted in officers and supervisors avoiding CRASH incidents.

Socialization practices

The only readily identified location where officers socialized was a bar on Sunset Boulevard. No specific incidents or trends were identified from the interviews. Mostly officers attended this bar for "mug parties" when officers transferred or were promoted. Within the last year, commanding officers at Rampart have stopped the practice of posting "off-probation" party notices on station bulletin boards.

Three incidents regarding personal relationships of consequence were related during interviews. The first incident dated back to the early 1990s and involved a female detective who allegedly had a child by a local gang member. The second incident dated back to the mid 1990s and involved a supervisor who allegedly had a relationship with a known prostitute. The third incident, from about the same period, involved an officer who led another agency on a pursuit, while off duty, and was arrested in the company of a prostitute and in possession of cocaine. Two of these three incidents resulted in personnel investigations and can be verified through Department records.

As mentioned earlier, several employees felt that a captain played favorites with certain female subordinates and gave them special treatment on disciplinary matters. Some people had heard that he took some of them on personal trips, but no one was able to provide specifics or had any personal knowledge. Another captain refuted the rumors of improper relationships.

Off-duty employment

No issue regarding off-duty employment was mentioned in any of the interviews.

Code of Silence

None of the employees interviewed recognized any particular trend toward a Code of Silence, which is certainly ironic, to say the least, given what we now know regarding events at Rampart.

Controls

The subcommittee identified several factors in its review of how supervisory and management controls were used to ensure compliance with policies and procedures:

1. Internal and informal audits, audit calendars, and the quality of those audits
2. Sergeant and Watch Commander Logs
3. Compressed Work Schedule
4. Use of Citizen versus Confidential Informants
5. Booking and Arrest Report approval and use of boiler-plate reports
6. The "Rampart Standard" for use of force

Audits

For the most part, supervisors did not recall being assigned very many administrative projects. Supervisors initiated their own informal audits, which they documented on their separate logs. The Area office had a pre-scheduled audit calendar, assigned by OCB. However, few supervisors were aware of it, except for a couple of lieutenants or sergeants who had been adjutants. One captain expected and assigned many audits, but the number of audits declined significantly after he left in the early 1990s.

A watch commander conducted a simple time book audit soon after he arrived at Rampart. He wanted to determine how many Time Off (T/O) slips had not been submitted for overtime taken off. He found a large discrepancy and expanded his audit to include the other watches. Again he found a large discrepancy. For a two-month period, over 500 T/O slips had not been submitted in spite of the employees taking off the time. The biggest offenders had been a lieutenant (13 omissions), and two sergeants (30 omissions and 13 omissions each). When he reported his findings to the captain, other sergeants and lieutenants shunned him. He later found a picture of a penis over his face on a photograph hung in the station. He was also surprised at the captain's reaction to the audit. No complaint investigation was initiated with the apparent concurrence of the bureau and Office of Operations. This was counter to his belief that the audit showed corruption on the part of the two supervisors and several patrol officers. Instead of discipline, each employee who had not turned in a T/O slip was allowed to submit it. When he asked to expand the audit to include the past year, the C/O directed him not to do so.

Only two people who were interviewed expressed an appreciation for the need to conduct audits. They learned that when a supervisor attempted to investigate a problem, that supervisor would often get a stern admonishment from his peers to "knock it off." The C/O of OCB verified that he had a comprehensive audit calendar, but, due to limited personnel, they relied on the Areas to conduct the audits. The Bureau carefully reviewed the audits, personnel complaints, fact sheets, and other projects.

Sergeant and Watch Commander's Logs

One thousand six hundred forty-four (**1,644**) Watch Commander Logs and **4,361** Sergeant's Daily Reports were reviewed for the inquiry. Most of the logs were little more than activity logs for sergeants in that few of them contained insightful observations or audits. Few supervisors reported spending any time addressing such issues as quality of service, police culture, problems among employees or morale, nor did they identify strengths and weaknesses. Unless such issues were communicated via some other method, it appeared the tendency was to isolate problems from management. The exception was officer-safety issues, upon which the sergeants frequently commented. The most common entry by supervisors was that the Area was busy and that officers were working hard. Commendable comments tended to be for tactical situations and arrests.

One explanation the subcommittee considered was the effect a March 15, 1995, notice issued by the Chief of Police titled "Confidentiality of Employee Comment Files" may have had on these logs. That one-page notice was a reminder that watch commanders' and sergeants' logs were inappropriate documents for detailing confidential personnel issues. The notice instructed everyone to record the incident on their log, but note that the personnel aspects of the incident were recorded on the officer's Comment Card, Form 1.77. This process provides the information with a higher level of protection from discovery in that a comment card entry is part of an officer's personnel file which has greater legal protections. However, the subcommittee found that officer comment cards were used very seldom during the audit period.

A trend was noted in which supervisors had a member of the public sign a form stating that no complaint was desired. In a 1995 log, a sergeant explained he was called to the station to address a complaint. After interviewing the complainant, he wrote that the complainant recanted the allegation and completed a statement form to that effect. The statement form read, "I was arrested on (date) by LAPD (Rampart officers). I have no complaint about the conduct of the officers." The complainant then signed the form. No mention was made of the nature of the complaint, nor was the original complaint included. The log was signed by a lieutenant watch commander and initialed by a lieutenant who was the acting commanding officer.

The quality of supervisory logs changed dramatically in July 1998 under a new captain.

Compressed Work Schedule (CWS)

Every supervisor interviewed candidly admitted that while the CWS was good for individuals, it was a detriment to proper management and supervision. Some management and supervisory problems under the CWS were:

1. Probationary officers' training was interrupted with four days of inactivity; Officers were fatigued by the tenth hour; productivity declined in the last two hours;
2. The nine platoons were isolated from each other;
3. The lack of communication between platoons affected operations;
4. Any significant issues that would occur within the three-day operational period could not always be addressed until four days later when the next operational period began;
5. Not every platoon had a lieutenant as watch commander, so lieutenants were expected to functionally supervise two or three platoons; and,
6. As seniority was used as a criterion for being placed on the CWS, many newer, inexperienced sergeants were relegated to the specialized units, such as CRASH, which remained on the traditional work schedule.

Yet, with all its failures, Rampart officers resisted the return to the standard work schedules. Anti-management material removed from the station often dealt with labor's support for the CWS. A captain lamented in a 1996 Activity Report, "Am I the only one who is not in favor of a 3/12 for patrol?"

Nevertheless, the Area C/O assigned the lieutenants to Day Watch platoons for convenience, which left mostly sergeants I to act as watch commanders during the off-hours.

Use of Informants

An experienced, no-nonsense supervisor was appointed as the CRASH OIC in 1992. He remained in the unit for two years. He emphasized the importance of developing the CRASH officers, which included training them as narcotics experts. He also trained the officers to develop information from arrestees and witnesses. He showed the officers the method to protect a source's identity by listing them as citizen informants and listing their personal information in a "source book" as future reference for court and corroboration. He admitted that he personally maintained the source book; but, he apparently failed to recognize the significance of this practice. While a true citizen informant is considered reliable in court, an arrestee is not and cannot be listed as such in order to protect the arrestee from reprisals.

It appears that during his tenure, the distinction between untested sources and otherwise reliable informants was blurred. This was compounded by the fact that CRASH arrest reports were approved exclusively by CRASH sergeants, if they were reviewed by a supervisor at all. The next level of review came from the detectives; yet, no one questioned the practice. Arrests were filed with prosecutors in spite of the weak probable cause. Closer oversight of line and investigative personnel should have revealed this practice and questioned it. No patrol sergeants or lieutenants recalled approving any arrest reports that listed citizen informants.

A lieutenant conducted an audit of Area informant files when he assumed his position as the Detective OIC in the late 1990s. He found many informant packages out of date and inactive, primarily due to the transfer of the investigating officer. Only the Rampart Homicide Table had any official informants, totaling two. The CRASH Unit was also audited and showed no informant packages.

Report Approval and the Use of Boiler-Plate Formats

As part of this inquiry, detective case packages were reviewed. With few exceptions, arrest reports that listed citizen informants appeared to have enough probable cause to justify the arrest, which explains why many were filed for prosecution. However, another significant issue arose over the practice of CRASH officers printing or signing their supervisors' names and serial numbers on booking approvals and arrest report approvals. Apparently, these reports were never questioned by detective personnel. The CRASH detectives knew that CRASH officers signed their own reports, but they only had one sergeant at the time to supervise between 16 and 24 officers. According to the detectives, the captain knew about the span-of-control problem, but did nothing. Those interviewed felt that the practice of officers signing their own reports was limited to officers working CRASH, but that will be determined by other subcommittees.

While the majority of those interviewed found no similarity in Arrest Report narratives, a limited number of supervisors indicated a problem did exist. One sergeant noted reports in which the narrative conflicted with the initial explanation given at the booking approval. He attributed the discrepancy to miscommunication between partners, usually a Field Training Officer (FTO) and a probationary officer. He never found signs of manufactured probable cause. However, audits by other subcommittees will reveal the extent to which boiler-plate reports were used.

The "Rampart Standard" for Use of Force

The subcommittee was asked specifically to inquire about this phrase. However, no one interviewed acknowledged any familiarity with the term or that anything other than the Department standard for reporting use-of-force incidents was in place in Rampart. However, again the audits by other subcommittees may shed some light on this issue.

Personnel Management

The subcommittee identified several factors to focus its review of the personnel practices at Rampart Area:

1. Selection and composition of interview panels;
2. Selection for specialized units;
3. Assignment of command officers;
4. The trail to Metropolitan Division; and,
5. Structure of Deployment Meetings.

Selection and Composition of Interview Boards

No information came to light regarding any improper practices for the selection of panels to conduct paygrade selection interviews. The process generally followed accepted Department procedures, which included consideration of the application form, background investigation with the current supervisor, and a package and complaint history review. The commanding officers generally approved the recommended choices from the interview panel. Lieutenants and

sergeants, usually the OIC of the unit making the selection, served on the interview panels. All selections were ultimately approved by Operations-Central Bureau. Only one grievance arose from these selections and that occurred in 1996, when a detective filed a non-selection grievance. The detective later withdrew the grievance and the request for arbitration.

Assignment to Specialized Units

The hard-charging style of policing was neither new nor unique to Rampart Area. However, in the early 1990s, Rampart was confronted with an excessively high level of crime, especially among gang members. A lieutenant, who was assigned to Rampart in the early 1990s, said that some personnel were specifically brought into Rampart to address the gang problem. Specifically, a supervisor was brought in to run the CRASH unit. Several officers with mindsets similar to the supervisor's followed him to Rampart and formed the CRASH unit. He described the mindset as the "low-crawl, us-versus-them approach to police work." One officer's complaint and use-of-force history concerned the lieutenant and he brought it to the captain's attention, but the officer was nevertheless assigned to CRASH. In another case, the captain rejected an officer for CRASH. But when the supervisor threatened to quit as OIC over the issue, the captain acquiesced and allowed the officer in the unit.

The lieutenant said the captain wanted officers in CRASH "who would not be intimidated by the gangs." The CRASH and Special Problems Unit (SPU) supervisors were empowered by the C/O to operate in the aggressive manner consistent with his desire to address the gang problem. As an example, he recalled a personnel complaint to which an allegation was added after it was revealed that a use of force occurred but was not reported. The officers had reported the use of force to their supervisors, who allowed the officers to disregard it in the report. He advised the captain that the officers had fulfilled their obligation to report the force, but it was the sergeants who abrogated their responsibility and failed to conduct an investigation. Nevertheless, the captain insisted that the officers should have known they were obligated to include the force on the report, and he excluded the sergeants from any culpability.

A detective lieutenant felt the CRASH unit "had turned the corner" with new supervision in the early 1990s and became a "hard charging unit." He wanted to have CRASH placed under detectives, but that was refused. Another sergeant made a similar observation about two years later. He formed the opinion that the CRASH unit had developed a "gunfighter attitude." He made his concerns known to a captain, who in turn told him, "Leave it alone. They [CRASH] are keeping the stats down." Another sergeant recalled that no officer ever approached him to ask advice on getting into the CRASH unit. He believed most officers realized that entry into the CRASH unit was selective and restricted. In fact, several supervisors corroborated the rumor that an officer had to be "sponsored" into the CRASH unit by a current member. The officers often tried to influence selections by voicing dissatisfaction with an officer, often based upon a single tactical incident. It was especially difficult finding female officers for CRASH.

Other supervisors who had worked CRASH denied that current officers selected new members. When one sergeant was the CRASH OIC, he placed notices in the rotator for new CRASH applicants. He selected the applicants with the captain's concurrence, though the unit was allowed to offer their opinion. Another sergeant recalled a female supervisor once soliciting an

assignment to CRASH, but she felt she was rejected because she was a woman. Other key Rampart personnel categorized CRASH as an exclusive group and only one female at a time was allowed in the unit.

Assignment of Command Officers

It was almost universally reported that bureau commanding officers had little or no input on the appointment and assignment of new command officers during the tenure of Chief Willie Williams. Bureau C/Os frequently expressed their concern about the proper mix of command staff, particularly within Rampart. But, their concerns and those of several other high-ranking officers were ignored.

The Trail to Metropolitan Division

This audit confirmed that a large number of Rampart officers eventually transferred to Metropolitan Division. However, similar patterns can be found for officers who had worked other high-volume, hard-working Areas, which are natural training grounds for officers aspiring to work Metropolitan Division, considered by many to be the elite uniformed officers in the Department. Busier divisions provide greater opportunity for officers to gain experience in a variety of situations, which makes them more appealing to Metropolitan Division. In addition, Metropolitan Division was increased by one full platoon (44 officers) during this period, causing them to hire many more officers than they normally would through straight attrition.

Structure of Deployment Meetings

An issue arose over the manner in which deployment meetings were conducted. Under one captain, his office staff was in charge of deployment. Several lieutenants objected to the influence and autonomy they had over deployment. Not only did they monitor the "bump list," which was a standard function for the deployment coordinator, they also assigned officers to specific cars. At deployment meetings, they were allowed to interject recommendations on personnel movement as well as offer opinions on officers' and supervisors' abilities, strengths and weakness. They were not supervisors and their opinions were based primarily on rumors rather than personal knowledge.

The PM Watch seemed to benefit most from deployment decisions. Female supervisors and those who were perceived as weak were usually placed on Day or AM Watch. The lieutenants brought this issue to the captain's attention, but he continued to support his staff. The effect was that a group of like-minded sergeants remained on PM Watch under a similarly minded lieutenant. A captain assigned to Rampart in the late 1990s confirmed that, upon his arrival at Rampart, the responsibility for deployment had fallen to the office staff, including personnel selections for watch and special unit assignments. He immediately put an end to that practice.

<u>Training</u>

Background

The subcommittee identified several factors to focus its review of training practices at Rampart Area:

1. Quality of and compliance with Standardized Roll-Call training procedures;
2. The nature of training provided, training sites, and the number of training days;
3. Participants and instructors at training days and the approval process for training;
4. Field training program; and,
5. Orientation for new employees to Rampart Area

Roll-call Training

Daily roll-call training is the primary vehicle for teaching procedures and instilling a proper tone for service. The service tone in any organization should be set by supervision and management; yet, the widespread and accepted practice at Rampart was for probationary police officers (P-1s) and FTOs to present roll-call training. One sergeant admitted that he was never scheduled to conduct roll-call training in the year he was at Rampart. While the consensus of those interviewed was that the Standardized Roll-Call training calendar was followed, the issue was, who was conducting the training. Lieutenant watch commanders rationalized that police officers were assigned to conduct the roll-call training to develop the officers as public speakers. Few of those interviewed recognized a concern for having police officers conduct the majority of the roll-call training.

Training Days

The vast majority of supervisors felt the training at Rampart Area was outstanding. They acknowledged that the majority of the training was tactical in nature including shooting, building searches, sniper situations, ambush situations, and barricaded suspects. Roll-call training was the primary vehicle for most other training issues, though tactical situations were always debriefed in roll call on the day after the incident. The officers were always receptive to the tactical training.

Most of the supervisors thought training was balanced despite the majority of it being tactical. These supervisors justified their opinion on the inherent danger of working Rampart and the need to be more tactically sound than officers in other divisions. However, several supervisors noted the imbalance in favor of tactical training tended to perpetuate the siege mentality among the officers. This had the effect of increasing uses of force. Universally, one sergeant was recognized as the force behind the tactical training.

One sergeant, who had extensive experience as a trainer, felt the over emphasis on dynamic training situations tended to raise the paranoia of the officers. The dynamic training situations were done with the knowledge and consent of the watch commanders and captains as the situations were so large and complex that they had to know. Recollections were mixed over whether lieutenants and captains attended training days. Part of the reason for this apparent

absence seemed to be due to the CWS platoons training exclusively once a month on their "buy back" days.

Most sergeants acknowledged that they did not attend Sergeant School for a year or more after promoting. (This is discussed more fully in Chapter 10.)

Orientation

For all the tactical training, only a few supervisors recalled ever attending a group orientation or an individual orientation with a lieutenant or captain upon assignment to Rampart. The few supervisors who recalled receiving an orientation, said it lasted only a couple hours, in which the captains spoke, as did the various unit OICs. A few new sergeants were lucky enough to find another sergeant to mentor them. Two sergeants in particular were cited as senior sergeants who new sergeants could approach for guidance. Most sergeants received no more than a one day ride-along with another sergeant upon arrival at Rampart. When asked if he received any direction or expectations from a captain, one sergeant said, "No, but I don't need a captain to tell me my job."

Environment

The subcommittee identified several factors for its review of environmental issues that may have contributed to the Rampart incident:

1. Split commands and station appearance;
2. Diversity issues; and,
3. Inappropriate material.

Split Commands and Station Appearance

In approximately April 1995, Rampart Area was physically divided with detective operations relocated to an office building at 3rd and Union. By all accounts, the split command created a serious problem in maintaining adequate communications. It became problematic for overseeing the off-hour operations of CRASH, Vice, and the Hype Unit. During off hours, the ranking person at the facility was a detective supervisor.

The building itself was accessible by a #999 key (standard issue to all Department employees), but a #888 key was needed to gain access to the parking lot. Few personnel outside Rampart OSD possessed an #888 key. As a result, few patrol supervisors inspected the site during off-hours. No Area mandate required off-hour inspections, in spite of CRASH officers operating out of the building. According to one sergeant, a patrol lieutenant told him that he did not need an #888 key as he "had no business going to 3rd and Union."

The CRASH unit detained and interviewed arrestees at 3rd and Union with only the oversight of the CRASH sergeant and a night-watch detective. This was problematic because frequently, CRASH sergeants were not replaced when they were absent. Moreover, the night-watch detectives approved very few arrest reports. During this period, a personnel complaint was

sustained against a night-watch detective who could not be located while on duty. The 3rd and Union building had no holding cells, only interview rooms. The on-duty watch commander was not included in the booking process as he or she was located at the Rampart Station several miles away. Officers at the site had free and apparently unfettered access to plain cars, with no standardized checkout procedures.

Not one single person interviewed supported the off-site arrangements. However, given the close quarters and deteriorating conditions at the Rampart Station, the consensus was there had been no choice. Poor lighting, a leaking roof, lack of parking, and few lockers had been the primary problems at the Rampart Station.

Diversity Issues

According to a sergeant, who was one of the few Black sergeants at Rampart Area at the time, one of the captains approached him and expressed an interest in reaching out to other Black sergeants to increase the diversity at the Area. In a subsequent supervisors' meeting, the captain raised the issue to which one sergeant and a chorus of other supervisors complained, "Why do we have to bring Blacks to Rampart?"

Female sergeants expressed concern for the way women were treated in Rampart. Someone called the Inspector General and complained about the rule against women working together. It was assumed that a lieutenant was transferred from Rampart as a result of that complaint. The kitroom was nicknamed the "chick room" and was primarily staffed by women. Two sergeants stated that they spoke to the Area C/O regarding their concerns for the treatment of women, but he was unresponsive.

Another sergeant described an incident that appeared to be partly related to gender. The Department had recently changed from the old magnum shotgun load to the newer tactical load. He decided to conduct an inspection to ensure compliance and discovered four officers who had improper shotgun rounds. One was birdshot and the other three were the older magnum load. He noted the discrepancies on comment cards and ensured that each officer was issued the proper ammunition. Two sergeants became incredulous over the issue and demanded that a complaint be initiated against the officer with the birdshot, but not against the other three officers because "they at least had lethal loads." The supervisor noted that the officer with the birdshot was a Black female officer, while the other three officers were White males. He discussed the issue with the captain, who concurred with his handling of the situation. The two supervisors brought the issue up again at the next supervisors' meeting and criticized the way it was handled. Neither captain spoke up.

Inappropriate Material

Several supervisors recalled finding unprofessional or inappropriate material posted in the station. The majority of the material was newspaper articles about the Department or the Chief of Police. While the articles themselves were not improper, an inappropriate comment would often be written on them. Other common material posted related to the pending elimination of the CWS. Many officers were in favor of keeping the CWS and were upset about losing it. A

lieutenant recalled having a cut out of a penis placed over his face on an inspection photograph, probably in retaliation for an audit he had conducted.

The Rampart Station roll-call room also contained a running tally on the chalkboard, showing the number of homicides and officer-involved shootings occurring within Rampart Area for the year. Rampart Area is traditionally one of the highest Areas for homicides.

Leadership

The subcommittee identified several factors to facilitate its investigation into the quality of leadership at Rampart Area:

1. Tone set by commanding officers, watch commanders, supervisors;
2. Captains' attendance at roll calls and off-hour inspections;
3. Feedback via supervisory logs;
4. Supervisor meetings; and,
5. Mentoring

Tone by Captains, Lieutenants and Sergeants

The command team—captains, lieutenants and sergeants—were examined from 1994 to 1999. In this section, we will discuss the tone set by those three groups.

Captains

The tone set by captains has been discussed extensively in the summary and other portions of this chapter. Several people felt the command staff in the mid-1990s seemed to "care more for the community than the officers." They were seen around the station and came to roll calls regularly. They held regular staff meetings and everyone recognized that they put in many hours at work. One captain worked a radio car once a month and urged people to do the right thing. But, one of the captains was often perceived as being inconsistent. For example, he would overrule supervisors in whom he had little confidence without discussing their decision with them. In other cases, he would leave supervisors in place in spite of their having been implicated in a serious personnel complaint, which appeared to be true. According to the supervisor who investigated the complaint, the facts and nature of the misconduct were such that leaving the supervisor in place compromised the unit.

Several supervisors believed a captain made personnel complaints against certain employees who were members of his camp "disappear." One complaint involved a sergeant who allegedly made a comment to a female officer in roll call, insinuating that she was a lesbian. When the issue of inequitable treatment for female officers was brought to the captain's attention, it was rejected out of hand. Lieutenants brought up concerns regarding the running of deployment meetings and the supervision of specialized units, but the captain did not act on the information. Inconsistency was especially apparent when dealing with personnel issues. A sergeant recalled an incident when a sergeant, who was drunk at an Area party, called a captain an "asshole;" but received an Area award the following week. The wrong supervisors were often rewarded, which

sent the wrong message. Supervisors regularly challenged the captains in supervisors' meetings with no apparent repercussions.

Other captains were viewed as nice people, but ineffectual leaders who were absent from their commands too regularly. Other captains were viewed as exceptionally strong, well-respected leaders, who set a tone for hard work. One of them was seen at roll calls and in the field more than any other captain discussed in these interviews. The Area's Activity Reports placed a great deal of emphasis on CRASH operations between September 1996, and early 1997. The majority of the entries in those reports dealt with CRASH incidents. More balanced Activity Reports began to appear in late 1997.

It was abundantly clear from these interviews that the command team at Rampart during most of this five-year period lacked cohesive direction. The interviewees noted a marked improvement and clarification in the leadership tone and expectations set by the commanding officers who have been assigned to Rampart over the past two years.

Lieutenants

The tone set by patrol lieutenants was difficult to gauge. The emphasis seemed appropriate, but focused on officer safety and working hard. With the exception of one lieutenant, none of the lieutenants through 1997 apparently attempted to scrutinize operations closely. Sergeants were allowed to plan training days with little oversight and police officers conducted the majority of roll-call training. One lieutenant was viewed as anti-female, which, true or not, created its own problems. Most of the lieutenants completely avoided any contact or oversight of CRASH during this period leaving their supervision almost exclusively to the detective chain-of-command. There were a number of lieutenants who were vocally anti-management and they "bought into" the attitude that Rampart was different and did not need to follow the rules that applied everywhere else. Several lieutenants clearly delegated too much authority to their sergeants and did little to oversee their activities.

Supervisors

It is rare for a single supervisor to have as much influence over a command as one sergeant apparently did during much of this period. The nature of his influence ran the gamut, but everyone agreed he "was there for the troops" and did not get along with management. He was the consummate tactician. He was described by many peers as "a legend" adding that "officers would die for him."

The dominance of a core group of confrontational supervisors cannot be over emphasized. They dominated roll calls, expressing their views to the entire watch. Afterward, they would convene informal "secondary roll calls" at undisclosed locations where they would continued to share their views on management and policy to younger, easily-influenced officers. Many of those supervisors had been assigned to supervise CRASH.

Some sergeants attempted to counter the tone set by their peers, but these supervisors were usually the newest and the youngest sergeants. They also shared another commonality in that

they tended to come from the outside to Rampart and being an "outsider" further diminished their influence. Just about the only exception was a veteran Rampart supervisor who had come to LAPD years ago after working in a corrupt department back East. That supervisor was singled out as a frequent speaker on the importance of ethics and pitfalls of corruption. But, he was only one voice at the Sergeant level and had little effect on the entire division.

Captains at Roll Calls and Off-Hour Inspections

By most accounts, the various captains who served at Rampart Area attended roll calls. Of the 1,644 Watch Commander Logs reviewed, approximately two percent noted a captain in attendance at roll call. Activity Reports and home-garaging documents also documented that captains attended roll calls and made an average of three off-hour inspections a month.

Feedback via Supervisors Logs

The subcommittee found that, during the entire period, commanding officers wrote comments on 23 percent of the watch commander's logs and 18 percent of the sergeant's logs. Individual captains used this practice more than others, with captains in the mid-1990s providing minimal feedback via notations on logs. The absence of comments on the logs themselves did not rule out the possibility that information was communicated by some other means. However, none of the people interviewed recalled receiving separate notes or e-mail from the captains. In spite of this finding, sergeants and lieutenants recalled that the comments and feedback from the captains were generally sufficient.

The tenor, quality and quantity of log notations improved markedly in the late 1990s. These notations identified shortcomings and communicated expectations for improvement. From those notes, sergeants began identifying and addressing problems, and lieutenants began to write notes on logs as well.

Supervisors' Meetings

Supervisors' Meetings were held regularly. The captains attended and facilitated the meetings. The most frequent comment about the meetings was one sergeant's tendency to speak out against management and policies. He was often joined by two other sergeants who viewed themselves as peer leaders, but were not. One sergeant recalled a Supervisors' Meeting in which a captain mentioned the need to reach out to Black supervisors to come into Rampart. A sergeant led a chorus of sergeants who asked, "Why do we have to bring Blacks to Rampart?"

While an outspoken sergeant was remembered for speaking out in the meetings, he was also cited as one of the more often absent supervisors. Usual attendance for the meetings was estimated at 50 percent, with the same sergeants often missing. Only in late 1990 did a captain raise the issue that the lack of attendance was having an effect on communicating consistent expectations to the officers.

Mentoring

Mentoring for supervisors was informal. Two senior sergeants were cited as men to whom new sergeants could go for guidance. Most sergeants received no more than a one day ride-along with another sergeant upon arrival at Rampart. Few recalled attending an orientation or having a face-to-face talk with the captain or lieutenant. When asked if he received any direction or expectations from a captain, a sergeant said, "No, but I don't need a captain to tell me my job."

REVIEW OF DOCUMENTS

The subcommittee sought to corroborate or substantiate perceptions by evaluating the information contained in watch commander logs and sergeant's daily reports. The detailed finding of this review are attached as addenda to the report.

Watch Commander Logs

The first item reviewed was the percentage of Watch Commander Logs initialed by the commanding officer and the percentage of logs on which a comment was written by the commanding officer.

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**Commanding Officers' Review
of Watch Commander Logs**

Logs	Number	Percentage
Logs initialed by C/O	1,612	98%
Logs with comments	380	23%
Total reviewed	1,644	

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From the same Watch Commander Logs, the number and percentage of supervisors serving as watch commander was calculated.

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Ranks of Watch Commanders

Watch Commanders	Number	Percentage
Lieutenant	623	38%
Sergeant II	455	28%
Sergeant I	561	34%
Police Officer	2	0%

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Based upon criteria developed by the subcommittee, the informative value of Watch Commander Logs was evaluated:

Informative Watch Commander Logs

Logs	Number	Percentage
Informative	1,342	82%
Uninformative	302	18%
Total	1,644	100%

Evidence of roll call training and the presence of a commanding officer was also retrieved from the Watch Commander Logs.

**Roll Call Training and
Presence of a Commanding Officer**

Roll Call Training	Number	Percentage
Training noted	1,555	95%
C/O present	41	2%
Total logs reviewed	1,644	

Nature of Roll Call Training

Topic	Number	Percentage
Tactics	506	31%
Crime	93	6%
Personnel practices	294	18%
Inspection	134	8%
Other	532	32%

The frequency and reason that Watch Commanders went in the field was captured:

Watch Commander's Field Activities

Activity	Number	Percentage
Crime Scene	40	2%
Monitor Activity	46	3%
Personnel Issue	9	1%
Injury	6	0%
Other	21	1%
Total responses	129	8%
Total logs reviewed	1,644	
CDO responses	129	8%

Sergeants' Daily Reports

The second set of documents reviewed were the Sergeants' Daily Reports. Each log was reviewed for a commanding officer's initials and whether any comment was written by the commanding officer or watch commander.

Review and Feedback
on Sergeants' Daily Reports

Type of review	Number	Percentage
C/O initials	4,104	94%
C/O comments	608	14%
W/C comments	414	9%

Based upon criteria developed by the subcommittee, the informative value of Sergeants' Daily Report was evaluated:

Informative Value of
Sergeants' Daily Reports

Logs	Number	Percentage
Informative	294	58%
Uninformative	4067	42%
Total	4361	100%

Documentation of Training
in Sergeants' Daily Reports

Type of training	Number	Percentage
Tactics	130	3%
Crime	8	0%
Personnel Practices	48	1%
Other	50	1%
Total training	258	6%
Formal training	52	
Informal	206	
Total logs reviewed	4361	

SUBCOMMITTEE CONCLUSIONS AND MANAGEMENT INSIGHT

The Department must conduct a comprehensive workload study of field supervision, mid-management, command, and staff officer assignments. The study should be designed to determine whether the demands that have been placed on them are realistic or whether they

hinder their ability to perform the basic supervision and leadership functions necessary to prevent future corruption incidents. While arguments to the contrary have been heard, there is no question that the workload placed on our officers, supervisors, and managers has increased dramatically over the years with little or no consideration being given to providing adequate support, realistic division of work, and span-of-control schemes. It is anticipated this will result in recommendations to provide smaller, more manageable commands, and a more equitable distribution of work, particularly in busy Areas such as Rampart. Such a study might also conclude that certain busier Area stations have different needs and require a larger or higher level command structure. Consideration should be given to contracting with an outside management-consulting firm to conduct the study. Hopefully, such an independent study will provide credible staffing guidelines for use in future budgeting efforts.

The audit systems at the Department, bureau, Area, and divisional levels must be significantly expanded. The current practice of allowing commands to "self-audit" rarely provides meaningful data. Operational bureaus and Areas should have well-trained, and properly supervised full-time audit units to identify deficiencies in critical functions.

More consideration should have been given to ensuring that the management team at Rampart Area reflected a proper balance of experience, ability, and compatibility. The open defiance of legitimate authority disclosed in these interviews is, frankly, startling. The fact that the defiance came mostly from supervisors is even more disturbing. However, that pattern is entirely consistent with the "quality" of supervision found by other subcommittees, particularly in Chapter 5 where we find that a significant number of community-generated personnel complaints named Rampart supervisors as complained-against officers. To avoid this in the future, or at least make sure we have a management team in place to deal with these problems, command appointments and assignments must take into account management styles, levels of competence, and personalities. Over the past two years, these assignments have been made after the Chief Officers have had a frank discussion of each person's strengths and weaknesses. That process should continue in order to ensure each Area has a solid management team in place.

Consideration should be given to establishing administrative sergeant positions on each watch to deal with complaint audits and other administrative functions so that field supervisors can spend time exercising leadership and oversight in the field. However, this should not be done until the Department establishes an effective, practical training program for field supervisors with clearly defined performance expectations. In that regard, the Department should establish a requirement that a supervisor have a minimum level of actual field supervisory experience before being eligible for assignment as the officer-in-charge of a specialized unit, particularly one involved in high-risk law enforcement operations. A formal training program for personnel given such assignments should be established.

Area commands should always operate out of a single facility. If this is not possible, only non-high risk units should occupy secondary facilities. All high-risk units, particularly those involved in off-hour line operations, should operate out of the main facility to allow for oversight by the uniformed watch commander. If an Area must operate out of multiple facilities, a formal, comprehensive plan to provide supervision and leadership should be implemented. That should include a requirement that all specialized high-risk units such as CRASH, Special Problems

Units (SPU), and Special Enforcement Groups (SEG) be integrated into the patrol chain-of-command to allow for oversight during off-hours. The supervision, control, and accountability of Area specialized units should also be enhanced. Consideration should be given to assigning a full time lieutenant to supervise specialized units operating during nighttime hours. Such units should not be deployed without a supervisor. If a regularly assigned supervisor is not available, another supervisor should be temporarily assigned to supervise the unit.

The Department should consider establishing a formal selection criteria and rotation policy for specialized high-risk units such as CRASH. Only tenured supervisors and officers should be selected for these assignments. These positions should be assigned advanced paygrades to ensure that the most qualified and experienced personnel are encouraged to take them.

Finally, the Department must develop a comprehensive training program on ethics, integrity, mentoring, and leadership, to be given annually as a supplement to Area training efforts.

CHAPTER 5

RISK MANAGEMENT PROFILE
OF RAMPART AREA

In Chapter 2, risk management factors such as personnel complaints, uses of force and pursuits were provided for a few officers. In order to take a larger view, Risk Management Division was tasked with developing a risk management profile of Rampart Area for the years 1994 through 1998. That analysis included grievances, vehicular pursuits, non-lethal uses of force, officer-involved shootings, and personnel complaints. Additionally, several patterns identified in Chapter 2 are also discussed in this Chapter.

METHODOLOGY

Risk Management Division (RMD) contacted the Department entity responsible for maintaining information on these risk-management factors to obtain the necessary information. The data was then analyzed by RMD to develop a historical profile for the five-year period. In order to provide a comparison with similar commands, five Areas with workload and number of officers similar to Rampart were selected and analyzed. Those Areas were 77th Street and Southeast in OSB, Wilshire and Hollywood in OWB, and Van Nuys in OVB.

Employee Grievances

Detective Greg Smith, Employee Relations Section, provided a synopsis and disposition of all grievances initiated by Rampart employees during the audit period.

Vehicular Pursuits

Sergeant Bob Rieboldt and Management Analyst (MA) George Callandrillo, TCS, provided the information on vehicular pursuits for Rampart and the five control Areas. Sergeant Gregory Valenti and MA Cathy Tanaka, RMD, used that information for their analysis.

Non-Lethal Use of Force

Sergeant Bruce Bogstad, HRB, provided the information on non-lethal uses of force. That information included total use-of-force (UOF) incidents broken down into the major UOF categories as well as suspects injured from a use-of-force incident. Sergeant Valenti, RMD, utilized the Department's annual *Statistical Digest* to determine the number of arrests occurring in each of these six Areas during the audited years. From that, a "rate" was developed for arrests involving a UOF. An effort was made to determine each command's "total field contacts," but that would require using hand-tallies which is time consuming to produce and of questionable reliability.

Officer-Involved Shootings

Lethal use-of-force information was obtained from Sergeant Saila Adams, OIC Use of Force Review Section, HRB, who provided a summary and disposition for each officer-involved shooting which occurred involving Rampart Area personnel during the audit period. The information in this report was taken from the Chief of Police's report of each incident to the Board of Police Commissioners, which is a public document.

Personnel Complaints

Sergeant Jack Rose, IAG, provided a computer printout of the IAG/CF numbers for all personnel complaints filed against Rampart Area employees during the audit period. Risk Management Division then assigned Officers Christopher Tan and Gwen Williams to locate and copy the personnel investigation complaint sheets for each complaint listed on the printout. This required about two weeks of hand searching IAG files to locate each face sheet. When a face sheet was not in the files, the officer's personnel files and other locations were searched to retrieve the necessary information. Additionally, IAG's annual reports were used to identify trends in Rampart as compared to the five control Areas. Officer Jennifer Bennett and Management Analyst II Cathy Tanaka, RMD, were then assigned to analyze and display the data.

Risk Management Division also reviewed the Internal Affairs Group year-end reports for the years 1994 through 1998. The year 1998 was provided in draft form, with the caveat that the data provided has not been finalized due to some complaints pending final adjudication. However, this late in 1999, that variable is expected to be extremely small.

Profiled Officers

Information identified in the development of the officer profiles in Chapter 2 is addressed in this section to provide some depth and specificity to the risk-management factors occurring in Rampart during the audited period.

GRIEVANCES

Since January 1, 1994, there has been no particular pattern or trend in the grievances filed by Rampart Area personnel. Of the twelve grievances filed during the audit period, five were filed by one officer, four at the same time in 1994, and two others were filed by another officer. There is no apparent pattern or practice revealed in the examination of those grievances.

VEHICULAR PURSUITS

The data show that Rampart, Wilshire and 77th Street Areas experienced high numbers of pursuits in 1994. Rampart pursuits dropped sharply between 1995 and 1998. Many, but not all, of the comparison Areas showed similar decreases during that period. Although Rampart's pursuits decreased during the five years studied, the percentage of suspects injured from pursuits increased sharply. No other comparison Area showed a similar pattern and, except for Hollywood Area in 1996, no other Area experienced such high injury rates.

PURSUITS & SUSPECTS INJURED

Rampart Area

Year	Total Pursuits	Suspects Injured	% Suspects Injured
1994	78	9	11%
1995	74	4	24%
1996	56	17	30%
1997	41	13	31%
1998	27	0	0

Hollywood Area

Total Pursuits	Suspects Injured	% Suspects Injured
40	1	2%
26	4	15%
20	6	30%
18	2	11%
20	3	15%

Southeast Area

Year	Total Pursuits	Suspects Injured	% Suspects Injured
1994	48	5	10%
1995	48	4	8%
1996	45	4	8%
1997	36	3	8%
1998	30	5	16%

Van Nuys Area

Total Pursuits	Suspects Injured	% Suspects Injured
27	2	7%
39	5	12%
26	2	7%
30	3	10%
37	7	18%

Wilshire Area

Year	Total Pursuits	Suspects Injured	% Suspects Injured
1994	78	9	11%
1995	33	3	9%
1996	37	6	16%
1997	17	3	17%
1998	34	4	11%

77TH Street Area

Total Pursuits	Suspects Injured	% Suspects Injured
79	15	18%
62	12	19%
54	9	16%
68	5	7%
48	8	16%

This analysis identified several Rampart officers with high numbers of pursuits. One officer stood out in that group having recorded 14 pursuits in a two-year period from mid-1994, to mid-1996. Three of those pursuits occurred in five days, with two pursuits occurring on the same day. The same officer also had an extensive history of preventable traffic collisions. Penalties for those incidents were progressive starting with an admonishment followed by progressive suspensions of 2 days, 5 days, and 22 days for a collision resulting in a death.

His final collision occurred at the end of a pursuit in 1996. This was his 5th preventable traffic collision out of 8 total collisions. He was ordered to a Board of Rights, which recommended his termination. The Chief of Police upheld the termination, but the matter was appealed to Superior Court. The court overruled the termination concluding that the termination was an abuse of discretion. The judge concluded that the traffic collision was not preventable under the Vehicle Code sections that govern the operation of emergency vehicles. The officer was ordered reinstated with full back pay. He was subsequently assigned to another command with a Department-imposed restriction that he not operate a City vehicle or otherwise drive while on duty. This officer was also identified by the Independent Commission as one of the Department's 44 officers with high concentrations of personnel complaints and civil suits.

Four other officers recorded six pursuits: one over a 9-month period, one over a 17-month period, one over a 21-month period, and one over a 38-month period. Five officers recorded five pursuits: one over a 7-month period, one over a 12-month period, one over a 16-month period, one over a 31-month period, and one over a 46-month period. One of these officers is among the officers profiled in Chapter 2 and other officers appear with some frequency in the review of personnel complaints. Seven other officers recorded four pursuits and 12 officers recorded three pursuits; but, these numbers were not particularly high and none of them appears with any frequency in the review of complaints.

Management Insight

Rampart Area's pursuits decreased from 1994 through 1998. However, the sudden spike in suspect injuries in 1996 and 1997 should have caused concern, especially when compared to the reduced number of pursuits. In 1997, Rampart Area led the six Areas audited in the percentage of pursuits resulting in suspect injuries, which was four times that of 77th and Southeast Areas.

One officer's record of pursuits, traffic collisions and complaints were startling, to say the least. In 1994, he alone was involved in almost 10 percent of all the pursuits that occurred in Rampart Area. Whatever disciplinary actions were taken concerning his activities were clearly ineffective.

LESS-THAN-LETHAL USE OF FORCE

An analysis of the data was conducted and percentages calculated to determine the number of arrests resulting in a use of force and the percentage of use-of-force incidents which result in injury. There was no statistically significant difference between the six commands in the percentage of arrests resulting in a use of force. However, the analysis showed that when Rampart officers did use force, there is a greater likelihood that the suspect would be injured.

A comparison of suspect injuries to uses of force revealed that Rampart was disproportionately high in this ratio for all five years. This statistic is consistent over the five years reviewed and 1998 was the highest year of all. Averaging the five-year period, there was a 59% injury rate in Rampart, Van Nuys was second with a 51% injury rate. This analysis did not include the degree or severity of the injuries reported, only that the suspect was injured due to a use of force.

LESS-THAN-LETHAL USE OF FORCE

Rampart Area

Year	Total Arrests	Total UOF	Suspects Injured	% UOF Injured
1994	13,694	146	81	55%
1995	11,980	100	56	56%
1996	14,484	111	61	54%
1997	15,765	113	71	62%
1998	17,353	112	75	66%

Hollywood Area

Year	Total Arrests	Total UOF	Suspects Injured	% UOF Injured
1994	13,296	152	58	38%
1995	15,158	154	45	20%
1996	13,349	139	54	38%
1997	14,007	128	56	43%
1998	15,834	114	58	50%

Southeast Area

Year	Total Arrests	Total UOF	Suspects Injured	% UOF Injured
1994	9,221	131	47	35%
1995	9,856	120	38	31%
1996	9,345	118	51	43%
1997	10,338	120	60	50%
1998	10,830	112	54	48%

Van Nuys Area

Year	Total Arrests	Total UOF	Suspects Injured	% UOF Injured
1994	11,753	100	49	49%
1995	11,960	106	55	51%
1996	14,740	102	53	51%
1997	16,385	120	60	50%
1998	14,232	110	59	53%

Wilshire Area

Year	Total Arrests	Total UOF	Suspects Injured	% UOF Injured
1994	9,315	98	25	25%
1995	9,595	89	41	46%
1996	10,829	76	39	51%
1997	13,358	107	40	37%
1998	11,786	99	53	53%

77TH Street Area

Year	Total Arrests	Total UOF	Suspects Injured	% UOF Injured
1994	11,842	265	99	37%
1995	11,890	334	117	35%
1996	11,412	231	81	35%
1997	11,341	257	124	48%
1998	11,005	171	90	52%

Management Insight

There are any number of reasonable explanations for this high injury rate. But, looking at both ends of the spectrum, it is possible, on the one hand, that force is escalated more quickly in Rampart than in other commands. At the other end of the spectrum, it is possible that Rampart does a better job of reporting these incidents and ensuring that their arrestees receive proper medical care.

Another concern in this category is that the percentage of injuries remained statistically high in Rampart Area throughout the five-year audit period. Other Areas certainly had comparably high periods, but they fluctuated between those highs and comparable lows. The comparison did note that all six compared Areas experienced their highest injury rates in 1998, Rampart being the highest of all with a 66% injury rate.

Unless a review of current data shows a change, this is an issue deserving of attention by Rampart Area and other Areas as well. Obviously, that will require a more in-depth analysis to provide insight into the probable causative factors.

OFFICER-INVOLVED SHOOTINGS 1994 TO 1999

The data set forth below is from the Chief of Police's summary to the Police Commission. In contrast to the more detailed investigative report (which are confidential), the Chief's summary becomes a public record after the Police Commission has taken action on the matter.

1994 Rampart Area Officer-Involved Shootings

In 1994, there were 11 officer-involved shootings involving Rampart Area officers. Two incidents involved an accidental discharge and nine were intentional. All nine of the intentional shootings were classified as in policy. Of the nine, eight involved patrol officers essentially responding to a radio call and one involved CRASH. In six of the nine cases, the suspect was armed with a firearm and in a seventh the suspect had a replica pellet gun. In one case, the suspect had a knife and in another the officers mistook a flashlight for a firearm.

OIS #10-94	1-19-94
Shot:	Officer J. Martinez #24802
Present:	Officers A. Gomez #26300, A. Lopez #25421, and
	Sergeant J. Pailet #23307
Summary	Rampart patrol officer recovered AK-47 rifle at a radio call "man with a gun, shots fired." The officers failed to ensure the weapon was empty, resulting in an accidental discharge.
Findings:	Tactics, Administrative Disapproval for Martinez, Lopez, and Gomez; Training for Sergeant Pailet
	Drawing, none
	UOF, Accidental

OIS #19-94   2-19-94
Shot: Officers M. Abrams #20456, and D. Shaw #26335
Summary: Rampart patrol officers responded to a radio call "ADW shots fired" and observed victim with gunshot wound and suspect with gun in waistband. Suspect grasped grips of gun and OIS occurred.
Findings: Tactics, Training for both officers on deployment and communications
              Drawing, In policy, no action
              UOF, In policy, training both officers on fire control

OIS #42-94   5-24-94
Shot: Officer L. Achziger #30307
Summary: Rampart patrol officer assigned to a "U-Car" (report unit) responded to 415 man with a gun. Suspect pointed a gun at officer and OIS occurred. Suspect later determined to be armed with a pellet gun.
Findings: Tactics, Training on communication, deployment and tunnel vision
              Drawing, In policy, no action
              UOF, In policy, no action

OIS #61-94   8-24-94
Shot: Officer E. Myape #30444
Present: Officer R. Reynolds #24392
Summary: Rampart patrol officers in vehicle pursuit of four armed robbery suspects who fired at officers. At termination of pursuit, suspect exits vehicle, walks toward officers, and points gun. An OIS occurs.
Findings: Tactics, No action both officers
              Drawing, In policy, no action
              UOF, In policy, no action

OIS #82-94   10-24-94
Shot: Officer E. Myape #30444
Summary: Officer conducting safety check on Department shotgun has accidental discharge.
Findings: Tactics, DNA
              Drawing, DNA
              UOF, Accidental, Administrative Disapproval.

OIS #87-94   11-10-94
Shot: Sergeant Spathopoulos #22297 and Officer J. Quinn #25825
Present: Officers R. Calzadillas #26540, G. Espinosa #25407, A. Rico #30052, R. Vargas #26342, W. Kelly #30052, D. Tomlin #30642, & R. Gallegos #30619
Summary: Rampart patrol officers respond to ADW suspect there now and saw victim of assault. When suspect threatened officers with a knife, an OIS occurred.
Findings: Tactics, Training for Spathopoulos and Quinn on tactical plan maintaining supervisory role.
              Drawing, in policy no action.
              UOF, in policy, no action.

OIS #98-94   11-25-94
Shot: Officer N. Fong #30226
Present: Officer P. Lee #30179
Summary: Rampart patrol officers enroute to unrelated radio call observed suspect holding
             revolver. When suspected pointed weapon at officers, an OIS occurred.
Findings: Tactics, Training for both officers on vehicle deployment.
             Drawing, in policy, no action
             UOF, in policy, no action

OIS #99-94   11-25-94
Shot: Officers J. Hernandez #26307 and M. Gomez #27297
Summary: Officers observed male holding shotgun with pistol grip down along leg. Suspect
             walked toward officers, pointing shotgun at officers & OIS occurred.
Findings: Tactics, Training for both officers on developing a plan and vehicle deployment.
             Drawing, In policy, no action
             UOF, in policy, no action, for Gomez; in policy, training, for Hernandez on fire
             control & threat assessment

OIS #100-94   11-26-94
Shot: Officer D. Shaw #26334
Present: Officer J. Miereles #25982
Summary: Rampart patrol officers pursue burglary from motor vehicle suspect in vehicle
             and on foot. OIS occurs when suspect points a gun at officer.
Findings: Tactics, no action
             Drawing, In policy, no action
             UOF, In policy, no action

OIS #101-94   12-1-94
Shot: Officers A. Valdez #27458, and A. Rico #27811
Summary: Rampart patrol officers respond to man with a gun call. An OIS occurs when
             suspect removes black flashlight from waistband, which officers believe is a gun.
Findings: Tactics, Training for both officers on cover and giving commands
             Drawing, In policy, no action
             UOF, In policy, no action

OIS #103-94   12-9-94
Shot: Officer I. Ramos #26158
Present: Officer G. Rodriguez #25668
Summary: Rampart CRASH officers respond to location where they hear gunfire. They
             locate suspects and an OIS occurs when a suspect points a rifle at the officers.
Findings: Tactics, No action for Ramos; Training for Rodriguez on separating from partner
             Drawing, In policy, no action
             UOF, In policy, no action

1995 Rampart Area Officer-Involved Shootings

In 1995, there were three officer-involved shootings involving Rampart Area officers. One incident involved CRASH officers, one involved patrol and the third involved vice. All three shootings were intentional and all were classified as in policy. However, one incident (patrol) resulted in administrative disapproval of the officers' tactics.

OIS #20-95   3-26-95
Shot: Officer M. Town #30305
Present: Officer R. Valdez #27352
Summary: Rampart CRASH officers observe possible murder suspect. An OIS occurred when suspect ran toward officers holding a handgun.
Findings: Tactics, Training on the use of cover.
              Drawing, In policy, no action.
              UOF, In policy, no action.

OIS #90-95   10-15-95
Shot: Officer D. Widman #31146
Present: Officer J. Bertino #27839
Summary: Rampart patrol officers respond to battery domestic violence call. An OIS occurs when suspect exits door, officers hear loud "boom" and observe a flash of light.
Findings: Tactics, Administrative Disapproval, both officers, as they had no plan, conducted a deficient investigation, and Widman's gun was not fully loaded
              Drawing, In policy, no action
              UOF, In policy, no action

OIS #95-95   11-10-95
Shot: Officer G. Silva #27345
Present: Officer Y. Gonzalez #27594
Summary: Rampart plainclothes vice officers observe suspect armed with gun. An OIS occurs when the suspect fires at officers.
Findings: Tactics, No action, Gonzalez; Training Silva on communication with partner
              Drawing, In policy, no action
              UOF, In policy, no action

1996 Rampart Area Officer-Involved Shootings

In 1996, Rampart officer-involved shootings rose dramatically with twelve occurrences that year. Three of those shootings involved accidental discharges, one by an off-duty officer "dry firing" at home, one by an on-duty supervisor who dropped his gun belt, and the third by a patrol officer who was startled during a building search. A fourth incident involved the intentional shooting by an off-duty Rampart reserve officer which was classified in policy.

Of the eight on-duty, intentional shootings, four involved patrol officers, three were CRASH officers and one involved vice officers. Of the four patrol shootings, sergeants fired their weapons in two of the incidents and were present at a third. In other words, there is a noticeable

increase in the level of activity of field supervisors, at least from an OIS viewpoint. All four of the patrol shootings were in policy, and in one case the UOF Review Board determined that the supervisor should have remained in a more supervisory role. Similarly, the vice shooting was in policy with only minor training for one officer.

The CRASH shootings, on the other hand, begin to show a distinct pattern. In their first shooting on New Year's Eve, three of the seven officers present fired their weapons. The UOF Board criticized the officers' tactical plan, which was of unexplained origin. Additionally, there was no supervisor present, though this was a planned, high-risk event. In the second shooting a few months later, four of the five CRASH officers present fired at suspects. Again, the Board was critical of the unit's tactics. The inability of a CRASH unit to function as a highly trained team should have raised concerns, especially after the second OIS, both in Rampart and at the bureau. The only CRASH shooting that year which was not severely criticized is now under further investigation.

OIS #1-96   1-1-96
Shot: Officers D. Lujan #26973, J. Collard #27376, and B. Hewitt #27602
Present: Officers M. Richardson #26995, T. O'Grady #30328, N. Fong
                  #30226, and A. Lopez #25421
Summary: Rampart CRASH officers working a New Years Eve gunfire suppression detail
                  confront a suspect with a rifle. When the suspect points the rifle at the officers, an
                  OIS occurs.
Findings: Tactics, Training for all officers on requesting a supervisor and additional units
                  and calling suspects out of location.
                  Drawing, In policy, no action.
                  UOF, In policy, no action.

OIS #16-96   2-12-96
Shot: Officer P. Paster #R2353
Summary: Off-duty Rampart Reserve Officer in foot pursuit of robbery suspect. An OIS
                  occurs when suspect points gun at officer.
Findings: Tactics, Training on use of cover and using neighbor to guard weapon.
                  Drawing, In policy, no action
                  UOF, In policy, no action

OIS #20-96   2-21-96
Shot: Officer J. Woods #26352
Summary: Off-duty patrol officer dry firing his weapon at home resulting in an accidental
                  discharge.
Findings: Tactics, DNA (does not apply)
                  Drawing, DNA (does not apply)
                  UOF, Accidental, Administrative Disapproval.

OIS #21-96   2-26-96

Shot: Sergeant G. Hoopes #26967

Present: Officer K.Webb #26615, and Officer J. Onthank #31513

Summary: Rampart patrol sergeant observed robbery in progress and went in foot pursuit of suspect. When suspect points gun at sergeant, an OIS occurred.

Findings: Tactics, no action Hoopes and Webb; Training Onthank on running with a drawn weapon.
Drawing, In policy, no action.
UOF, In policy, no action.

OIS #37-96   4-20-96

Shot: Sergeants A. Gordon #21363, & R. Dresser #17074, & Officer K. White #26094

Present: Officers G. Chen #31887, D. Stepp #31143, D. Byeon #30929,
D. Kelly #24924, A. Clements #32158, G. Cardinez #30983, J. Woods #26352, and B. Riederich #31930

Summary: Rampart patrol officers respond to a radio call of a man with a gun, shots fired. A tactical plan was developed including the deployment around apartment. When the suspect with gun advances on the officers, an OIS occurs.

Findings: Tactics, Training for all on communications and building searches and training for Sergeant Gordon on supervisor coordination and maintaining supervisory role.
Drawing, In policy, no action.
UOF, In policy, no action.

OIS #45-96   5-22-96

Shot: Officer R. Peters #31316

Present: Sergeants P. Barron #23824, and R. Dickerson #25704

Summary: A Rampart patrol officer working alone went in pursuit of a stolen vehicle. At the termination point, an altercation occurs during which the suspect grabs the officer's pistol and an OIS occurs.

Findings: Tactics, Training for Peters on felony stops, pursuits, back-up, equipment and striking a suspect with a gun; no action, on Sergeants Barron and Dickerson.
Drawing, In policy, no action.
UOF, In policy, no action.

OIS #67-96   7-20-96

Shot: Officers M. Montoya #25288, K. Patel #27150, B. Hewitt #27602, &
D. Stepp #31143

Present: Sergeant E. Ortiz #23230 (Other officers were present, but no findings for them.)

Summary: Rampart CRASH officers monitor a radio call regarding two gang members with guns who fled into a building. CRASH searched building for suspects. Suspects point firearms at the officers, OIS occurs.

Findings: Tactics, Training for all involved officers, deficient tactical plan in searching multiple floors simultaneously.
Drawing, In policy, no action.
UOF, In policy, no action.

OIS #81-96   8-27-96
Shot: Sergeant L. Walker #25075
Summary: Rampart patrol supervisor on duty handling his Sam Brown Belt when his weapon
             fell out and an OIS occurred.
Findings: Tactics, DNA
             Drawing, DNA
             UOF, Accidental, Administrative Disapproval.

OIS #96-96   10-12-96
Shot: Officers N. Durden #31106, and R. Perez #26905
Summary: Rampart CRASH officers confront a suspect armed with an assault type rifle and
             an OIS occurs.
Findings: Tactics, no action.
             Drawing, In policy, no action.
             UOF, In policy, no action.

OIS #97-96   10-13-96
Shot: Officer M. Dickerson #30348
Present: Officer Osegueda #32116
Summary: Rampart Patrol officers conducting narcotics investigation observe suspect with
             gun. Suspect points gun at the officers and OIS occurs.
Findings: Tactics, Training, both officers on radio broadcast.
             Drawing, In policy, no action.
             UOF, In policy, no action.

OIS #103-96   10-31-96
Shot: Officer J. Mireles #25982, N. Fong #30226, and G. Silva #27345
Summary: Rampart vice officers stopped at a red traffic light observed a suspect with a
             handgun pointed in their direction. An OIS occurred.
Findings: Tactics, No action Mireles and Silva; Training Fong on shooting in close
             proximity to other officers. (Changed to tactics, training, by the Commission as
             his magazines were not fully loaded.)
             Drawing, In policy, no action.
             UOF, In policy, no action.

OIS #118-96   12-22-96
Shot: Officer E. Yamamoto #32142
Present: Officer M. Barker #30693
Summary: Rampart patrol officers respond to a prowler radio call and entered location. An
             accidental OIS occurs when suspect exits closet and startles officer.
Findings: Tactics, Administrative Disapproval both officers, on building searches,
             requesting additional units, and deployment
             Drawing, In policy, no action.
             UOF, Accidental, Administrative Disapproval

1997 Rampart Area Officer-Involved Shootings

In 1997, Rampart Area officer-involved shootings decreased to eight occurrences, four of which involved patrol officers confronted by aggressive dogs. The first two OIS incidents of the year involved CRASH officers. The first CRASH OIS was unremarkable at the time; but, the second CRASH OIS resulted in administrative disapproval of the sergeant for his failure to properly supervise and plan for the operation. This was the third of four consecutive Rampart CRASH shootings with significant supervisory deficiencies. Another OIS that year involved eight patrol officers firing at a car trying to run them over after a pursuit. The UOF Board was critical of so many sergeants and officers being in the station when this incident occurred, 50 minutes prior to end-of-watch. Once again, proper field supervision arose as an issue.

OIS #20-97 2-28-97
Shot: Officers R. Perez #26905 and H. Tovar #30492
Summary: Rampart CRASH officers went in foot pursuit of a known gang member. An OIS occurred when the suspect pointed a handgun at the officers.
Findings: Tactics, Training on communications and running with gun in hand.
Drawing, In policy, no action.
UOF, In policy, no action.

OIS #56-97 6-2-97
Shot: Officer D. Stepp #31143
Present: Officers B. Hewitt #27602, R. Perez #26905, and N. Durden, #31106, along with Sergeant R. Guerrero #20550.
Summary: Rampart CRASH officers received info from detectives regarding an assault with a deadly weapon suspect. During a follow-up investigation at the suspects residence, a suspect points a gun at the officers and an OIS occurs.
Findings: Tactics, Training for Stepp, Hewitt, Perez, and Durden on scouting location, communications, deployment and requesting additional units.
Administrative Disapproval, Sergeant Guerrero, for failing to maintain a supervisory role, deficient plan, and insufficient number of officers.
Drawing, In policy, no action.
UOF, In policy, no action.

OIS #64-97 6-26-97
Shot: Officer K. Webb #26615
Present: Officer A. Little #33160
Summary: Rampart patrol officers handling a residential burglary alarm radio call were confronted by an aggressive dog and an OIS occurred.
Findings: Tactics, no action.
Drawing, In policy, no action.
UOF, In policy, no action.

OIS #68-97   7-4-97

Shot: Officers M. Kim #32558, C. Heredia #31900, R. Ruggiero #27814, N. Butcher #31210, J. Hollis #30357, T. Rodda #33501, R. Williams #33520, and T. Turner #31534.

Present: D. McDowell #26746, B. O'Bryant #33269, R. Cervantez #33009, C. Barrios #30694, R. Morales #26585, B. LaFountaine #22847, J. Muniz #30963, and L. Rauch #26594.

Summary: Rampart patrol officers in pursuit of kidnap/ADW suspect. Suspect drove vehicle at officers resulting in OIS.

Findings: Tactics, Training for all involved officers on vehicle deployment, use of cover, communications, fire control and firing with officers in foreground. Board was also critical of numerous officers being in the station near end-of-watch. (The Commissioner adopted the findings with "Formal training" in the area of tactics.)
Drawing, In policy, no action.
UOF, In policy, no action.

OIS #72-97   7-30-97

Shot: Officers D. O'Sullivan #27237, E. Cabriales #27190 and E. Villalta #26093

Summary: Rampart Patrol officers observe shooting in progress. Suspect points a weapon at officers resulting in OIS.

Findings: Tactics, Training all officers on communications, deployment, and perimeter/ crime scene management.
Drawing, In policy, no action.
UOF, In policy, no action.

OIS #79-97   9-3-97

Shot: Officer E. Cabriales #27190.

Summary: Rampart Area PACE Officer responded to a community complaint of transients in a vacant lot. When officer is confronted by an aggressive dog, an OIS occurs.

Findings: Tactics, No action.
Drawing, In policy, no action.
UOF, In policy, no action.

OIS #82-97   9-10-97

Shot: Officer H. Jones #32861

Present: Officer R. Blankenship #23971

Summary: Rampart Patrol officers investigating a stolen vehicle are confronted by an aggressive dog resulting in an OIS.

Findings: Tactics, Training for both officers on communications.
Drawing, In policy, no action.
UOF, In policy, no action

OIS #88-97   9-17-97
Shot: Officer B. Scallon #26823
Present: Officer K. Burke #33594
Summary: Rampart patrol officers responded to a domestic violence radio call when they
                 were confronted by a charging dog resulting in an OIS.
Findings: Tactics, No action.
                 Drawing, In policy, no action.
                 UOF, In policy, no action.

1998 Rampart Area Officer Involved Shootings

In 1998, Rampart Area OIS decreased dramatically with only five occurrences. One of those
occurrences involved a detective working off-duty security. The shooting was classified as in
policy, but the detective was working without a permit causing the initiation of a personnel
complaint. There were no CRASH shootings nor were there any dog shootings.

Three of the other four shootings are unremarkable. However, one incident involved the search
for a prowler suspect who was subsequently shot when he tried to retrieve a firearm. The Board
found the shooting to be in policy, but directed that the officers and supervisors at scene receive
training. One of the supervisors subsequently refused to sign the incident report.

OIS #13-98   3-12-98
Shot: Officer J. Stewart #25593
Present: Sergeants J. Hoar #16193 and M. Long #21532, and Officers E. Retamoza
                 #31138, N. Toosbuy #31196, and J. Robb #33804.
Summary: Rampart patrol officers went in foot pursuit of a prowler suspect who had forcibly
                 entered the window of an occupied apartment. When the suspect drew a gun, an
                 OIS occurred.
Findings: Tactics, Training on broadcasting for additional units, broadcasting the foot
                 pursuit, designating a cover/contact officer and not waiting for SWAT before
                 clearing the lower level of the location.
                 Drawing, In policy, no action.
                 UOF, In policy, no action.

OIS #17-98   4-8-98
Shot: Officer F. Guzman #25414
Summary: Rampart Detective Division off-duty officer, who was employed as a security
                 guard, observed a shooting in progress and shot in fear for the victim's life.
Findings: Tactics, Training on waiting for additional officers prior to approaching the
                 suspect and weapon not fully loaded.
                 Drawing, In policy, no action.
                 UOF, In policy, no action.

OIS #19-98   4-11-98

Shot: Officers G. Calleros #33902 and E. Sandoval #27445.
Present: Officers E. Retamoza, #31138, and D. Eun, #30760
Summary: Rampart patrol officers responded to radio call of prowler suspect resulting in an OIS. This resulted in a SWAT call out and second OIS involving SWAT officers which is not addressed in this summary.
Findings: Tactics, Training on vehicle deployment, use of cover and communications.
            Drawing, In policy, no action.
            UOF, In policy, no action.

OIS #36-98   5-19-98

Shot: Officers R. Palomares #30600, and F. Galindo #30764
Summary: Rampart officers on loan to Narcotics Group set up an observation post for narcotics dealers. A suspect points a weapon at them resulting in an OIS.
Findings: Tactics, Training for both officers on deployment and wearing a vest.
            Drawing, In policy, no action.
            UOF, In policy, no action.

OIS #74-98   10-22-98

Shot: Sergeant P. Byrnes #24578 & Officers L. Barbosa #30028, and D. Park #34237
Present: Officer M. Esparra #27500
Summary: Rampart detective serving a felony warrant along with Rampart patrol officers. When the suspect retrieved a firearm, an OIS occurred.
Findings: Tactics, No action for Park and Barbosa; Training for Sergeant Byrnes and Officer Esparra, Esparra for not wearing a vest and Byrnes for not making sure everyone had their vest on prior to warrant service.
            Drawing, In policy, no action.
            UOF, In policy, no action.

1999 Rampart Area Officer Involved Shootings

When this chapter was submitted to the BOI (January 2000), there were 3 yet-to-be-adjudicated OIS incidents, which occurred in 1999 involving Rampart officers.

OIS #22-99   3-20-99   Officer C. Martinez, #33343,
OIS #63-99   8-18-99   Officer <u>Robert</u> Perez, #27435 (Accidental Discharge)
OIS #64-99   8-18-99   Officers N. Wong, #30419, and S. Miller, #27435

Conclusions and Management Insight

Clearly, there was a noticeable OIS pattern occurring in Rampart over this five-year period. Large numbers of officers at locations, multiple "shooters" and either no supervision or ineffective supervision were apparent. Currently, the UOF Review Board considers an officer's use of force history after it has reached its conclusions on the incident. It appears, from this review, that the Board should also consider the command's use-of-force history as well as that of any specialized unit to which an involved officer(s) belongs.

PERSONNEL COMPLAINTS

This following data compares Rampart to the other large commands. The sharp increase in 1998 is due to the new complaint policy that became effective on January 1 of that year. The new policy requires that every community complaint be recorded and investigated.

PERSONNEL COMPLAINTS BY AREA

Rampart Area

Year	CUBO	Force	Disc-ourtesy	Other NOD	Misc	Total
1994	14	19	10	12	5	60
1995	12	21	18	2	6	59
1996	9	16	8	2	2	37
1997	10	14	7	8	0	39
1998	19	35	12	15	5	86

77th Street Area

CUBO	Force	Disc-ourtesy	Other NOD	Misc	Total
8	22	14	13	6	63
12	20	14	5	6	57
10	17	16	5	1	49
13	14	6	6	2	41
9	29	15	12	8	73

Southeast Area

Year	CUBO	Force	Disc-ourtesy	Other NOD	Misc	Total
1994	17	11	8	11	3	50
1995	13	4	9	5	6	37
1996	8	5	6	3	3	25
1997	5	9	7	11	2	34
1998	13	27	18	18	7	83

Hollywood Area

CUBO	Force	Disc-ourtesy	Other NOD	Misc	Total
15	18	15	7	3	58
10	5	12	6	5	38
14	15	13	7	5	54
17	13	7	3	1	41
23	34	20	15	8	100

Wilshire Area

Year	CUBO	Force	Disc-ourtesy	Other NOD	Misc	Total
1994	14	6	11	10	2	43
1995	8	5	6	4	3	26
1996	9	4	6	3	3	25
1997	10	11	10	10	5	46
1998	12	14	9	16	6	57

Van Nuys Area

CUBO	Force	Disc-ourtesy	Other NOD	Misc	Total
10	3	14	14	3	44
4	6	2	5	2	19
3	6	7	8	2	26
9	7	2	7	1	26
12	16	21	14	8	71

In reviewing this data, keep in mind that IAG's annual reports cover complaints closed in a given year, regardless of the year in which the complaint was actually generated. A complaint is

deemed to be "closed" after it has been completely adjudicated and the involved officer is notified of the disposition. Further, the data shown in these charts reflects the most serious allegation in each of these complaints. It is quite common for a complaint to allege multiple acts of misconduct, each of which is investigated and reported by IAG within its respective category. However, this generates extremely complicated charts which are difficult to comprehend unless one is well versed in the internal disciplinary process. For the purpose of this comparison, we felt a more simple, straight forward comparison focusing on the most serious charge would be more insightful. Finally, the five categories reported here are a consolidation of categories:

- CUBO includes unbecoming conduct, insubordination, gender bias, domestic violence and sexual misconduct.
- Force includes unauthorized force or tactics and shooting violations.
- Discourtesy includes ethnic, improper or discourteous remarks.
- Other NOD includes neglect or duty and other policy or procedural violations.
- Miscellaneous includes alcohol or narcotics related allegations, dishonesty, theft and false or misleading statements.

Complaint Investigations

When a personnel complaint is initiated, the initial investigation is sent to IAG for review and the issuance of a tracking number. The IAG commanding officer also decides at that time whether IAG will conduct the investigation or assign it to the Area for investigation.

A comparison of complaints investigated by Areas, as opposed to those investigated by IAD, showed that Rampart was assigned to investigate a higher percentage of complaints than the five comparison Areas. Additionally, as with all commands, the percentage of complaints investigated by Areas increased sharply in 1998 with implementation of the new complaint policy on January 1, 1998.

PERSONNEL COMPLAINTS HANDLED BY AREA

Year	Rampart	Southeast	77th Street	Hollywood	Wilshire	Van Nuys
1994	89%	65%	69%	90%	85%	89%
1995	81%	57%	54%	62%	72%	78%
1996	79%	61%	46%	60%	54%	80%
1997	75%	88%	66%	59%	75%	78%
1998	95%	93%	80%	86%	88%	81%

Adjudication of Community Complaints

The adjudication of Rampart's community complaints were tabulated and analyzed. Rampart's adjudication patterns of sustained, unfounded, exonerated and not resolved classifications appear to fall in the middle when compared to the other large commands.

ADJUDICATION OF COMMUNITY COMPLAINTS

Rampart Area

Year	Outside Complaint	Sus-tain	Unfound	Exon	Not Resolve
1994	41	20%	22%	2%	56%
1995	49	12%	39%	4%	45%
1996	31	10%	23%	0	67%
1997	33	12%	33%	3%	52%
1998	66	11%	51%	8%	30%

77th Street Area

Outside Complaint	Sus-tain	Unfound	Exon	Not Resolve
40	8%	23%	8%	61%
34	9%	24%	12%	55%
42	4%	26%	6%	64%
30	7%	7%	3%	83%
53	19%	18%	6%	57%

Southeast Area

Year	Outside Complaint	Sus-tain	Unfound	Exon	Not Resolve
1994	30	7%	46%	7%	40%
1995	23	22%	39%	0	39%
1996	18	6%	44%	0	50%
1997	21	24%	38%	5%	33%
1998	59	22%	37%	10%	31%

Hollywood Area

Outside Complaint	Sus-tain	Unfound	Exon	Not Resolve
39	5%	38%	13%	44%
25	16%	40%	12%	32%
31	11%	20%	11%	58%
32	3%	44%	3%	50%
70	9%	39%	12%	40%

Wilshire Area

Year	Outside Complaint	Sus-tain	Unfound	Exon	Not Resolve
1994	26	27%	23%	4%	46%
1995	18	17%	44%	6%	33%
1996	18	39%	33%	0%	28%
1997	39	23%	33%	8%	36%
1998	43	23%	40%	2%	35%

Van Nuys Area

Outside Complaint	Sus-tain	Unfound	Exon	Not Resolve
26	27%	50%	0	23%
10	10%	60%	10%	20%
14	14%	43%	0	43%
13	31%	8%	15%	46%
54	14%	41%	14%	31%

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Rampart Area Complaints Initiated 1994 to 1998

A commanding officer is expected to be aware of personnel complaints initiated within his or her command. Further, a commanding officer cannot wait for each personnel complaint to be fully adjudicated before considering whether or not a potential pattern is developing within his or her command. Complete adjudication may take six months or longer during which an unattended pattern of conduct can seriously undermine a command's effectiveness. This is not to imply that command officers are expected to "pre-judge" personnel complaints, for that is not the case at all. However, command officers are expected to notice patterns and take appropriate action to determine if a deeper problem exists within their command. This is a sound risk management approach to one's command responsibilities.

In order to determine the types of complaints that were initiated during this time, Captain Richard Wahler, Risk Management Division, reviewed all personnel complaint face sheets for Rampart Area from 1994 through 1998. The original complaints were reviewed to determine what, if any, patterns may have been apparent from those original complaints. From that review, the following observations were made:

1. In 1994, three supervisors and a captain were named on complaints. Three supervisors were named on complaints in 1995 and only one supervisor was named in 1996. However, in 1997, eight complaints involved supervisors and that number rose to twenty-nine complaints involving supervisors in 1998.

2. Rampart CRASH officers appear in four 1994 complaints, once in 1995, five times in 1996, six times in 1997 and seven times in 1998. Several complaints were made against "unknown" CRASH officers during that time.

3. Some patrol officers appear with unusual frequency in the number of complaints made against them, many of which are similar in nature.

4. Some of the complaints involve very serious allegations. For example, one complaint was made by officers from West Valley Area who were driving through Rampart and observed a uniformed officer use his flashlight to strike a juvenile in the head.

5. There were several unusual patterns in the complaints made by people with no apparent connection to each other. For example, two separate complainants alleged that they were sprayed with O.C. for no reason. Two separate complainants alleged that the nature of the charges against them were changed after being cited or released from custody. Two separate complainants allege that, while seated in the rear of the police vehicle, the driver officer drove wildly and stopped, causing their heads to hit the partition. In two separate complaints, Rampart officers were found well outside their Area by supervisors from other Areas, once in Hollywood and once in North Hollywood.

There are several officers whose names appear repeatedly in these complaints and that should have caused someone to seriously review these patterns. In several of the interviews in Chapter 4, Rampart Management and Supervision, the explanation is offered that hard-working officers

tended to be the focus of retaliatory complaints by drug dealers and gang members. However, that rationalization simply does not pan out when one considers that only a few members of CRASH and a handful of patrol officers were the subject of an inordinate proportion of these complaints. If retaliation was the primary cause of these complaints, why are so many of them focused on only a few officers while other officers names never appeared or appeared very seldom? Clearly, there were other factors at work here which management either did not or chose not to recognize.

RISK-MANAGEMENT FACTORS OF THE PROFILED OFFICERS

Developing the officer profiles for Chapter 2 provided some insight into the risk-management factors that arose in Rampart Area between 1994 and 1998. A great deal of that information is protected under State and federal law and cannot be divulged in a public document. However, remaining general, those factors fell into four main areas.

1. Supervision.

   A large portion of the incidents occurred when particular supervisors were assigned to the CRASH unit. Many of the officers came to CRASH during periods of weak supervision. This is not to lay the entire blame on the supervisors themselves, for management allowed that to occur.

2. Recanting Complaints

   There was a pattern of complainants recanting within a few days of their original complaint. In every case, the complaint was unfounded even though the physical evidence gathered at the time of the original complaint was clearly consistent with the original complaint and inconsistent with the version given in the recant. For example, a complainant would allege to have been beaten and the photos and medical treatment records support that. Then the person would recant saying he only fell, but the injuries were inconsistent with a simple fall.

3. Patterns of Misconduct

   Certainly, it is not uncommon for officers who work with gang members and narcotic users to be the subject of spurious complaints related to planting narcotics, theft, force, illegal searches, and falsified reports. However, a few of the CRASH officers amassed complaint far exceeding that of their peers, and they were all in the same business. Three of the CRASH officers had noticeable personnel complaint histories. Two of those officers consistently generated sustained complaints, but they were still allowed to work together as partners. The types of complaints, sources of those complaints and the officers' work histories in other risk management categories showed that their work was less than professional, at best.

4. Complaints not Closed in a Timely Manner

A 1995 complaint involved major allegations of misconduct against several CRASH officers. After a lengthy investigation by IAG, Rampart was given two weeks to adjudicate the 47 allegations and process it through the entire system in order to meet the one-year statute. When that did not happen, the next 18 months were spent deciding on the proper classification for each allegation. Finally, in March 1998, allegations were sustained against five officers but, because the statute had expired, each officer received an Official Reprimand, the maximum penalty available. The last officer was served on April 30, 1998.

On October 5, 1998, (6 months later) the investigation was removed from the automated tracking system in preparation for administrative closure and entry into the officers' TEAMS record. At that point, it was discovered that the investigation could not be closed as several pages of the investigation were missing. When the BOI inquired into this specific allegation, it was discovered that those pages still had not been found and the case was still not recorded on the officers' TEAMS record. Additionally, it was discovered that TEAMS had a previously unrecognized system error in that the "Pending" status for each officer's TEAMS record was not working properly and thus did not appear on automated inquiry screens. (This problem has been brought to the attention of Information Technology Division (ITD) for resolution.) However, because it wasn't closed, it did not appear on any of the officers' TEAMS records or on their complaint histories.

Unfortunately, this is not the only case the BOI found where a case had been completely adjudicated, but it did not appear on an officer's record for years afterwards. Another complaint was initiated in June 1997 and resulted in a Board of Rights at which the officer was found guilty of several allegations and received a 22-day suspension. He served his suspension in March 1998, but the investigation had not been closed when the BOI inquired about it in December 1999. The reason it was not closed was that the officer had not yet returned the card describing the final disposition to IAG. Consequently, that complaint did not appear on his TEAMS or complaint history record.

Both of these complaints were very serious and we simply cannot allow our systems to fail in recording them. Managers rely on our systems to inform them of officers' complaint histories and, though unadjudicated complaints must be viewed very carefully, managers must be aware of those events if they are to make thoughtful decisions on personnel assignments. In these two cases, the complaints had been adjudicated, but those findings were not recorded for a year or more after the final decisions had been made. We understand that IAG is about to bring a new computer system on line—the only system ITD was allowed to develop during the pre-Year 2K period—which will correct this problem. That system must be examined and tested very thoroughly to ensure it fulfills this critical need for management information on personnel complaints.

WORK GROUP CONCLUSIONS AND MANAGEMENT INSIGHT

After reviewing the material compiled for this chapter, there can be no doubt that things were amiss in Rampart, reaching a crescendo in 1996. Pursuits, injuries resulting from uses of force,

officer-involved shootings and personnel complaints had a clearly identifiable pattern. The same officers appear all too frequently in these critical risk-management events and the number of supervisors involved was extremely noticeable. Yet, no one seems to have noticed and, more importantly, dealt with the patterns. Several officers whose names appear frequently were disciplined during this period, yet they went right out and did the same things again. The supervisory and tactical criticisms arising from the officer-involved shootings alone should have focused management attention on these patterns. But, that did not occur.

Now that Risk Management Division has been established, it is critical that we develop its capacity to provide meaningful management analysis information, similar to that provided in this chapter. That will require staffing, computer equipment and training in the area of command analysis and comparison. The alternative to developing this organizational capacity is to risk a repeat of the Rampart corruption scandal, which is clearly an unacceptable alternative for the Department, the City and the people we serve.

CHAPTER 6

DEPARTMENT OPERATIONS SYSTEMS

BACKGROUND

This Subcommittee was tasked with reviewing the Department's operations systems, including our existing management and organizational structure for operational bureaus and Areas to determine their effectiveness. Specifically, this included the following systems: property booking, booking and report approval, search warrant review, informant control, personnel evaluations, deployment of probationers, and management controls including quality control checks and audit schedules. In addition, the subcommittee examined the personnel selection process for geographic Area specialized units and specialized detective divisions.

The following personnel were assigned to the subcommittee:

> Deputy Chief Charles F. Dinse, Operations-West Bureau, Chair
> Commander Alan B. Kerstein, Operations-West Bureau
> Captain Vance M. Proctor, Transit Bus Division
> Captain Robert McNamara, Van Nuys Community Police Station
> Captain Michael Downing, Hollywood Community Police Station
> Captain Terry S. Hara, Wilshire Operations Support Division
> Lieutenant Tommy Thompson, Southwest Community Police Station
> Lieutenant Michael Moriarty, Hollywood Community Police Station

METHODOLOGY

The subcommittee was organized into three functional categories or work groups with a specific methodology established for each task. Following is a description of those functional categories and their specific methodologies.

Administration

The Administrative Work Group was responsible for examining the organizational structure of operational bureaus and Areas; deployment of field supervisors; management control systems including inspections, quality control systems, audits and audit schedules; and, the way in which Area specialized units are created, organized, and supervised particularly at night and on weekends. This included a 20-year historical perspective of Department staffing levels.

Operations

The initial analysis of the Rampart Area corruption scandal revealed multiple breakdowns in fundamental operations systems which were designed as a system of checks and balances for the prevention and detection of corruption. The Operations Work Group focused on critical topics including informant control, search warrant review, booking and arrest report approval, property and evidence control, arrestee care and control, and the management of specialized units.

Personnel

The Personnel Work Group focused on personnel evaluations, quality and consistency of field training, personnel selection and rotation, and limited tours of duty for specialized assignments. Each system was evaluated to determine its corruption prevention and/or detection effectiveness.

In general, the subcommittee's methodology consisted of document review and interviews of key personnel. However, variations of that methodology were used to address various functions and issues. In order to provide a full accounting of the subcommittee's work, the specific methodology used is described under each subject area.

HISTORICAL STAFFING PERSPECTIVE

On June 6, 1978, California voters passed Proposition 13 which placed strict limitations on the use of property taxes as a revenue stream for local and State governments. In the succeeding years, State and City revenues diminished considerably resulting in substantial budget cuts for City departments. During the 20 years since Proposition 13, three additional actions occurred which further reduced, civilianized or eliminated important command and control positions. Those actions were:

- Management Audit of the Los Angeles Police Department (1981)
- Service Level Economy Reductions (1990-1993)
- Public Safety Plan (1993-1998)

This section describes the impact of these four events and identifies the specific positions and programs that were either cut, civilianized or substantially reduced because of them. In developing this information, research was conducted into City Council files, Department archives, and various City budget reports and summaries. However, the researchers found a severe archive retrieval problem for older Department documents as well as many City documents. Some of the older documents (pre-1982) could not be located while others could only be found in the Los Angeles Public Library. Consequently, some specific information could not be located, particularly regarding the specific entities from which certain positions were deleted.

Proposition 13

The budgetary ramifications of Proposition 13 took effect at the beginning of fiscal year (FY) 1979/80. As a result, the Department deleted 797 positions (353 sworn and 444 civilian) to achieve a budget reduction of approximately $19.5 million. The total number of positions deleted was found in the "Detail of Department Programs with Financial Summaries" ("Blue Book") for FY 1979/80. However, specific information regarding the breakdown between sworn or non-sworn positions could not be located.

During 1978, a total of three captains I were deleted. Two captains I, assigned as Operations Duty Officers (ODO), were deleted from the Office of Operations and the third captain I, tasked

with the review of administrative and legal issues, was deleted from the Office of the Chief of Police. In addition to these reductions, 17 lieutenant II Community Relations Officer (CRO) positions were deleted by the Board of Police Commissioners in the FY 1978/79 budget. (Southeast Area, the Department's 18th Area, was not opened until July 2, 1978.)   The "Blue Book" for that FY does not indicate that the deletion of the CRO positions was related to Proposition 13 since the FY 1978/79 budget was authored prior to Proposition 13's passage.

Proposition 13 Personnel Deletions

Division/Position	Positions	Savings
Geographic Narcotics Clerks	7	$ 55,538
Organized Crime Intelligence	16	$ 291,992
Labor Relations	4	$ 84,891
Major Crime Investigation	1	$ 9,621
Public Disorder Intelligence	12	$ 134,070
Commission Investigation	6	$ 121,352
Air Support Services	8	$ 182,842
Juvenile Operations	8	$ 149,529
Central Traffic Operations	74	$ 1,012,362
South Traffic Operations	14	$ 287,425
Traffic Support Services	6	$ 104,670
Training Academy	73	$ 1,277,781
Supply Services	9	$ 123,966
Police Student Workers	98	$ 442,078
Motor Transport Services	47	$ 493,079
Scientific Investigation	13	$ 202,466
Property Operations	6	$ 78,456
Geographic Operations	276	$ 5,304,387
Data Entry System	7	$ 57,225
Stress Management Training	1	$ 23,149
Police Commission Staff	3	$ 47,742
EODD	10	$ 239,069
Internal Affairs	19	$ 338,358
Office of Special Services	1	$ 43,683
Behavioral Sciences	1	$ 15,750
Personnel Services	18	$ 366,204
Community Service Reps	9	$ 106,200
Operations Duty Officers	2	$ 68,172
Operations Evaluation Section	11	$ 197,437
Investigative Services	1	$ 9,621
Public Affairs	5	$ 79,174
Investigative Analysis	2	$ 53,668
Tactical Planning	5	$ 90,638
Planning and Research	5	$ 64,825
Technical Services Bureau	1	$ 43,683
Office of the Chief of Police	5	$ 145,212
Automated Information	10	$ 103,254
Fiscal Operations	3	$ 32,000
TOTAL:	**797**	**$12,481,569**

Source: "Blue Book", FY 1979/80

The funds for these positions were deleted by an interim budget reduction action during FY 1978/79. Exactly how the Department handled the loss of funds for these positions could not be determined.

CAO Management Audit

In 1979, The City Council's Police, Fire and Public Safety Committee and the Governmental Operations Committee jointly requested that the City Administrative Officer (CAO) conduct a full management audit of the Police Department. The primary purpose of the audit was to assist the City Council in reducing the City's $35 million dollar budget deficit by deleting $9.6 million dollars from the Department's budget. On February 6, 1981, the CAO released its report titled, "Management Audit Report of the Los Angeles Police Department." The CAO's three main recommendations to reduce the Department's budget were: 1) Replace police officers in many administrative positions with civilians which would reduce salary and pension costs (civilianization); 2) Eliminate many administrative and management positions; and, 3) Reduce the deployment of two wheel motorcycles.

The Department's review of and response to the CAO Audit was a long and arduous process. Much of the debate and discussion was fairly well documented in the Council File (CF 81-691). Ultimately, the Public Safety and Governmental Operations Committees adopted major portions of the Audit on March 26, 1982, and April 26, 1983, respectively. The full City Council subsequently approved the Committees' actions. In reviewing the Council File, it was interesting to note that no direct connection was made between the City's budget deficit and Proposition 13 nor did the Council File mention Proposition 13 as being the catalyst for the CAO Audit. However, the Audit was requested seven months after Proposition 13 passed and the City was aware that major budgetary reforms would be required in the next FY.

Two of the Audit's more controversial recommendations were the deletion of four commander positions from the geographic bureaus and eighteen captain I positions from the Areas. This resulted in a major restructuring of the Department's administration of the geographic bureaus and Areas. The Department's Statistical Digest and the Council file show that five commander positions were deleted in 1981, four from the geographic bureaus and the fifth by civilianizing a Commander position in Planning and Fiscal Bureau. According to the Statistical Digest, seven captain I authorities for the Areas were originally deleted in 1978 as a result of Proposition 13 reductions. In 1982, the remaining 11 captain I positions were deleted. There is no explanation for the four-year gap between these cuts. These captains were replaced with lieutenants II who became the Commanding Officer of each Area's Detective Division.

Another area of budget discussions was the perception that there had been a disproportionate level of growth in sworn management level positions versus field assignments. This eventually resulted in the elimination or civilianization of many sworn administrative and management positions. A prime example of this was the reallocation (civilianization) of 17 sergeant II Area adjutant positions to Administrative Assistants (later renamed Management Analyst I) and upgraded to Management Analysts II in 1994. The effort to civilianize was based on the CAO's position that substantial savings could be obtained by replacing sworn officers with civilians who

receive a lower salary and pension benefits. Another driving force in this effort was civilianization's ability to return sworn officers to field duties. The Police Department and City Council also saw civilianization as a way to create a "career ladder" for civilian employees within the Police Department. Up until that time, the vast majority of the Department's civilian positions were in the clerical or entry-level management classes and any promotion to management levels could only be achieved by transferring to another City department. This led to high civilian attrition rates within the Police Department.

Sworn Personnel Changes
from the CAO Audit

Authorized Positions	1981	1982	Change
Commander	20	15	-5
Captain I	30	19	-11
Sergeant II	269	231	-38
TOTAL	**319**	**265**	**-54**

Source: LAPD 1981 and 1982 *Statistical Digests*

Service Level Economy Reductions

A national recession began in the late 1980s causing a significant loss of local tax revenues. In response, the City enacted "Service Level Economy Reductions" which lasted through about FY 1992/93. Hundreds of millions of dollars in cutbacks occurred through a freeze on hiring and promotions as well as a reduction of public services, a moratorium on the purchase of new equipment, and the deferment of services whenever possible. The "Mayor's Message" for the FY 1991/92 *Proposed Budget* stated that a net elimination of 2,201 City personnel during FYs 1990/91 and 1991/92 would achieve the $100 million reduction needed to balance the City's FY 1991/92 budget. By the end of FY 1992/93, the "Service Level Economy Reductions" were responsible for the elimination of about 800 positions in the Police Department.

Willie Williams was the Chief of Police from June 28, 1992 to May 18, 1997. The final round of "Service Level Economy Reductions" (FY 1992/93) occurred during the first year of former Chief William's tenure and resulted in the deletion of approximately 443 sworn and 30 civilian positions (part of the 800 total position deletions).   The Department also experienced several other personnel changes during Chief Williams' tenure, many of which are discussed in the next section.

Public Safety Plan

The Mayor's Public Safety Plan was released in October 1993. The plan's main purpose was to increase the number of patrol officers by nearly 3,000 during a four-year period. The methods used to achieve these goals were to hire new police officers, hire lateral police officers, reduce sworn attrition by offering better compensation, and civilianize 640 existing sworn positions.

Other issues covered by the plan were the improvement of working conditions through the automation of manual processes and acquisition of new technology.

Though FY 1994/95 was actually the first full year of funding for the Public Safety Plan, the Department received some preliminary funding in FY 1993/94 for increased overtime and to fill a greater number of authorized positions than were provided for in the existing budget. (Though there were 7,900 authorized sworn positions in FY 1993/94, there was insufficient funding to fill all of those positions.) In FY 1994/95, a federal "Police Hiring Supplement" grant added 54 new sworn positions to the Department and slated the civilianization of an additional 237 sworn positions.

In FY 1995/1996, Phase II of the Public Safety Plan took place and 643 new sworn positions were added to the Department through the federal "Community Oriented Policing Services Universal Hiring Program Grant" (COPS Hire). In the same year, 177 more sworn positions were civilianized. Phase III of the Public Safety Plan occurred in FY 1996/97 which added 536 new sworn positions through the COPS Hire grant. No positions were civilianized during that fiscal year. The final phase of the Public Safety Plan went into effect during FY 1997/98 during which 174 new officers were added through the COPS Hire grant and 218 sworn positions were civilianized.

In total, the Public Safety Plan was responsible for the addition of 1,407 sworn positions and the civilianization of 632 additional sworn positions, as outlined below.

Public Safety Plan Additions
By Fiscal Year

Positions	1994/95	1995/96	1996/97	1997/98	Total
Sworn	54	643	536	174	1,407
Civilianized	237	177	0	218	632

Source: Fiscal Operations Division and Civilian Employment Section

A complete list of the sworn positions that were civilianized could not be located. There were several proposals, but a list of the definitive final decision could not be located. We do know, however, that most of the new civilian positions were Police Service Representatives (352), Senior PSRs (65), Management Analysts I (70), and Management Analysts II (52) which accounts for 539 of the 632 civilianized positions. The following chart identifies the 632 civilianized positions created by the Public Safety Plan.

Civilianized Positions for Public Safety Plan
Fiscal Years 1994/95 Through 1997/98

Position	Total	Vacant
Building Repairer	1	0
Communications Engineer Associate	1	1
Communications Engineer	1	0
Forensic Print Specialist 3	36	18
Management Analyst 1	70	21
Management Analyst 2	52	5
Police Service Representative	352	64
Public Relations Specialist	2	0
Senior Clerk Typist	4	1
Senior Management Analyst 1	27	5
Senior Management Analyst 2	8	0
Senior Photographer	3	0
Senior Police Service Representative	65	36
Storekeeper	2	0
System Analyst	1	0
Management Aide	1	0
Polygraph Examiner 4	1	0
Principal Photographer	1	0
Chief Management Analyst	1	0
Communications Electrician Supervisor	1	0
Departmental Personnel Officer 4	1	0
Principal Public Relation Specialist	1	0
TOTALS:	**632**	**151**

Note: Vacancies are as of December 8, 1999, per Civilian Employment Section, Personnel Division

Reduction Summary

- FY 1978/79: Delete 17 lieutenant II CRO positions ⎤

- FY 1978/79: Delete 2 captains I ODO positions   ⎬ **Proposition 13**
                      Delete 1 captain I administrative
                          position from OCOP ⎦

- FY 1979/80: Delete 353 sworn & 444 civilians

- FY 1982/83: Delete bureau commanders ⎤
                      Delete Area captains I   ⎬ **CAO Audit**
                      Delete sergeants II adjutants ⎦

- 1991 - 1993: Delete 800 positions   **Service Level Economy Reductions**

- 1994 - 1998: Addition 1,407 sworn positions ⎤
                      Civilianized 632 positions   ⎬ **Public Safety Plan**

The following charts illustrate the changes in Department personnel from 1977 to the present.

Comparison of Authorized Sworn Positions
1977 to 1999

Rank/Paygrade	1977	1999	Change
Chief of Police	1	1	0
Deputy Chief II	3	3	0
Deputy Chief I	10	7	-3
Commander	22	17	-5
Captain III	26	30	+4
Captain II	23	17	-6
Captain I	40	18	-22
Lieutenant II	119	139	+20
Lieutenant I	130	92	-38
Detective III	285	319	+34
Detective II	561	668	+107
Detective I	414	613	+199
Sergeant II	276	365	+89
Sergeant I	615	732	+117
Police Officer III	1,823	2,208	+385
Police Officer II/I	3,063	4,816	+1,753
TOTAL	**7,411**	**10,045**	**+2,634**

Source: 1977 *Statistical Digest* and Department Personnel Ordinance for FY 1999/00

The table above is a comparison of the Department's authorized sworn positions for 1977 and 1999. These figures do not take into account resolution, grant-funded, or substitute authorities. Even though sworn positions have increased by 35 percent, there has been a reduction in sworn personnel in operational and management support positions at the bureau and Area levels. Most notably, there are 32 less staff and command officers in 1999 than there were 20 years earlier, but the number of officers they must manage has risen tremendously.

Comparison of Non-Sworn Deployment
1977 To 1999

Rank/Paygrade	1977	1999	Change
Administrative	133	399	+266
Chief/Principal Clerk	70	53	-17
Executive Secretary	n/a	96	+96
Sr Clerk Steno	81	n/a	-81
Sr Clerk Typist	259	371	+112
Clerk Steno	73	n/a	-73
Clerk Typist	545	495	-50
Sr CSA & CSA	139	106	-33
Auto Series	349	259	-90
Station Officer	350	n/a	-350
Detention Officer	n/a	321	+321
Property Officer	n/a	85	+85
Accounting Series	n/a	31	+31
Science Technology	145	256	+111
Systems Analyst	n/a	64	+64
Traffic Officer	268	n/a	-268
Traffic Supv	34	n/a	-34
Building Trades	n/a	24	+24
Security Officer	6	n/a	-6
Sr PSR & PSR	n/a	904	+904
Student Worker	106	n/a	-106
Miscellaneous	327	119	-208
TOTAL	**2,885**	**3,583**	**+698**

Source: 1977 *Statistical Digest* and "Table of Organization and Deployment Report," December 1999
Note: N/A indicates the position title either no longer exists or was not captured in the source report.

The classification of civilian positions has changed significantly since 1977. Entire series have been created and others have been renamed and regrouped. The number of authorized civilian positions has increased by 698 positions; however, the number of civilian vacancies has also increased from 215 in 1977 to 584, as of December 1999 (+172%). The other area of concern is in the Management series which is the civilian administrative backbone of the Department. Management series vacancies in other City departments and, unfortunately, better working conditions in some of those departments has created a tremendous attrition rate within the Police Department. An unfortunate byproduct of this attrition is the lack of "institutional knowledge" regarding the Department's policies and procedures within that class, which is frequently one of the major factors in one's success in those critical assignments. Nowhere is that more evident than in the adjutant positions where success is frequently predicated on one's ability to identify problems lying below the surface.

Conclusion

The Department has been through many changes in the past 20 years. The passage of Proposition 13 resulted in significant personnel losses and exactly what drove the CAO audit in 1981 still remains the subject of debate today. Nevertheless, the result was a drastic change in Department structure and the first significant effort to civilianize management positions across-the-board. Lack of City funds reappears in the early 1990s, causing the City to enact "Service Level Economy Reductions," which caused the Department to cut-back approximately 800 additional positions. By contrast, the mid-1990s marks a rebound of the City's budget and the Public Safety Plan guided the addition of 1,407 new officers and the civilianization of 632 positions. However, once again the clear direction was to "put officers on the street" with too little consideration given to ensuring a sound management and administrative support infrastructure.

CURRENT ORGANIZATIONAL STRUCTURE

Methodology

A sampling of management and supervisory personnel were interviewed Departmentwide. The sampling included representatives from all four geographic bureaus as well as specialized commands. The sample included lieutenants and supervisors as well as key non-sworn personnel, generally in the Management Analyst and Police Service Representative classes. The purpose of the interviews was to determine how each entity is structured organizationally and to obtain their insight, opinions, and perspective on how the structure could be improved.

Staff and command officers throughout the Department were asked to describe the existing configurations of their operations bureau and Area. They were asked to describe an ideal geographic bureau, Area, and Operations Support Division structure. The opinions of staff and command officers and first-line supervisors were also sought regarding the creation and organization of specialized units, personnel selection, and supervision during off-hours.

Geographic Bureau, Area and Operations Support Division Structure

Geographic bureaus have a similar, but not an identical, structure.

Commanding Officer, Deputy Chief I
Assistant Commanding Officer, Commander
Deputy Chief's Adjutant, lieutenant II
Bureau Vice Coordinator, lieutenant II
Bureau CRASH Coordinator, lieutenant II (may supervise a small Bureau CRASH unit)
Detective III, Bureau Detective Coordinator
Commander's Aide, Sergeant II
Bureau Training Coordinator, Sergeant II
Bureau Crime Analysis Coordinator, Senior Management Analyst or Management Analyst I
Special Events Coordinator, Sergeant I (not all bureaus)

Executive Secretary
Secretary
Senior Clerk Typist

Geographic Areas also have a similar, but hardly identical, structure.

Area Commanding Officer, Captain III
Administrative Unit Officer-In-Charge, lieutenant I
Area Adjutant, Management Analyst II or a Sergeant I
Secretary
Senior Clerk Typist
Administrative Unit Staff, Sergeant I, PO III or II, and/or a PSR
Analytical Unit (Timekeeping, Overtime and Subpoena Control) PO III or II and/or PSR
Complaint Unit, One to three Sergeants I or Detectives II

Operations Support Divisions (OSD) were, for the most part, structured alike at the management level.

OSD Commanding Officer, Captain I
Detective Officer-In-Charge, lieutenant II
Area Adjutant, Management Analyst II
Secretary, for OSD Commanding Officer
Senior Clerk Typist

Each OSD has the latitude to structure its subordinate units in a manner which best fits the command and command staff, provided however, that vice units must report directly to the OSD CO. For example, entities such as CRASH and detective units or "tables" may be assigned to either the OSD CO or the Detective Officer-in-Charge. This allows commands the flexibility to adjust their structure according to their individual needs.

The majority of staff and command officers interviewed believed that the current bureau and Area administration configurations are inadequate to meet the demands of today's work environment. Overall, there are insufficient resources to perform the proactive oversight required at both the bureau and Area levels. At the bureau level, a lack of staffing hampers their ability to conduct meaningful audits and review the effectiveness of their subordinate commands. Without adequate staffing, the bureaus are challenged to adequately monitor compliance with Department policy, procedure, risk management and integrity issues.

At the Area level, commanding officers routinely reassign or "harvest" personnel from other functions within their commands to fill critical administrative positions. Many non-sworn positions, designed to keep sworn officers in the field have gone unfilled due to the larger civilian vacancy rate Departmentwide. For example, police officers II are used extensively in Area Crime Analysis Units (CAD) which are supposed to be largely civilianized. The top third of our busiest commands are simply too large for an individual Area commanding officer to manage. Under our current structure, each of the 18 Area commands is allowed, essentially, the same management support structure regardless of size and workload. In other words, our largest

commands have the same management structure and authorized management support positions as our smallest commands.

There was clear consensus that three captains should be assigned to each Area. The majority of commanding officers believed that Area commanding officers do not have adequate time to oversee their field operations. Personnel issues, community meetings, Boards of Rights, Boards of Inquiry, and other administrative responsibilities consume so much time that many commanding officers work a minimum sixty-hour week nearly every week. Most have little time to plan strategically or oversee the daily operations in their Areas, particularly at night and on weekends. Though not in place during the period in which most of the Rampart corruption incidents occurred, preparation for FASTRAC meetings was cited by some as particularly time consuming. Although all those interviewed felt FASTRAC was extremely valuable in identifying crime patterns and developing specific missions for field personnel, some feel the need to "over prepare" for these meetings in fear of being asked obscure questions.

Boards of Rights have a significant impact on the work schedules of staff and command officers. On average, three Board of Rights hearings occur daily, requiring six staff or command officers per day as board members. During a one-month period, approximately 120 staff and command officer days or six full-time staff/command officers are devoted exclusively to Boards of Rights.

Area Specialized Units

The deployment of specialized units within the Areas varied widely throughout the City. Every Area deploys a Vice Unit and a CRASH Unit and many also deploy a Special Problems Unit (SPU), Bicycle Unit, Hype Car and a variety of other specialized units to address specific crime or community problems. Pacific Area is unique in that it also staffs a special detail responsible for Venice and Dockweiler Beaches as well as a large full-time detail at Los Angeles Airport. Many Areas deploy footbeats which are authorized in the Department's budget.

There is no uniform chain of command for Area specialized units. For example, some CRASH units report to the OSD lieutenant, while others report directly to the OSD commanding officer. SPU may report to either the Area or OSD commanding officer, or to a watch commander. Bicycle units generally report to the watch commander and some hype units work for the Area, while others work for OSD. In some cases, commanding officers have combined their CRASH and SPU units into a Special Enforcement Unit.

Typically, vice units are supervised by two sergeants II, regardless of the number of officers assigned to a particular vice unit. Hollywood Vice is an exception in that it has a lieutenant II as the OIC and three sergeants II due to its size. In contrast to vice, other specialized units either report directly to a fixed-post supervisor, e.g., watch commander or juvenile coordinator, or the have a sergeant I assigned as the OIC. Many of these sergeants I tend to be young and energetic, but relatively inexperienced. CRASH units vary in size from eight to twenty-eight officers usually with one, and sometimes two sergeants I assigned to supervise the unit. There are also seasonal fluctuations in the CRASH staffing which tends to increase during the busy summer months and decline in the quieter winter period. Several specialized units, predominately CRASH, operate from remote sites due to overcrowding at the main facility housing the Area's

management team including the watch commander. This includes bringing arrestees, victims, witnesses and evidence to the remote site during the night and weekend periods when most of the personnel assigned to those remote sites are off duty.

Subcommittee Findings

Over the last several years, the Department has grown to the highest level it its history with nearly 10,000 officers. However, this growth has occurred mostly at the police officer and sergeant levels with no corresponding expansion of our mid-management or command structure. Equally important, there has been little growth in the key positions that support Area commands, such as in the clerical and non-sworn management ranks. Consequently, our span of control at the operational level has increased tremendously, particularly in our larger commands, inhibiting our ability to properly manage our employees. Without an adequate management and management-support structure, we have inadequate resources to confront the challenge of corruption prevention which requires proactive management oversight as a first line of defense. Commanding officers are responsible and accountable for every aspect of their commands and must perform the full spectrum of administrative functions, relying upon policy, direction, training, and personal initiative to achieve the highest level of performance possible. They simply must have the resources to be successful in accomplishing that mission.

There appears to be ample justification for an additional staff officer at each operations bureau to share the workload of line and functional commands. This additional commander would also assist in auditing and examining all of the bureau's subordinate commands to ensure compliance with Department policies and procedures and to monitor risk management and integrity issues. Adequate staff would have to be assigned to provide each bureau with an active audit team of experienced personnel whose daily job would be to conduct command reviews and assessments. This would include establishing a bureau Personnel Complaint Control and Review Unit to ensure a timely and thorough review of individual personnel complaints as well as the identification of complaint patterns for individuals and organizational entities within the bureau.

At the Area level, we simply must establish the appropriate level of command and administrative staff. Given an Area commanding officer's responsibilities outside the station, consideration must be given to placing a third captain in each Area to oversee the command's critical off-hours activities. Other improvements should include staffing operational adjutant positions with sworn supervisors to improve the command's administrative profile. Finally, every command must have a team of experienced auditors to examine the unusual as well as the seemingly routine.

With respect to Area specialized operational units, every effort should be made to maintain a ratio of one supervisor for every six to ten field officers assigned to specialized units, depending upon the unit's mission. However, in no case should a specialized unit be allowed to function in the field without direct supervisory oversight. Efforts should be made to place more experienced and better-qualified supervisors in specialized units, particularly CRASH, by upgrading the OICs to advanced paygrade positions. Finally, specialized units at the Area level should not be allowed to operate from a remote site and they should attend the scheduled roll call for the patrol force whenever practicable.

Several staff officers suggested that all specialized units be reconfigured into an Area Special Enforcement Unit (SEU). This could be accomplished by deactivating many Area specialized units and then activating SEG with limited tours and an advanced paygrade for supervisors. However, such a structure would have to maintain the missions of CRASH and SPU, with CRASH focusing on gang problems while SPU focuses on repressible crime.

FIELD SUPERVISION

Throughout this subcommittee's review of operations systems, as well as during inquiries by several other BOI subcommittees, the subject of field supervision arose continually. It is near universally accepted, true or not, that field sergeants are severely underdeployed and overworked virtually eliminating their ability to be proactive in the field. Most of the people interviewed claim this has been the case for many years. They also claim supervisor field availability has been exacerbated by the Department's new personnel complaint system (January 1, 1998), which requires the full investigation and reporting of all community complaints, and with implementation of the Ideal Basic Car which assigns some field supervisors the ancillary duty of Basic Car Coordinator.

Methodology

In order to either refute or validate those perceptions, a study was conducted of actual field supervisor usage in order to determine if those perceptions are accurate from an objective rather than anecdotal viewpoint. The Deployment Unit, Management Services Division, was asked to conduct an analysis of the way in which each Area used its field sergeants. For the purpose of this review, DP #5 of 1999 was selected as that DP is post-winter (low work, low vacations) and pre-summer (high work, high vacations). Specifically, the Deployment Unit was asked to:

1. Determine the total number of sergeants I assigned to each Area during DP #5. (Coincidentally, no Sergeant I authorities were vacant during that DP.)
2. Back out those sergeants I who were unavailable for deployment as a patrol field supervisor due to fixed-post assignment or some other assignment, such as an external loan or assignment to non-field supervisor duties within the Area.
3. Back out the number of sergeants I who would not be available for deployment due to any other absence such as sick/IOD, suspension, overtime taken off, training or vacation, in order to determine the net number of sergeants I each Area should have deployed in the field during DP #5.
4. Then, using the ECCCS log-on tape for DP #5, determine the actual number of field supervisors who logged onto the MDT system during the DP.
5. Compare the number of logged on sergeants to the number of logged on patrol officers to determine the Area's ratio of sergeants to officers.

In order to contrast each Area's supervisory deployment with known supervisory workload, two additional factors were examined. First, a computer run was made to determine the percentage of radio calls which show a "supervisor at scene" for each of the last 10 years. If the premise is true that sergeants are no longer able to provide routine field oversight, there should be a dramatic decrease in calls showing a supervisor at scene. This would be especially true of routine calls as

emergency calls tend to be life threatening and generate supervisory response even if one is in the station doing paperwork. Secondly, the number of personnel investigations initiated and under investigation during DP #5 were gathered for each Area. Again, if the assumption is true that sergeants are buried in personnel complaints, these numbers should show dramatic increases over the past few years, which would either validate or refute that assumption.

Utilization of Sergeant I Positions

Each Area is authorized sergeant I positions based upon the number of sworn personnel to be supervised. (Field sergeants are budgeted and deployed at a ratio of 1 sergeant for every 8 field officers.) From the total number of sergeants authorized, adjustments are made to account for budgeted increases such as substitute authorities and grant funded positions. An Area is thus allowed to fill positions up to the adjusted total.

Sergeants I Unavailable for Deployment

From each Area's total Sergeant I positions, those sergeants I who were unavailable for field supervisory deployment were removed. They fell into 3 categories.

1. **Fixed-Post Positions**

   Each Area is allotted one fixed-post position for CRASH and several Areas have other budgeted responsibilities such as a shooting range, court liaison, and grant-funded programs. sergeants in those positions are <u>not</u> available for general field supervisory duties.

2. **Other Assignments**

   Each command is required to submit a Monthly Personnel Status Report to Management Services Division (MSD) listing those employees who are unavailable for their regular assignment. That report is supposed to identify all internal as well as external loans and anyone who is assigned duties other than those for which they are authorized. For example, each Area was authorized a sergeant I Auxiliary Services Coordinator to oversee Area activities such as youth programs. However, those positions were eliminated in the 1993/94 budget. Though the positions were eliminated, the work still must be done and every Area currently deploys a sergeant I to these duties. Similarly, there are no authorized complaint sergeant(s) positions at the Area level even though Areas handle about 95% of the personnel complaints. Therefore, sergeants are taken from the field to fill these positions. Using the report each Area submitted for DP #5, the sergeants I falling into this category were backed-out of the total sergeants I available for field deployment. This was done **without** evaluating the necessity for the non-field supervision assignment. sergeants reported as light duty who cannot work the field were also included in this category.

3. **Relief Factor**

   In order to account for unanticipatable absences, MSD calculates the patrol relief factor for each year. Included in the relief factor is a show-up factor, which accounts for absences such

as sick, IOD, suspension, family illness, bereavement leave, overtime taken off, vacation, training and military leave. As the Department's timekeeping system captures each of these absences, the preceding year's actual usage of these compensatory time-off factors is used to project usage in the upcoming year. The patrol relief factor for 1999 was 1.819 or it was projected that 1.819 officers would be needed to ensure that one officer is at work every day. However, for this analysis the actual number of sergeants unavailable for deployment due to sick or IOD status was used rather than an average. Additionally, the vacancy factor was removed from the formula as there were no sergeant vacancies in DP #5. That resulted in a relief factor of 1.7 for patrol supervisors during DP #5

Total Field Sergeants I Available

The total number of field sergeants who should be available for deployment at each Area was then calculated by subtracting the Sergeants Unavailable for Deployment from the Total Sergeants. That number was then contrasted with the number of sergeants who actually logged onto the MDT during DP #5. (The total logons were divided by 19--the number of workdays per DP--to determine the man-DPs which were worked.) Finally, the number of logged-on field sergeants was compared to the number of logged-on patrol officers to determine each Area's sergeant-to-officer ratio. Using that methodology, the following chart shows how sergeants I were utilized by each Area during the sample DP.

Deployment of Field Supervisors
DP #5 of 1999

| Area | Total Sgt I | Unavailable for Deployment | | | Net Sgt I | Minus Relief Factor | Sgts I Logged on MDT |
		Fixed Post	Other Assign	Sick/ IOD			
Central	31	1	6	1	23	13.5	10.5
Rampart	36	1	10	0	25	14.7	15.4
Hollenbeck	23	2	3	1	17	10.0	10.2
Northeast	29	1	9	1	18	10.6	11.7
Newton	30	1	6	2	21	12.4	12.5
Southwest	34	1	1	0	32	18.8	11.3
Harbor	29	3	4	5	17	10.0	13.0
77th Street	34	1	7	0	26	15.3	12.6
Southeast	34	3	8	1	22	13.0	12.3
Hollywood	32	5	6	2	19	11.2	9.2
Wilshire	38	1	10	3	24	14.1	12.7
West LA	26	2	3	3	18	10.6	9.0
Pacific	34	1	7	0	26	15.3	14.2
Van Nuys	33	1	6	1	25	14.7	15.5
West Valley	31	1	3	4	23	13.5	13.1
N. Hollywood	24	1	7	0	16	9.4	8.9
Foothill	26	1	5	1	19	11.2	9.0
Devonshire	31	1	7	4	19	11.2	11.9
TOTALS	555	28	109	29	389	228.8	213

Based upon this analysis of sergeants I deployment during DP #5 of 1999, the subcommittee made the following observations:

1. Only 38% (213) of the 555 sergeants I assigned to the 18 Areas logged onto the MDT as a field supervisor.
2. 25% of the sergeants I (28 Fixed Post and 109 Other Assignment, 137) are in an assignment other than field supervision.
3. There is a difference of about 16 sergeants between the number who should be available for field supervision (228.8) and the number who actually logged on (213).

The calculations used to project the number of sergeants who should be available for deployment are based upon the rate at which compensatory time off was used in the preceding year. Therefore variables between projected and actual deployment may be explainable due to higher or lower actual usage of that time off. However, it may also be attributable to factors such as sergeants not logging on or having fewer people on vacation. The problem with the latter explanation (fewer vacations) is the vacation needs to be balanced throughout the year in order to avoid a high vacancy rate later in the year. Therefore, Areas with fewer sergeants deployed than

are projected, such as Southwest must review their deployment as well as those fielding significantly more field supervisors than projected, such as Harbor.

Supervisory Response to Calls for Service

All calls-for-service are captured in the Department's Computer Aided Dispatch (CAD) System which issues each call an incident number. In order to dispose of a call, a patrol unit must enter a four letter "disposition code" into the MDT and indicate if a supervisor was at the call in the "Supervisor at Scene: Y/N" field. In order to assess the frequency with which field supervisors respond to radio calls, a computer run was made for the past 10 years showing how often a supervisor was at the scene of all calls and then broken down into the three levels of call priorities: Priority 1: Emergency; Priority 2: Urgent; and, Priority 3: Routine.

Supervisor at Scene of Calls for Service

Year	Total Calls	% Supv at Scene	Calls by Priority with a Supervisor at Scene		
			Emergency	Urgent	Routine
1990	1,210,301	19.6%	30.6%	17.4%	17.3%
1991	1,242,700	18.6%	28.5%	16.2%	16.3%
1992	1,242,457	19.1%	28.8%	16.1%	16.8%
1993	1,267,681	18.8%	28.3%	16.2%	16.7%
1994	1,204,355	20.6%	31.1%	18.0%	18.4%
1995	1,293,071	23.8%	31.2%	19.6%	23.0%
1996	1,323,952	21.5%	28.4%	17.8%	20.5%
1997	1,358,599	19.0%	29.2%	17.5%	16.4%
1998	1,328,437	20.1%	30.2%	19.1%	17.5%
1999	1,160,978	23.2%	31.8%	22.4%	20.9%

1999 is through November 20, 1999, and traffic calls are not included in these figures.

Though the 1999 figures are incomplete, the figures available through November 20, 1999, show that more supervisors are responding to calls for service this year than nearly any year over the past 10 years. For the purposes of this BOI investigation, a supervisory presence at routine calls is critical, in that officers generally expect to see a supervisor at most field emergencies. However, a supervisory presence at routine calls tends to be more in the nature of monitoring the officer's work. Though there was a dramatic decrease in supervisory presence at routine calls in 1997, that percentage has risen in 1998 and again in 1999. In fact, the percentage of routine calls showing a supervisory presence in 1999 is the second highest percentage in the past ten years.

In short, these figures do not support the notion that field supervisors are in the station for their entire shift buried in paperwork.

Personnel Complaints

In order to assess the impact personnel complaints are having on each Area, IAG was asked to provide information on each Area's personnel complaint profile as of the end of DP #5, 1999.

Specifically, IAG was asked to provide the number of personnel complaints that were under investigation at each Area and the number of personnel investigations each Area initiated during DP #5. Though insightful, the data was somewhat limited as explained below.

Personnel Complaints by Area
DP #5, 1999

Area	Complaints Initiated in May 1999			Complaints Pending End of DP #5		
	Inside	Outside	Total	Inside	Outside	Total
Central	7	8	15	45	114	159
Rampart	10	13	23	85	142	227
Hollenbeck	6	5	11	47	60	107
Northeast	9	5	14	46	102	148
Newton	2	4	6	37	76	113
Southwest	3	8	11	52	127	179
Harbor	7	2	9	64	85	149
77th Street	9	23	32	70	243	313
Southeast	11	8	19	74	109	183
Hollywood	6	16	22	54	120	174
Wilshire	13	9	22	106	172	278
West LA	5	5	10	43	60	103
Pacific	7	5	12	51	72	123
Van Nuys	6	14	20	45	150	195
West Valley	8	15	23	47	78	125
N. Hollywood	4	10	14	33	55	88
Foothill	5	6	11	51	97	148
Devonshire	3	4	7	30	46	76

The following information will facilitate interpretation of the data including its limitations:

1. Generally, the "pipeline" from initiation of a complaint to closure is **about** 10 months long: 5 months at the Area for investigation; 2 months at the Area for review and cover letter; 1 month at the bureau for review; and, 2 months at IAG for final adjudication and closure.

2. IAG handles about 5% of each Area's personnel complaints.

3. About 50% of the "inside" complaints are routine neglect of duty such as missed court, failure to qualify and traffic collisions.

4. Pending Complaints (right columns) include every personnel complaint which has not been closed by IAG, regardless of investigating entity. Some of these are being investigated by IAG and others have left the Area and are pending, either at the bureau or IAG.

Sergeant I Deployment by Area

Central Area:

31	Sergeants I Assigned
(1)	Fixed Post - CRASH
(6)	Unavailable:
	2 – Personnel Complaints
	1 – AWC Vacation Relief
	2 – Loan to ORS & IAG
	1 – Light Duty
(1)	IOD
23	Net Field Supervisors
13.5	Sergeants Available for Daily Deployment
10.5	Field Sergeants actually logged on
88.8	Officers logged on
1:8.4	Ratio of logged on Sergeants to Officers

Rampart Area:

36	Sergeants I Assigned
(1)	Fixed Post - CRASH
(10)	Unavailable:
	5 – Personnel Complaints
	1 – Hype Unit
	1 – SPU
	1 - CRO
	1 – Loan to ORS
	1 – Light Duty
25	Net Field Supervisors
14.7	Sergeants Available for Daily Deployment
15.4	Field Sergeants actually logged on
113	Officers logged on
1:7.3	Sergeant to Officer log on ratio

Hollenbeck Area:

23	Sergeants I Assigned
(2)	Fixed Post – CRASH, 1 Grant Funded
(3)	Unavailable:
	1 - CRO
	2 – Light Duty
(1)	Sick
17	Net Field Supervisors
10.0	Sergeants Available for Daily Deployment
10.2	Field Sergeants actually logged on
95.6	Officers logged on
1:9.4	Sergeant to Officer log on ratio

Northeast Area:	29	Sergeants I Assigned
	(1)	Fixed Post - CRASH
	(9)	Unavailable:
		4 – Personnel Complaints
		1 – CRU
		1 - Bike
		1 - CRO
		1 – Light Duty
		1 – Loan Newton
	(1)	IOD
	18	Net Field Supervisors
	10.6	Sergeants Available for Daily Deployment
	11.7	Field Sergeants actually logged on
	98.9	Officers logged on
	1:8.5	Sergeant to Officer log on ratio

Newton Area:	30	Sergeants I Assigned
	(1)	Fixed Post - CRASH
	(6)	Unavailable:
		2 – Personnel Complaints
		1 – Adjutant
		1 - CRO
		2 – Loan to Public Affairs & OSD
	(2)	IOD
	21	Net Field Supervisors
	12.4	Sergeants Available for Daily Deployment
	12.5	Field Sergeants actually logged on
	98.9	Officers logged on
	1:7.9	Sergeant to Officer log on ratio

Southwest Area:	34	Sergeants I Assigned
	(1)	Fixed Post – CRASH
	(1)	Unavailable:
		1 – SPU
	32	Net Field Supervisors
	18.8	Sergeants Available for Daily Deployment
	11.3	Field Sergeants actually logged on
	122.1	Officers logged on
	1:10.8	Sergeant to Officer log on ratio

Harbor Area:	29	Sergeants I Assigned
	(3)	Fixed Post – CRASH, Shooting Range & Court Liaison
	(4)	Unavailable:
		1 - Adjutant
		1 – Light Duty
		1 - AWC Vacation Relief
		1 – Loan RHD
	(5)	Sick or IOD
	17	Net Field Supervisors
	10.0	Sergeants Available for Daily Deployment
	13.0	Field Sergeants actually logged on
	88.5	Officers logged on
	1:6.8	Sergeant to Officer log on ratio

77th Street Area:	34	Sergeants I Assigned
	(1)	Fixed Post - CRASH
	(7)	Unavailable:
		3 – Personnel Complaints
		1 - CCU
		1 – AWC Vacation Relief
		1 - CRO
		1 – Light Duty
	26	Net Field Supervisors
	15.3	Sergeants Available for Daily Deployment
	12.6	Field Sergeants actually logged on
	105.1	Officers logged on
	1:8.4	Sergeant to Officer log on ratio

Southeast Area:	34	Sergeants I Assigned
	(3)	Fixed Post – CRASH, 2 Grant Funded
	(8)	Unavailable:
		3 – Personnel Complaints
		1 - Admin
		1 - CRO
		3 – Loan, 2 ORS & 1 OSD
	(1)	IOD
	22	Net Field Supervisors
	13.0	Sergeants Available for Daily Deployment
	12.3	Field Sergeants actually logged on
	135.0	Officers logged on
	1:11.0	Sergeant to Officer log on ratio

Hollywood Area:
32	Sergeants I Assigned
(5)	Fixed Post – CRASH, Court Liaison, 3 Vice-PED
(6)	Unavailable:
	3 – Admin
	1 – SPU
	1 – Hype
	1 – CRO
(2)	Sick or IOD
19	Net Field Supervisors
11.2	Sergeants Available for Daily Deployment
9.2	Field Sergeants actually logged on
112.4	Officers logged on
1:12.2	Sergeant to Officer log on ratio

Wilshire Area:
38	Sergeants I Assigned
(1)	Fixed Post – CRASH
(10)	Unavailable:
	4 – Admin
	1 – SLO
	1 – Adjutant
	1 – CRO
	3 – Loan West LA, ORS, IAG
(3)	Sick or IOD
24	Net Field Supervisors
14.1	Sergeants Available for Daily Deployment
12.7	Field Sergeants actually logged on
132.2	Officers logged on
1:10.4	Sergeant to Officer log on ratio

West LA Area:
26	Sergeants I Assigned
(2)	Fixed Post – CRASH & Court Liaison
(3)	Unavailable:
	1 – Admin
	1 – Personnel Complaints
	1 – CRO
(3)	Sick or IOD
18	Net Field Supervisors
10.6	Sergeants Available for Daily Deployment
9.0	Field Sergeants actually logged on
99.6	Officers logged on
1:11.1	Sergeant to Officer log on ratio

Pacific Area:

34	Sergeants I Assigned (LAX is not included)
(1)	Fixed Post – CRASH
(7)	Unavailable:
	4 – Admin
	1 – Personnel Complaints
	1 – Loan ERU
	1 – Light Duty
26	Net Field Supervisors
15.3	Sergeants Available for Daily Deployment
14.2	Field Sergeants actually logged on
139.1	Officers logged on
1:9.8	Sergeant to Officer log on ratio

Van Nuys Area:

33	Sergeants I Assigned
(1)	Fixed Post – CRASH
(6)	Unavailable:
	5 – Admin
	1 – CRO
(1)	IOD
25	Net Field Supervisors
14.7	Sergeants Available for Daily Deployment
15.5	Field Sergeants actually logged on
120.3	Officers logged on
1:7.8	Sergeant to Officer log on ratio

West Valley Area:

31	Sergeants I Assigned
(1)	Fixed Post – CRASH
(3)	Unavailable:
	1 – CAD
	1 – SPU
	1 – Bike
(4)	IOD or Bonding Leave
23	Net Field Supervisors
13.5	Sergeants Available for Daily Deployment
13.1	Field Sergeants actually logged on
125.3	Officers logged on
1:9.6	Sergeant to Officer log on ratio

N. Hollywood Area: 24   Sergeants I Assigned
                     (1)   Fixed Post – CRASH
                     (7)   Unavailable:
                                2 – Personnel Investigations
                                1 – CED
                                3 – Light Duty
                                1 – Loan ORS
                 16   Net Field Supervisors
                 9.4   Sergeants Available for Daily Deployment
                 8.9   Field Sergeants logged on
              104.7 Officers logged on
              1:11.8 Sergeant to Officer log on ratio

Foothill Area: 26   Sergeants I Assigned
                 (1)   Fixed Post – CRASH
                 (5)   Unavailable:
                                1 – OSD
                                1 – SIU
                                1 – CRO
                                2 – Light Duty
                 (1)   IOD
                 19   Net Field Supervisors
                11.2   Sergeants Available for Daily Deployment
                9.0   Field Sergeants actually logged on
              114.0 Officers logged on
              1:12.7 Sergeant to Officer log on ratio

Devonshire Area: 31   Sergeants I Assigned
                 (1)   Fixed Post – CRASH
                 (7)   Unavailable:
                                  3 – Personnel Complaints
                                1 – OSD
                                1 – CCU
                                2 – Light Duty
                 (4)   IOD
                 19   Net Field Supervisors
                11.2   Sergeants Available for Daily Deployment
                11.9   Field Sergeants actually logged on
              125.8 Officers logged on
              1:10.6 Sergeant to Officer log on ratio

Subcommittee Findings

This information has been given to each of the four operations bureau C/Os to review their deployment of field sergeants. That review notwithstanding, there are some interesting findings which can be made at this point. First, we need to recognize that there are certainly more than 28

Fixed Post Sergeant I positions in our Areas. Every Area must deploy a Community Relations supervisor especially given the serious problems we have had in those units over the years (youth programs). Additionally, every Area should have sergeants assigned to handle personnel complaints, especially since Areas handle 95% of those complaints. It these positions were legitimized as fixed posts, C/Os would not have to take sergeants from the field to fill them

The finding that supervisors are at the scene of more calls now than ever before was a complete surprise. Many theories have been offered for that trend, with the favorite being that officers are requesting supervisors more often. However, that is strictly anecdotal and we were unable to support it with facts. However, having a supervisor at the scene of less than one-third of our emergency calls is too low given the life-threatening nature of those calls and the youth of our patrol force. It would appear the only way to improve in that area is to lower our ratio of sergeants to officers from the current 1:8 to 1:7.

ADMINISTRATIVE CONTROLS

Methodology

Along with the information obtained from the examination of our organizational structure, additional interviews were conducted to determine the types of administrative controls which are currently in place, how these controls work and what, if any, changes should be made (best practice). This included a review of audit schedules, audits themselves, inspections and quality control measures. Department manuals and publications were reviewed for required or recommended audits and audit schedules. A sampling of completed audits were reviewed to determine if they focused on integrity issues.

Summary

Department Manual Section 1/660 states "…it is the responsibility of each commanding officer to continually conduct inspections with his/her command to ensure the proper performance of assigned personnel and the most efficient use of assigned equipment, material, and facilities." However, the Department does not have a Departmentwide mandated audit schedule. All bureaus maintained a regular audit calendar and their subordinate commands adhere to that schedule. In most cases, these are the only formal audits being conducted within line commands. Only a few Areas supplemented the bureau audit calendar with an additional Area audit calendar. Occasionally, non-mandated audits were conducted at the direction of the Area C/O; but, they were usually in response to an identified or suspected problem and not as a routine preventative measure. The results of these informal audits were usually reported on a sergeant's log.

Everyone interviewed believed that audits are an essential tool for identifying existing and potential problems within a command. However, the degree of detail in the audits reviewed by the subcommittee showed minimal insight and recommendations, if any, were elementary often only recommending that periodic audits be continued. It was generally conceded that auditing one's own command generally resulted in "good news" rather than an in-depth look at problems and suggestions on how to fix them. Unfortunately, most commanding officers have simply "bought into" the consistent delivery of good news which clearly has very limited, if any, real

value. There was unanimous agreement that sufficient, trained personnel are not available to conduct audits with the frequency and attention to detail required for them to be meaningful.

Most of our current audits deal with internal administrative systems such as vehicle damage logs, detention tank logs, work permits or training programs. They are not focussed on corruption prevention and there is no formalized process to audit integrity and corruption-prevention issues.

Subcommittee Findings

Over its history, the Department has established any number of procedures to prevent problems from occurring. Quality control checks, case biopsies, third-party booking approval by a supervisor and supervisory review of reports are only a few of those procedures which were established long ago in response to problems which have long since faded in our organization's memory. Many of these procedures occur literally hundreds of times each day and are so common that erosion can occur. The use of an effective audit system is critical to ensure these preventative measures remain in tact and are not bypassed for expediency.

Unfortunately, an effective audit system does not exist in most of our commands. When regular audits do occur, they are not focused on integrity issues especially in our operational commands where the opportunity for corruption is greatest. There are any number of reasons for this failure, not the least of which is a general failure to recognize that these audits are critical management oversight tools. The subcommittee heard from many people that a lack of personnel in critical positions and increases in line personnel, without corresponding increases in management staff, have resulted in many managers being overwhelmed by the daily volume of work. This has resulted in managers and supervisors placing an inordinate emphasis on processing their daily paperwork with insufficient time to step back and survey what is occurring within their sphere of responsibility. Just as there is no substitute for effective supervision when problematic incidents are occurring, there also is no substitute for an effective audit and control system which plays a significant role in promoting compliance with Department standards and identifying deficiencies.   Unless we remove full-duty officers from the field, there are insufficient personnel presently assigned to conduct thorough and meaningful audits with sufficient frequency to identify issues and take corrective action before they become serious problems. Clearly, this must be corrected if we are to improve the effectiveness of our management control systems.

The creation of an additional commander position at the bureau level should be considered to assume responsibility for conducting regular audits of each command within the bureau. That commander should be assisted by a permanent, dedicated and well-trained Bureau Audit Team consisting of sworn and non-sworn personnel to conduct in depth, meaningful and on-going audits and inspections of Area operations. That would include tracking each command's implementation of the recommendations contained in prior audits to ensure that appropriate corrective action has been taken. This staff officer level position should also oversee the development of a "corruption prevention plan" for each command, especially specialized line commands. That plan should be similar to that found at Narcotics and Organized Crime and Vice Divisions which is specifically designed to reinforce integrity standards within those commands.

Finally, Departmentwide integrity assurance plans and audit guides should be developed for use by all commands. This will require a macro approach to our system of audits and controls and the monitoring of those plans should be assigned to the Chief of Staff's Inspection and Control Section. Using strategic audits to "audit the auditors," Inspection and Control Section should be responsible for ensuring that this system of checks and balances remains in tact and continues to focus its efforts on integrity issues.

INFORMANT CONTROL

Methodology

The Operations work group examined over **12,000** arrest reports for narcotics offenses to identify reports referencing the use of an informant. Arrests made by Narcotics Division personnel were excluded from that review as Narcotics has extensive guidelines on the use of informants, including an extensive audit system, due to the nature of its mission. Patrol and OSD personnel were interviewed to determine their understanding of current standards governing the use of informants and how they handle arrest reports mentioning the use of an informant. The work group also examined each Area's active and inactive informant files and each bureau CRASH unit's informant files. Finally, Department training records were examined to determine the degree of training provided to field and supervisory personnel relative to informant control. The curriculum for each Department school was reviewed to identify those schools that provide any training on informant controls. When informant training was provided, the material was compared to the duties of the group to whom the training was provided.

Summary

A review of the 17 Areas and geographic bureau CRASH units located a total of 433 informant files. (Rampart Area was examined by other subcommittees and OWB CRASH is administrative only.) Informant files were found in various locations in each command. There are no guidelines mandating where they shall be maintained and there is no uniform system to track inquiries into those packages. There were 62 informant files marked as active and 371 marked as inactive. There are no clear guidelines specifying when an informant file is active or when it becomes inactive. Every file differed from the next as to content. Some informant files were kept in folders, others in arrest packages but entitled "Informant Package," and others were placed in binders.

Of the more than **12,000** arrest reports reviewed by the subcommittee, **275** arrest reports referred to the use of an informant in making the arrest, usually as the source of the activity. However, interviews showed that the Department supervisors responsible for approving arrest reports lack an understanding of the Department's policy on the use of informants. For example, many of them could not distinguish between information officers receive from concerned members of the community and that which is received from a criminal informant. They had even less knowledge about the difference between a reliable and unreliable informant. Their response to questions in these areas illustrated bewilderment and a failure to recognize and appreciate the legal, risk management, supervisory, training and management issues inherent in the use of informants.

The subcommittee reviewed the content of the 72 Department schools designed to train field officers, detectives, supervisors and command officers. Of those schools, only six provide any training on the use of informants, an area of police work that has been the subject of numerous prior personnel investigations. Instruction on informants is provided at Narcotics, Vice, Basic Detectives, Detective Supervisor, Institute of Criminal Investigation, and Command Development Schools. Four of those Schools have a two-hour block of instruction and the Vice and Command Officer Schools have a one-hour block. Five of those classes are taught by Detective III Ricardo DeMartino with Detective II Rogelio Ramirez as the secondary instructor. Both detectives are assigned to Narcotics Division. The Vice School class is taught by Detective II Kenneth Francik who is assigned to Organized Crime and Vice Division.

The Department Manual states, "whenever practicable, an officer shall telephonically check the Undesirable Informant File, which is accessible during normal business hours." The Office of the Chief of Staff maintains the Undesirable Informant File (UDI) which currently contains 466 names. The system records each name run against the UDI database as well as the requesting officer's name, serial number, division of assignment, and call back number. If an informant is listed as undesirable, the officer's bureau commanding officer is also notified of the query and result. There is no tracking or cross-comparison of informants to indicate whether multiple officers from multiple divisions have queried the same informant. The computer that tracks the UDI failed (crashed) from March 4 to March 28, 1999, and again from April 22 to May 10, 1999. The system has since been repaired, but inquires made during those times were not recorded.

In order to determine if commands were actually using the UDI, a review of system usage for the past five years was conducted. Inquiries were separated by the type of command requesting the information to determine if only specialized divisions were using the UDI.

UDI Inquiries

Year	Total Inquiries	Monthly Average	Narcotics Division	Specialized Divisions	Areas
1994	468	39	320	83	65
1995	519	43	359	101	59
1996	562	46	369	107	86
1997	517	43	384	98	35
1998	374	31	222	86	66

As would be expected, Narcotics Division is responsible for the majority of UDI inquiries. Specialized divisions making frequent inquiries include Robbery Homicide Division, Organized Crime and Vice Division and Internal Affairs Group. Requests from Areas include officers assigned to vice, CRASH, patrol and detectives. The level of inquiries seems to approximate the use of informants within these commands.

Narcotics Division's Field Enforcement Sections have proposed making the UDI available through the Criminal Intelligence System (CIS), formerly known as the Narcotics Information Network (NIN). This would allow Monday through Friday 0600-2300 hours access. Security of

the UDI would be maintained as Narcotics personnel receive extensive background checks. The Office of the Chief of Staff could maintain functional oversight and control of the system with the day-to-day operation handled by CIS. This is certainly not a new suggestion and has been rejected in the past due to paranoia that Narcotics investigators will somehow "steal" other investigators' informants. There is also a concern that this change would eliminate a check and balance in that it would give the entity that uses informants most control of the system.

Subcommittee Findings

Clearly, there is a dire need for greater control and training on the use and management of informants. However, our response to that need must be tempered and consistent with the need for officers to cultivate and use informants in their work. Officers receive information regarding criminal activities and suspects from persons in all walks of life. Many people who provide information have been victims or witnesses of crimes or they have a strong desire to aid law enforcement and/or protect their communities. However, others are motivated purely by selfish interests. Those motivations must be evaluated carefully in determining the extent to which the Department will rely upon their information. Regardless of the informant's motivation, the use of informants is a basic tool in effective law enforcement and is a legitimate, judicially recognized source of information. Even the Department's policy elaborates on this issue in Section 1/544.10 of the Department Manual which states, "Often, information from confidential sources is the investigative lead which solves a case and without which there could not be a prosecution."

If we are to increase our management control and oversight in this critical area, we must ensure that adequate training is provided both to the officers who use informants and those responsible for their supervision. This training must begin with recruits at the Academy and run all the way up through the staff and command officer ranks. Every officer needs to understand the utility of informants, the tools to comply with the legal mandates, and the Department's expectations relative to the management of informants. The two-hour training block currently provided on informants should be included in a wider variety of our schools, especially at recruit and in-service training for police officers. A more detailed class should be developed for supervisors, investigators and command staff. Informant training at the supervisory and command levels should be taught by command officers within Criminal Intelligence Group. Informant protocols should also be included in our Standardized Roll-Call Training program at least once a year.

Finally, the Department should make the Legal Sourcebook accessible to supervisory and line officers, preferably via the LAN or in the more user-friendly CD ROM format. We found that several other law enforcement agencies, including the Los Angeles County Sheriff's Department, mandate that every watch commander's office have a Legal Sourcebook readily available.

SEARCH WARRANTS

Methodology

The subcommittee examined search warrants prepared by Department personnel to determine their quality and compliance with the procedures governing search warrants. Return service

documents were also examined for the same purposes. Department procedures and publications were reviewed to determine our current standards for the preparation, review and service of search warrants including supervisory oversight of this important process.

Summary

In order to obtain a search warrant, an officer must prepare an affidavit delineating the facts which support issuance of the warrant. The affidavit, which must be signed by the officer under penalty of perjury, and the warrant are presented to a magistrate for his or her signature. Once signed, the officer has 10 days in which to serve the warrant. Some warrants are never served, particularly in narcotics cases where suspects frequently move their base of operations. If the warrant is served, the officer must deliver a copy of the warrant and "return service" information to the Los Angeles County Clerk's Office which gives each warrant a file number and is the repository for most search warrants. At this point, most warrants and the supporting affidavit become a public record. The return service document (usually a copy of the property report) provides the court with a complete description of any items seized pursuant to the warrant. Technically, the seized property belongs to the issuing magistrate who must approve any release or disposition of the seized property.

The Department Manual does not require supervisory review of a search warrant affidavit before it is submitted to a magistrate. Additionally, there is no system in place to track a search warrant unless it is actually served and registered with the County Clerk's Office. The subcommittee also reviewed guidelines for the tactical service of search warrants and found that all operational bureaus require the presence of a lieutenant at the service of any warrant service other than those which are essentially administrative, e.g., telephone records.

Subcommittee Findings

The preparation, service, and execution of search warrants is an operational process that exposes the Department to many risk-management issues. The warrant and its supporting affidavit are frequently attacked in court regarding their accuracy and adequacy. We must ensure that these critical documents receive adequate management review and oversight. Specifically, we must require supervisory or management review of a search warrant affidavit prior to submitting it to a magistrate. We must also establish a tracking system for all search warrants, served or not, to facilitate audit oversight and scrutiny of each warrant.

PROBABLE CAUSE ARREST WARRANTS

Methodology

Department procedures and publications were examined to determine our current standards for the preparation, review and service of Probable Cause Arrest Warrants. These warrants are often referred to as "Ramey Warrants" from the California court case establishing the requirement that officers obtain a warrant in order to make an arrest under non-exigent circumstances.

Summary

Unlike an arrest warrant, a Ramey warrant is obtained <u>before</u> criminal charges are filed. Consequently, there is no requirement that a Ramey warrant be reviewed by the District Attorney, though they are available for advice. Essentially, the Ramey warrant consists of a supporting affidavit, usually the crime report, and a warrant face sheet which is signed by the magistrate. Absent exigent circumstances, a Ramey warrant must be obtained whenever an officer desires to enter a residence and arrest an adult or juvenile for either a felony or misdemeanor offense. Failure to obtain a Ramey warrant renders any evidence seized inadmissible in court, including any statements by the arrestee.

One could easily draw the analogy that submitting a probable cause affidavit to a magistrate for a Ramey warrant is comparable to an officer seeking booking approval from a watch commander. The Department Manual requires that an investigating officer or supervisor review a Ramey warrant affidavit before it is submitted to a magistrate. Officers are also required to check the Countywide Warrant System (CWS) to determine if a warrant already exists for the suspect, in which case a Ramey warrant is unnecessary. If a Ramey warrant is served, the warrant is registered with the County Clerk's Office where a number is issued and a copy retained. If it is not served, the original warrant and affidavit are forwarded to the investigating officer for retention in the case package.

Ramey warrants are seldom used by patrol officers as they are considered to be more of an investigative tool. This is reflected in the lack of training for patrol officers in the area of Ramey warrants. Currently, no training is provided on this topic in either the recruit Academy or during any in-service classes for patrol officers. Ramey warrants were addressed in the Standardized Roll-Call Training Program for DP #9 of 1999, but focused specifically on detectives.

Subcommittee Findings

Ramey warrants take little time to prepare, are simple to obtain, and save numerous hours in court trying to defend against suppression motions and other challenges to warrantless arrests. Department training programs and literature should be expanded to provide patrol officers with regular training on proper utilization of this valuable law enforcement tool.

ARREST REPORT AND BOOKING APPROVALS

Methodology

The subcommittee was asked to take a critical look at the current level of compliance and understanding with the requirement that officers obtain supervisory approval of arrest reports and bookings. Randomly selected patrol and OSD personnel were interviewed to assess their understanding of the Department's requirements in this area and those responses were compared to the Department's established procedures.

Summary

The personnel interviewed exhibited sound knowledge and understanding of the Department's procedures and current practice regarding supervisory approval of bookings and arrest reports. However, the research of Citywide misdemeanor arrests done by the Work Product Subcommittee (Chapter 3) revealed a substantial breakdown in the process. The majority of the arrest reports they examined, particularly by specialized units, did not follow the current protocol requiring approval either by a detective supervisor or the watch commander. Many of those specialized units obtain their booking approvals directly from their immediate supervisor. In addition, we also found a general breakdown in the continuity between the supervisor giving booking approval and the supervisor approving the related reports. Generally, the supervisor approving the booking was not the same supervisor who later reviewed and approved the reports. The only exception was an incident requiring an administrative investigation, such as a use of force or pursuit, in which case the same supervisor usually reviewed all related reports. However, there is tremendous value in having the same supervisor approve booking and reports to ensure that all appropriate information is included in the reports.

Subcommittee Findings

The current Department practice of not requiring supervisory consistency in giving booking approval and then reviewing the related reports must be examined. While booking and arrest report approval by the same supervisor may, at times, be impractical due to overtime constraints, consistency in this review would be more likely to ensure the validity of each arrest and that the circumstances articulated for booking approval are consistent with those documented in the supporting reports. Consistent review would also ensure that any evidence seized has been properly booked. This consistency also gives the reviewer insight into the ability, career skills and competency of the involved employees, which also serves the ancillary benefit of identifying training needs.

The implementation of this procedural change must balance fiscal impact against the advantages of reviewing consistency and continuity. This increased cost must be weighed against minimizing exposure to future litigation stemming from system failures. Perhaps the supervisor approving the booking should indicate if he/she is to approve the reports as well, thereby allowing the supervisor to separate routine arrests from those requiring closer scrutiny.

CARE AND CONTROL OF ARESSTEES

Methodology

Another area the subcommittee was asked to examine was the level of compliance with the Department's standards for the care and control of arrestees. Those standards were examined and patrol and OSD personnel were interviewed for their insight and understanding of those requirements.

Summary

The interviews of Department supervisory personnel responsible for the oversight of arrestees revealed strong compliance with the visual inspection of persons in custody. This included regular visual inspections as well as scrutiny of administrative controls such as detention tank logs. They pointed out that most arrestees brought into a station are secured either on a bench or in a holding tank. Those holding facilities are usually located in well-traveled portions of the station and are in close proximity to the watch commander's office. These factors allow the watch commander and many other supervisors to observe and interact with each arrestee. The booking process mandates the completion of medical screening information for each arrestee which ensures that each arrestee is properly screened prior to placement in a custodial facility. This procedure requires that each arrestee respond to specific questions regarding his or her wellbeing, which has the added benefit of providing ample opportunity to bring any number of issues to the jailer's attention.

The point of greatest exposure in this process is the detention of arrestees at satellite locations away from the main Area station. Currently, there are about six such facilities including Rampart, Hollenbeck, Southwest, Pacific, Devonshire and Van Nuys. The isolation of these locations inhibits the ability of a watch commander and his or her supervisors to physically examine and interact with each arrestee. This provides fertile ground for deteriorating control of arrestees in that those who may have been subjected to excessive force or verbal mistreatment do not have the opportunity to bring those issues to the attention of an uninvolved supervisor. The inability of a watch commander to physically observe and interact with each arrestee, while the arresting officer is off preparing to book him or her, deprives Department management of the opportunity to prevent, mitigate, or stop misconduct.

Subcommittee Findings

Every effort should be made to co-locate an Area's operational entities to increase the level of physical scrutiny of arrestees and narcotics evidence. In operational commands where the facility will not accommodate co-location, care must be taken to ensure there is scrupulous compliance with the Department's requirement that an uninvolved supervisor screen each arrestee. Even with those controls, consideration should be given to prohibiting the detention of any arrestee or narcotics evidence in any satellite facility, particularly at night when the majority of the officers staffing those facilities are off duty.

Frequent audits of arrests must be conducted to ensure compliance with these requirements. These audits will help identify any slippage which may occur and will prevent deterioration of this critical check and balance system. Finally, we should also consider requiring that all booking and arrest report approvals be obtained either from an on-duty detective supervisor or the on-duty watch commander.

PROPERTY/EVIDENCE CONTROL

Methodology

The entire Rampart corruption investigation began with Rafael Perez exploiting the manner in which the Department handles evidence, particularly narcotics. Though the systems in place identified this corrupt act and have been improved even further, the subcommittee was asked to reexamine the entire system to ensure its systemic integrity. The Department Manual and all existing publications relative to the handling of evidence were examined. Attention was focused on the security of evidence, as it relates to accountability and responsibility of employees checking out evidence, and the way evidence is tracked by Property Division. Several outside sources were consulted including Lieutenant Joel Latta, Burbank Police Department, who chairs the International Association of Property and Evidence Managers. The subcommittee also had the opportunity to review the newly constructed Burbank Police Department Property facility as well as Burbank PD's Property and Evidence Manual.

Summary

The Department Manual outlines the procedure used to identify any individual who books or removes any item from Property Division, including establishing the person's identity. That procedure mandates that the only reasons to remove evidence are for court or an administrative hearing, destruction of the items, or for special purposes approved by the Chief of Police. The identity of the individual must be verified via an acceptable form of identification. However, Property Division employees have no way to check the validity of the identification presented, nor is there any check on the authority of an officer to remove property.

During the last week of 1998, SID began photographing narcotics evidence for presentation in court in lieu of the narcotics itself. This change was caused by the courts which no longer will allow narcotics to be brought into the courtroom. Though not one of its primary purposes, this change has virtually eliminated the need for officers to check out narcotics for court, thereby providing additional protections to safeguard against unauthorized withdrawal of such items. These items are physically stored at SID where they are tested, photographed and secured. Requests to physically withdraw narcotics evidence is now rare and, therefore, much more apparent. However, other exposure areas still exist. Because we maintain only two property rooms Citywide that never close, a courier system is used to move narcotics evidence from the booking facility to SID for testing and photographing. When a courier finds an item of evidence which contains errors, the item is left at the originating facility for the corrections to be made. Access to these "kickbacks" is loosely controlled over three watches, making theft a possibility.

Regarding the authority to remove evidence from Property Division, there is no failsafe procedure to verify that an employee needs to withdraw items, other than a common reliance on the integrity of requestor. Department Manual Section 4/550.10 indicates that property can be disposed of under the authority of the investigating officer, the booking officer, or the Property Disposition Coordinator. Again, there are no checks and balances to this system which creates an opportunity for a dishonest employee to remove evidence, use it illicitly, and then cover up the transaction.

Subcommittee Findings

The Department should implement the issuance of encoded identification cards to all employees. Further, hardware and software should be introduced at all Property Division desks which requires the officer checking out evidence to provide a thumbprint and Personal Identification Number ("PIN") identity verification. Additionally, consideration should be given to providing a 24-hour property room in each geographic bureau to accept narcotics evidence. Narcotics would then be entered into Property Division correctly the first time, eliminating the problems inherent in a courier system.

The problem with verifying an employee's authority to order the destruction of evidence can be shored up by requiring supervisory approval of property dispositions, and requiring that review to be documented in the case book or folder including information on the status of the prosecution or investigation. This will serve to ensure the employee responsible for the case is also the person authorizing the disposition of the evidence.

Finally, consideration should be given to equipping patrol vehicles with kits to facilitate the continuity of evidence from the time it is recovered in the field until the time it is booked. Items should include, but not be limited to, Polaroid cameras for immediate recordation of items, bags of various sizes for storage, and a checklist to document personnel and methods used to package the items seized. These kits should be checked out of the kitroom on a daily basis.

PERSONNEL EVALUATIONS

Methodology

The performance evaluation process is an integral part of the personnel process, including the selection of officers for assignment to specialized units. A system that is unreliable or not a genuine representation of performance can severely affect the personnel selection process. The Personnel Work Group conducted sample interviews of personnel from two Areas within each operations bureau and supervisory personnel from several specialized divisions. The interviews focused on the accuracy, timeliness, usefulness and training in the completion of performance evaluations. The process also included the random review of 113 personnel packages for a quantitative review of the evaluations. These package evaluations were scrutinized for the number of "pluses" (indicating strong performance) shown in the 24 categories for police officers and the 28 categories for supervisors. A review of Department training was conducted to determine the existing training curriculum on the completion of performance evaluations.

Summary

The unanimous opinion of the employees interviewed is that the current employee evaluation system is inherently unreliable and seldom an accurate reflection of performance. The supervisory personnel did not rely on an employee's performance evaluations as a reliable performance indicator. Most looked for veiled references in, or language left out of, the evaluation's narrative that may indicate a problem. The only validity given to performance

evaluations occurred based on the reviewing supervisor's knowledge and reputation of the rating supervisor, commonly referred to as "rating the rater." Many of the supervisors would contact a past rater to obtain insight regarding a personnel selection. These supervisors believed the personal contact and resulting insight were more valuable than the actual performance evaluation. The supervisors relied heavily upon the candidate's reputation as a determining factor in selection to an assignment.

The patrol division personnel interviewed were critical of the timeliness and validity of the performance evaluation process as well. Many of them were particularly critical of the situation where supervisory personnel are often required to complete evaluations on personnel they had not supervised and, in many cases, did not know. Much of this stems from the decision many years ago to move from a six-month rating system to annual ratings in order to decrease the administrative burden.

The quantitative and qualitative analysis of the 113 personnel packages revealed a system completely out of balance. The police officer and supervisory personnel packages reviewed revealed the average number of performance objectives indicating a plus (+) was 21.4 out of a possible 24. Of the 113 personnel packages reviewed at random, none indicated a minus (needs improvement) in any performance category. This sampling showed that every one of the 113 employees selected at random were rated in the top 12.5% of the standard performance objective. Clearly, this is a disproportionately high number of employees within this category.

Subcommittee Findings

The development of a credible performance evaluation process is a critical component in our entire personnel management system. Not only should this system identify deficient performance, it must truly validate the performance of each employee. Literally no one disagrees that there is a dire need to restore credibility to our performance evaluation system. This is necessary in order to restore the confidence in our system of performance review and to provide an effective tool for use in the promotional selection process. There is also a strong need for supervisory training in the documentation of employee performance and the completion of performance evaluations.

PERSONNEL SELECTION & ROTATION IN SPECIALIZED ASSIGNMENTS

Methodology

The subcommittee was asked to identify the process whereby personnel are selected for specialized assignments throughout the Department, and to determine if a balance was maintained between the need for expertise in those assignments without creating stagnation.

Two Areas from each of the four operations bureaus were examined with a focus on their existing practice for the selection, retention, and rotation of personnel assigned to specialized units. Interviews were conducted with supervisory personnel responsible for the coordination and screening of personnel for Narcotics, Anti-Terrorist, Organized Crime and Vice, Juvenile, DARE, Metropolitan, and Detective Headquarters Divisions. In addition, the four operations

bureau CRASH coordinators were interviewed for their insight into this matter. One of the Bureau Vice Coordinators was also interviewed to examine the vice clearance process as it relates to the personnel selection process.

Summary

Each of the seven specialized divisions examined has a formal process in place for the selection of personnel into the division. The complexity of the process depended on the nature of the assignment. Each division followed the mandates of the Sworn Advanced Paygrade Selection protocol established by Equal Opportunity Development Division (EODD), including the requirement that interview questions be specific to the competencies established for the position.

Narcotics, Anti-Terrorist, and Organized Crime and Vice Divisions each had a comprehensive background investigation that included the requirement for voluntary submission to a polygraph examination. The selection process for Anti-Terrorist Division included a provision that selection was contingent upon the successful completion of an FBI background investigation in order for the employee to be cleared for access to law enforcement intelligence. The selection process for Juvenile Division's Narcotics Section-School Buy Unit was the most stringent and included factors which cannot be addressed here for officer safety reasons. Detective Headquarters Division, DARE and Metropolitan Division each had an extensive background investigation process. The process was further scrutinized when the selection was for an advanced paygrade position.

Other than Anti-Terrorist Division which has a five-year rotation policy, the only specialized division that had a limited tour restriction was Juvenile Division's Narcotics Section and that applied only to officers working the undercover School Buy Unit. The nature of the assignment limits an officer's tenure in an undercover capacity, though some undercover officers are retained for several months as roving undercover officers in the Complaint Unit of Juvenile Division's Narcotics Section. Upon completion of this assignment, the officer is returned to a patrol division.

The sampling of Area specialized units revealed that only vice units have a limited tour of duty, which is two years for vice officers and 18 to 20 DPs for uniformed Prostitution Enforcement Detail officers. This vice rotation policy is long-standing and is based on the obvious need to rotate officers assigned to duties with a high level of corrupting influences. An exception to this rotation policy would be for an officer assigned to PED who is then selected for a vice position. As this move requires an upgrade from Police Officer II to III, it would require scrutiny through the Advanced Paygrade Selection protocol and would require concurrence from the operations bureau. Movement within units other than vice occurred as a natural flow of personnel to other assignments or promotions. Commanding officers have the authority to move personnel within their commands, including in and out of specialized assignments, freely.

The personnel selection process for specialized units within an Area varied by the command, the nature of the assignment and whether or not the position was an advanced paygrade assignment. If the position was for a Police Officer II, other than PED, selection was informal. Generally, officers were recruited from within the respective Areas and a supervisory consensus of an

officer's suitability for an assignment was conducted. The vacancies and assignments were often a topic of discussion at the Area monthly deployment meetings, after which the officer was assigned to the position. Police officer II vacancies in PED and selections to vice require the completion of a bureau vice clearance. That process involves scrutiny of the employee's complaint history, work productivity and suitability for the position. It also includes solicitation of input from the candidate's commanding officers for the last five years. Absent negative feedback, the employee is cleared for the assignment; but if an issue arises, the final decision is submitted to the bureau commanding officer for final determination. Selection for advanced paygrade positions must comply with the Advanced Paygrade Selection protocol and, if an upgrade is involved, receive approval from the bureau C/O.

One of the problems in this system is that Area C/Os will move people who are in an advanced paygrade position into a specialized unit which has no advanced paygrade authorities. For example, most Area's have one PO III position in CRASH, but there may be three or four POs III deployed there, usually from the Basic Car. While having experienced POs III working with less experienced POs II is beneficial, taking them from the Basic Car leaves it short of tenured senior officers which is especially problematic when there are probationers who need to be trained. In the best-case scenario, those internal loans are reported as internal loans on the monthly Personnel Status Report each command sends to MSD, but that is not reliable.

The other problem which has arisen over the past few years is the tendency of Areas to be too specific in advertising for advanced paygrade positions. For example, Areas will advertise, interview and select a supervisor for the Sergeant II Area Training Coordinator position. This severely reduces a command's flexibility later on should the C/O decide to rotate supervisors for development purposes, or to alleviate some personnel hardship. While positions such as vice require specific advertisements, generic positions within a command should be advertised as such. For example, an Area C/O should be able to assign an existing sergeant II within his or her command to the Area Training Coordinator or Assistant Watch Commander positions without readvertising for each move.

Subcommittee Findings

There must be standardization in the selection process for specialized units within an Area command. The institution of a formal protocol will ensure scrutiny at several levels of review. This will discourage any existing practice of validation of suitability for an assignment by verbal consensus. At a minimum, officers being considered for assignment to uniformed specialized units should undergo the clearance procedures now required for an assignment to vice. The duration of assignments in all specialized units should be further studied to determine an appropriate balance between the benefits of rotation and the need to maintain expertise. Finally, generic advanced paygrade vacancies within an Area should be advertised as such in order to maintain management flexibility with incumbents in those positions.

QUALITY AND CONSISTENCY OF FIELD TRAINING

Methodology

The subcommittee was asked to examine the quality and consistency of training for field officers. Specifically, the subcommittee was asked to determine if specialized units were formulating their own training curriculum and if that training was consistent with Department policies, procedures, and tactical standards.

The training records and curriculum maintained by each operations bureau and Area training coordinator were examined to determine the quality and consistency of training programs they coordinated for their commands, Those training coordinators were also interviewed to determine the way in which they identified training needs within their command. Department subject-matter experts were interviewed to obtain their insight into the training-needs assessment process and determine the manner in which employees are tested for their understanding and retention of information addressed through the Standardized Roll-Call Training program. Finally, the subcommittee examined the Department's existing supervisor development training and interviewed key current and former personnel from Continuing Education and Training Divisions, including the Department Training Administrator, Dr. Robin Greene, to obtain their insight into the current state of supervisor development training.

Summary

There is no formal training curriculum or protocol for the assimilation of an officer into an Area specialized unit. The current system is one of passing institutional knowledge from one member to the next, basically through on-the-job training. In fact, officers assigned to CRASH units are not given priority to attend the Department's Gang Awareness School. Specialized units do train frequently, but there is no mechanism in place to ensure the training is consistent with Department standards. Much of the instruction is presented informally by peer instructors and members of the command who are believed to be "local experts." There usually is no prior approval for the training, no written curriculum, and no recordation of what was taught.

The Department's specialty schools are task-specific and do not address the way in which those specialties fit into the Department's goals and initiatives. For example, Bike School teaches the tasks of riding a bicycle, along with tactical considerations for bicycle officers. The same holds true for Narcotics, Juvenile Procedures and Gang Awareness Schools. However, there is no instruction on how those critical functions fit into the larger organization, particularly with respect to Community Policing and the Ideal Basic Car.

With respect to supervisory training, over 230 sergeants have not attended the Supervisory Development Course. Many of those sergeants have been in the field as supervisors for a year or longer with no formal instruction on their duties. Not only is this out of compliance with POST requirements, but this lack of formal instruction makes them susceptible to being indoctrinated into the existing culture of their assignment. This is also true for watch commanders, many of whom have not attended Watch Commanders' School. It was significant to note that the

curriculum for Watch Commanders' School contains no instruction whatsoever on audits and controls, a critical component to the success of any mid-manager.

Current Department training on ethics is taught at a conceptual or philosophical level. These classes tend to focus on policy and procedure rather than critical thinking and the application of ethics in the decision making process. Overall, presentations tend to be disjointed, anecdotal and lacking in a thematic approach which builds upon what the students have been taught in the past. For example, field training officers should be taught ethical decision making as training officers and as community police officers. When they are promoted to sergeant, ethics instruction should build on that FTO foundation and expand into ethical leadership and supervision. As a watch commander, ethics training should build on those two foundations and expand into ethical management situations.

Generally, the selection process for instructors is contingent upon a person's willingness, availability and assignment. Many officers are instructors because they are deemed to be subject matter experts by virtue of their current assignment. While those officers <u>may</u> have the requisite subject matter expertise, they do not always have the communication and teaching skills for effective adult learning. Conversely, some instructors may not have the content knowledge, or be at a rank which is inconsistent with the class being taught. For example, several years ago the Department established a cadre of staff and command officers to teach use-of-force policy. It would seem that officers at that level should be teaching several other categories of classes such as ethics and corruption-prevention measures, just to name a few. The fact is that few of our current ethics instructors have any formal training in that area and the credibility of the instructor directly impacts the willingness of the audience to accept the message.

Finally, Training Coordinators need to become more involved in assessing our training needs. In addition to input from our more traditional sources, such as the formal and informal review of pursuits, traffic collisions, personnel complaints and uses of force, the identification of training needs should be one of the primary duties of our Training Coordinators. We also need to establish a more regular system of ensuring that course curriculum is consistent with the duties of the students. Classes seem to be added or deleted in one or two-hour blocks, but the relevancy and effectiveness of the entire class is seldom reviewed other than through student critiques. The problem with relying on student critiques is they are in the class because they are not experts and may have no idea what they need to know, or don't need to know, to be effective in their new assignment. It would seem that each course should be audited annually by line experts who are currently working in the area of instruction, e.g., field supervisors audit Sergeant School, detectives III audit Basic Detective School, etc. Their assessment should include both course content and instructor effectiveness.

Subcommittee Findings

Every specialized division, section and unit should develop a standardized training system for the assimilation of new employees. The specific instruction which is provided should be recorded in the employee's Training Management System (TMS) record as well as his or her divisional personnel package, including the date of completion. This will ensure that each new employee receives proper and specific instruction on their duties and how those duties fit into the

Department's overall mission. Officers newly assigned to duties which have a corresponding Department school, e.g., CRASH, detectives, FTO, should be given first priority to attend those schools. Additionally, all training conducted at the Area/divisional level should be predicated upon a written lesson plan approved by the bureau C/O and retained both at the command level and by CED.

We simply must catch-up with our promotional schools and ensure that every person who is newly appointed to a higher rank attends the class designed to teach them their job in a timely manner. Further, we invest a tremendous amount of time and money in our Department schools and we must ensure that those classes are relevant, effective and equip the students with the knowledge they need to be successful in their assignments. It would seem that one good way to ensure a return on that investment is to conduct an annual review of each school's curriculum and instructor effectiveness using people who are well-recognized as exceptionally competent to audit those classes. For classes which are essentially operational, the Operations Committee would be pleased to provide those experts, particularly in the winter months when workload is down and personnel availability up.

With respect to difficult classes such as ethics and corruption prevention, those classes should be taught by staff and command officers who are trained to deal with the subtle aspects of those issues. It is appropriate that officers at that level, both by rank and institutional knowledge, lead those classes and impart the wisdom and rationale behind many of the issues in those areas. In that regard, there should be a systemic approach to ethics/integrity training wherein each succeeding level of instruction builds on the instruction which preceded it.

Finally, our current Standardized Roll-Call Training curriculum and presentation must be re-emphasized with field officers and watch supervisors. The presentation of meaningful training material, coupled with visual reinforcement and candid discussion of material, must remain a priority in the time constraint of the roll-call environment. Supervisors must ensure that change-of-watch does not encroach on the allotted training period.

SUBCOMMITTEE CONCLUSIONS AND MANAGEMENT INSIGHT

It is critical that an additional commander position be assigned to each of our bureaus. This staff officer would be responsible for oversight of the bureau's risk management and audits. This will require the addition of sworn and non-sworn staff to perform those functions and provide meaningful and on-going oversight and inspections of line operations.

Support staff for our Areas must be based upon the size and complexity of the Area and must be considered in any Area's growth. Consideration must be given to placing a third captain in each Area to oversee line operations during the critical evening hours and on weekends. Additional sergeants are needed to substantially staff Area Complaint Units or Internal Affairs Group must be sufficiently staffed to handle all but the most minor complaints. An appropriate level of supervision must also be provided to proactively supervise field operations, particularly during the PM watch when many of our specialized units are deployed.

Consideration should be given reinstating a sergeant as the Area Adjutant. The role of an Area Adjutant is a difficult one for many civilian employees as they lack the institutional knowledge and experience necessary for the smooth operation of an Area office. Many civilian adjutant positions have gone unfilled due to high vacancy factors in those classes and tremendous competition with other City departments.

Specialized units should have a standard ratio of officers-to-supervisor and in no case should a specialized unit be allowed to work in the field without supervision. Efforts should be made to place more experienced and better-qualified supervisors in specialized units, particularly CRASH, by creating advanced paygrade positions. There should be a standardization of the selection process for specialized units. At a minimum, officers being considered for assignment to specialized units should undergo the clearance procedures now required for a vice assignment; but, additional factors such as a background check, polygraph, drug testing or financial disclosure statement may be appropriate in some assignments. Specialized entities should develop a standardized training module for the assimilation of new officers into the division or unit and that training must be documented.

The performance evaluation process needs to be revamped in order to restore credibility in the system and provide value as a true measure of performance. Exactly what form that process should take is an issue best left to the experts in that area. However, it simply must accurately reflect each employee's duty performance during the evaluation period, including any relevant risk-management events such as personnel complaints.

The Department must embark on a comprehensive training program directed at informant cultivation and management. This training must begin with recruits at the Academy and should be added to appropriate in-service schools. Informant control training, particularly at the field officer and supervisory levels, should be taught by a member of the command staff, perhaps from within Criminal Intelligence Group. We should also evaluate making the Undesirable Informant File information available through the Criminal Intelligence System (CIS) which would allow Monday through Friday 0600-2300 hours access to this information.

The Department should publish an Informant Manual defining the procedures, from informant development through their dismissal. The Manual should also standardize the preparation, maintenance and storage of informant files within each command. It should also include an informant file checklist to facilitate compliance and auditing.

A standardized system should be established for operational commands to keep track of search warrants obtained by their officers. This systemic control will facilitate audit oversight and the scrutiny of these warrants. The system must require supervisory and, in some cases, management review of a search warrant affidavit prior to submitting it to a magistrate.

The current procedure that does not require consistent reviewing authority for booking and arrest report approval should be examined. Consistency in these reviews also gives added scrutiny to the arrest and will ensure that that the probable cause provided for the booking approval is accurately reflected in the subsequent reports. In that regard, a new Detention Log should be developed in order to improve supervisory oversight of arrestee care and control such as

recording any interviews, formal or informal, a supervisor may conduct with an arrestee. The Department should also evaluate the feasibility of installing an audio/video surveillance system in all Areas to monitor and record prisoner holding areas. That equipment should be installed covertly and include audio recording capability.

Special attention and additional scrutiny must be given to the substantial volume of misdemeanor arrests Citywide, in particular those made by specialized units. It is apparent that many misdemeanor arrests made by specialized units are approved for booking by their immediate supervisor rather than by the watch commander or detective supervisor. While specialized unit supervisors should review arrests and reports prepared by their subordinates, booking approval and arrest report approval shall always be obtained from the watch commander.

Every effort should be made to co-locate organizational entities in order to increase the level of physical scrutiny of arrestees. In Areas where the physical facility requires satellite locations, officers should always take their arrestees to the main facility. Employees should be issued a new identification card with electronic coding. Hardware and software should be introduced at all Property Division desks to use those cards and employee's thumbprint and/or Personal Identification Number ("PIN") to verify identity when checking out property. The Department should also consider dedicating a Property Room in each bureau that operates on a 24-hour basis to accept narcotics evidence. Narcotics evidence could then be immediately entered into Property Division correctly the first time, thereby eliminating the inherent problems related to kickbacks and courier system. Fleet vehicles should be equipped with kits to facilitate the continuity of evidence from the time of its recovery in the field. Items should include, but not be limited to, Polaroid cameras for immediate recordation of items, evidence bags of various sizes for storage, and a checklist to document personnel and methods used to package items seized. These kits should be checked out of the kitroom on a daily basis.

Department Manual Section 4/550.10 indicates that property can be disposed of under the authority of the investigating officer, the booking officer or the Property Disposition Coordinator. Again, there are no checks and balances to this system which can create a loophole for a dishonest employee to remove evidence, use it illicitly, and then cover up the transaction with a Property Disposition card. This problem can be eliminated by requiring supervisory approval for property dispositions. That approval should be documented in the case package which serves to ensure that the employee responsible for the investigation is the one authorizing the disposition of the evidence.

With respect to training, consideration should be given to reorganizing the Supervisory Development Course from a four-week block of instruction to a program of smaller blocks of instruction given over a longer period of time. This will allow time for students to apply their knowledge and develop their talents within a peer setting. Staff and command officers should be presenting difficult classes such as those on ethics and corruption prevention. An annual review should be conducted of each school using experts in the subject field to ensure the training is relevant and instructors effective. The Legal Sourcebook should be made available in the more user friendly CD-ROM format, and made it accessible to supervisory and line officers. Several law enforcement agencies, including the LA County Sheriff's Department, mandate that every watch commander's office has a Legal Sourcebook as an available reference.

CHAPTER 7

ADMINISTRATIVE INVESTIGATIONS

In the preceding chapters, the Board of Inquiry examined the work product as well as the supervision and management of Rampart Area. In this chapter, the Board of Inquiry's Subcommittee on the Management Review of Administrative Investigations will examine the current method in which non-disciplinary administrative investigations are conducted and reviewed by Department managers. Then, those practices will be compared to Department standards. The subcommittee was also tasked with evaluating the audit mechanisms designed to ensure the credibility of these investigations. For the purposes of this review, administrative issues include use of force, vehicular pursuits and fleet safety investigations. Personnel Complaints were specifically excluded from the subcommittee's review as that entire process has been the subject of in-depth analysis several times in recent years making another analysis unnecessary. The subcommittee consisted of:

> Commander Willie L. Pannell, Training Group, Co-chair
> Commander Scott LaChasse, Criminal Intelligence Group, Co-chair
> Captain John P. O'Connell, Detective Support Division
> Captain Gregory M. Meyer, Valley Traffic Division
> Captain Jim McDonnell, C/O, Continuing Education Division
> Management Analyst II Merna Oakley, Training Group (records retention)
> Detective Hugh Vellos, Narcotics Division (staff writer)

METHODOLOGY

The subcommittee conducted an internal literature review including relevant Department Manual sections, directives issued by the Chief of Police and Operations Committee and any other relevant documents such as training material. The subcommittee designed special logs to record the documents it reviewed, evaluated, and/or collected. In order to be consistent with the audits of other subcommittees, particular attention was given to documents issued from 1994 to the present. Once gathered, the subcommittee conducted an analysis of the raw data to assess its thoroughness and effectiveness as a reporting/review system.

A survey was conducted of large metropolitan police departments nationwide and several smaller agencies in California, as well as various professional organizations, to determine how they conducted management review of administrative investigations. Requests were made to the Boston, Chicago, Detroit, Miami-Dade, New York City, San Diego, and San Francisco Police Departments; the Los Angeles County and San Diego County Sheriff's Departments, and the California Highway Patrol. The professional organizations contacted were the International Associations of Chiefs of Police (IACP), National Institute of Justice (NIJ), Police Executive Research Forum (PERF), National Organization of Black Law Enforcement Executives (NOBLE) and the Rand Corporation. Unfortunately, due to the amount of information requested and the short time allotted to fill the requests, the only responses received were from the Boston,

Chicago, Detroit and San Diego Police Departments, the Los Angeles and San Diego County Sheriff's Departments, and the California Highway Patrol.

There were 75 interviews conducted by the subcommittee's interview teams. Those interviews included Area and Operations Support Division commanding officers, Area and Bureau Training Coordinators, Administrative Lieutenants and the staff officers assigned to the five operations bureaus. In general, the interviews were designed to determine the interviewee's perception and understanding of the tracking systems and administrative review processes utilized in their assignments. More specifically, interviewers sought to determine the actual process utilized for the review of incidents requiring administrative investigation. The interviewees were questioned about their responsibilities, tracking systems, the training they received on how to conduct administrative reviews, and the identification of training needs through the review process.

To ensure consistency, each interviewer utilized one of two interview forms developed by the subcommittee to provide consistent structure for each interview. Though similar in nature, separate interview forms were developed for bureau and Area level interviewees. The forms were also reviewed and approved by Lieutenant Rita Knecht, Officer-in-Charge, Employee Relations Section, and Senior Assistant City Attorney Cecil Marr. The bureau form sought to determine the level to which a Bureau staff officer was, and reasonably could be expected to be, involved in the review of these investigations. Similarly, the Area form sought to determine the level of command involvement in the review of these investigations at the Area and divisional level. This included tracking systems and the method by which these investigations were routed, reviewed and signed at the Area level. The interviewers also analyzed a random sampling of administrative incident reports at the Areas and divisions in an attempt to determine the level of document review.

Finally, three subject matter experts (one for use of force and two for vehicle pursuits and fleet safety) conducted a review of their administrative review systems for their respective investigations. The Officer-in-Charge, Physical Training/Self-Defense Unit, Training Division, audited of the use-of-force reports which are routinely forwarded to Training Division. Similarly, vehicle pursuit and fleet safety reports were audited by the officer-in-charge of Training Division's Emergency Vehicle Operations Center and the Commanding Officer, Valley Traffic Division, who was formerly assigned to Traffic Coordination Section. The purpose of these reviews was to have the subject matter experts provide the subcommittee with their opinions as to the quality of the review activity by Area and bureau staffs.

USE OF FORCE

Essentially, the Department's use-of-force <u>policy</u> has not changed much over the years. However, changes have occurred in investigative procedures, scope of the administrative investigation and the review process. The subcommittee examined the Department's current standards for the reporting and review of these incidents as well as the practices of local commands. The practices of other agencies were also examined to identify the "best practice" for reporting and reviewing these incidents.

Reporting a Use-of-Force Incident

The Department Manual defines a reportable use-of-force incident as one in which:

- Any on-duty Department employee or off-duty employee whose occupation is a factor;
- Uses a non-lethal control device or any physical force;
- To compel a person to comply with the employee's direction, overcome a suspect's resistance, or defend any person from an aggressive action by a suspect.

If there is no injury, the Manual excludes from its reporting requirement the use of a firm grip and the force necessary to overcome passive resistance due to physical disability or intoxication.

Investigating Lethal Use-of-Force Incidents

For decades, the Department's administrative investigation into the use of lethal force was limited to an officer discharging a firearm. If a suspect was struck with a round, the investigation was conducted by the Officer-Involved Shooting Team, Robbery Homicide Division (RHD). If not, the investigation was conducted by a supervisor from the involved officer's command. In 1989 and 1990, Detective Headquarters Division began investigating non-hit shootings as a pilot in three geographic bureaus, OCB, OSB and OWB. In 1994, a team was established within each Area to investigate non-injury officer-involved shootings. Shootings of animals and non-injury accidental discharges continued to be investigated by a supervisor from the involved officer's command. All other cases were investigated by the Officer-Involved Shooting Team.

On May 19, 1995, Office of Operations Order No. 15 shifted investigative responsibility for all officer-involved animal shootings, non-tactical accidental shootings without injuries and all use-of-force (UOF) incidents resulting in suspects being hospitalized (other than those investigated by RHD) to Detective Headquarters Division. A short time later, the Law Enforcement Related Injury Investigation Section (LERII) was created under the command of Detective Headquarters Division. That last change leaves us with our present investigative configuration:

- LERII Section, DHD, is responsible for the administrative investigation of all employee-involved UOF which result in hospitalization (except for those investigated administratively by RHD), animal shootings, and officer-involved, non-tactical accidental discharges not resulting in an injury.

- OIS Section, RHD, is responsible for the administrative investigation of all officer-involved hits or non-hits intentional shootings (excluding animal shootings), officer-involved tactical accidental discharges and non-tactical discharges resulting in an injury, custodial deaths, use of an upper-body control hold, and other law enforcement activity-related deaths.

In July 1996, Legal Affairs Section, Risk Management Unit conducted a pilot testing program for the "Area Liability Incident Response Training" (ALIRT) system in three Areas and one traffic division. The ALIRT system is a uniform method for capturing and retaining information (specialized logs, audio/video tapes, etc.), that are relevant to a civil lawsuit and which may not

be retrievable at a later time. It is a risk-management strategy, designed to reduce the negative consequences associated with law enforcement activities, e.g., civil litigation, criminal prosecution, discipline, injury to officers or the public and agency embarrassment. The pilot program was deemed a success and instituted Departmentwide in July of 1997.

Investigating Non-Lethal Use of Force Incidents

The involved employee's command is responsible for the administrative investigation of all use-of-force incidents that are not the responsibility of either RHD or DHD. This begins with an investigation by a supervisor from the employee's Area/division of assignment. (When a supervisor from the employee's command is not readily available, a supervisor from the Area of occurrence assumes these responsibilities. If the incident occurs outside the City, DHD is notified and, whenever practical, a supervisor from the Area nearest the incident is dispatched to the scene.) The supervisor, when practical, is required to respond to the scene of the incident and investigate the circumstances of the incident. The supervisor's at-scene response is documented in his or her Sergeant's Daily Report or Watch Commander's Log. The details of the incident are documented in those reports only when further action is required such as discipline or training (Manual Section 4/245.10).

In 1998, an issue arose regarding the circumstances under which a supervisor would be unable to investigate a use-of-force incident. That issue was clarified by Chief Parks in a note dated September 15, 1998, which reiterated that a supervisor who is involved in an incident, even as a witness, cannot investigate the same incident.

The supervisor reports the details of the incident itself in a Use of Force Report, Form 1.67.2. The supervisor is required to review all aspects of the incident including the officers' approach, tactics, communications, reason for the use of force, consideration of alternatives and the actual use of force itself. A separate form is completed for each suspect upon whom force is used. If more than one non-lethal control device is used on a suspect, information for each device is reported on the same form. The investigation is forwarded to the watch commander or officer-in-charge of specialized units for review. The watch commander or officer-in-charge then forwards the investigation to the employee's commanding officer.

The current UOF Report has been in use for the past 12 years. There have been several efforts to modify the UOF Reports due to the addition of several less-lethal devices and new techniques, which resulted in changes in arrest and control terminology and the application of force. These changes have caused a delay in the development of a new UOF Report face sheet. The Commanding Officer, Training Group, recalls working with Human Resources Bureau and Planning and Research Division in 1996 or 1997 on this concern. However, this subcommittee has been unable to locate any information on that project.

Special Order No. 20, September 9, 1994, "Procedures for Reporting Use of Force Incidents – Revised," established uniformity in the reporting and documentation of UOF incidents and revised the UOF Report, Form 1.67.2. This Order also established Area/Divisional UOF Review Boards and made Area Training Coordinators (ATC) Ex-Officio members of those Area/Divisional UOF Review Boards. However, it was quickly determined that there were

several problems with this process. Special Order No. 20 was rescinded by the Chief of Police on October 17, 1994. On November 23, 1994, Office of Operations Order No. 22, "Training Coordinator's Responsibilities" was issued delineating the duties and responsibilities of Area/Divisional and Bureau Training Coordinators. This Order listed one of the ATC's responsibilities as being an Ex-Officio member of Area/Divisional UOF Review Boards. However, since Special Order No. 20 was not reissued, it appears that the review of UOF investigations is not an official responsibility of ATCs.

In 1994, the Department Manual added the TASER and chemical irritant control device to the list of UOF options that were reportable by a Department employee. The supervisor's responsibilities relating to UOF incidents were also described in more detail than in previous editions of the Department Manual.

Operations-Headquarters Bureau Notice, June 3, 1998, "Use of Force Reporting," reminded officers that UOF incidents shall be accurately and completely reported in the primary report for the incident, e.g., crime report, arrest report or Employee's Report, Form 15.7, if no crime or arrest reports were made. The Notice cautioned that the UOF Form was intended to be a brief account of the supervisor's investigation. If there was a conflict between the primary report and the supervisor's investigation, a Follow-Up Report, Form 3.14, was required listing the discrepancies and efforts to resolve them.

The Operations Committee's Operational Notice No. 2, May 19, 1998, "Deployment of the Urban Police Rifle and Shotgun Slug Ammunition by Field Personnel" (Appendix B), established procedures for the deployment of Urban Police Rifles (UPRs) and Shotgun Slug Ammunition (SSA). The Notice also established administrative review procedures. When the UPR or SSA is deployed, the involved supervisor shall document the incident in the "Sergeant's Daily Report", Form 15.48 (Appendix A), if no other administrative report is required. The concerned C/O shall ensure that a copy of all UPR and SSA incidents documented in a Sergeant's Daily Report are forwarded to the C/O of TD.

The subcommittee's research revealed that the deployment, investigation and review of Bean Bag Shotgun incidents have never been added to the Department Manual. The only Department document which addresses the reporting of Bean Bag Shotgun deployment, is a Human Resources Bureau Notice, July 10, 1996, "Protocols and Procedures for Bean Bag Shotgun Deployment," Addendum No. 2. The Notice states: "Discharge of a Bean Bag Shotgun round for any reason other than an approved training exercise shall be documented according to established Department procedures on a UOF Report or an Employee's Report."

The Human Resources Bureau Notice further stated, "The UOF Report will be revised to include a 'Bean Bag' checkbox, which shall be marked when documenting a UOF involving the Bean Bag device. When documenting a Bean Bag UOF on the current form, the 'Other' box of the 'Impact Techniques' section shall be marked and the words Bean Bag shall be entered in the space provided."

Sergeant Richard Dedmon, Human Resources Bureau, advised the subcommittee that the current procedure for documenting Bean Bag Shotgun deployment at a UOF incident should be

referenced under the "OTHER" or "ADDITIONAL" section of the UOF report. Deployment of the Bean Bag Shotgun does not fit the criteria requiring RHD or DHD personnel to respond, absent death or serious bodily injury.

Finally, the subcommittee could find no established guidelines for the submission of UOF Reports within a prescribed time period. The Department Manual is silent on this issue. However, OWB and OSB have established submission deadlines of seven calendar days and seven business days respectively.

Incidents Involving Misconduct

Whenever a person sustains an injury during a use-of-force incident and alleges serious misconduct, or the administrative investigation reveals serious misconduct, the commanding officer or senior officer of the entity conducting the administrative investigation must notify IAG immediately. If the incident is one investigated by RHD or the LERII Section, the Chief of Police is also notified immediately (Manual Section 3/794.30).

According to Department Manual Section, 3/794.32, "When it is determined that an officer is involved in serious misconduct, Internal Affairs Group shall assume responsibility for the criminal and administrative investigation of an investigation from this section otherwise handled by RHD or DHD."

Referral to BSS

The Department's BSS referral system for officers involved in serious use-of-force incidents has been in place since 1986. Essentially, any officer involved in an incident resulting in death or serious bodily injury is temporarily removed from field duty. Prior to returning the officer to field duty, the Department Manual Section 4/245.15 requires that:

"The commanding officer of an employee who is a participant in an incident resulting in a serious injury or fatality shall:

- Notify BSS within two administrative working days of the incident;
- Schedule an appointment with BSS for the employee; and,
- Schedule a medical examination for the employee as soon as possible. A medical examination can be scheduled by contacting Medical Liaison Section, Personnel Division. (Though the Department Manual says this, it has not been done for years.)

Note: An employee's attendance at a BSS session resulting from a directed referral is mandatory and shall be conducted on an on-duty basis."

Following the officer's consultation with BSS, a BSS staff member is required to contact the employee's commanding officer and provide insight into the officer's suitability for return to field duty. After receiving that information, the commanding officer is required to consult with his/her bureau C/O and then make a decision on returning the officer to field duty.

In order to determine if this critical system was performing as expected, the subcommittee obtained a list of officers involved in a "hit" OIS during 1997, 1998 and 1999. That list was forwarded to BSS to verify that the involved officers actually met with BSS following the incident. One problem revealed in this process was that BSS did not have an effective capturing mechanism for officers who are directed to meet with BSS. This was particularly difficult when an officer was consulting with BSS voluntarily which is completely confidential, and has also been directed to BSS where his or her appearance is not confidential. BSS has now instituted a tracking system to capture directed referrals in the future.

This comparison of information revealed that ten of the 98 officers involved in a hit shooting in 1997 were not referred to BSS. In 1998, five of the 48 officers involved in hit shootings were not referred and through December 1, 1999, two of the 30 officers involved in hit shootings were not referred. In other words, for the past three years, about 10% of the officers involved in hit shootings are not being referred to BSS prior to their return to field duty.

It should be noted that the Department Manual also requires that each officer receive a full medical examination, which is uniformly not being done. Lieutenant Leslie Lutz, Officer in Charge, Medical Liaison Section, stated that medical examinations are not being scheduled and have not been scheduled for many years. The subcommittee was unable to determine the source of this requirement or reason for its discontinuation. Further research by Medical Liaison is required into this matter.

Use-of-Force Review Board

The Department's most critical use-of-force incidents are evaluated by the Use-of-Force Review Board. Because this process is well established and scrutinized in an on-going, highly visible manner, the subcommittee examined it only briefly. Additionally, the chapter on Officer-Involved Shooting Protocols contains a fairly detailed description of this review process.

The UOF Review Board conducts an administrative hearing into all incidents involving an in-custody death, death or serious injury (hospitalization) resulting from police action other than a traffic collision, discharge of a firearm by an officer or security personnel, and any incident involving the discharge of a firearm which, in the opinion of the Chair, warrants review. The Chair has the discretion not to convene a Board when: 1) The firearm discharge involves only the destruction of an animal; 2) An accidental discharge of a firearm does not involve law enforcement action, does not result in an injury and only occurs in the presence of Department employees; and, 3) An in-custody death where the death is due to natural causes and there is no UOF or procedural violation (Manual Section 2/092.50).

The vast majority, if not all, of the incidents heard by the UOF Review Board have been investigated by specialized units trained and staffed to conduct these investigations. The Board of Police Commissioners is the final review authority for all incidents reviewed by the Use of Force Review Board. Through the Commission's Executive Director, the Commission's Special Services Unit analyzes and makes recommendations to the Board on these matters. The Inspector General also reviews these incidents including any related disciplinary actions.

When the review is completed, a UOF Internal Process Report, Form 1.67.1, is forwarded to the employee's commanding officer indicating the final classification. The commanding officer reviews the matter with the involved officer and completes the form indicating his or her recommendation regarding training or other administrative action. The completed report is then forwarded to the bureau C/O for review. The reports are returned to HRB for final review unless discipline is involved, in which case it is routed to the Office of the Chief of Police, via IAG, for final adjudication.

Adjudication of Non-UOF Review Board Incidents

If the use of force is not heard by the UOF Review Board, the employee's commanding officer reviews the incident to determine if the tactics and use of force were appropriate. The commanding officer's determination is then forwarded to the bureau commanding officer who reviews the incident and policy determinations. Upon approval by the bureau C/O, the original report is forwarded to HRB and a copy is forwarded to Training Division. The employee's commanding officer and bureau commanding officer each retains a copy of the report.

Though this is our current practice, a January 11, 1999, staff report prepared by Management Services Division (MSD) revealed that no directive requires those reviews or that the bureau and Area commanding officers adjudicate the appropriateness of the tactics used in these incidents. A Special Order is being prepared by MSD to establish a more formal process for reviewing incidents not heard by the UOF Review Board. Specifically, the order will require that the employee's commanding officer and bureau C/O review the tactics, drawing of a weapon and UOF itself and report their findings on a new Area/Divisional UOF Internal Process Report. The employee's bureau C/O will make the final determination on the matter and forward those findings the C/O, HRB, for review.

Post-OIS Training

During the administrative review of UOF incidents, employees are often provided with remedial training. Frequently, that training is provided by the employee's command (informal); but, on occasion, a particular issue may require more formalized training. According to Section 2/560.10 of the Department Manual, Continuing Education Division (CED) is responsible for:

- Developing, staffing, coordinating and conducting training for employees who are directed to receive formalized training as the result of an administrative review;
- Identifying the employee's specific needs; and,
- Ensuring that the employee receives the recommended training.

Though the Manual designates CED as the entity responsible for coordinating remedial training, Training Division (TD) has assumed this responsibility due to their logistical and staff support capabilities. For example, CED does not have the training cadre to provide remedial training in tactics or shooting, the two most common training areas associated with an OIS incident, but TD does. Consequently, an HRB Notice titled, "Documentation of Remedial Training" was issued on February 10, 1999, establishing TD as the entity to which all requests for remedial training should be submitted. Upon further reflection, however, it seems that CED should retain

responsibility for <u>coordinating</u> formalized remedial training for post-Academy employees, which would allow CED to utilize the Department's full array of training resources (and outside resources, if necessary) to actually provide the training. A new HRB Notice to that effect is being prepared.

Nevertheless, TD has established a system to maintain and track requests for directed training. That system was audited to determine its effectiveness and it was determined that ten incidents resulted in directed training in 1999. Training Division has received requests in all ten cases, eight of which have resulted in the officers attending and successfully completing the training which was provided by TD. Subsequent to the training, TD provided the employee's C/O with the results of the training in writing. Two of the requests, which were received in early December, are pending completion by TD.

The subcommittee then conducted an audit of the Training Evaluation and Management System (TMS) reports for the eight officers who completed their training and found that all of the officers' TMS records showed they had received tactical training that matched the time period when they received training at Training Division. However, none of the TMS entries showed that the training was the result of directed training, nor did it include the required reference number so it could be connected to the incident, e.g., OIS or DR number.

Retired Sergeant Michael Humphrey, who was instrumental in the development of TMS and TEAMS and is now employed as a Department consultant, was interviewed. Mr. Humphrey advised that TMS and the "Comprehensive Human Resources Information System" (CHRIS) are one and the same. The system records and stores personnel and training information for each employee. Within TMS "Screen No. 11—Remarks" is the format where the required information is to be recorded concerning directed training. However, this information is not displayed when one retrieves an officer's TEAMS report.

With that information, the eight officers were run through TMS Screen No. 11 and two entries were found. However, neither entry contained all of the required information. According to Mr. Humphrey, a major problem with the data entry responsibility is that a majority of the Department's Training Coordinators do not understand TMS and don't know how to enter information into Screen No. 11 because training has not been provided to them. This issue is being addressed by Senior Management Analyst Pam Hall, Officer-in-Charge, Training Support Unit, CED. Ms. Hall advised a Curriculum Code (CURCODE) number could be assigned indicating that a certain type of directed training had been conducted. The specific information for an employee would be entered into Screen No. 11 and could be made available to Training Coordinators on their "Area Training Coordinators Report Menu" for audit purposes. The summary information from this entry could be displayed in TEAMS reports. Any further investigation would be handled through the Training Coordinators or by request to Information Technology Division.

This administrative review revealed that the existing process is extremely cumbersome and therefore is not being followed, due to the lack of training. The following issues were also identified to ensure compliance with the remedial training requirement:

- No audit responsibility was assigned to ensure that directed training is being provided and that it is properly documented in the officer's TEAMS report.

- Existing systems do not interact with each other to provide supervisors, command and staff officers with needed information regarding employees training status.

The subcommittee also sought to determine if officers were being referred to Training Division in all cases where formal training was directed. However, this system only became effective on January 1, 1999, making such an audit premature.

Quarterly Review of Use-of-Force Incidents

Each month, operational commands are required to complete a Use of Force Summary Report, Form 1.67.3, recording all UOF incidents occurring within their commands during that month. This serves as an audit tool to ensure that all UOF Forms have been received and distributed. The original form is distributed to HRB within one week following the end of each DP.

On a quarterly basis, Human Resources Bureau distributes a report, which identifies those officers who have been involved in three or more UOF incidents during that quarter. This information is forwarded to the officer's bureau commanding officer for appropriate action. This practice began in about 1984 by Commander Parks, then the Assistant C/O of Personnel and Training Bureau, and has continued since that time to serve as a method of ensuring proper oversight of UOF patterns.

Most Area commanding officers were knowledgeable concerning the "Three Incidents Per Quarter" report and are very familiar with the process to handle its information. However, some of the newly appointed OSD commanding officers, though familiar with the report itself, were unsure of how it should be handled. The primary reason cited by most of them was their unfamiliarity with what happens to the information once it leaves them, since they have been involved in reviewing few pursuits, fleet safety and UOF incidents. All of the commanding officers interviewed at the Area and division level stated that when they did receive this report on a specific officer, they would pull all of the incidents and conduct a thorough review to ensure no violations of Department rules, policies and regulations. If discrepancies were noted, training or a personnel complaint would be initiated.

Interviews were conducted with each Area, group and bureau commanding officer to determine how they utilized this report in their review process of risk-management issues. Bureau and Group commanding officers were very knowledgeable concerning the report. They stated that when this report was generated identifying an officer within their command with three or more incidents in a quarter, they would personally contact the captains within their command and request a close review of the incidents for patterns and possible misconduct. All of those interviewed stated that their adjutants or aides would alert them concerning the report and that they were responsible for transmitting and tracking the document for follow-up.

The subcommittee reviewed HRB's data as well as information compiled for the Department's May 6, 1999, Response to the Draft Report by the U.S. Commission on Civil Rights to determine the effectiveness of this program. The findings were as follows:

Five Year Use-of-Force Trend

Year	Total Arrests	Total Uses of Force	UOF % of Arrests	Officers with 3 or more UOF per Quarter
1994	175,555	2,381	1.4%	129
1995	175,069	2,187	1.2%	135
1996	195,106	1,934	1.0%	75
1997	210,512	1,946	0.9%	77
1998	214,556	1,785	0.8%	45

Clearly, use-of-force incidents are declining and the number of officers with three or more UOF incidents per quarter began a significant decline in 1996. It is difficult to identify the exact cause of that decline, but it is about the time the Department began to focus on officers with substantial patterns of risk-management behaviors, e.g., UOF, pursuits, law suits, etc. The Area with the greatest improvement was 77th Street Area. In 1994, they had 30 officers on the list, in 1995 it was 53, in 1996 it was reduced significantly to 19 officers, in 1997 it went down further to 15 officers, and in 1998 only two officers from that command were on the list.

Summary of Area Interviews

This is a summary of interviews of the command and supervisory staff at the Area and divisional level. It includes the administrative review practices at the Area and divisional level, as well as the issues they considered when evaluating UOF reports. Additionally, the same personnel were interviewed concerning the administrative review processes associated with pursuits and fleet safety reports. All of the command and staff officers' statements will not be included in this narrative. This will only be a summary of key points and issues. However, those statements will be maintained with the records retention documents of this Board of Inquiry.

Operations-Central Bureau

- Central Area – Captain Stuart Maislin, Area Commanding Officer.

- Hollenbeck Area – Captain Paul Pesqueria, Area Commanding Officer; Captain Mo Smith, Operations Support Division Commanding Officer; and Lieutenant David Rock, Administrative Lieutenant.

- Newton Area – Captain Thomas Maeweather, Area Commanding Officer; Captain Julie Nelson, Operations Support Division Commanding Officer; and Lieutenant Carlos Figueroa, Administrative Lieutenant.

- Northeast Area – Captain Kyle Jackson, Area Commanding Officer; Captain Charles Roper, Operations Support Division Commanding Officer; and Lieutenant Ruben Sanchez, Administrative Lieutenant.

- Central Traffic Division – Captain William Sweet, Commanding Officer.

All OCB Areas and Divisions reported utilizing essentially the same process except for some minor variations in the Operations Support Divisions. The review processes for UOF incidents was clearly defined. The investigation is completed by a sergeant, reviewed by a watch commander and forwarded to the Area Adjutant for the Area Commanding Officer's final review. In Newton Area, reports involving CRASH, Special Problems and Vice Units go directly to the Operations Support Division Commanding Officer for review and are then forwarded to the Area Commanding Officer for review. In Hollenbeck and Northeast Areas, reports involving CRASH, Special Problems and Vice Units first go to the Assistant Commanding Officer Operations Support Division Lieutenant. The reports are forwarded to the Operations Support Division Commanding Officer for evaluation and then forwarded to the Area Commanding Officer for review.

The processes utilized for evaluating officers' actions were based on similar concerns. The concerns included the involved officer's TEAMS report and history, consistency in reporting, the suspect's actions, the amount of force used, if the injuries were properly documented and if the amount of force utilized was necessary and justified.

Operations-South Bureau

- Harbor Area – Captain George Gascon, Area Commanding Officer; Captain Michael Melton, Operations Support Division Commanding Officer; and Lieutenant John Dunkin, Detective Officer-in-Charge, Operations Support Division.

- 77th Street Area – Captain Harlan Ward, Area Commanding Officer; Captain Paul Enox, Operations Support Division Commanding Officer; and Lieutenant Leonard Cross, Administrative Lieutenant.

- Southeast Area – Captain Richard Bonneau, Area Commanding Officer; Captain Charles Beck, Operations Support Division Commanding Officer; Lieutenant James Rupert, Detective Officer-in-Charge, Operations Support Division; and Sergeant Samuel Mark, Training Coordinator.

- Southwest Area – Captain Michael Chambers, Area Commanding Officer, Captain Ronald Eutsey, Operations Support Division Commanding Officer; and Lieutenant David McGill, Administrative Lieutenant.

- South Traffic Division – Captain Kenneth Garner, Commanding Officer.

Captain Bonneau, Southeast Area, indicated the UOF is initially investigated by the involved officer's watch supervisor. The watch commander then reviews the completed report and

provides insight and comments on whether the UOF was reasonable and in-policy. This information is included in the UOF reports and if necessary recommendations are made for training. The report is forwarded to the Administrative Lieutenant for review and then forwarded to the Training Coordinator. Captain Bonneau is the last reviewer and makes the final determination on the classification.

Captain Gascon, Harbor Area, reviewed most of the UOF reports, including all patrol UOF reports. The supervisor completes the initial reports and provides insight. It is forwarded to the watch commander for review and insight and then finally reviewed by Captain Gascon. The report is then forwarded to Operations-South Bureau, providing there are no allegations of misconduct. If training issues are identified, Captain Gascon indicated they are handled immediately.

Captain Ward, 77th Street Area, stated he reviewed all UOF reports and provided some insight. Captain Ward conducts a general review of the UOF reports to determine if they are in-policy. As for red flags, Captain Ward would look at multiple UOF incidents in the same time period (ranging between two to six months) involving the same officer. Additional factors considered were communication between involved officers, verbalization to suspects, and the skill level of the involved officer.

Captain Chambers, Southwest Area, stated the watch commander's initial focus is to review the UOF reports and then forward them to the Training Coordinator for identified training issues. The majority of the time, the Administrative Lieutenant reviews the report prior to Chambers' final review. Chambers reviewed the arrest report and any collateral documents as they may offer insight into the UOF incident. Chambers evaluated a number of factors; type of activity the officer(s) were involved in; communication between the officers; utilization of resources; involved officer(s) pattern of UOF incidents; and inconsistencies in the reports.

Captain Garner, South Traffic Division, reviewed the situation leading up to the UOF incident and the involved officers' activity. Factors he considered include the involved officer(s)' tactics; the role of assisting officers; and the role of the supervisor. Garner also looks for inconsistencies between the UOF and arrest reports; injuries sustained are compared with photographs to ensure consistency. Captain Garner attaches a face sheet to every UOF report with his insight.

Operations-Valley Bureau

- Devonshire Area - Captain Joseph Curreri, Area Commanding Officer; and Captain John Egan, Operations Support Division Commanding Officer.

- Foothill Area – Captain Ron Seban, Area Commanding Officer; Captain Diljeet Singh, Operations Support Division Commanding Officer; and Lieutenant Kathy Marchetti, Administrative Lieutenant.

- North Hollywood Area – Captain Bruce Crosley, Area Commanding Officer; and Captain Mark Perez, Operations Support Division Commanding Officer.

- Van Nuys Area – Captain Robert McNamara, Area Commanding Officer; and Captain Sean Kane, Operations Support Division Commanding Officer.

- West Valley Area – Captain Cayler Carter, Area Commanding Officer; Captain James Cansler, Operations Support Division Commanding Officer; and Lieutenant Gary Hallden, Administrative Lieutenant.

- Valley Traffic Division – Captain Gregory Meyers, Commanding Officer.

Captain Joseph Curreri, Devonshire Area, stated that the review process starts with an uninvolved field supervisor who responds to the incident scene to conduct an investigation. The report is forwarded to the watch commander for review and approval. The report is then forwarded to the Area Adjutant for review and if training issues are identified, it is forwarded to the Training Coordinator. The report is then forwarded to Captain Curreri for his final approval.

Captain Ron Seban, Foothill Area, stated that the review process starts with an uninvolved supervisor who responds to the incident scene to conduct an investigation. After the supervisor completes the investigation, the watch commander reviews for approval. The reports are then submitted to the Area Training Coordinator for approval and recommended training. The Administrative Lieutenant reviews the report before it is submitted to Seban for final review.

Captain Robert McNamara, Van Nuys Area, stated that the UOF review process starts with an investigation by an uninvolved supervisor who responds to the scene of the incident. At the completion of the UOF report, the watch commander conducts a review. Following the Department's reorganization to the "Ideal Area" concept, the reports were routed to the Administrative Lieutenant for review prior to Captain McNamara's review.

Captains Cayler Carter, West Valley Area, and Bruce Crosley, North Hollywood Area, both indicated that a field supervisor responds to a UOF incident to conduct the investigation. The completed report is reviewed and approved by the watch commander and then forwarded to the Administrative Lieutenant. If training issues are noted, the Area Training Coordinator addresses them prior to the reports being submitted to the Area Captain for final review.

Captain Gregory Meyer, Valley Traffic Division, stated that the review process starts with an uninvolved supervisor who responds to the incident scene to conduct the investigation. The report is processed through the watch commander for review and then to Captain Meyer for the final review. If training issues are noted, they are addressed by the training coordinator.

Operations-West Bureau

- Hollywood Area – Captain Michael Downing, Area Commanding Officer; Captain David Baca, Operations Support Division Commanding Officer; and Lieutenant Michael Menza, Administrative Lieutenant.

- Pacific Area – Captain Gary Williams, Area Commanding Officer; and Captain James Miller, Operations Support Division Commanding Officer.

- West Los Angeles Area – Captain Michael Hillmann, Area Commanding Officer and Sergeant Richard Mossler, Area Training Coordinator.

- Wilshire Area – Captain David Powers, Area Commanding Officer; Captain Terry Hara, Operations Support Division Commanding Officer; Lieutenant Ross Moen, Assistant Commanding Officer Operations Support Division; and Sergeant James Blum, Assistant to the Administrative Lieutenant.

- West Traffic Division – Captain Paul Kim, Commanding Officer.

Captain Downing, Hollywood Area, advised that the initial investigation is conducted by an uninvolved supervisor. The report is forwarded through the watch commander to the Administrative Lieutenant. The final review is then conducted by Captain Downing. The process for specialized entities such as CRASH, Special Problems and Vice Units are similar, except that the Operations Support Division Commanding Officer reviews the incidents following the Administrative Lieutenant's review.

Captain Williams, Pacific Area, indicated that the review process starts with an uninvolved supervisor. The UOF report goes to the concerned watch commander for review and then to the Area Training Coordinator, who is identified as the Area's UOF expert, for review and forwarding to the Administrative Lieutenant. Captain Williams conducts the final review. The processes for specialized entities such as CRASH, Special Problems and Vice Units is similar, except that the report is first reviewed by the Detective Officer-in-Charge Lieutenant. It is then forwarded to the Operations Support Division Commanding Officer for review and then to Captain Williams, Area Commanding Officer for final review. During Captain Williams' evaluation, he looks at the issues which led to the UOF, were the injuries to the suspect consistent with the report; were the tactical issues utilized by the officer appropriate for the suspect's actions; was there a necessity for the UOF based on the circumstances; was alcohol a factor; did the incident occur on or off duty; he checks the risk management systems for prior incidents involving the officer; were there similar "MO's" involving the officer; were there any statements or inconsistencies which would indicate inappropriate or unrealistic actions?

Captain Hillmann, West Los Angeles Area, reported a similar process as that utilized by Pacific Area, which starts with an uninvolved supervisor. The report is processed through the concerned watch commander and the Area Training Coordinator for their review and insight. Ideally, the report is forwarded to the Area Commanding Officer within 24 hours for final review, and to Operations-West Bureau within five days. In West Los Angeles the process for specialized entities such as CRASH, Special Problems and Vice Units are similar, except that the Operations Support Division Commanding Officer reviews the incidents following the Detective Officer-in-Charge's review. The report is forwarded to the Area Commanding Officer for review and then forwarded to Operations-West Bureau. Captain Hillmann stated he reads all of the arrest reports and supervisor's report, focusing on tactics, resources utilized, officers' communications and requests for personnel.

Captains Downing, Hollywood Area, and Powers, Wilshire Area, also stated they review the reports for tactics utilized by the officers and any tactics training issues; including the issues leading up to and following the UOF incident; e.g., did the officers put themselves in that position, were there other alternatives the officers should have been aware of? In their review, they also consider the particular officer's history, whether there have been repeat incidents; is there a pattern or "MO"; etc. They review the thoroughness of the supervisor's report, i.e., injuries observed and photographed; whether the involved parties refused medical treatment; if all the associated reports were consistent; if there any identifiable discrepancies; did the report contain all necessary information or were there oversights; review the officer's TEAMS report for prior incidents; and if necessary ALIRT packages are prepared.

Captain Powers, Wilshire Area, indicated that an uninvolved supervisor initiates the process. The supervisor completes the report and forwards the report to the concerned watch commander who adds Watch Commander's Insight and submits the report to the Administrative Unit. The Administrative Lieutenant conducts a cursory review and forwards the report to the Area Adjutant for a detailed review. If approved, the report is then forwarded to the Area Commanding Officer for approval. If approved, the Area Commanding Officer signs beneath the watch commander's signature. The Area Commanding Officer is the final reviewer of every UOF report prior to being forwarded to Operations-West Bureau.

Captain Kim, West Traffic Division, indicated a field supervisor completes the initial investigation and forwards the report to the respective watch commander for review. The report would then be forwarded to the training staff for "input and issues." The report is then forwarded to the Commanding Officer for review and insight. Additionally, Captain Kim stated since there were very few UOF incidents in West Traffic Division, he is concerned with repeat incidents involving the same officers and/or a pattern or "MO" of similar incidents.

Operations-Headquarters Bureau

- Burglary-Auto Theft Division – Captain Ron Sanchez, Commanding Officer

- Financial Crimes Division – Captain Don Floyd, Commanding Officer

- Metropolitan Division – Captain Roger Coombs, Commanding Officer

- Robbery-Homicide Division – Captain James Tatreau, Commanding Officer

Captains Tatreau, Sanchez and Floyd all stated that the review process begins with a detective supervisor who conducts an administrative investigation. The investigating supervisor approves all reports and then forwards them to a Section Officer-in-Charge for review. Following this review, the Division Commanding Officer is the final reviewer. Captain Coombs, Metropolitan Division, advised that a sergeant conducts the administrative investigation. The investigation is submitted to the involved employee's Platoon Leader, who provides his administrative insight. The investigation is then forward to Captain Coombs for final divisional review.

Bureau Level Review

These interviews revealed that the staff officers are highly consistent in the issues they examined during the review of the UOF Reports. Furthermore, staff officers were consistent in the way they communicated with subordinate C/Os. They used a combination of formal projects, informal notes, and "one-on-one" conversations to ensure compliance with their requests. It was clear from the interviews that the process of "kicking back" a report was widely used, and reportedly highly successful in causing subordinate C/Os to re-examine salient issues.

Audit of UOF Reports Maintained by Operational Commands

The scope of the reports reviewed by subcommittee researchers included UOF reports beginning January of 1994, and concluding with September of 1999. It was determined that many of the operational commands have adhered to the Department's record retention guidelines and forwarded the documents to City archives. Therefore, in many commands only the 1998 and 1999 reports were available. In other commands, reports were available from 1995 through 1999. It should be noted that there was no consistency in how operational commands filed UOF reports. Some were filed by month, whereas, others were filed by deployment period, by year or by project numbers. This portion of the audit consisted of random sampling one or two reports per month for each month that reports were available, usually two years.

Operations-Central Bureau

All Operations-Central Bureau entities filed UOF reports monthly for 1998 and 1999. The only discrepancies researchers found were in Central Area. Of the 22 reports reviewed, seven reports did not contain watch commander's insight, one of which the watch commander did not sign, and three had no commanding officer's insight.

There were a number of other discrepancies due to a 1999 divisional order directing supervisors to cease including insight in the UOF reports. The C/O believed the Human Resources Bureau Notice, "Non-Lethal Use of Force Review Procedures," dated January 26, 1999, eliminated the need for a supervisor's insight. On November 22, 1999, the subcommittee Chair forwarded intradepartmental correspondence to the C/O, OCB, advising him of this error and requesting that it be corrected immediately.

Operations-South Bureau

In Harbor, 77th Street, Southeast, and Southwest Areas, UOF reports were filed by month. In the Operations-South Bureau CRASH Unit, the UOF reports were filed by year. A random review of these reports was conducted on an "as available" basis due to the fact that very few reports were generated by OSB CRASH. All the 1998 and 1999 UOF reports were classified as in-policy. However, researchers found one report from 1998 in which the Watch Commander's Insight indicated that a supervisor interviewed the suspect for possible allegations of misconduct against the involved officers. However, there was no indication as to the results of that interview and there is no CF number for that incident. Another incident involved an off-duty UOF which

occurred in the City of Downey and was reported four days following the incident resulting in a personnel complaint.

Operations-Valley Bureau

Devonshire Area and Valley Traffic Division filed their reports by month. Those two commands either had no UOF reports during an audit period or there were no errors in the reports they completed. Foothill and North Hollywood filed their reports by month, West Valley filed them by deployment period, and Van Nuys filed them by involved officer's name. The following discrepancies were noted within those four commands:

 In West Valley Area, a total of 21 reports were reviewed covering DP #1/98 through DP #8/99. In 1998, a major UOF incident occurred involving 26 officers, two sergeants and a lieutenant. A total of four victims were listed on the arrest face sheet, however separate PIR face sheets with their respective DR numbers should have been used. Five reports did not have a copy of the photographs taken for the incident. In a 1999 incident, the investigating supervisor did not address the officer's lack of reasonable and necessary force in using a baton which subsequently caused injuries to other officers. That issue was addressed by the reviewing watch commander. In another 1999 incident, the investigating supervisor discussed several training issues, but failed to mention how the issues would be addressed.

In North Hollywood Area, a total of 21 reports were reviewed covering the period of January 1998 through September 25, 1999. Eight of those reports had minor discrepancies such as missing photographs, reports not attached and lack of insight. One report had an incomplete narrative and failed to address several important issues such as a summary, tactics, training issues, photos and medical treatment. The W/C insight consisted of two words "I concur."

In Foothill Area, twenty-one reports were reviewed. Researches found four discrepancies, two of which involved lack of photographs or attached reports. In a 1998 report, the W/C addressed training issues that appeared to be overlooked by the investigating supervisor, but there was no indication of corrective action taken. Based on the review of a 1999 UOF incident, there should have been a complaint initiated for excessive force. Though there was correspondence between the C/O and the W/C regarding the need to initiate a complaint, it does not appear that one was initiated.

In Van Nuys Area, twelve reports were reviewed from the 1998/1999 files. Two discrepancies were found. In a 1999 report, the UOF Report face sheet appears to have had the same person print the supervisor and W/C's name. No signature was observed in either signature box. Additionally, no supervisor's investigation was attached to the UOF Report. The W/C signature was missing from another 1999 report, along with statements from the witnesses in the narrative of the supervisor's UOF report.

Operations-West Bureau

In Pacific and West Los Angeles Areas and West Traffic Division, UOF reports were filed by month. Hollywood and Wilshire Areas filed the UOF reports by deployment period. Researchers found minimal discrepancies in most of the UOF reports reviewed.

Hollywood Area had one error in 1998, in which the issue of tactics and identified training needs were not addressed in the UOF report. This report inaccurately generated two DR Numbers and the only reference made to training, was an attached handwritten note from the commanding officer directing a discussion during roll call.

Pacific Area had one error in 1999 in which a note was forwarded from the commanding officer to the watch commander regarding concerns about how a suspect sustained a collapsed lung. There was no evidence the watch commander responded to the commanding officer's concerns.

West Los Angeles Area had two errors in 1999. The first incident deemed as in-policy included watch commander's insight which described the communications and tactics utilized as "less than ideal," but did not describe the corrective measures. In the second incident, no training issues were identified in the narrative portion of the report, but the commanding officer addressed this issue in a handwritten note, under the caption, "C/O insight."

The Wilshire Area C/O agreed that a 1998 UOF was in policy, but disagreed with the reporting supervisor and watch commander regarding the tactics which the C/O described as "poor." This deficiency was noted on comment cards issued to the involved officers. Additionally, it was determined that eight officers were involved in the UOF; however, only one Employee's Report, Form 15.7, was completed, instead of the required eight.

In a 1999 incident, the West Traffic Division supervisor failed to identify training issues which were later mentioned in the watch commander and commanding officer's insight. In another 1999 incident, the West Traffic Division C/O sent the W/C a handwritten note posing a number of questions regarding the UOF incident. There was no response in the file.

Operations-Headquarters Bureau

Based on the duties performed by Burglary-Auto theft, Financial Crimes and Robbery-Homicide Divisions' personnel, there were no UOF reports for review. Therefore, the only reports examined were from Metropolitan Division where a total of 20 reports were reviewed covering the period of January 1998, through September 16, 1999. Six discrepancies were noted in those reports. One report from 1998 and one from 1999 lacked W/C and C/O insight. A 1998 report addressed various training issues which were discussed during a debriefing. However, due to the omission of both the W/C and C/O insight, no determination could be made if any further action was taken. In a 1999 report, the officers became involved in a crowd control situation which could have resulted in civil unrest. The officers failed to request additional units and this serious training issue was briefly mentioned in the investigating supervisor's insight. But, there was no C/O's insight so no determination could be made whether any corrective action was taken. A copy of the supervisor's investigation was not included in the Divisional file copy of a

1998 report, but all other reports were in file and the commanding officer had initialed the top of the UOF Report. In another 1998 report, a copy of the supervisor's investigation was not included in the Divisional file copy. All other reports were in file and the commanding officer had initialed the top of the UOF Report.

Reports Maintained by Training Division

The Department Manual requires that a copy of all UOF reports be forwarded to the C/O, Training Division (TD). The reports are forwarded to the OIC of TD's Physical Training and Self-Defense Unit, where the reports are informally reviewed for unusual suspect/officer actions/responses and to identify UOF trends. This information is used to evaluate, update, and modify our training curriculum. The information gleaned from the reports is also used to develop self-defense-related products that may have Department application.

The subcommittee requested that TD conduct a random review of all UOF reports it had received during 1998 and year-to-date 1999. The reports were reviewed for:

- Highest ranking officer evaluating each UOF incident;

- Reports containing unevaluated UOF or tactical issues;

- Number of reports deemed out of policy by the reporting entity;

- Number of reports deemed out of policy by TD; and,

- Number of reports not containing the elements of a reportable UOF.

Methodology

The OIC of TD's Physical Training and Self Defense Unit coordinated this portion of the review. The methodology consisted of randomly selecting one UOF report per Area (except Rampart) for DP #1/98 through DP #9/99 (22 DPs). This would have resulted in the examination of 374 reports, but that number was reduced to 347 reports as several Areas did not submit UOF reports to TD for some of those DPs. Comparing TD's files to HRB records disclosed that the following commands had reportable use-of-force incidents during the indicated DPs, but failed to forward the required copy to TD:

Central	DP 4/99 and 8/99
Hollenbeck	DP 1/98 and 5/98
Northeast	DP 1/98, 8/98 and 13/98
N. Hollywood	DP 2/98, 5/98, 8/98, 13/98 and 1/99
Pacific	DP 1/99
77th Street	DP 12/98
Southeast	DP 3/98
Southwest	DP 3/98, 4/98, 6/98, 9/98, 10/98, 12/98, 7/99 and 9/99
West Valley	DP 8/99 and 9/99

On November 22, 1999, the subcommittee Chair forwarded an intradepartmental correspondence to the four operational bureau C/Os notifying them of the Areas that failed to submit UOF reports to TD.

Each UOF report was thoroughly reviewed, evaluated and compared to its related reports to identify UOF issues to determine if the management review process identified, evaluated and properly dealt with that information.

Final Review Authority at Area Level

First of all, the audit determined that TD filed all UOF reports by Area of occurrence. This resulted in UOF reports involving officers assigned to specialized units such as Metropolitan and Narcotics Divisions being included with all UOF reports occurring in an Area. Obviously, that practice inhibits the review of specialized entity UOF patterns and has since been corrected so that UOF reports are filed by the involved employee's name and assignment. Additionally, TD will start obtaining a copy of the UOF Summary Report (Form 167.3) each command submits monthly to HRB so that TD can ensure they are receiving copies of all the reports.

As to the UOF Reports themselves, the audit of TD's files indicated that sworn personnel of various ranks may have been the final review at the Area level. Keep in mind this information is from TD's files which were maintained by Area of occurrence. Therefore, it is possible and in fact probable, that commands other than the indicated Area may have been responsible for reviewing the UOF. Though it should not occur, it is also possible that TD received their copy before a final review occurred. The findings are as follows:

- 170 reports were reviewed by a captain;

- 47 reports were reviewed by a lieutenant;

- 28 reports were reviewed by a sergeant;

- 1 report was reviewed by a detective; and,

- 103 reports had illegible signatures, making the final reviewer undeterminable.

In a number of reports, the final reviewer's signature or initials were unreadable because many of those markings were of "scribble" quality and there was no other identifying information such as a serial number for the final reviewer. Every effort was made to identify the rank of the final reviewer, but when that was impossible, the final reviewer was classified as "undetermined." This situation would be much improved if the form had a place for each reviewer's signature and serial number similar to most other Department forms.

The following chart shows the totals by rank of the final approving authority within each Area and after that is a list, by Area, of each report with final approving authority below the rank of captain. It is quite probable that some reports approved by lieutenants occurred when a

lieutenant was the Acting Commanding Officer, but in many cases the lieutenant was the watch commander or administrative lieutenant.

USE OF FORCE REPORT FINAL REVIEW
DP #1/98 Through DP #9/99

Area	Sergeant 1998	Sergeant 1999	Detective 1998	Detective 1999	Lieutenant 1998	Lieutenant 1999	Captain 1998	Captain 1999	Undetermined 1998	Undetermined 1999
Central	1	0	0	0	4	1	6	5	3	1
Rampart	-	-	-	-	-	-	-	-	-	-
Southwest	1	0	0	0	2	2	3	5	1	0
Hollenbeck	0	0	0	0	0	1	9	6	3	2
Harbor	0	0	0	0	0	0	11	7	1	2
Hollywood	1	1	0	0	4	2	1	3	7	3
Wilshire	1	0	0	0	0	0	9	7	3	2
West LA.	1	0	0	0	0	1	7	7	5	1
Van Nuys	3	2	0	0	4	2	1	2	5	3
West Valley	2	0	0	0	0	2	1	0	10	5
Northeast	0	0	0	0	2	1	8	8	0	0
77th Street	1	0	0	0	0	0	10	9	1	0
Newton	3	0	0	0	1	0	9	8	0	1
Pacific	1	0	0	0	3	4	4	1	5	3
N. Hollywood	2	0	0	0	0	4	0	0	7	4
Foothill	5	0	0	0	3	0	0	3	5	6
Devonshire	3	0	1	0	2	2	1	1	5	6
Southeast	0	0	0	0	0	0	9	9	3	0
Totals	**25**	**3**	**1**	**0**	**25**	**22**	**89**	**81**	**64**	**39**
1998/1999	**28**		**1**		**47**		**170**		**103**	

* Undetermined- Final reviewing authority signature or initials unintelligible.

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There is virtually no circumstance under which a sergeant should be the final reviewing authority for a UOF report. Similarly, lieutenants who were assigned as watch commander or as the administrative lieutenant should not be the final review authority either. Following are the number of incidents in which sergeants or lieutenants, who were not the acting C/O, gave final approval.

OCB
Central: (4) in 1998 and (1) in 1999

Hollenbeck: (1) in 1999

Northeast: (3) in 1998

Newton: (1) in 1998

OSB
Southwest: (2) in 1998 and (2) in 1999

OVB
Van Nuys: (4) in 1998 and (1) in 1999

West Valley: (3) in 1999

N Hollywood: (2) in 1999

Foothill: (3) in 1998

Devonshire: (2) in 1998 and (2) in 1999

OWB
Hollywood: (4) in 1998 and (1) in 1999

West LA: (1) in 1999

Pacific: (4) in 1998 and (2) in 1999

Tactical Issues

The researchers identified 13 reports that had UOF or tactical issues which had not been addressed in the reports.

- Thirteen reports contained unevaluated UOF and/or tactical issues. The involved officers articulated aspects of the UOF in their reports that were not evaluated by the reporting supervisor or command staff. The commands were:

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Hollenbeck: (2) in 1998 and (1) in 1999
Southwest: (1) in 1998
77th Street: (1) in 1998
Southeast: (1) in 1998
Harbor: (1) in 1998 and (1) in 1999
Wilshire: (1) in 1999
Van Nuys: (1) in 1998 and (2) in 1999
N. Hollywood: (1) in 1998

- One report was evaluated as out of policy by the Acting Commanding Officer of Jail Division. The incident involved a detention officer working at Southwest Area. The detention officer used OC spray against an inmate housed in a cell, which prohibited inmate contact with the detention officer. The report did not indicate what action was taken regarding the out of policy finding.

- Two reports were evaluated as out of policy by Training Division reviewers, though they had been deemed in policy by Area reviewers.

  The first was classified as in-policy by the Commanding Officer of Juvenile Division. The suspect was behind a locked washroom door using narcotics and the officers were unable to enter the washroom. The suspect refused the officers entry until he was finished. The officers deployed OC spray to stop the suspect's narcotics use. The Training Division reviewers felt this was out of policy in that the OC spray was deployed against a suspect who posed no credible threat to the officers and OC cannot be used just to stop narcotics use.

  The second incident occurred in Southeast Area. The officers used physical force in an attempt to retrieve narcotics from a suspect's mouth. Training Division teaches that only minimal force can be used to persuade a suspect to remove narcotics from his/her mouth and that placing one's hands near the suspect's mouth is a tactical disadvantage and can result in an officer being bitten. In this case, the officers held the suspect's lower jawbone in place and pulled up on his nose. Training Division teaches that any force, outside of a hand placed on the back of a suspect's neck to use mild pressure to force the suspect's chin to his/her chest area, along with verbalization to direct the suspect to spew the narcotics from his/her mouth, would be deemed excessive. The Area C/O was the final reviewing authority and he recognized the issue but classified it as in policy and directed that the officer receive additional training.

  The information regarding these two incidents has been forwarded to the C/O, IAG, for appropriate action. In addition, the C/O, TD, has initiated a thorough review of all UOF reports maintained at Training Division to determine if the evaluations were appropriate. Information gleaned from this audit will be forwarded to the involved bureau C/O or the C/O of IAG as appropriate.

- Two reports did not contain the elements of a reportable UOF.

  In a Harbor Area incident, a suspect suffered injuries as the result of an accidental contact by the involved officer. In this UOF incident, an Employee's Report was completed without a DR Number being issued.

  A Pacific Area UOF incident involved the use of a baton during a crowd control situation as part of an organized skirmish line. This was inappropriately documented on a UOF report. According to a Department Training Bulletin, Volume XXVIII, Issue 11, dated October 1996, entitled, "Use of Force, Baton-Part II, Crowd Management and Control" no UOF report was required in this instance. The Bulletin states, "A UOF Report is **not** required when officer(s) become involved in an incident in which the baton is used in a crowd control situation to push or move individuals who exhibit unlawful or hostile behavior and who do not respond to verbal directions by the police. This procedure will apply only to officers working in organized squad and platoon-sized units. Additionally, should the baton be utilized under these circumstances, officers shall notify their immediate supervisor of the UOF once the tactical situation has been resolved. The concerned supervisor shall prepare the appropriate report documenting the officer's actions." In this UOF incident, a sergeant was the final Area reviewing authority. Researchers found no evidence of review by the Area Commanding Officer.

Management Services Division Audit

On January 11, 1999, Management Services Division (MSD) completed a staff report entitled, "Checklist to Audit Use of Force Reports." That report identified a number of issues relevant to the subcommittee's review of administrative investigations, including inconsistencies regarding UOF investigations and reporting requirements and conflicts between various Department documents. The major issues and findings are as follows:

1. There is no Department directive which delineates the information required to complete a UOF Report face sheet (other than the boxes on the report itself) or for the report narrative. As such, there is no standard reporting format which makes it difficult to review and audit the reports.

2. There is a conflict between the Department Manual and the UOF Handbook on a supervisor counseling an officer after a UOF incident. The Department Manual states that a supervisor should evaluate the UOF incident, discuss the evaluation with the officer(s), and state in the supervisory review section of the UOF Report that a discussion occurred. However, the details of this discussion should not be included in the UOF Report. Conversely, the UOF Handbook states that a supervisor generally should not counsel or correct the employee at the time the UOF Report is completed. The exception would be when misconduct is identified in which case immediate corrective action should be taken to prevent escalation or reduce liability, along with the initiation of a complaint. In these instances, any counseling, training or corrective action taken shall be documented in the employee's comment file and in the UOF Report.

3. There is no Department directive requiring a bureau or Area commanding officer to adjudicate the appropriateness of the force and tactics used in non-lethal UOF incidents. Additionally, there is no directive requiring a bureau or Area commanding officers to approve UOF Reports. Both of these things are supposed to be done, but there is no directive requiring it.

The MSD researchers developed an extensive checklist to assist in the completion and review of UOF incidents in a standardized manner. This "Non-Lethal Use of Force Checklist" provides an excellent outline for the review of UOF incidents and is currently in use by all operational bureaus and commands.

Currently, MSD is developing a Special Order correcting the problems and conflicts identified in their study That Order should be published in early 2000.

Outside Agencies

A comparison of the UOF policies and procedures of the Boston, Detroit and San Diego Police Departments, and the San Diego County and Los Angeles County Sheriffs Departments was conducted to identify the similarities and differences among comparatively sized Departments.

Use of Force Policies

It was determined that all of the agencies have similar UOF policies based upon the doctrine of preserving human life and using the minimum amount of force necessary to effect the arrest of a suspect. All of the policies allowed for escalation and de-escalation of force, as appropriate, based upon the actions of the suspect.

Procedurally, all of the agencies examined are similar, but differ in their execution, tracking and accountability. Appropriate investigations and completion of the necessary UOF reports are completed. All facts relevant to the justification of the UOF incident are documented. Additionally, any complained of or sustained injuries, must be medically treated and documented.

Reporting and Reviewing Use of Force Incidents

The San Diego Police Department's procedures direct that the reporting officer prepare the appropriate reports. Their procedures do not require a separate UOF report be completed; the only reports mentioned were a detention or arrest report. Whenever the physical force used by the officer results in an injury necessitating medical treatment, a field supervisor is contacted. The supervisor evaluates the UOF incident and, when appropriate, notification is made to the concerned watch commander. If the watch commander deems the UOF to be significant, then notification is made to Internal Affairs to conduct an on-scene investigation. There was no mention in their procedures of review at the management level if the UOF incident did not result in injury.

With the San Diego County Sheriff's Department, deputies are required to verbally notify their supervisor whenever there is a UOF incident. If the UOF results in an injury, immediate notification to a supervisor is required along with the completion of a UOF report. This report is reviewed through the chain of command to the level of captain. Additionally, any supervisor within the chain of command may initiate an administrative investigation. If the UOF incident is considered significant, notification to Internal Affairs or their Homicide Detail could be made.

While all the agencies provide levels of review and use their analysis of incidents to improve training, the LAPD and the Los Angeles County Sheriff's Department have a much more thorough review and tracking process. In comparison, the Detroit Police Department investigates and reports only a fraction of their UOF incidents. A great deal of latitude is given to lower management in the reporting, investigation, and resolution of these incidents. The Boston Police Department reports all UOF incidents, but places a great deal of responsibility on first-line supervisors to investigate, resolve, and make recommendations for UOF incident resolutions.

All agencies allowed for a review of a UOF incident by their respective Internal Affairs sections if it was deemed there was evidence of criminal misconduct. The Los Angeles County Sheriff's Department, as part of their review protocol forwards the UOF report to the Division Chief and Internal Affairs Bureau within three business days whenever a prisoner is transported to a hospital for medical treatment. As articulated in their procedures, the Internal Affairs Bureau review is to ensure that a disinterested, experienced investigator examines the incident in terms of policy adherence, potential liability and completeness of documentation.

Subcommittee Conclusions and Management Insight

The subcommittee's review of the Department's UOF review processes revealed that the existing system could be improved to ensure greater accountability and consistency. The primary mission in this regard is resolution of the conflicting directives identified in the MSD audit and standardization of the UOF report, including the addition of approval boxes for the employee's Area/division and bureau commanding officers. Both of these efforts are underway in MSD, but must be completed quickly.

Many commanding officers consider their Area/division Training Coordinator to be an integral part of the review process. This is consistent with an HRB notice published on April 3,1998, which delineates the Training Coordinator's responsibilities in the review of UOF incidents. However, the subcommittee's research showed that this valuable resource is used inconsistently by commanding officers. In some commands, the Training Coordinator's role is not clearly defined, while in others they reviewed all UOF cases routinely to identify and evaluate training issues. It was also evident that the job of Training Coordinators would be improved if the TMS (CHRIS) data entry process was improved.

The pilot program, "Area Liability Incident Response" (ALIRT) that originated in August of 1996, needs to be revisited. While the subcommittee determined that commanding officers were familiar with ALIRT and embraced their roles as risk managers, this was not universal. In only one instance did a commanding officer refer to the Training Coordinator as the Area's ALIRT

Coordinator. While others identified risk-management issues as critical concerns, there generally was no nexus made between the Training Coordinator's review of UOF reports and the identification of risk-management issues.

The various filing systems hindered the subcommittee's review efforts. A consistent filing of UOF reports Departmentwide will ensure that tracking is accurate and effective. Some Areas and divisions had systems that were consistent with other administrative functions; whereas, other entities created systems that conflicted with other administrative review functions. Clearly, we need to standardize our filing system for these critical investigations.

The lack of full compliance with the requirement that officers involved in serious UOF incidents attend a BSS counseling session prior to being returned to the field is of great concern. This audit showed that about 10% of the involved officers are not attending those sessions for whatever reason. The highest non-compliance rate occurred in 1997 and there was substantial improvement in 1998 and 1999. Nevertheless, anything less that 100% compliance in this area is completely unacceptable. Liability issues aside, the care for our employees makes any failure in this area wholly unacceptable. This is another area in which training is not the answer for the requirement to meet with BSS is well known. Accountability is the only appropriate response.

It does appear that the Department's efforts to identify officers involved in three or more UOF incidents per quarter, along with the intervention of command officers regarding those officers, has caused a significant Departmentwide reduction in the number of officers with multiple UOF incidents. In 77th Street Area, an active command, there was a significant reduction seen for the period examined. To the credit of the commanding officers and their management teams, early intervention and trend identification led to these significant reductions.

VEHICLE PURSUITS

The subcommittee examined the Department's official review procedures and explored bureau, Area and division level review practices. Several outside agencies were examined for their administrative review processes to determine if their processes could enhance the Department's existing process.

Current Department Policy

The Department's Pursuit Policy is found in Section 1/555 of The Department Manual. As the head of the Department, the Board of Police Commissioners must review and approve any revision to that policy. The Department's pursuit policy begins by explaining that Section 21055 of the California Vehicle Code lays the foundation for exempting emergency vehicles from the rules of the road during emergency situations. However, officers are cautioned to continually weigh the seriousness of the offense and the attending circumstances against the potential danger involved in initiating a pursuit. Such factors include, but are not limited to, the presence of vehicular and pedestrian traffic, traffic conditions, and the nature and area of the pursuit.

Historically, changes to the Department's pursuit policy have been in the areas of supervisory responsibilities, pursuit initiation and management, completion and forwarding of reports, and

review of the incident by the Area/division and bureau commanding officers. Special Order No. 17, issued on August 12, 1994, implemented major revisions to the Department's vehicle pursuit policy. Several court decisions issued after that policy was adopted generated the necessity to revise our policy, specifically in the area of pursuit initiation which was not addressed in the earlier policy. Special Order No. 24 was issued on August 7, 1998, and established criteria for initiating a vehicle pursuit as well as other, more minor issues such as defining the role of a hybrid vehicle (painted black and white, but no roof-top lights) in a pursuit.

The Department's pursuit policy was developed to comply with POST guidelines which were developed in response to Penal Code Section 13519.8 which delineates the development of a model Pursuit Policy by agencies in the State of California. Our policy exceeds the four minimum standards dictated in California Vehicle Code Section 17004.7, which are based on the Coldin vs. Gardena court decision. Those four minimum standards dictate that the agency's pursuit policy shall contain:

- Initiation/termination guidelines;

- Supervisory involvement;

- Limitation on the number of units in the pursuit; and,

- Outside jurisdiction coordination procedures.

Administrative Investigation

The Department's pursuit policy requires the immediate response of a field supervisor to actively monitor each vehicular pursuit. The watch commander, Area of occurrence, is also required to actively monitor the pursuit. Upon completion of a pursuit, a supervisor is required to conduct an administrative investigation and report his or her investigation on a Vehicle Pursuit Report, Form 1.14. The supervisor is also required to complete a California Highway Patrol (CHP) Pursuit Report, Form CHP 187, which is eventually forwarded to the CHP which maintains information on pursuits statewide.

When a vehicular pursuit is initiated, Communications Division (CD) places all Department radio frequencies on stand by while they broadcast the pursuit. Each pursuit is also assigned a computerized incident number under which all pursuit-related information is captured, such as units involved, route of travel, and any other pertinent information. At the conclusion of every vehicle pursuit, two copies of the incident history (IH) are forwarded to the CD watch commander who then forwards one copy to TCS and the other to the involved officers' bureau. This serves as notification to TCS and the bureau C/O that a pursuit occurred and allows them to track receipt of the administrative investigation into the incident. Additionally, the investigating supervisor is required to notify Detective Headquarters Division of the incident, which is then included in the Chief of Police's 24-hour log. These notifications are important as they serve as a system of checks and balances to ensure that these administrative investigations are not lost.

The subcommittee determined that TCS has no mechanism in place to ensure they receive all pursuit reports. Lieutenant Stromlund, the OIC of TCS, estimates that they receive approximately 75% of the pursuit incident histories from Communications. Based on this deficiency, CD has developed a vehicle pursuit log which they now forward to TCS and the bureaus on a weekly basis, along with the pursuit incident histories.

The format for a supervisor to report the administrative investigation is fairly well structured. A Traffic Information Bulletin, issued by TCS in June 1999, established specified headings to be used in the narrative portion of the Vehicle Pursuit Report. In addition to addressing the standard issues of the officer's compliance with policy, the supervisor is required to personally contact the airship crew, which is almost always present over a pursuit of any substantive duration, and obtain specific statements from them as to any policy violations they may have observed. (All marked LAPD vehicles have identifying numbers painted on top of the vehicle and on the trunk lid specifically for airship identification.) The completed investigation, along with a copy of the related reports, e.g., arrest, crime, etc., is reviewed by the involved employee's watch commander or specialized division officer-in-charge and then forwarded to the employee's commanding officer for administrative review.

Of the three administrative investigations the subcommittee examined, a pursuit is the category most likely to require multiple administrative investigations. For example, a pursuit may also involve a use of force and/or traffic collision. While each of these matters has separate reporting forms and formats, great care must be taken to ensure the full and complete investigation and reporting of the entire incident. Similarly, reviewers must review all of the material together to ensure a full and proper review of the entire incident. This can be challenging, especially when different aspects of an incident have their own unique forms and reporting format.

Commanding Officer's Administrative Review

The employee's commanding officer is required to review, sign and forward the Vehicle Pursuit Report to his or her bureau commanding officer within five business days following the pursuit. If the C/O determines that the pursuit or any part of the pursuit is out of policy, a written rationale for that classification and recommendations for corrective action must be attached to the Vehicle Pursuit Report (Manual Section 1/555.65).

The bureau commanding officer must review and sign the Vehicle Pursuit Report within 21 calendar days following the pursuit. The bureau C/O is the final authority for the classification of the pursuit regarding its compliance with policy and any training issues which may arise. A copy of the Vehicle Pursuit Report and its accompanying CHP Pursuit Report are forwarded to TCS which is responsible for distributing the reports to the CHP. Training Division's Emergency Vehicle Operations Center also receives a copy of the reports for evaluation and assessment of training needs, both for the individual officer and Departmentwide.

Summary of Area Interviews

Interviews of command and supervisory staff at the Area and divisional level were conducted to identify their processes for administratively reviewing pursuit reports including the issues they

considered in those evaluations. Following are the key points presented by those interviewees who cited any significant issues.

- Harbor Area - Captain George Gascon indicated that the supervisor completes the pursuit report, including insight and then forwards the report to the watch commander for review and insight. The report is forwarded to the Area Training Coordinator who provides input and then forwards it to Captain Gascon for Area review.

- 77th Street Area - Captain Harlan Ward, stated the watch commander reviews the pursuit report and provides insight. Following this review, the Area Training Coordinator reviews the report and then forwards it to Captain Ward for his review. The Area Training Coordinator reviews the pursuit reports for training issues and places his initials at the bottom of the reports. The Administrative Lieutenant is not part of the review process.

- Southwest Area - Captain Michael Chambers indicated the watch commander reviews the reports and forwards them to the Administrative Lieutenant. Following their review, Captain Chambers conducts the final Area review. In some instances, the Area Training Coordinator may also review some of the reports. When Operations Support Division personnel are involved in pursuits, the report is reviewed by the Detective Officer-in-Charge and is then forwarded to the Operations Support Division Commanding Officer for review and determination as to in or out of policy. The final Area review is conducted by Captain Chambers.

Bureau Level Review

After review by the involved officer's commanding officer, pursuit reports are forwarded to the employee's bureau commanding officer for review. Subcommittee interviews revealed that the bureaus are highly consistent in the issues they examined during the review of Pursuit Reports. Furthermore, staff officers were consistent in the way they communicated with subordinate C/Os. They used a combination of formal projects, informal notes, and "one-on-one" conversations to ensure compliance with their requests. It was clear from the interviews that the process of "kicking back" a report was widely used, and reportedly highly successful in causing subordinate C/Os to re-examine salient issues.

Audit of Pursuit Reports Maintained by Operational Commands

Originally, the subcommittee had planned to audit pursuit reports maintained by operational commands from 1994 through about September 1999. However, the subcommittee determined that operational commands only maintained pursuit reports for 1998 and 1999 at the station, with reports from earlier years sent to storage in accordance with the Department's record retention guidelines. As such, the scope changed and vehicle pursuit reports were reviewed beginning with January 1998, and concluding with September 1999.

The subcommittee reviewed a total of 428 pursuit reports by randomly selecting one report per deployment period for each audited command. However, some entities filed the reports by deployment period while others filed them by month. In spite of this variation, adjustments were

made to ensure the consistency of each sample. Those adjustments are discussed in the following summary of the issues identified through this audit.

Operations-Central Bureau

Most OCB commands filed pursuit reports by DP except for CTD and Hollenbeck. In CTD, reports for all of 1998 were maintained in one folder. Hollenbeck's pursuits for 1998 were stored in four separate folders, but the folder for January and February was missing.   The Hollenbeck Area C/O was advised of the missing folder and he indicated that he would cause copies to made from OCB files. The following issues were identified:

- Hollenbeck Area had a 1999 pursuit report with a discrepancy between the pursuit's distance and average miles per hour. The pursuit report face sheet states the pursuit lasted 36 seconds, traveled a distance of .05 miles and attained a speed of 35 mph. That conflicts with the pursuit report narrative which states the pursuit lasted 22 seconds, traveled .05 miles and attained an average speed of 8 mph.

- A 1998 Northeast Area pursuit report did not follow the reporting format. The supervisor's investigation was written on a continuation sheet and plain white paper. While there was a slight deviation from the format, the essential information was contained in the report.

- A 1999 Northeast Area pursuit was not signed by the commanding officer.

Operations-South Bureau

Harbor, 77th Street, and Southwest Areas and South Traffic Division filed their pursuit reports by month. Southeast Area filed their pursuit reports by project number which made random sampling difficult, as pursuits were kept with all other project files. The following issues were identified:

- A review of Southwest Area's files revealed that an August 1998 pursuit report file had been established, but it contained no pursuit reports. Researchers reviewed watch commander logs for the month of August and determined that Southwest Area had two pursuits during this period (August 7th and 16th). One of the pursuits involved a traffic collision where an out-of-control suspect vehicle struck the pursuing police vehicle. All of the 1998 files were examined to determine if the reports were erroneously filed in another folder, but the missing pursuit reports were not located.

- Southwest Area had no C/O's insight on 7 reports, all from 1998.

- In a 1999 Southwest Area pursuit, the suspect drove in a reckless manner, displayed a total disregard for public safety, and became involved in two traffic collisions, nearly running over a pedestrian in a crosswalk. As the pursuit had traveled into Wilshire Area, a Wilshire supervisor directed that the pursuit be discontinued. The pursuit report narrative states that the primary and secondary units "pulled to the curb and disengaged from the pursuit." A few moments later, the Southwest watch commander re-initiated the pursuit after it was learned

that the suspects had committed an armed robbery and were considered armed and dangerous. The primary unit was unable to locate the vehicle, but the secondary unit was able to do so almost immediately. One could reasonably infer that the secondary unit's ability to immediately re-engage the suspects was because the unit never actually disengaged after being directed to do so. That issue was never addressed in the supervisor or C/O insights.

- A review of Harbor's pursuit tracking system revealed that Harbor had one pursuit in December 1998, but the pursuit file was missing from its storage location.

- Harbor Area had one pursuit in 1998 where training issues were identified, but no notation on how the training would be accomplished, or if it was ever provided.

- Harbor Area had no commanding officer insight on 7 reports, all from 1998.

- A Harbor Area pursuit in 1999 contained a discrepancy between the speeds reported and the distance/duration of the pursuit. The report states that speeds on surface streets reached 50 miles per hour and that the highest speed attained on the freeway was 70 miles per hour. However, the time duration and distance of the pursuit calculate to an average speed of 85.9 miles per hour throughout the pursuit. This was not addressed in the report which deemed the pursuit to be within Department policy and conducted in a safe and reasonable manner. The watch commander's insight also addressed a secondary issue which was that the primary and secondary units only relinquished the pursuit to the CHP after they became low on fuel. Though this issue was identified, no training or corrective action was mentioned.

- In a 1999 Harbor Area pursuit, the officers broadcast that they were in pursuit of a stolen vehicle, but they never checked vehicle status. The investigating supervisor stated that the speed formula revealed an average speed of 54 miles per hour through residential streets. However, the speed formula actually equates to an average of 66 miles per hour.

- A 77th Street Area pursuit in 1999 contained several tactical/deployment errors, none of which were addressed in the administrative investigation. The officers were following a possible stolen vehicle while they checked the vehicle's status. As they followed the vehicle, they saw the driver commit several traffic violations, including speed. However, officers did not broadcast their observations or request back up. After receiving confirmation that the vehicle was stolen, the pursuit was initiated while the unit was approximately 500 to 600 yards away. The pursuit was deemed to be in policy and no mention was made of these training issues.

Operations-Valley Bureau

- A pursuit by VTD in 1998 had no supervisor controlling the pursuit and a UOF occurred at the pursuit termination. The report did not adequately address the lack of adequate supervisory presence.

- In a 1999 Van Nuys pursuit, units utilized a ramming technique to terminate the pursuit. The officers learned from a Devonshire detective that the involved suspects were heavily armed and dangerous. Due to extremely hazardous driving by the suspects, the supervisor managing the pursuit directed the officers to use a ramming technique. The technique was successful in disabling the suspects' vehicle. In the watch commander's insight, he suggested that since the technique was successful, however unusual, it required no further discussion of appropriateness or tactical insight. However, recognizing that our pursuit policy generally prohibits ramming, at least some discussion should have occurred, if only to remind everyone that ramming is generally prohibited.

- In a 1998 Van Nuys pursuit report, the C/O's name appeared twice as signing for both the Patrol and Area Commanding Officers. Additionally, his signature in the supervisor's investigation section was noticeably different from his signature on the face sheet.

- Six West Valley pursuits did not contain a C/O or W/C insight, four from 1998 and two from 1999.

- A West Valley supervisor initiated a pursuit in 1999 and then completed the supervisory insight portion of the administrative investigation.

- In a 1998 West Valley pursuit, the suspect drove 85 miles per hour for 31 miles, but the supervisor conducting the administrative investigation wrote that he did not feel the suspect was trying to evade the officers. The pursuit summary also failed to mention that the suspect was subsequently found to under the influence of narcotics.

- Four Foothill Area pursuits did not contain C/O or W/C insight, two from 1998 and two from 1999.

- In a 1998 Foothill pursuit, the officers utilized poor tactics when they boxed a suspect in with their vehicles and then approached the front of the vehicle on foot. When the suspect drove directly at the officers, an OIS occurred. There was no evidence in the pursuit report of a commanding officer's review, though that undoubtedly occurred in conjunction with the OIS.

- Devonshire Area had one report where the author of the supervisor's insight could not be determined and two other reports with no supervisory insight, one from 1998 and two from 1999.

- In 1998, a Devonshire one-officer unit failed to relinquish the pursuit to two-officer units which was not addressed in the administrative report. When the one-officer unit went in pursuit, a two-officer unit was present. A supervisor directed that the two-officer unit assume the role of primary unit and the one-officer unit became the secondary unit. At some point during the pursuit, an additional two-officer unit responded, but the one-officer unit continued as the secondary unit. That issue was not addressed in the pursuit report which only listed pursuit facts without any summary or supervisory investigation or analysis.

- A North Hollywood pursuit in 1998 had a conflict between the pursuit summary and the CHP pursuit report as to how units became involved in the pursuit.

- In a North Hollywood pursuit, there was no evidence that a DR No. was obtained.

Operations-West Bureau

Operations-West Bureau entities filed pursuit reports by month, with the exception of West Traffic Division which files them by year (West Traffic Division only had eight reports for all of 1998 and 1999.) The following issues were noted:

- Pacific Area had three reports in 1998 with minor training issues which were not addressed. There was also one incident in 1999, for which there was a divisional tracking cover sheet in file, but no supporting documents or reports were attached.

- West Los Angeles Area had one report in 1998 with several tactical concerns which were not addressed. The officers parked their vehicle directly behind the suspect's vehicle to prevent the suspect's escape and the suspect backed into the officers' vehicle. During the pursuit, the officers entered the city of Santa Monica and stated in their report that some of the "maneuvers" (it did not specify exactly what they were) utilized during the pursuit were because they were unfamiliar with Santa Monica. However, there was no evidence that the officers or Communications requested Santa Monica Police Department's assistance.

- Another 1998 West Los Angeles Area pursuit contained questionable tactics and training issues which were not addressed.   Officers stopped a female driver for an unsafe turn and during the stop, determined that she was possibly driving under the influence. Officers asked the suspect to exit the vehicle to administer a field sobriety test. The suspect refused and the officers requested a supervisor. The driver eventually exited the vehicle and, while waiting for the supervisor, one of the officers decided to write a citation, which the driver eventually signed. While waiting for the supervisor's arrival, the officers allowed the suspect to reenter her vehicle because it was raining. The suspect then drove away with the officers in pursuit. The pursuit was deemed in-policy, but allowing a suspect believed to be under the influence back into her vehicle, needed to be addressed. In the alternative, if she was not under the influence, why did the officers go in pursuit after issuing a citation?

- One other West Los Angeles report from 1998 had no supporting documents.

- A Hollywood Area report from 1998 had no supervisor narrative.

- West Traffic Division had a 1999 pursuit deemed in-policy, but a note was attached from OWB to the commanding officer regarding the speed of the pursuing motor unit. There was no evidence of a response back to the bureau regarding this issue.

- In another WTD pursuit in 1998, the report had two DR Numbers assigned for no apparent reason.

Operations-Headquarters Bureau

Only Metropolitan Division was audited, as other OHB commands would rarely be involved in a vehicular pursuit. Of the 23 reports audited, the following issues were identified.

- A Metropolitan Division pursuit in 1998 occurred in Southeast Area, but no pursuit summary was completed. A Southeast Area sergeant completed the Administrative Review section of the report.

- Another Metropolitan Division pursuit in 1998 raised concerns regarding officers initiating a pursuit in an outside jurisdiction. The officers were enroute to work in plain clothes driving a dual-purpose vehicle on the 10 freeway approaching the 605 freeway. A vehicle passed them at a high rate of speed and they thought the vehicle collided with a black pick-up truck and continued on without stopping. The officers followed the vehicle and activated their emergency equipment. When the vehicle failed to yield, they broadcast a pursuit which left the freeway, traveled through several small cities and terminated in West Covina when the suspect vehicle collided with another vehicle. There is no recordation of a request being made to have a unit from one of the involved cities take over the pursuit. The pursuit report contains no discussion of officers initiating a pursuit outside the City or doing so in an off-duty capacity. Clearly, this is a difficult judgement issue, especially when one is driving what is obviously a police vehicle. Nevertheless, the issue should have at least been discussed.

Audit of Reports Maintained by TCS

The Department Manual assigns Traffic Coordination Section (TCS) responsibility for maintaining all original Vehicle Pursuit Reports; however, TCS is not responsible for reviewing those reports to determine their compliance with Department policy. That responsibility is given to bureau commanding officers who have final authority to adjudicate vehicular pursuits within their bureau and determine their compliance with Department policy. (Management Services Division is preparing a Special Order to correct this problem.) Generally, commanding officers seeking advice on pursuit policy issues will contact a supervisor assigned to Training Division's Emergency Vehicle Operations Course (EVOC).

The subcommittee sought to determine the level to which pursuit reports are being reviewed to determine their compliance with Department policy as well as the proper identification of significant training issues. To accomplish that task, the subcommittee randomly selected one pursuit report from TCS' files for each Area, Transit Group and Metropolitan Division for every other month from January 1998, through September 1999. Those 184 reports were then given to Sergeant Ron Moen, the Officer in Charge of EVOC and the Department's subject matter expert on vehicular pursuits, who was asked to review each report for adherence to the Department's pursuit policy and to identify any significant unidentified training issues.

Sergeant Moen's review determined that 16 of the 184 reports (9%) contained discrepancies with Department policy, State law and/or court rulings which were not addressed by supervisors or command officers during their administrative review. This is not to say that all 24 pursuits were

out of policy, only that significant issues were not addressed in the administrative review of these incidents. The source material for these determinations are as follows:

- Special Order 24, 1998, *Vehicle Pursuit Policy and Code Three Response-Revised*. According to the Special Order, "A pursuit should be initiated only when a law violator clearly exhibits an intention to avoid arrest by using a vehicle to flee."   To diminish the likelihood of a pursuit, pursuing units should be within close proximity to the vehicle when practical. Consideration should always be given to requesting an air unit prior to attempting the vehicle stop. The primary factor officers should consider prior to initiating a pursuit is to weigh the seriousness of the offense against the potential dangers to themselves or members of the community.   Officers should continue to evaluate the necessity for the pursuit in terms of discontinuing a pursuit, again giving consideration to the gravity and seriousness of the offense. Finally, the commanding officer's administrative review must determine if the entire pursuit or any part of it was out of policy and a written rationale for that classification and recommendations for corrective action must be attached to the report. The responsibility for making a final classification of the pursuit rests with the involved employees' bureau commanding officer.

- In the May 16, 1995, case of *Cassie Lee Stark vs. City of Los Angeles*, a motorist brought action against the City for injuries sustained in a traffic collision with a vehicle being pursued by officers who did not activate their siren while they were engaged in the pursuit. The Court found the City liable and held, in pertinent part, that officers had a duty to activate their vehicle siren during their pursuit of a traffic violator.

- Section 21055 of the California Vehicle Code, *Exemption of Authorized Emergency Vehicles*, provides, in part, that the driver of an authorized emergency vehicle is exempt from the rules of the road. Specifically, subsection (b) exempts the driver, "If the driver of the vehicle sounds a siren as may be reasonably necessary (and) the vehicle shall also display a lighted red lamp visible from the front as a warning to other drivers and pedestrians."

- Section 21065 of the California Vehicle Code, *Effect of Exemption*, provides that 21055 VC does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Based upon those standards, the following pursuit reports contained one or more deficiencies in the administrative investigation and/or review process.

Operations-Central Bureau

1. In a 1998 pursuit in Hollenbeck, a motor officer observed a seatbelt violator who attempted to evade him by driving an estimated 65 mph in a residential and business area. The suspect then accelerated to an estimated speed of 80 mph and failed to stop for five stop signs. The pursuit ended when the suspect collided with a curb. There was no mention in the report of even considering terminating the pursuit based on the gravity of the offense weighed against the danger to the community.

2. In a 1998 pursuit in Northeast, officers attempted to stop a vehicle for an equipment violation. An eighteen minute pursuit ensued during which the suspect committed numerous traffic violations (speed and failing to stop for 18 stop signs) resulting in near traffic collisions in both residential and business areas. There was no mention in the report of discontinuing the pursuit due to the minor offense as compared to the hazardous conditions imposed on public safety.

3. A 1999 pursuit in Newton resulted from a traffic violation. During the pursuit, a roadblock was used. While policy allows a roadblock to be used as a last resort to save life, the only offense here was a traffic violation. That issue was not addressed in the investigation or any of the reviews.

4. In a 1999 pursuit in Northeast, the officers observe a speeding motorcycle and broadcast that they were following a vehicle at a high rate of speed. They did not initiate a pursuit or activate their emergency equipment. After a delay, they broadcast they were in pursuit and activate their emergency equipment. None of that is addressed in the investigation.

Operations-South Bureau

5. A 1998 pursuit in Southeast began when a sergeant observed a suspect fail to stop for a red light and subsequently initiated a "following." The suspect attempted to evade the sergeant and accelerated to 45 mph in a 25 mph speed zone. After the suspect failed to stop for three stop signs, the sergeant activated the police vehicle's emergency equipment. While the sergeant properly activated the emergency equipment, he continued to follow without broadcasting that he was in pursuit. This was not addressed in the investigation.

6. A 1999 pursuit in 77th Street was not reviewed at the bureau level.

Operations-Valley Bureau

7. In a 1998 Foothill pursuit, officers observed a speeding vehicle pass them. As officers attempted to stop the vehicle, the vehicle continued at a high rate of speed. Officers followed the vehicle for two miles before activating their emergency equipment or initiating a pursuit broadcast. That delay was not addressed as a training issue.

8. A 1998 pursuit in North Hollywood began after officers observed a speeding vehicle and activated their police vehicle's red light to conduct a traffic stop. The suspect failed to stop for a red light and entered a freeway, reaching an estimated speed of 110 mph. Officers followed at an estimated speed of 80 mph. The suspect exited the freeway failing to stop for a stop sign nearly causing a traffic collision. The suspect proceeded through a residential area at an estimated speed of 45 mph, passing numerous vehicles on the left. At one point the suspect traveled through a crosswalk with pedestrians, causing them to quickly jump out of the suspect's path to avoid being hit. At this point, officers initiated a pursuit broadcast. That delay was not addressed in the investigation.

9. A 1998 pursuit in Van Nuys began when officers observed a stolen vehicle increase speed in an attempt to evade them. There was no pursuit broadcast or request for an air unit. The arrest report indicated no air unit was requested due to an inoperable radio, but it was determined that the radio was operational. This issue was not addressed in the administrative investigation.

10. Another 1998 Van Nuys pursuit began when officers observed a vehicle deliberately attempt to hit a pedestrian in a crosswalk and fail to stop for a red traffic signal. Officers activated the police vehicle's emergency equipment and stopped the vehicle. As the officers approached, the vehicle fled and failed to stop for another red traffic signal. The officers followed and observed the vehicle disregard a third red traffic signal, make an unsafe lane change almost causing a traffic collision. As the suspect continued to evade officers, he attempted again to deliberately hit a pedestrian in the crosswalk. At this point, the officers activated their emergency equipment and initiated a pursuit broadcast.

11. In a third 1998 Van Nuys pursuit, officers observed the driver of a vehicle exhibiting speed in a parking lot. As officers approached, the vehicle evaded officers at a high rate of speed. The officers followed only with emergency lights as their siren was inoperable. The incident reached an estimated speed of 55 mph, but should have been discontinued due to the inoperable siren.

12. A 1998 pursuit in West Valley was a widely televised pursuit on the freeway involving the CHP and numerous LAPD units. There were thirteen units in the pursuit, the majority being LAPD. Two of the LAPD units in the pursuit were approximately one mile behind the pursuit with their police vehicles' emergency equipment activated. The pursuit report lists the primary and secondary units, but omits the remaining units from the reports. The investigating supervisor failed to contact Air Support Division to ascertain the identification of the other units in the pursuit as required. This issue was not addressed and there was no evidence that corrective measures and training was imposed.

13. A 1998 North Hollywood pursuit was deemed in policy, but there was no watch commander or commanding officer administrative insight.

14. A 1999 West Valley pursuit began when officers initiated a pursuit of a vehicle for a speeding violation. The suspect evaded officers at speeds reaching an estimated 80 mph. There was no discussion in the report of the pursuit meeting the requirement for continuation when the seriousness of the offense is weighed against officer/public safety.

15. A 1999 Van Nuys pursuit occurred after the officers observed a speed violation and attempted to stop the vehicle. The suspect fled from them and, at one point, the officers accelerated to an estimated speed of 90 mph to overtake the vehicle. The administrative investigation says nothing about weighing public safety against the seriousness of the offense.

Operations-West Bureau

16. A 1998 pursuit in Pacific began after officers stopped a vehicle for a traffic violation. After stopping, the suspect accelerated away at a high rate of speed. Officers activated the police vehicle's red light and notified Communications Division that they were "following at a high rate of speed" estimated to be 60 mph. When the suspect failed to stop for a stop sign, the officers initiated a pursuit. The delay in broadcasting the pursuit was not addressed in the administrative investigation.

Pursuit Training Referrals

As previously indicated, Training Division is responsible for remedial training, for both informal and formalized requests. Since the beginning of 1999, TD established a system to track all requests for training. During that same period, TD received a total of five requests for remedial training in pursuit tactics. All of the requests were generated from Foothill Area regarding the same pursuit that was classified as out-of–policy. Based on the Area commanding officer's review, he directed that informal training be provided to the involved employees, which has been completed.

It should be noted that since the vast majority of pursuits are classified as in-policy, commanding officers have not utilized remedial training in the area of pursuit driving. It was clear from the subcommittee's review that while overall, pursuits have been classified as in-policy, a number of the pursuits reviewed identified policy and training issues.

Outside Agency Pursuit Models

The Department's pursuit and review procedures were compared to those of the Chicago and Detroit Police Departments; the California Highway Patrol; and, the Los Angeles County and San Diego County Sheriffs Departments. All agencies evaluated have similar pursuit policies and essentially use the same criteria for evaluating the safety of engaging in a pursuit, as well as evaluating the necessity for terminating the pursuit. While the California agencies and the Chicago Police Department have codified provisions for reporting and reviewing pursuits, there was no reference to this procedure in the Detroit Police Department's policy.

The LA County Sheriff's Department mandates that pursuits are debriefed and the debriefing session is memorialized in a memorandum to the unit commander. In addition to this review by the unit commander, the pursuit report evaluation is also submitted to their Risk Management Bureau. The San Diego County Sheriff's Department only references a field supervisor as the final level of review and evaluation. Following this review, pursuit reports are forwarded to the Department's Traffic Coordinator. There was no other mention of management review.

The California Highway Patrol requires a supervisory evaluation of the pursuit report and the completion of a Pursuit Report. Following report completion, area commanders evaluate the pursuit and determine compliance with departmental policy. Within five working days, the pursuit report, along with any supplemental reports, are forwarded to the next level of review at the division level. The division chief also reviews the report for adherence to policy. If the

report is not approved, it is returned to the area commander for revision. Following approval at the division level, the report is forwarded within 15 days to the Assistant Commissioner at the California Highway Patrol Headquarters.

Subcommittee Conclusions and Management Insight

Generally, the administrative review of pursuits was consistent Departmentwide. The variances mainly had to do with the manner in which the reports were filed and the use of the divisional Training Coordinator in the review process. As with UOF reports, various filing systems had some impact on the subcommittee's ability to evaluate the system. As with UOF reports, most Training Coordinators were utilized sparingly in the review process and they generally did not review pursuit reports routinely. Most commanding officers recognized the need for a training aspect in the thorough review and evaluation of pursuits; however, few recognized the need to include the Training Coordinator. According to established procedures, the Training Coordinators should be reviewing all pursuit reports. The significant risk management factors involved in pursuits are so apparent, that the absence of a review by the Training Coordinators was surprising.

The most significant issue seen by the subcommittee was how pursuits were classified. None of the pursuits examined were classified as "out-of-policy," even though the subcommittee's researchers found several problems. In almost all instances, there was a review conducted up through the chain of command. The fact that none of the pursuits was classified as out-of-policy is consistent with the subcommittee's interviews in that none of the interviewees could recall reviewing an out-of-policy pursuit.

The subcommittee's review determined that, when commanding officers recognized that the involved officers required additional training, training was promptly requested and provided. The EVOC Unit, Training Division, has an effective program to address directed training requests; however, there is minimal proactive training performed. During almost all of 1999, Training Division received only five requests for remedial training on pursuit driving and all five of those requests arose from one incident at one division.

FLEET SAFETY

In addition to reviewing all use-of-force and pursuit incidents, the Department conducts an administrative investigation whenever an on-duty Department employee is involved in a traffic collision. The purpose of these investigations and the subsequent management review is two fold. First, we must ensure that the Department's vehicles are properly maintained and cared for by our employees. With nearly 5,000 City vehicles in its fleet and the infrastructure required to support those vehicles (primarily Motor Transport Division), the Department must ensure the proper management of this nearly $50 million asset. The second reason, and probably most important reason, is the City liability which flows from Department personnel being involved in traffic collisions. Over the past ten years, Department employees have been involved in about **1,000** traffic collisions **annually**. Each year, about half of those collisions result in a claim for damages or a lawsuit being filed against the City. Over the past three years, those suits or claims have resulted in the City paying out over $5 million. These costs do not include the lost

use of the vehicle or the internal medical, pension or worker's compensation costs associated with traffic collisions. Nor does it include the infrastructure required to process claims and/or defend the City against collision-related litigation.

LAPD Traffic Collision "Pay-outs"
July 1, 1997 through June 30, 1999

Type of Collision	1997	1998	1999
Rear Ended	$ 280,113	$ 592,676	$ 252,014
Left Turn	113,230	342,557	176,057
Unsafe Lane Change	28,404	117,116	44,915
Failed to Stop/Yield	95,533	391,765	223,553
Pedestrian	0	1,742,000	105,000
Parked Vehicle	36,075	47,645	7,947
Pursuit	20,071	52,705	10,000
Other	120,268	294,951	154,660
Total	$ 693,694	$3,581,415	$ 974,146

Many of the incidents resulting in these pay-outs occurred years before the money was actually paid. However, these figures do highlight the amount of money being paid for traffic collision liability and the most common causative factors in those collisions. Somewhat surprisingly, pursuit related traffic collisions are the lowest category of all. This is due to California law which essentially holds police departments immune from civil liability when they are reasonably pursuing a suspect.

Fleet Safety Program

The Department's Fleet Safety Program is found in Department Manual Section 3/205. Essentially, a traffic unit is dispatched to the scene of any on-duty employee-involved traffic collision. The traffic unit conducts an investigation and completes a traffic report. A supervisor from the employee's division of occurrence also responds to ensure there are no obvious violations of Department policy, such as unauthorized emergency vehicle operation (Code 3). The supervisor reports his or her response to the scene and assessment of obvious violations on a supervisor's log. The traffic report is reviewed and approved by the traffic division watch commander and a copy is forwarded to Traffic Coordination Section. TCS completes the upper portion of a Fleet Safety Report, Form 1.13.0, which includes the employee's driving history, and forwards it to the employee's commanding officer.

There is no requirement that a commanding officer use the Fleet Safety Review Board process to evaluate a traffic collision (TC). According to Department Manual section 3/205, commanding officers are responsible for establishing a Fleet Safety Program, which provides:

- A reduction in traffic collisions;
- A systematic and timely review of employee-involved traffic collisions; and,

- The training of those employees with deficient driving skills.

Upon receipt of the reports from TCS, the employee's commanding officer may cause a divisional Fleet Safety Review Board to be convened consisting of two peer members of the employee (same rank) and a third member of the next higher rank who acts as chair. The Board is tasked with recommending if the TC should be classified as preventable or non-preventable. That determination is supposed to be predicated upon the involved employee's use of basic defensive driving techniques which could have prevented the TC and **not** determining which party was at fault. The Board then submits its recommendation to the commanding officer who makes his or her own determination. If the commanding officer determines the TC to be preventable, the C/O also determines the penalty to be assessed. That penalty can range from a "no penalty" determination up to and including a Board of Rights for extremely aggravated circumstances or driving history. The matter is then forwarded to the employee's bureau C/O for review and concurrence. If the bureau C/O concurs, the matter is returned to the employee's C/O for implementation. If the bureau C/O disagrees, the matter is forwarded to the Chief of Police for final determination. The Chief of Police also reviews every case resulting in a reprimand or a suspension.

Modifications to the Fleet Safety Program

The Department's Fleet Safety Program was modified substantially on February 5, 1995, with the issuance of Administrative Order No. 5, "Adjudication of Failures to Appear, Failures to Qualify, and Preventable Traffic Collisions." That order gave commanding officers greater latitude in the handling these matters when the incident involved a first-time offender. Essentially, commanding officers were allowed to use "counseling, training, or action other than formal discipline" to adjudicate those offenses. Each command was also required to "devise control systems to ensure that remediation" was documented. Though conceptually intriguing, the problem was that these alternative dispositions were not closely regulated, resulting in employees being handled as "first-time offenders" two and three times. Even when proper recordation did occur, handling one violation in each of the three categories as a first offense was contrary to the principle of progressive discipline. These three categories constitute neglect of duty and a third neglectful incident should not be treated as a first offense just because, for example, it was the first time an employee missed court when the employee had neglected his or her duty in other categories.

Administrative Order No. 5 was superceded by Special Order No. 1 of 1998 which requires formal documentation and adjudication of all complaints, including traffic collisions. Internal Affairs Group reports a 107% increase in the reporting of preventable traffic collisions for 1998 over 1997. Officer Steve Cooper, TCS, advised the subcommittee that all traffic collisions reported to TCS since Special Order No. 1 was issued have had a Complaint Form (CF) number assigned. It is Officer Cooper's responsibility is to ensure that this occurs. The subcommittee's review of TCS' records for 1999 verified that all reports had been assigned a CF number. However, some employees are circumventing this process by erroneously reporting their TC on a 15.7 Employee Report when the TC clearly should have been reported on a full traffic report. That concern is discussed fully later in this chapter under the section titled "Audit of MTD Repair Records." The subcommittee's review of TCS documents showed the following:

- Wilshire Area had the highest number of TCs, but they also had the most suspensions and have develop a special Fleet Safety Training Program in conjunction with Training Division.
- OCB entities issued comment cards at a much higher rate than other bureaus.
- Except for West Valley, OVB entities did not issue comment cards.

The following table depicts the dispositions for preventable TCs in 1998/1999. The number of actions taken by the C/O differs from the total TCs as all 1999 incidents have not been closed.

Traffic Collision Dispositions--1998 and 1999

Command	Comment Card	Admonishment	O. R.	Suspension	Notice to Correct	Total
Central	12	1	0	3	0	19
Newton	1	8	1	8	1	29
Rampart	6	16	3	11	0	46
Northeast	11	7	2	5	0	28
Hollenbeck	2	20	0	6	0	37
CTD	2	8	1	4	0	17
77th	4	14	3	10	0	40
Southeast	7	13	1	13	0	44
Southwest	1	17	1	12	0	43
Harbor	3	9	4	11	0	35
STD	0	1	0	3	0	16
Hollywood	6	31	0	6	0	54
Pacific	1	16	1	8	0	28
Wilshire	6	13	3	30	0	61
West LA	7	17	2	7	0	40
WTD	2	7	0	5	0	17
West Valley	8	16	1	10	2	37
Van Nuys	1	30	2	9	0	53
Foothill	0	29	1	10	0	49
Devonshire	0	20	1	8	0	33
N. Hollywood	0	21	2	2	0	28
VTD	0	14	0	7	0	25
Metro	4	8	0	5	0	28
Narcotics	4	21	2	14	0	49
DSD	4	8	2	3	0	23
BAD	3	1	0	1	0	13
Totals	**95**	**366**	**33**	**211**	**3**	**994**

Another modification occurred on July 14, 1997, when the Department's Traffic Manual was revised with respect to handling traffic collisions when City property is the only property damaged. Traffic Manual Section 3/205, "Property Damage Only (PDO)—City Property Involved(CPI)" now reads as follows:

"When an officer investigates a traffic collision where all parties and property are owned by the City of Los Angeles, the officer may complete a Traffic Collision Report, CHP 555 Form Set, with a sketch and statements. This shall be processed as an internal report only. The Traffic Collision Report title shall be crossed out and replaced with the tittle "PDO/CPI 15.7" with a miscellaneous DR number when **ALL** of the following apply:

1.   The collision involves minor property damage (small dents, scratches or paint transfer) only;

2.   All vehicles and property involved are owned by the City of Los Angeles;

3.   Approval has been obtained from a supervisor; and,

4.   Photographs of the collision have been taken.

NOTE: The PDO/CPI 15.7 classification **DOES NOT** eliminate the requirement for an LAPD officer to complete an Employee Statement on a CHP Form 556, or the requirement for a fleet safety review.

When a parked LAPD vehicle is involved, document the location of the vehicle prior to the collision on the diagram (legally parked at curb, in marked parking stall, in red zone, etc.).

Department Manual Section 4/440.25 also addresses this issue, but not as explicitly as the Traffic Manual. Specifically, the Department Manual section does not explain how the reports should be marked and the circumstances under which a report should marked "PDO/CPI–15.7." Because most employees look to the Department Manual for guidance, they may not fully understand the provisions of this system. This may also account for some of the errors identified in the subcommittee's audit of Motor Transport Division vehicle repair records discussed later in this chapter.

Traffic Coordination Section Tracking of TC Reports

Traffic Coordination Section (TCS) is responsible for maintaining the Department's files on employee-involved traffic collisions and pursuits. For years, TCS did not have a system to verify that it received these reports. In response to several requests from OHB, TCS has made a number of recommendations, each of which involved the development of elaborate computer systems and/or creation of additional forms for operational commands to fill out. Consequently, all of these recommendations were denied by OHB.

The bottom line is that TCS receives an incident history from Communications Division every time a unit goes in pursuit. Additionally, TCS has functional supervision over the four traffic divisions which are responsible for ensuring that a copy of all employee-involved TCs are forwarded to TCS. Rather than setting up new systems, TCS simply needs to make the existing systems work in a timely manner. The subcommittee noted that the Uniform Support Division Commanding Officer, Captain Scott Kroeber, has taken this very approach and now feels that the

problems have been resolved. The subcommittee's review of recent reports supports that conclusion.

Area Interviews

Most commanding officers used similar systems for addressing fleet safety issues, though there were slight variations. Two major variations involved the stage at which a Fleet Safety Review Board (Board) was convened and how the Board was utilized by individual commanding officers. Some commanding officers wait until they receive the forms from TCS to convene a Board while others convene the Board shortly after the TC occurs and hold the results until the command receives the formal paperwork from TCS. Similarly, some commanding officers see the Board as a valuable risk-management tool in that it reminds peer officers of the importance of defensive driving. Others see it as another obstacle to the proper adjudication of personnel issues.

Operations-Central Bureau

- Central Area – Captain Maislin advised that the investigating supervisor reviews Fleet Safety reports. A Fleet Safety Board is convened and they make a recommendation as to the disposition of the traffic collision. The Fleet Safety Review Board's recommendation is then submitted to the Watch Commander or Administrative Lieutenant, who makes suggestions regarding the final evaluation and submits the report to the Commanding Officer.

- Hollenbeck Area – Captain Pesqueira, advised that the investigating supervisor reviews the Fleet Safety report. A Fleet Safety Board is convened and makes a recommendation as to the disposition of the traffic collision. The Board's recommendation is then submitted to the Watch Commander or Administrative Lieutenant who make suggestions regarding the final evaluation. They then submit the report to the Area Commanding Officer. For Hollenbeck Operations Support Division personnel, the Detective Lieutenant Officer-in-Charge, following a Fleet Safety Board recommendation reviews the report. The Operations Support Division Commanding Officer makes the final disposition.

- Newton Area – Captain Maeweather advised that the investigating supervisor reviews Fleet Safety reports. A Fleet Safety Board is convened and the Board makes a recommendation as to the disposition of the traffic collision. The Fleet Safety Board's recommendation is then submitted to the Watch Commander or Administrative Lieutenant for review and suggestions regarding the final evaluation for submittal to the Area Commanding Officer.

- Northeast Area – Captain Jackson advised that the investigating supervisor reviews the Fleet Safety reports. A Fleet Safety Board is convened and makes a recommendation as to the disposition of the traffic collision. The Board's recommendation is submitted to the Watch Commander or Administrative Lieutenant who makes suggestions regarding the final evaluation and then submits the report to the Area Commanding Officer. The process for Operations Support Division is for the table Officer-in-Charge to review the report, submit it to the Detective Lieutenant who convenes the Fleet Safety Board, which is comprised of two

detectives. They then submit the report and recommendation to the Operations Support Division Commanding Officer for final review.

- Central Traffic Division – Captain Sweet advised that the investigating supervisor reviews Fleet Safety reports. A Fleet Safety Board is convened and they make a recommendation as to the disposition of the traffic collision. The Board's recommendation is then submitted to the Watch Commander or Administrative Lieutenant, who makes suggestions regarding the final evaluation for submittal to the Commanding Officer.

Operations-South Bureau

- Harbor Area – Captain Gascon advised that the when the traffic collision occurs, the report is routed through the Watch Commander to the Area Commanding Officer for review. When the Fleet Safety Report is received from Traffic Coordination Section, it goes to the Watch Commander to convene a Fleet Safety Review Board. Following the Watch Commander's review of the Fleet Safety Board's recommendation, the report is forwarded to the Administrative Lieutenant for review. It is then submitted to the Area Commanding Officer for final review. If the Area Commanding Officer sees any training issues, he forwards it to the Area Training Coordinator. If the classification is "preventable" it is processed with a Complaint Form 1.28 for investigation. Captain Gascon changes the final recommendation if he disagrees with the Fleet Safety Review Board.

- 77th Street Area – Captain Ward advised that generally Fleet Safety reports are assigned as projects to the Watch Commander, who causes a Fleet Safety Board to be convened. The Fleet Safety Board makes a written opinion and submits it to the Watch Commander, who then puts his insight into the report and submits it to the Area Commanding Officer. The Area Commanding Officer either agrees or disagrees with the findings and notifies the Watch Commander and/or Fleet Safety Board.

- Southeast Area – Captain Bonneau advised they assign the Fleet Safety reports to the Watch Commander to convene a Divisional Fleet Safety Board. The Fleet Safety Board's findings are forwarded to the Area Office where the Commanding Officer makes the final decision and advises the Board if there is a change in the status.

- Southwest Area – Captain Chambers advised that the Watch Commander conducts a Fleet Safety Board, makes a recommendation and forwards the report to the Administrative Lieutenant. It is then forwarded to the Area Commanding Officer for a final decision. If there are training issues, the Area Training Coordinator receives a copy of the report.

- South Traffic Division – Captain Garner advised that the supervisor completes the initial report. The Fleet Safety Report is forwarded to the Watch Commander, who convenes a Fleet Safety Review Board for their recommendation. It is then forwarded to the Commanding Officer for review and final determination. If appropriate, a penalty is attached by the Commanding Officer and it is forwarded to Operations-South Bureau.

Operations-Valley Bureau

All Operations-Valley Bureau commanding officers reported the same review process for fleet safety reports. All stated that the Traffic Coordination Section Fleet Safety reports have extreme delays in coming back to the Areas. This delay caused some commanding officers to convene the peer Fleet Safety Board prior to receiving the Traffic Coordination Section report.

- Devonshire Area – Captain Curreri advised that a field supervisor responds to the scene and ensures that a traffic unit responds and a traffic collision report is completed. Upon receipt of the Traffic Coordination Section report, the adjutant assigns a project number to the report and it is assigned to a supervisor who convenes a peer Fleet Safety Board. The Board makes a recommendation and returns the report to the Area Commanding Officer for review and final disposition. If the traffic collision is deemed preventable, a Complaint Form 1.28 is initiated. Any training issues are forwarded to the Area Training Coordinator for appropriate action, personalized training, roll call training, assigned for training at Emergency Vehicle Operation Course or training day issues.

- Foothill Area – Captain Seban advised that a field supervisor responds to the scene and ensures that a traffic unit responds and completes a traffic collision report and a Valley Traffic Division supervisor approves it. After the Traffic Coordination Section report is received by the Area, he reviews it and makes a final disposition. If the traffic collision is deemed preventable, a Complaint Form 1.28 is initiated. Captain Seban does not use a peer Fleet Safety Review Board due to his past experience. He said that the majority of the time Boards rule the traffic collision non-preventable when the facts did not support the finding.

- North Hollywood Area – Captain Crosley advised that a field supervisor responds to the scene and ensures that a traffic unit responds and competes a traffic collision. The Traffic Coordination Section reports are often delayed so he assigns a project to the Administrative Lieutenant to convene a peer Fleet Safety Review Board. Following their recommendation, the report is forwarded to the Area Commanding Officer for review and final disposition. Once the Traffic Coordination Section report arrives in the Area, all reports are attached, a project number is initiated for tracking purposes, and a copy of any discipline is attached (face sheet of a Complaint Form 1.28.) If the traffic collision is deemed preventable, the Complaint Form 1.28 is initiated via a second project. Any training issues are forwarded to the Area Training Coordinator for appropriate action (personalized training, roll-call training, attendance at EVOC, or training day issues.) Due to the fact that it is so difficult to assign personnel to the Emergency Vehicle Operations Course, he often assigns a sergeant to work with the involved officer one-on-one. Crosley also noted that he overturns a majority of the peer Fleet Safety Board recommendations because the board often looks at the "fault" of the collision rather than if it could have been prevented.

- Van Nuys Area – Captain McNamara advised that a field supervisor responds to the scene and ensures that a traffic unit responds and completes a traffic collision report. The report is approved by a Valley Traffic Division supervisor. When the Traffic Coordination Section report is received by the Area, he assigns a project to the Administrative Lieutenant who convenes a peer Fleet Safety Review Board for recommendations. All the reports are

forwarded to the Area Commanding Officer for review and he makes the final disposition. If the traffic collision is deemed preventable, a Complaint Form 1.28 is initiated.

- West Valley Area – Captain Carter advised that a field supervisor responds to the scene and ensures that a traffic unit responds and a traffic collision report is completed and approved by a Valley Traffic Division supervisor. Upon receipt of Traffic Coordination Section reports, he assigns a project to the Administrative Lieutenant who convenes a peer Fleet Safety Review Board for recommendations. All reports are then forwarded to the Area Commanding Officer for review and he makes a final disposition. If the traffic collision is deemed preventable, a Complaint Form 1.28 is initiated.

- Valley Traffic Division – Captain Meyer stated a divisional supervisor responds to the scene and a traffic unit completes the traffic collision report. A traffic supervisor reviews and approves all reports. He receives a copy of the traffic collision report on the next business day and assigns a supervisor to convene a peer Fleet Safety Review Board. The Board makes a recommendation and forwards the report to him for a final decision as to the disposition. When the Fleet Safety reports return to the division from Traffic Coordination Section, the peer Fleet Safety Board recommendation is attached. If the traffic collision is deemed preventable, a Complaint Form 1.28 is initiated. Captain Meyer does not wait for the Traffic Coordination Section report to return to the division to convene the board due to the long delay in receiving the reports.

Operations-West Bureau

- Hollywood Area – Captain Downing advised that a project is initiated and forwarded to the Watch Commander of the involved employee and the Watch Commander convenes a Fleet Safety Board. The Fleet Safety Board makes a recommendation and returns the report to the Watch Commander, who then adds his insight and forwards the report to the Administrative Lieutenant for review via the Area Adjutant. If the Commanding Officer agrees with the finding and the traffic collision is deemed preventable, a penalty is recommended. The process for Operations Support Division entities, such as CRASH, Special Problems and Vice Units is similar, except that the Operations Support Division Commanding Officer reviews the incidents following the Fleet Safety Review Board. After the Operations Support Division review, the report is forwarded to the Area Commanding Officer for review.

- Pacific Area – Captain Williams advised that a Fleet Safety Board is convened, comprised of one supervisor and two peers, to review the circumstances of the traffic collision and to make a recommendation as to findings. The recommendation and report is then sent to the Watch Commander who either agrees or disagrees and forwards the documents to the Administrative Lieutenant for insight. The report is then forwarded to the Area Commanding Officer for final review and conclusion. If the traffic collision is deemed preventable, a personnel complaint investigation is initiated. The process for Operations Support Division personnel is similar except that the Operations Support Division Commanding Officer reviews the Fleet Safety Board's recommendation and either agrees or disagrees and forwards the report to the Area Commanding Officer for review.

- West Los Angeles – Captain Hillmann advised that the reports from Traffic Coordination Section go to the Watch Commander who assembles a Fleet Safety Review Board to review the circumstances and render a finding as to preventable or non-preventable. The Board's recommendation is then forwarded to the Area Commanding Officer for review and final determination. The process for specialized units, such as CRASH, Special Problems and Vice Units are similar except that the Operations Support Division Commanding Officer reviews the Fleet Safety Board findings and then forwards the report to the Area Commanding Officer for review.

- Wilshire Area – Captain Powers, advised that the reports from Traffic Coordination Section are sent to the Watch Commander who assembles a Fleet Safety Board, comprised of two peers and one person of the next higher rank. The Board reviews the circumstances and renders a finding of preventable or non-preventable. The Board's recommendation is then returned to the Administrative Unit who forwards the report to the Area Commanding Officer. The Area Commanding Officer reviews all the reports and recommendations and makes a final determination. If the recommendation is preventable, a personnel complaint investigation is initiated. The process for specialized entities such as CRASH, Special Problems and Vice Units are similar except that the detective lieutenant reviews the reports following the Fleet Safety Review Board. The report is then forwarded to the Operations Support Division Commanding Officer who makes the determination and forwards the report to the Area Commanding Officer for his review.

- West Traffic Division – Captain Kim advised that a supervisor is called to the scene and investigates the traffic collision. The supervisor approves the report and it is reviewed by the Commanding Officer. A Fleet Safety Board is convened, comprised of one supervisor and two peers. The reports are reviewed by the Fleet Safety Review Board and a recommendation is made as to preventable or non-preventable. The report is then forwarded to the Commanding Officer who makes a determination and then forwards it to Operations-West Bureau for a final determination.

Operations-Headquarters Bureau

- Burglary-Auto Theft Division – Captain Sanchez stated that a supervisor responds to the scene and a traffic unit completes the traffic collision report. A traffic supervisor reviews and approves all reports. When the reports return to the division from Traffic Coordination Section, a project is generated and a peer Fleet Safety Board is convened and a recommendation made as to preventable or non-preventable. The report then goes back to him for a final disposition. If the traffic collision is deemed preventable, a Complaint Form 1.28 is initiated.

- Financial Crimes Division – Captain Floyd stated that a supervisor responds to the scene and a traffic unit completes a traffic collision report. A traffic supervisor reviews and approves all reports. When the reports are returned to the division from Traffic Coordination Section, a project is generated and a peer Fleet Safety Board is convened and makes a recommendation. Then report then goes to him and he makes a final disposition. If the traffic collision is deemed preventable, a Complaint Form 1.28 is initiated.

- Metropolitan Division – Captain Coombs stated a sergeant or supervisor responds to the scene and a traffic unit completes a traffic collision report. A traffic supervisor reviews and approves all reports. When the report is returned to the division from Traffic Coordination Section, a project is generated and a peer Fleet Safety Board is convened and a recommendation made. The report then goes to him and he reviews it and makes a final disposition. If the traffic collision is deemed preventable, a Complaint Form 1.28 is initiated.

- Robbery-Homicide Division – Captain Tatreau stated that a supervisor responds to the scene and a traffic unit completes a traffic collision report. A traffic supervisor reviews and approves all reports. When the report is returned to the division from Traffic Coordination Section, a project is generated and a peer Fleet Safety Board is convened. Following the Fleet Safety Board's recommendation, the report goes to him and he makes the final disposition. If the traffic collision is deemed preventable, a Complaint Form 1.28 is initiated.

Bureau Review Process

The staff officers were highly consistent in the factors they used for the review of preventable traffic collisions such as vehicle damage, injuries and driving history. Additionally, all of the staff officers drew a distinction between "overdriving" and "inattention." Moreover, most of the staff officers also included other neglect-of-duty occurrences, such as failing to appear in court or failing to care for an arrestee's property, in assessing an employees' overall pattern of conduct.

The primary difference between the review of UOF Reports or Pursuit Reports as compared to Fleet Safety Reports is the use of a "military endorsement." On occasion, if a staff officer disagreed with a subordinate C/O concerning the classification of a traffic collision (preventable versus non-preventable) or disagreed with the recommended penalty, the staff officer might use a military endorsement. No staff officers reported using this technique when they disagreed with the classification of a Pursuit Report or UOF Report.

Audit of Reports Maintained by Operational Commands

The subcommittee's review of Fleet Safety documents revealed a varied filing system throughout the Department. Numerous issues of concern were noted.

Operations-Central Bureau

Central Area and Central Traffic Division filed their Fleet Safety reports by deployment period. Newton Area's were filed by month, Northeast Area's were filed by project numbers, and Hollenbeck Area's were filed by processing date. During the review of Fleet Safety Reports, the following discrepancies were noted:

- Northeast Area – One report indicated that the involved officer had two prior preventable traffic collisions and the current T/C, his 3rd, was also preventable. The disposition indicated that a comment sheet was prepared as the result of the third preventable collision (1998).

- Another Northeast Area Fleet Safety Review form had no report attached to it (1998).

- Central Traffic Division – The Fleet Safety Review Board form was missing from one report (1998).

Operations-South Bureau

Southeast and 77th Street Areas' Fleet Safety Reports were handled and filed as projects. The 1998 Fleet Safety Reports for 77th Street Area were temporarily filed in boxes. Harbor and Southwest Areas' Fleet Safety Reports were filed by month. South Traffic Division's Fleet Safety Reports were filed by year. The following reports contained items of concern:

- Harbor Area – the Fleet Safety Board recommended that a Complaint Form 1.28 be completed. The investigation was completed and the officer received a one-day suspension, but the investigation was not assigned a Complaint Form number (1998).

- Harbor Area – In another incident, the Watch Commander initiated a Complaint Form 1.28, it too did not have a Complaint File number assigned (1998).

Operations-Valley Bureau

In Devonshire and Foothill Areas as well as Valley Traffic Division, Fleet Safety reports were filed by year. In Van Nuys, North Hollywood and West Valley Areas, they are filed by project number.

- In Foothill Area, none of the reports was adjudicated using a Fleet Safety Review Board.

- Three Devonshire Area reports were missing a Fleet Safety Review report (all 1998).

- A West Valley TC had only the Fleet Safety Review Report in file with no other documents attached (1999).

- Three North Hollywood Area TCs were missing Fleet Safety Review Forms (two 1998 and one in 1999).

- A North Hollywood Area TC contained only a Complaint Form face sheet (Form 1.28), but no other reports were attached (1998).

- A Van Nuys Area TC showed no recordation that a Fleet Safety Review Board was convened nor did it show any adjudication or disposition for the incident (1999).

- Six Van Nuys Area Fleet Safety Review Boards were constituted without two employees of equal rank and one employee a rank above that of the involved employee (four in 1998 and two in 1999).

- Another Van Nuys TC had an improper composition of the review board and no documentation that the EVOC training, mandated as a disposition for the T,C was ever provided (1998).

- Two Van Nuys TCs involved rather low penalties. In one case, an officer was given a one-day suspension though he had five preventable TCs and this TC resulted in an injured bicyclist (1998). The other involved a sergeant given a divisional admonishment despite two prior preventable TCs (1999).

Operations-West Bureau

The Fleet Safety files, with the exception of West Los Angeles Area, were maintained in monthly files. West Los Angeles Area maintained their files alphabetically. The researchers found the following discrepancies:

- Hollywood Area – The Fleet Safety Board initially classified the report as non-preventable, but no rational was given and no supporting documentation was attached to the final Fleet Safety Report (1999).

- Pacific Area – Two Fleet Safety Reports were deemed to be non-preventable by Fleet Safety Boards which had no member of a higher rank than the involved officer (1997 and 1998).

- Pacific Area – Two non-preventable TCs had unexplained conflicts between the Fleet Safety Review Board and the Watch Commander or Commanding Officer's recommendations (1998 and 1999).

- Pacific Area – A preventable TC had no documentation that a Fleet Safety Review Board had been convened (1999).

- Pacific Area – A preventable TC involving a captain (his fourth) had a Fleet Safety Review Board consisting of a lieutenant II resulting in an admonishment (1998).

- Pacific Area – A preventable TC had no indication of Watch Commander or Administrative Lieutenant review, but had an intradepartmental correspondence to Training Division requesting Emergency Vehicle Operations training with no recordation that the training was completed (1997).

- West Los Angeles Area – A preventable TC was classified as non-preventable by the Board, but returned to the Watch Commander for reconsideration by the Commanding Officer who disagreed with that classification. There was no information in the file regarding the Watch Commander's response (1997).

- West Los Angeles Area – Three Fleet Safety Boards were convened with improper membership in that all board members were of equal rank or only one paygrade higher than the involved officer (1997, 1998, and 1999).

- West Los Angeles Area – One report still had a confidential TEAMS document attached to it (1998).

- Wilshire Area – Two Fleet Safety reports had no attached documentation (1998 and 1999).

- West Traffic Division – Two Fleet Safety Boards were convened without proper membership (1997 and 1998).

Operations-Headquarters Bureau

Operations-Headquarters Bureau had a very small number of Fleet Safety reports due to the nature of the assignments. Metropolitan Division had more than any other Headquarters Bureau entity; however, that number was also small (23 reports). The Fleet Safety reports for the period examined showed no significant inconsistencies with the stated management review process. All preventable traffic collisions generated a Complaint Form 1.28 investigation. Only one Metropolitan Division report from 1997 was missing the adjudication of the preventable TC.

Audit of Reports Maintained by Traffic Coordination Section

As part of the subcommittee's review, Traffic Coordination Section conducted an audit of employee-involved traffic collisions involving serious or fatal injuries from July 1, 1994, through June 30, 1999. (Due to the time limitations and the volume of reports, no reports other than those involving serious or fatal injuries were audited in this segment of the subcommittee's review.) Specifically, Traffic Coordination Section reviewed each of these reports to determine if the classification was appropriate and if the collision was classified as preventable, whether the principle of progressive discipline had been applied appropriately. That resulted in a review of 80 reports over the five-year period, 10 of which were still being adjudicated.

Of the 70 cases fully adjudicated, four did not appear to have had the principle of progressive discipline applied correctly. The penalties assessed appeared to be relatively low for the circumstances of the current collision and driving record of the employee. Following is a summary of those cases:

1. In 1994, a motor officer assigned to West Traffic Division was involved in a traffic collision while enroute home from work. The officer was southbound in the number one lane. Another vehicle negotiated a lane change from the number two lane, colliding with the officer. As a result, the police motorcycle collided with the center divider and the officer was ejected. The officer continued southbound and collided with a pole in the center divider. The commanding officer stated that the lane change caused the collision, but cited the speed of the officer as a contributing issue.

   In the corrective action, the commanding officer noted this was the officer's 15th collision in 18 years, and this collision was the seventh in a line of preventable traffic collisions. Speed was identified as a factor because the officer was off-duty and did not need to exceed the posted speed limit. The officer was given a three-day suspension. Traffic Coordination Section opined that three days was not progressive discipline based on the collision history of

this officer. In 1993, 17 months earlier, the officer was given five suspension days following a collision where the officer was inappropriately utilizing the bike lane. In an attempt to avoid another turning vehicle, the officer overturned in the roadway. Traffic Coordination Section, at the time of this disposition, did not evaluate the penalty progression. In fact, Traffic Coordination Section usually would not take action on a penalty after it has been reviewed by Internal Affairs Group, as it was in this case.

2. In 1998, a motor officer assigned Valley Traffic Division was involved in a traffic collision while attempting to catch a speeding violator. The motor officer was splitting traffic and chose to utilize the two left turn lanes to over-take the violator. After entering the left turn lane to pass, the motorcycle collided with another vehicle using the two-way left turn lane to negotiate a left turn. The motorcycle overturned, depositing the officer onto the roadway.

    In the corrective action, the commanding officer noted that the officer had three prior preventable traffic collisions, but that the last previous one was eight years ago. Based on the time since the last incident, a two-day suspension was requested. Traffic Coordination Section opined that a two-day suspension, while progressive, in relation to the prior suspension, did not send the the appropriate "safety first" message necessary for this officer based on his driving history over a ten-year time period. This officer's three prior preventables, all appeared to have been caused by inattention and over-driving.

3. In 1995, a motor officer assigned to Valley Traffic Division was involved in a traffic collision while responding to another motor officer who was following a stolen vehicle. The officer was northbound in the number one lane and collided with the left side of another vehicle, which was in the northbound number one lane moving into the two-way left turn lane. The other vehicle was slowing preparing to negotiate a U-turn. The motor officer took evasive action by steering into the two-way left turn lane to avoid a traffic collision. After the impact, the motorcycle overturned in the roadway.

    The commanding officer found the collision preventable based on over-driving. In the corrective action, the commanding officer stated that this was the officer's second traffic collision in 22 months. The commanding officer addressed the officer's injuries and the fact that the officer had an outstanding attitude in returning to work as quickly as possible. The commanding officer recommended an admonishment. Traffic Coordination Section opined that the officer's attitude about returning to work should not be an issue when adjudicating collisions. The driving that produced the collision in the first place is what needs to be addressed. This was the second preventable traffic collision in 22 months of driving involving two unrelated types of collisions. This collision was the first while driving a motorcycle and it is clear from the officer's statement, that he was paralleling a following of a stolen vehicle by a fellow motor officer. It appeared that the officer had his emergency equipment on at the time of the collision. The speed of the motorcycle and the operation of his emergency equipment should have produced a suspended day, rather than a paper penalty. Traffic Coordination Section took no additional action.

4. In 1997, a uniformed officer assigned Hollywood Area was involved in a traffic collision while on routine patrol. The officer was driving a Black and White northbound and collided

with a trash can. The commanding officer cited that the officer could have avoided this collision entirely had he waited for the opposing vehicle to pass rather than hope that there was enough room for both vehicles and the trash can. The damage to the police vehicle was minor, so an admonishment was given. Traffic Coordination Section opined that while progressive discipline was used in this case, the officer's first penalty for a collision two years earlier resulted in a comment card entry but should have been an admonishment. The officer's other collision five years before was determined to be non-preventable, but TCS believes it should have been classified preventable. Either way, this officer has had, including this collision, three traffic collisions wherein he collided with non-moving objects. Traffic Coordination Section missed the first disposition outcome during the review process, and the second one seemed appropriate for that time. This disposition would also have seemed correct had it not been for the second look by the Board of Inquiry.

In three of the 70 cases, the incidents were classified as non-preventable when the circumstances seem to support a finding of preventable.

1. In 1996, an officer assigned to Newton Area was involved in a traffic collision while attempting to catch up to a suspected taxi cab robbery in progress. The officer, traveling southbound using his emergency equipment, crossed into the northbound lane of traffic to go around a stopped vehicle. As the Black and White reached the intersection, a vehicle negotiating a left turn collided with the right front. The officer was unable to maintain control of his vehicle and continued in a southeast direction, jumped the southeast curb and pinned a pedestrian against the wall.

   The commanding officer found this collision non-preventable. The commanding officer stated that the cause of the collision was the vehicle which turned left at the intersection and did not yield right of way to an emergency vehicle. Traffic Coordination Section opined that this collision was preventable. Just because the officer is driving an emergency vehicle and operating it "Code Three" does not give the officer an exemption to drive without due regard for public safety. The officer needed to assume that other vehicles may not have seen or heard the police vehicle emergency equipment. This is especially true during daylight hours. Because of the traffic collision, the possible robbery suspect was never captured and the public at large was placed at risk, nearly resulting in the death of a pedestrian.

   This collision passed through the system undetected until the City Attorney, preparing the case for trial, brought it to TCS's attention. According to Lieutenant Gary Stromlund, OIC, TCS, personnel shortages at that time (1996) created a backlog of reports hindering a proper review of fleet safety reports. As of October 1998, the backlog was cleaned up and reports from that point forward have been reviewed for appropriate classifications.

2. In 1997, an officer assigned to Wilshire Area was involved in a traffic collision while on routine patrol. The officer was negotiating a left turn from northbound to westbound when another vehicle traveling in the westbound number one lane collided with the rear of the black and white vehicle. The intersection was controlled by tri-light signals. The commanding officer stated that the evidence overwhelmingly supported a non-preventable classification because witnesses stated that the other vehicle ran the red light. Traffic

Coordination Section opined that the collision was preventable because in their review, they found that the witnesses stated that they heard screeching tires and a crash. When they looked outside, the collision had occurred and the light for east/west traffic was red. There was no proof of which vehicle had the green light. If the officer saw the other vehicle approaching the intersection as he says, at the speed he says, and then entered the intersection, preventable was the only conclusion possible.

3. In 1995, a uniformed officer assigned to Wilshire Area CRASH was involved in a traffic collision while responding to an "Officer Needs Help" radio call. The officer was driving an unmarked police vehicle northbound in the number one lane, when another vehicle negotiating a lane change from the number two lane, slowed and made a left turn westbound toward a private driveway. The commanding officer found this collision to be non-preventable and stated that the officer was traveling the speed limit when the other vehicle began the lane change. Traffic Coordination Section opined that in this case the officer avoided the first collision by moving to the wrong side of the roadway, which was into the path of the vehicle the officer wanted to avoid. Traffic Coordination Section took no additional action on this collision. It is the opinion of Traffic Coordination Section that this traffic collision could be classified either preventable or non-preventable.

In its review of TCS files, it came to the BOI's attention that some TCs involving staff and command officers may have been inappropriately classified as non-preventable when they were, in fact preventable. At the direction of the Chief of Police, the Chief of Staff (COS) conducted an investigation into the matter to determine if there were inappropriate classifications. That included interviews of TCS personnel.

The COS reviewed 19 Fleet Safety Reports involving staff and command officers. Of the 19 reports, four were classified as non-preventable when they should have been classified as preventable. Those incidents were:

1. In 1998, a staff officer was traveling on the freeway when traffic in front of him stopped suddenly causing him to rear-end the vehicle in front of him. The bureau C/O classified the TC as non-preventable without ample justification for that classification.

2. In 1998, a lieutenant assigned to a bureau was washing his vehicle and collided with the wash rack. The assistant bureau C/O classified it as non-preventable.

3. In 1994, a command officer rear-ended a vehicle that had crossed over the double yellow line to pass him and then suddenly cut back over the double yellow line breaking sharply in front of him. The assistant bureau C/O classified the TC as non-preventable without sufficient justification.

4. In 1995, a staff officer was involved in a TC that requires further investigation to determine if the classification was appropriate.

Three of the 19 reports have not been adjudicated, one from 1996, another from 1997 and a third from May 1999. All three appear to have been preventable TCs, two collisions with a fixed

object and one rear-ending another vehicle in traffic. An investigation will be conducted to determine the reason those reports were not adjudicated in a timely manner.

Audit of Motor Transportation Division Vehicle Repair Records

The review of operational commands and TCS' records allowed the subcommittee to evaluate the manner in which incidents were processed provided they were properly reported as a traffic collision. However, the problem with any system is the ways in which incidents can bypass the normal system, thereby inhibiting proper management oversight. In order to ensure that incidents were being properly reported and reviewed, the subcommittee went to Motor Transport Division (MTD) and reviewed their auto body repair records for 1998 and 1999.   In particular, the subcommittee reviewed those vehicle repair records where the incident was reported solely on the basis of an Employee's Report, 15.7. As mentioned earlier in this chapter, this type of reporting is appropriate only under certain circumstances which involve very minor damage such as minor "dings" which occur in a parking lot. As these reports are seldom routed through TCS, they are particularly susceptible to bypassing the Department's Fleet Safety review process.

Motor Transport Division provided the subcommittee with 40 documents from 1998 where auto-body work was requested on the basis of an Employee Report (Form 15.7), and 18 such documents from 1999. Of those 48 reports, nearly half (22) were generated by four commands: Van Nuys Area (10), Metropolitan Division (4), Rampart Area (4) and VTD (4). The other half were spread out among the various entities.

Subcommittee Member Captain Greg Meyer, Commanding Officer, VTD, and the former Assistant OIC of TCS, reviewed the 48 reports to determine if they were the appropriate reporting method for the described incident. Nearly half of those incidents were erroneously reported on a 15.7 and one-fifth did not provide enough information to make a determination as to proper reporting. In reviewing the 1998 reports, ten were accurately reported and 10 more were proper but right on the edge. However, 13 should have been reported as a TC and seven contained insufficient information to make a determination. In reviewing the 1999 reports, eight were accurately reported, and three more were proper, but right on the edge. However, five should have been reported as TCs and two contained insufficient information to make a determination.

Those incidents that should have been reported as traffic collisions are:

1. September 17, 1998, Van Nuys Area, Shop 82821 (PDO/CPI-15.7)
2. March 11, 1998, Van Nuys Area, Shop 82020 (PDO/CPI-15.7)
3. September 30, 1998, Rampart Area, Shop 82020 (PDO/CPI-15.7)
4. June 10, 1998, Wilshire Area, Shop 89863 (PDO/CPI-15.7)
5. February 7, 1998, Shop 82996 (PDO/CPI-15.7)
6. January 12, 1998, Metropolitan Division, Shop 82781 (PDO/CPI-15.7)
7. October 14, 1998, Valley Bureau Narcotics, Shop 81345 (full TC report)
8. March 23, 1998, Metropolitan Division, Shop 82202 (full TC report)
9. October 29, 1998, SID, Shop #80707 (full TC report)
10. June 11, 1997, Van Nuys Area, Shop 80976 (full TC report)

11. October 23, 1998, Metropolitan Division, Shop 82763 (full TC report)
12. October 25, 1998, Rampart Area, Shop 84047 (full TC report). The officer was in San Diego when this incident occurred. He completed the 15.7 on his return, addressed it directly to MTD and did not obtain supervisory approval.
13. February 7, 1998, Rampart Area, Shop 81203 (full TC report). This report also had no supervisory review and reported that the officer lost control of his vehicle at the intersection of Vermont Avenue and Beverly Boulevard while responding to a back-up call during rainy conditions.

   Note: The last two incidents (#12 and #13) involve the same supervisor which clearly needs to be looked into further.

14. August 23, 1999, Training Division, Shop 81304 (PDO/CPI-15.7)
15. October 8, 1999, RHD, Shop 83367 (PDO/CPI-15.7)
16. October 21, 1999, Northeast Area, Shop 83019 (PDO/CPI-15.7)
17. October 25, 1999, BAD, Shop 84125 (PDO/CPI-15.7)
18. November 16, 1999, Public Affairs Unit, Shop No. 84486 (PDO/CPI-15.7)

Those reports with insufficient information to make a determination were:

1. December 17, 1997, DHD, Shop 80067
2. December 17, 1998, VTD, Shop 00772
3. October 19, 1998, Foothill Area, Shop 81743
4. December 17, 1998, North Hollywood Area, Shop 81475
5. October 8, 1998, Rampart Area, Shop 83555
6. October 1, 1998, Van Nuys Area, Shop 83555
7. July 25, 1998, Van Nuys Area, Shop 81051
8. January 18, 1999, VTD, Shop 83608
9. October 13, 1999, Hollywood Area, Shop 83672

Based upon this audit, MTD is no longer accepting repair orders based upon damage reported on a 15.7 unless it is accompanied by a 15.2 signed by the bureau commanding officer, a copy of which will be forwarded to TCS via Uniformed Support Division.

Training Referrals

Training Division provided remedial training to officers upon request from their commanding officers. During 1999, a total of eleven employees have been scheduled for remedial training. Of that number, eight have completed training and three officers are in the process of completing the training. Additionally, in 1998, Training Division EVOC personnel collaborated with Wilshire Area to develop a fleet safety training program to address Wilshire Area's high number of preventable traffic collisions.

Review of Outside Agency Fleet Safety Programs

A comparison of the Fleet Safety processes of the Boston, Chicago and San Diego Police Departments and the California Highway Patrol was conducted to determine similarities and differences among those agencies.

The comparison revealed that all the agencies have provisions for improving fleet safety, providing continuing education in defensive driving and emergency vehicle operations, and taking disciplinary actions in the event of driver misconduct. While each agency provides levels of review to determine if a collision is preventable or non-preventable and has provisions for punishment and remedial training, Chicago Police Department mandates remedial training after an officer becomes involved in a preventable collision. Chicago Police Department requires yearly driver training and re-certification and has a thorough and systematic method of investigating and adjudicating traffic collisions.

The San Diego Police Department assigns a Traffic Area Lieutenant to oversee the review of each accident to determine whether it is preventable, non-preventable, or not a vehicle accident, and, if deemed preventable, in what category the accident will be placed. If preventable, all reports will be forwarded to the concerned officer's commanding officer. The concerned officer then has an opportunity to appeal the classification of the preventable collision by filing an appeal with the Traffic Executive Lieutenant. If the Lieutenant's position remains unchanged, the concerned officer can appeal to an Accident Appeals Board. If no rebuttal, the commanding officer will take appropriate disciplinary action.

The California Highway Patrol requires that the concerned area commander's recommendation include a statement as to whether there is concurrence with the investigating officer's investigation and a determination as to whether the actions of the involved officer were negligent or censurable. When a traffic collision is deemed preventable, the area commander is responsible for determining punishment. There is not an established bail schedule and each collision is reviewed individually. The "general rule" is that for the first preventable collision, a "Collision Incident Report" is prepared and placed in the concerned officer's personnel file. This is not considered a disciplinary report associated with suspension days. In the majority of the cases, officers are directed to Area Occupational Safety Meetings.

Subcommittee Conclusions and Management Insight

The subcommittee's review of our Fleet Safety program revealed a number of critical issues. While most commanding officers understood the review process and the necessity to direct formation of a Fleet Safety Board, the application was inconsistent. Many commanding officers do not use a Fleet Safety Review Board citing low confidence in their decisions as the primary reason. However, those commanding officers fail to realize the training benefits inherent in conducting peer review of these matters. The subcommittee's research also revealed that there was no consistency on Board composition. In some cases, the Board consisted exclusively of the involved officer's peers with no supervisor as chairperson.

Collisions involving staff or command officers must be reviewed more carefully to ensure proper classification of those incidents. If a Fleet Safety Review Board is valuable because it causes an officer's peers to re-consider their defensive driving habits, then there is no good reason for not convening one regardless of the involved officer's rank. The present procedure of exempting captains and above from having their TCs submitted to a peer review board only furthers the perception of a dual standard.

Another critical issue is the clear abuse of reporting traffic collisions on an Employee's Report rather than on a full traffic report. By improperly reporting a collision this way, the appropriate level of review is often bypassed. Therefore, progressive measures could not be taken to adequately address training needs and/or discipline. It appears that MTD's new policy of not accepting a vehicle for body work without a 15.2 signed by the bureau commanding officer will put a stop to this.

RAMPART AREA MANAGEMENT REVIEW SYSTEM

The subcommittee examined Rampart Area's processes for the review of non-disciplinary administrative investigations. This review mirrored the other work of the subcommittee, except that this component only addressed from 1997 to present.

The Rampart Area review was conducted by Lieutenant James Craig and Sergeant Ruben De LaTorre. The research included interviews of the command staff and selected staff support personnel assigned to Rampart Area during this time period. Additionally, the researchers were tasked with the responsibility of reviewing completed non-disciplinary investigations and conducting an analysis of the control mechanisms that were in Rampart Area.

Methodology

The researchers conducted in-person interviews of the following Rampart Area command staff:

Commander John M. Leap, Area C/O, March 1998 through July 1998
Captain Robert Hansohn, Area C/O, July 1998 to present
Captain Michel Moore, OSD C/O, September 1998 to May 1999
Captain Walt Schick, OSD C/O, June 1999 to August 1999
Captain Kevin McCarthy, OSD C/O, August 1999 to present
Lieutenant Raul Vega, OIC Detective Section, September to December 1998
Lieutenant James Cole, OIC, Detective Section, April 1999 to present
Sergeant Joe Talavera, ATC, October 1998 to present

A random sampling of completed non-disciplinary investigations were reviewed, but not removed from Rampart Area due to the work being completed by other Department entities. If a copy of a report was needed, it was obtained from Training Division for UOF reports and pursuit or fleet safety reports were obtained from TCS. The focus of this document review was to test the administrative review processes in Rampart Area. Documented incidents requiring counseling, training and/or discipline were reviewed to examine how "risk management" issues

were addressed. A comparison was made between the interviewees' responses, the related documents and established Department policies and procedures.

Use of Force

All of the command staff interviewed articulated a clearly defined review process for UOF reports. In terms of those entities such as CRASH, Vice and SPU, the initial command review was done by the C/O of OSD. The Area C/O was the final review authority at the divisional level. Both articulated a clear understanding of the UOF policy and what issues they looked for when evaluating UOF incidents. Tactics leading up to the UOF generally was a key indicator of whether the officers' initial contact with the suspect was proper. Additionally, when UOF incidents were deemed to be out-of-policy or when training issues arose, there was no hesitation to utilize progressive discipline.

The ATC, Sergeant Joe Talavera, reviewed all UOF reports to identify trends for the purpose of risk management. Under Captain Hansohn's command, the ATC Sergeant Talavera was also designated as the Area Risk Management Coordinator. Sergeant Talavera soon recognized that UOF reports were not standardized and critical UOF issues were not being addressed. Talavera created the Rampart Area *Supervisor's Use of Force Reporting Guide*, which was later adopted bureau-wide. The Guide addresses the Department's policy and procedure on UOF reporting and provides a structured format to for UOF investigations.

The UOF reports for the period examined showed no significant issues with reporting or the management review process. In each instance where training was directed, the Area C/O ensured that requisite training was provided along with the appropriate documentation. In several UOF incidents, officers who failed to request back-up or consider alternate UOF options received counseling and comment card entries.

Pursuits

The command staff indicated that the same review process for UOF reports was used for Pursuit Reports. The Department's Pursuit Policy was well understood and risk management concerns were clearly recognized. In their review of the reports, C/Os were most concerned with the reasonableness of the pursuit, considering such factors as speed, duration, time of day and most importantly, the risk to public safety. There were no pursuits during this period which were out of policy. It appeared that the Department's Pursuit Policy was well understood by all personnel, and when a decision was made to initiate a pursuit it was both reasonable and necessary. Proper pursuit management by supervisors was apparent in both their response to pursuit incidents and the completion of the Pursuit Report. While all pursuits examined had been classified as in-policy, a thorough management review did occasionally uncover training issues. When those issues were revealed, command staff would ensure supervision provided training through documented counseling. To further support and enhance training, pursuits were discussed during roll-call sessions.

Adherence to the Department's guidelines in completion of the Pursuit Report was consistent. However, to ensure strict adherence to the established guidelines, Sergeant Talavera also

developed a guide for *Pursuit Reporting*.   The guide is comprehensive and consistent with Department policy and reporting procedures. The guide addresses those issues necessary for proper supervisory investigation of a pursuit.

Some of the issues identified during the evaluation of pursuits included the following:

- In 1999, officers properly initiated a pursuit of attempt murder suspects who were armed and dangerous. The C/O recognized that the primary unit made a sound decision to request two additional units based on the gravity of the offense, the suspects being armed and a strong likelihood that the incident could escalate. This decision was critical to the successful apprehension of the suspects. Additionally, in the midst of this critical situation, the primary unit maintained the presence of mind to request medical aid for a shooting victim.

- A 1998 pursuit was classified as "in-policy," but the supervisory and management review section identified some tactical concerns. The C/O supported this classification and training issue. The specific issue identified was in the area of "pursuit communications" which resulted in the issuance of a Notice to Correct Deficiencies to both officers and a recommendation for remedial training by the EVOC Unit.

- A 1997 pursuit was classified "in-policy" by the C/O. The bureau agreed with the classification, but identified some tactical concerns that had not been addressed at the Area review level. Specifically, the pursuing officer struck the suspect's vehicle window with his gun during the apprehension. The bureau directed that this issue be addressed in the report, along with the appropriate documented training.

- A 1998 pursuit was classified "out-of-policy" by the C/O due to a significant danger posed to pedestrians by the pursuing officer, along with the officer's decision not to terminate the pursuit. The involved officer received a Notice to Correct Deficiencies. The supervisor preparing the report and watch commander approving it failed to recognize this as an "out-of-policy" pursuit which resulted in counseling and training.

Fleet Safety

The command staff all indicated they would ensure that a Divisional Fleet Safety Board was convened prior to their review of the Fleet Safety Report. The Area C/O would make the final determination on classification, with bureau concurrence. In any case where command staff disagreed with the Board's recommendations, they would "military endorse" the classification and use this process as a training mechanism. Some indicated they would meet personally with the chairperson, others would provide their rationale in correspondence.

The factors that influenced the level of corrective action, including disciplinary penalty, were consistent among the C/Os. All viewed the issue of fleet safety as a significant risk-management concern to the Department. The issue of overdriving, the involved officers' driving history, injury to citizens and officers, and property damage were all issues factored into their adjudication of the incident.

The reports examined showed no departure from Department policy. When training issues were identified, C/Os readily cited the necessity to direct documented training. Most of the training identified had to do with supervisory monitoring and evaluation. Many took the position that in those instances where an officer's driving exposed the City to liability, they were restricted from driving pending extensive retraining. While most understood the availability of directed training, the process to facilitate and request the training through TD was not clear. There was no divisional supervisory procedures guide for fleet safety, however, established Department procedures and the role of TCS was obvious.

Administrative Procedures for UOF, Pursuits and Fleet Safety Reports

The command staff relies on the Administrative Lieutenant to track and control the timely submission and review of the non-disciplinary reports. Additionally, the ATC was not only a part of the review cycle, but also responsible for tracking and maintaining files on every report. The Area's administrative review process was consistent and well understood by each of the C/Os.

Conclusion and Management Insight

After a thorough review of Rampart Area's management review processes for non-disciplinary reports, it was determined that their systems and processes were more than adequate. The levels of review were substantial and allowed for "checks and balances" prior to being reviewed at the bureau level. During the period reviewed, it was clear that the systems implemented were beneficial to the overall management of the Area's administrative review of non-disciplinary matters. The Area C/Os both cited a lack of controls and systems prior to their assignment.

Some of the issues and concerns raised during this review are consistent with those raised in other commands examined by the subcommittee. For the time period examined, there was nothing out of the ordinary as it relates to the administrative functions in Rampart Area. Based on the intense scrutiny of Rampart Area since the corruption investigation started, the C/Os assigned have been highly regarded and extremely competent. As such, their focus coupled with their talent has caused the implementation of effective systems and controls. As with any command, there is always room for improvement to ensure continued effectiveness and maintain superior work quality. But even there, effective feed-back mechanisms are in place to generate that input.

BUREAU REVIEW OF ADMINISTRATIVE INVESTIGATIONS

The interviewers discovered a variety of workload structures and review procedures. In some bureaus, the responsibility for the review of UOF, Pursuit and Fleet Safety Reports was delegated to the Assistant C/O. This was especially apparent in the specialized bureaus such as OHB. In some cases, the Deputy Chief preferred to review all reports. In most cases, the workload was divided by function (the Assistant C/O handled all traffic-related reports, 1.28's, etc.) or it was based on the significance of task, e.g., the bureau Deputy Chief handled all complaints which resulted in a suspension of more that four days. The reviewers did find a general consensus among the Deputy Chiefs and Commanders that the division of labor at the

bureau level should remain flexible. Workload divisions were usually based on the talents of the individuals involved in the command partnership.

The way in which each bureau reviewed these reports varied slightly. Each bureau relied on their office staff to track, review and file these reports. This included the involvement of aides, adjutants or training coordinators in the review process. After the office staff reviewed the report, it was placed in the staff officer's in box with written comments, the office staff conducted a verbal briefing on the issues, or the involved commanding officer provided a verbal briefing on the issues. Whichever method of review occurred, the bureau would sign off on the report and it would be distributed in accordance with the Department Manual.

SUBCOMMITTEE CONCLUSIONS AND MANAGEMENT INSIGHT

This review of the Department's administrative controls for incidents involving the use of force, vehicular pursuit, and fleet safety showed that our current systems could be improved to ensure greater accountability and consistency. However, the existing policies and procedures for those events are more than adequate to ensure a thorough and complete management and risk management review. What is sorely lacking is the consistent compliance with these procedures and the auditing mechanism to ensure they are being followed uniformly throughout the Department. Consequently, this subcommittee did not conclude that we need entirely new systems, but minor modifications to the existing ones coupled with an oversight mechanism to ensure they are followed.

Our management review of UOF, pursuits and fleet safety incidents revealed inconsistencies in the classification and adjudication of these issues from one end of the City to the other. That variance from command to command was primarily due to two factors. First, we need to develop a review template for each of these three management review systems in order to facilitate consistency in the review processes. Second, we need to provide standardized supervisory and management training on the risk-management aspects of these incidents to facilitate more consistent and insightful adjudication of the substantive issues. All too often an officer's tactics are criticized by a Use of Force Review Board only to find out that the officer has used the same poor tactics many times in the past which were reported in a use-of-force report, but never criticized or corrected. Poor tactics are poor tactics regardless of the reviewing entity and they must be recognized as such and corrected at the earliest opportunity. That level of consistency must be the ultimate goal of our management review systems, regardless of the level at which a particular incident is reviewed

In order to accomplish that goal, we simply must standardize the processes for reporting and administratively reviewing UOF incidents. A Special Order is being developed by MSD to formalize the process and affix responsibilities. However, the UOF Review Template developed by MSD several months ago should be finalized and made mandatory to facilitate the review of UOF reports and incidents. The Use of Force Handbook, published nearly five years ago, must either be updated or cancelled and its information published in a series of Training Bulletins. Either way, the document must explain UOF policy, reporting procedures, supporting documentation (photos, etc.), supervisory and commanding officer review tips and provide exemplars. The use of less-than-lethal devices such as the Bean Bag Shotgun system must be

incorporated into these materials as well as the Department Manual. Finally, we must provide specific training to our Training Coordinators on inputting training information into our automated systems so that directed training resulting from an administrative review will be properly documented and tracked.

With respect to vehicle pursuits, the commanding officer's review should include an analysis of the tactics involved as well as the reporting supervisor's response and action. The C/O's insight should identify training needs, the training provided or scheduled, and corrective action taken. Any disagreement between the employee's commanding officer and bureau as to classification should be dealt with via military endorsement and someone must be designated as the final review authority for those differences of opinion. Finally, the EVOC Unit should be brought back into the review process to identify training needs and address policy issues. This would allow EVOC, through Training Group, to refine the existing training curriculum as necessary.

A Fleet Safety Review Board should be required for **all** employee-involved traffic collisions, regardless of rank, rather than the current practice, which makes them optional. Consideration should also be given to establishing a more formal review for all employee-involved TCs resulting in an "A" (serious) or "K" (fatal) injury, a collision involving "code three" vehicle operation, and collisions involving command or staff officers. This could be done by the Risk Management Committee or by a committee comprised of the Department Traffic Coordinator and the four traffic division commanding officers. Either way, this board would provide greater consistency in the employee-involved traffic collision review process for major employee-involved collisions that are of great interest to the public and result in significant City liability.

The minimum penalty for a preventable traffic collision is a finding of "no penalty," but aggravating circumstances such as overdriving, unauthorized "code three" operations, lack of defensive driving, and prior fleet safety history of preventable traffic collisions must result in penalty enhancements. Finally, the Department Traffic Coordinator should develop a formal review process for those cases wherein Traffic Coordination Section experts disagree with the classification of a Fleet Safety Report. Currently, these matters are handled informally, if at all, and better accountability for decision making would result if formal guidelines were developed for this aspect of the fleet safety review process.

The management review also found it equally important to train our supervisors and managers on the Department's policy and philosophy on risk-management issues, and that personal and interactive training be ongoing to ensure the appropriate application of the review process. The basis for this training should be sergeant, detective supervisor, lieutenant, and command development schools. Every two years, the curriculum should be reviewed and updated to ensure accurate information regarding Department philosophy and policies are current and applicable to Department operations.

This management review also revealed stark contrasts in the way bureaus, groups and Areas track their paper-flow. Some entities have fully automated tracking systems, while others used "tickler files" and project logs to track administrative reports. This lack of standardization led to frequent routing and filing errors. It would seem appropriate to identify a current "best practice" for tracking these important reports and then implement that system Departmentwide. It matters

little if reports are maintained by month or DP, but they should be the same everywhere particularly as we embark on a renewed audit effort.

Finally, this review of administrative processes has proved to be very insightful. It should be conducted regularly to ensure consistency of the reviews and evaluations as well as to determine the effectiveness of our administrative processes.

CHAPTER 8

OFFICER-INVOLVED SHOOTING
INVESTIGATIVE PROTOCOLS

BACKGROUND

The Officer Involved Shooting (OIS) Investigation Subcommittee was tasked with examining the Department's response to OIS incidents. Specifically, the subcommittee examined the manner in which these incidents are investigated, both administratively and criminally; the response of supervisory personnel and management oversight; the role of Scientific Investigation Division (SID); and finally, any changes appropriate to the Department's OIS Investigation Protocols.

Commander James S. McMurray, Internal Affairs Group, Chair
Captain James Tatreau, Robbery Homicide Division
Captain William Fierro, Detective Headquarters Division
Captain Julie Nelson, Newton Operations Support Division
Chief Management Analyst Joseph Bonino, Jail Division
Lieutenant Daniel Hoffman, Officer Involved Shooting Section, RHD
Lieutenant John Dunkin, Harbor Operations Support Division
Lieutenant Greg Hall, Risk Management Division
Lieutenant Raul Vega, Anti-Terrorist Division
Detective Jeff Parker, Officer Involved Shooting Section, RHD
Sergeant Paola Kreefft, Metropolitan Division
Mr. Cory Brente, Deputy City Attorney.

METHODOLOGY

To accomplish its task, the subcommittee determined the need to acquire data from the various stakeholders of the Department's officer-involved shooting investigation process.

1. Input was sought from former Police Commissioners with insight into the OIS investigation process. The purpose of the interviews was to obtain their unique perspective on OIS policy issues going back to the Eulia Love incident in 1979. At that time, the Board of Police Commissioners initiated a new use-of-force review process. Commissioners were questioned on their perspectives regarding the changes made, the process as it was intended by the Commission, and their perceptions on how it has worked in practice in the intervening years.

2. In consultation with Council President John Ferraro, input was sought from City council members Mike Feuer, chairperson of the Budget and Finance Committee that reviews police lawsuit settlement offers, Cindy Miscikowski, current chairperson of the Public Safety Committee, and Laura Chick, immediate past chairperson of the Public Safety Committee . Council members were asked to provide improvement suggestions relative to the actual investigative practices and input to increase the public's confidence in the Department's ability to investigate these incidents.

3. Interviews were conducted with the District Attorney's Office, the State Attorney General's Office, and the United States (US) Attorney's Office in order to explore the relationship and role of these agencies as they relate to the LAPD's investigation of OIS incidents. The District Attorney's Office was interviewed about their involvement in the OIS investigation with the rollout team. The State Attorney General's Office was interviewed to determine their role should conflicts develop between the Department and the District Attorney's Office. The US Attorney's Office was interviewed to determine their role when an OIS incident result in alleged civil rights violations.

4. Input was sought from former federal Judge Davies who examined the Department's system independently and then in relation to the Independent (Christopher) Commission recommendations.

5. Input was sought from the American Civil Liberties Union Foundation of Southern California (ACLU) regarding the Department's investigation of OIS incidents.

6. Input was sought from the Los Angeles Police Protective League regarding the League's role in the investigation of officer-involved shootings, as well as their perceptions relevant to the effectiveness of those investigations.

7. Scientific Investigation Division's procedures for processing OIS evidence were reviewed to determine how to establish a system to alert the Officer Involved Shooting Section Team, Robbery Homicide Division, when physical evidence conflicts with witness accounts of an incident. Conflicts are defined as those situations when the physical evidence is inconsistent with witness statements. Additionally, the need and propriety of having SID analysts attend Use of Force Review Boards was explored.

8. A survey of outside law enforcement agencies was conducted to obtain their protocols for investigating OIS incidents. The agencies were surveyed in order to compare their investigative protocols for officer involved shooting incidents with those of the LAPD to determine if better protocols, or portions thereof, existed.

HISTORICAL PERSPECTIVE

Pre-Eulia Love Era

The Department's current procedures for investigating OIS incidents evolved due to the unprecedented public attention caused by the fatal shooting of Eulia Love in 1979. Prior to the Eulia Love shooting, OIS incident investigations were primarily prepared for review and analysis by the Department's Shooting Review Board. The supervisor responding to the scene of an OIS incident conducted the investigation if no gunshot wound was inflicted, and the OIS Team, Robbery Homicide Division (RHD), conducted the investigation if the shooting resulted in the infliction of a gunshot wound. The circumstances leading to death or injury were the concern of investigations conducted by the OIS Team, and not the investigation of criminal activity or the apprehension of the suspect. The interviews of officers who were participants or witnesses to the shooting incident were not conducted separately, tape-recorded, or included in the final report.

The report that was submitted to the Shooting Review Board by the investigating entity was a chronological narrative that lacked thoughtful analysis of the incident.

The Shooting Review Board was subsequently convened to evaluate the OIS incident primarily for the purpose of determining compliance with or violation of Department policies, and secondarily to identify alternative tactical approaches to various police problems. The involved officer's commanding officer presented the factual circumstances of the incident in summary form based upon the investigative report submitted to the Board. The Board then conducted discussion and polled its members to recommend a classification of the incident. Classifications categories were 1) in policy; 2) in policy but fails to meet Department Standards; 3) accidental; or 4) out of policy. The Board's recommendation could be "no action" or referral to the division commanding officer for a) training; b) review of negligence in handling firearm; c) appropriate administrative disapproval; or, d) review of inappropriate tactics.

The Shooting Review Board transmitted its report to the Director, Office of Special Services (OSS), who made a final determination regarding the classification of the shooting. The report was forwarded to the involved officer's division commanding officer, who recommended an appropriate administrative response consistent with the classification of the Director, OSS. Responses available to the division commanding officer included 1) none; 2) training – firearms, tactics, attitudinal; 3) divisional admonishment; 4) warning; 5) official reprimand; 6) voluntary relinquishment of days off; 7) suspension; or, 8) Board of Rights. If a suspension or Board of Rights was recommended, the Chief of Police finally became involved in the evaluation of the OIS incident to impose a penalty in the matter. Under other circumstances, the Chief of Police was neither involved in the review process nor did he render any formal findings regarding an OIS incident.

During this period, the Police Commission did not routinely review OIS investigations and their participation in the process was unstructured. The Commission became formally involved in the process only in isolated cases and then usually under circumstances involving widespread public discussion. The Commission did not render formal findings regarding an OIS incident.

Post-Eulia Love

In its review of the OIS investigative process following the Eulia Love incident, the Board of Police Commissioners determined that the investigative procedures in place at that time did not ensure a thorough, impartial review of OIS incidents, and death or serious injury cases. The Police Commission concluded that there could not be full public confidence in the results of any investigation of these incidents unless procedures were changed. The Police Commission sought to develop procedures that ensured a complete, thorough, and impartial examination of OIS incidents by the Department, while exerting City Charter authorized civilian oversight of the Department in this critical area of public concern.

Current Department procedures for investigating OIS incidents remain relatively unchanged from those procedures established by the Police Commission in late 1979. The procedures required that those charged with investigating OIS incidents explore and record the facts in a manner that resulted in a complete and reliable presentation of all relevant circumstances to the

reviewing authorities. Interviews of involved officers must be tape-recorded as well as those of civilian witnesses. Interviews must be conducted in a manner consistent with proper and accepted methods of investigation which specifically require that interviews be conducted separately.

In addition to amending the Department's investigative response to OIS incidents, the Police Commission expanded the jurisdiction of the Shooting Review Board, which is now called the Use of Force Review (UOF) Board. In addition to shootings, the UOF Board was also tasked with reviewing incidents that resulted in death or serious physical injury to persons who were in police custody. Additionally, the Board was directed to monitor the quality of supervisory response to UOF Board incidents to ensure that supervisors were fulfilling their responsibilities.

The Board's inquiry into, and reporting of incidents it reviewed, followed procedures parallel to those previously used in shooting incidents. However, the classification categories were changed due to their lack of clarity, completeness, and their failure to assess the entire pattern of officer conduct in OIS incidents. The changes required that the Board evaluate and make findings relative to 1) tactics; 2) drawing/holstering a weapon; 3) use of force; and, 4) additional considerations.

After making its findings and recommendations, the Use of Force Board forwards its report to the Chief of Police. It is the responsibility of the Chief of Police to review the report and adopt, reject, or modify the proposed findings and recommendations and submit his findings to the Police Commission. The Police Commission either adopts, with or without modification, the findings and recommendations contained in the Chief of Police's report, or conducts an independent review of the incident. Upon completing its independent review, the Police Commission issues a Report of Use of Force Incident containing their findings and recommendations, which is final.

At about the same time the Police Commission was publishing its report documenting the changes within the Department's Use of Force Review process, Los Angeles County District Attorney John Van de Kamp implemented the rollout program. Under that program, a team, usually consisting of one deputy district attorney and one district attorney's investigator, began responding to all LAPD OIS incidents that resulted in an injury or death. Once at scene, they were briefed by the officer in charge and allowed to observe the investigation. The rollout team members were provided the names and, if known, location of all involved personnel and civilian witnesses. Although they did not interview any officers, they did interview all available civilian witnesses. During this same time frame, the Department began providing completed OIS reports to the District Attorney's Office for review. Effective September 1, 1995, the District Attorney's Office, citing budget constraints, discontinued its rollout program and restricted its routine review of shooting cases to those in which criminal charges were being sought.

There are several other changes or events that impacted OIS investigation procedures since those implemented by the Police Commission in 1979. In 1985, the California State Supreme Court ruled that whenever potential exists for criminal charges to be filed against the officer under administrative investigation, the officer must be advised of his/her *Miranda* Rights. If the officer refuses to waive those rights, he or she may be compelled to answer questions (<u>Lybarger vs the City of Los Angeles</u>). The Court further ruled that those answers were limited to the scope of the

administrative investigation. Subsequently, both percipient and involved officers interviewed by OIS Section investigators were compelled to provide statements, upon penalty of discipline, and advised that those statements were to be for administrative purposes only and not available for any subsequent criminal action that may possibly result against them.

In 1989, the Department authorized the nine-millimeter semi-automatic pistol as the primary service weapon. (Up to that time, officers carried a revolver.) The first recruit class issued the weapons received them in June of that year. The significance to OIS investigations of deploying semi-automatic pistols in the field was that OIS Section investigators were able to recreate a more correct crime scene because the officer's position at time of the shooting could be determined by the expended shell casings. Ballistic evidence from the crime scene took on additional importance. On the other hand, the high capacity and semi-automatic action of the pistol resulted in officers expending more rounds during a shooting than in the past.

In January 1990, a pilot program began in which Detective Headquarters Division was given responsibility for the investigation of non-hit OIS incidents. It soon became evident that this resulted in a more thorough investigation, so it was expanded Departmentwide. Animal shootings, however, continued to be investigated by divisional supervisors.

In February 1995, OIS Section investigators were directed to include verbatim quotes in the officer's paraphrased statement of the OIS report that specifically addressed why the officer employed deadly force.

Also in 1995, the Law Enforcement-Related Injury Investigation (LERII) Section at Detective Headquarters Division was created. The LERII Section was given the responsibility of investigating use-of-force incidents that resulted in the hospitalization of a civilian. (Officer hospitalizations are handled by RHD.) Also delegated to that section were the investigations of animal shootings and non-tactical, accidental shootings with no injury. Concurrently, the OIS Section was tasked with the responsibility for investigating shootings by Los Angeles Fire Department arson investigators unless the shooting was accidental, without injury or of an animal.

Finally, in April 1995, Robbery-Homicide Division was reorganized at the direction of then Chief of Police Willie Williams. Homicide Special, Major Crimes, and OIS Sections were disbanded and Homicide I, II, and III Sections were formed. Personnel from the three former sections were assigned to the newly named sections in an effort to distribute expertise among the three sections. Then, each section was tasked, on a rotating basis, with the investigation of OIS incidents.

The Los Angeles Police Protective League (League) expressed concern that the altered investigative teams could negatively impact officers' interests, either through inexperienced investigators or the perception that the focus of the investigation was the criminal aspect and not the administrative. As a result, the League Directors implemented their own rollout protocol, sending a League attorney to OIS incidents resulting in injury or death to represent the involved officers. A defense representative from the Officer Representation Section responded to non-hit shooting incidents. The League soon extended the practice of rolling out League attorneys to include in-custody and law enforcement activity related death investigations.

One of the immediate consequences of the League's rollout program was that OIS Section investigators no longer had immediate or first access to the involved officers who now conferred with their attorney and/or representative prior to being interviewed. This right to consultation with an attorney or employee representative resulted from the California State Legislature enacting Assembly Bill 301 into law in 1976. That bill was signed by the Governor and became California Government Code Sections 3300 – 3311, commonly known as the Public Safety Officers Procedural Bill of Rights. That body of law and several subsequent court decisions have significantly expanded the rights of officers who are under administrative investigation including an officer's right to representation anytime he or she feels they may be the subject of an administrative investigation. Consequently, long delays to interview the involved officers became commonplace. Concerns also surfaced that the group interview of participant officers by their attorney or employee representative may be tainting the officers' statements.

This experiment at reorganizing RHD eventually proved unsatisfactory, with expertise being either lost or wasted. In February 1996, the responsibility for investigating OIS incidents was returned to Homicide III, formerly the OIS Section. At the same time, the unit expanded to assume the investigations of tactical accidental and non-hit officer-involved shootings. The section later returned to its original name of the Officer-Involved Shooting Section.

In 1996, the Department identified the need to evaluate the tactics of all personnel responding to an OIS scene. Previously, only officers who were either directly involved in the use of force or those who were percipient witnesses were interviewed by OIS investigators. This decision to administratively review the tactics of all personnel dramatically increased the number of formal interviews being conducted for OIS incidents. Additionally, as the number of officers assigned to patrol increased with additional hiring, so did the number of officers responding to the scene.

Additionally in 1996, the District Attorney's Office indicated its willingness to expand its review of OIS cases providing that the Department restricted its submissions to cases in which the Department, "feels that criminal charges are warranted." In other words, this did not include the routine review of OIS cases, a courtesy it has consistently provided to the Los Angeles Sheriff's Department.

The final significant event for 1996 was the deployment of less-lethal force devices, bean bag rounds in particular, in certain tactical situations. Use of those alternatives is responsible, at least to some extent, for a subsequent drop in the number of OIS incidents. During that same period, the number of sworn personnel increased from 7,917 officers in December 1994 to 9,637 officers in December 1998.

LAPD OFFICER-INVOLVED SHOOTINGS

Year	Sworn Officers	Accidental Discharges	Shootings at Animals	Shootings at Suspects	Bean Bag Deployment
1994	7,886	13	24	74	N/A
1995	8,609	14	23	69	N/A
1996	9,275	11	29	82	20
1997	9,705	11	35	69	40
1998	9,692	13	45	39	21

Sworn officers are the number of officers deployed in the last DP of each year

In October 1998, the Chief of Police instructed the OIS Section to begin investigating the use of upper-body control holds, which were deemed several years earlier to be a use of deadly force. Since assuming that responsibility, there have been three uses of an upper-body control hold (one in late 1998 and two thus far in 1999).

In the fall of 1999, the responsibility for interviewing civilian witnesses to an OIS was reassigned to Homicide Section, RHD. Prior to this change, Area detectives usually interviewed all civilian witnesses while the OIS Team interviewed all of the officers. In order to ensure as impartial an investigation as possible, it was determined that RHD detectives should interview all of the witnesses.

FORMER POLICE COMMISSIONERS

Background

Chief Management Analyst Joseph Bonino, Commanding Officer, Jail Division, conducted interviews with former Police Commissioners Art Mattox, Robert Talcott, Reva B. Tooley, Michael Yamaki, and Steven Yslas. The purpose of these interviews was to obtain the unique perspective of former commissioners on OIS policy issues going back to the period when the new use-of-force review process was initiated by the Board of Police Commissioners in the aftermath of the Eulia Love incident of 1979. Commissioners were questioned on their perspectives regarding the changes made, the process as it was intended by the Commission, and their perceptions on how those changes have worked in practice during the intervening years.

Summary of Interviews

Several consistent themes surfaced in these interviews. There was a consensus that rotation of OIS assignments, while not without difficulties regarding expertise, was a valuable change mostly because of the perceptions the public would have on its value in promoting objective investigations and signaling the Department's commitment to that objectivity.

Another commonality was their broad concern about risk-management issues which was expressed in several different ways. They were concerned with the chilling effect on the search for truth when officers consult with attorneys and other representatives before being formally interviewed. Commissioners understand and respect the legal requirements involved, but are

concerned that this process makes it harder to determine what really happened. They also expressed concern (and this was repeated in the interviews with most other groups) that the effort to minimize liability may also cloud the search for truth. Most interesting from this group was what some described as the "Yagman Effect" having a chilling effect on the involvement of Commissioners by exposing their voluntary public service to significant and long-lasting potential financial liability. Many of these former commissioners left the Board years ago, but they are still defendants in police-related lawsuits and are still being deposed on those suits.

Their views were somewhat mixed on Operation Rollout with two main concepts emerging. First, the program is generally good from the viewpoint of building public confidence, but it must be "sold" to the public. Second, if it is going to be done, there must be clear role definition on what its purpose should be and some specifics on how it is to be done. Former Commission President Robert M. Talcott was particularly critical of Operation Rollout. He believed the process to be worthless and added nothing but window dressing for the public. The role of the DA's rollout personnel was never clearly defined, nor did he know the rollout personnel or their qualifications. To be effective, he felt that the DA must select people for this program who have expertise in the area of OIS investigations.

Commissioners were very appreciative of the staff support they have received in reviewing OIS cases and several believe this should be enhanced by having the Commission add trained criminal attorneys to their staff, specifically to assist in the review of OIS cases. There was consensus that Commissioners, if they are to be effective, must selectively focus on the minority of difficult OIS cases rather than being bogged down with the more routine cases.

Commissioners saw their role as one of abstracting information from individual OIS cases and then using that information to assess the effectiveness of current policy and identify training issues. They believe that the Board should hold the Chief of Police accountable for regularly reviewing trends in uses of force, e.g., equipment problems, numbers of rounds fired, use-of-force patterns. Some Commissioners regret they were unable to monitor Use of Force Review Board deliberations more often, both to better understand the process and obtain the UOF Board's perspective first hand on individual cases prior to the Commission's formal review. For the most part, time demands simply precluded that level of involvement.

Most Commissioners believe that rotation of staff on the OIS Team has value mostly because it improves public acceptance of the process and enhances its credibility. Those who regularly read OIS reports expressed varying degrees of frustration with the rigid Department format, causing some to be concerned that facts conform to format. Generally, though, there is the view that the reports have to be formatted the way they are because there are few options with all the competing policy and legal interests. Some general concern was also expressed regarding the timely submission of reports to the Commission. They felt that too many are near the one-year statute deadline leaving little room for in-depth discussion without sacrificing disciplinary options.

In conclusion, the Commissioners who were interviewed were very committed to do the difficult and time-consuming work of reviewing and adjudicating OIS cases as a key part of civilian

oversight of the Police Department. Many, if not all, viewed this role as the most important thing the Commission did.

Commissioner Yslas

Commissioner Yslas was interviewed telephonically from Washington D.C. on October 7, 1999. He became a Commissioner after all the Eulia Love reports had been published in 1981. The new OIS investigation, reporting and review system was in place, though some older reports came to the Board in the older format for a while. By 1983, he became Chair of the Board's UOF subcommittee and had that assignment for five or six years.

OIS Team Investigations

His first reaction to UOF reports was that they were detailed and he had confidence in them. Later he became concerned about the reports. Specifically, he was concerned that the officer in charge of the OIS team, Lieutenant Higbie, seemed to report directly to the COP, outside the chain of command. He thought this was generally a good idea because of the seriousness of these investigations, but worried that "there was no one in between Lieutenant Higbie and the Chief to do quality control; no senior Deputy Chief or Commander oversaw quality." He was also concerned that Lieutenant Higbie's writing style for OIS reports sounded like a formula and worried if the facts were being "fitted" into the formula.

As Chair of the Board's OIS review committee, he discussed several concerns with then Chief of Police Gates, Lieutenant Higbie and Commander Jack White, who was assigned to the Commission. His concerns were:

1.   The objectivity of the OIS investigators.
2.   He felt the investigators wanted to "get to the bottom" of cases, but the format and the way the work was done "ran the risk of being biased to formulate the situation in a way favorable to the officers' point of view."
3.   He wanted to be sure investigations of OIS cases were conducted with the same degree of diligence as a regular murder investigation.

Regarding the separation of officers involved in an OIS before interviewing them, he could not understand why they had been interviewed together in the first place. Lieutenant Higbie told Yslas this was necessary to overcome the "confusion" at the shooting scene. Yslas did not believe it was the "right way" to investigate an OIS. He stated the Chief had to be "talked into" separate interviews and later agreed to do it. Even then, Yslas stated, it was not always followed, even under Lieutenant Higbie's successor, Lieutenant Hall. Yslas had to continually stress the need to follow the practice with the Chief, Board members and Lieutenant Higbie.

Role of Commission Staff

Yslas' general concerns were alleviated somewhat by the knowledge that Commission staff read OIS reports in detail, asked the right questions and helped clarify Commissioners' concerns.

Staff review during his tenure worked well. Their role was to be experienced readers of the reports, not to actually respond to OIS scenes.

The Commission tried to obtain "independent" staff as part of the Eulia Love aftermath, but those efforts were not successful. He believed it was perceived by the City Council as a budget issue. Also, the Council at the time was opposed to hiring staff exempt from civil service. Nevertheless, experienced City staff can do the work.

Yslas does not believe that the Commission can find experienced independent outside staff who, on a day-to-day basis, could do a better job with routine cases. He does believe, however, that the proposal in Part II of Eulia Love regarding Special Hearing Officers (retired Superior Court Judges) could be valuable if "selectively used where there were significant issues or conflicting factual assertions."

Yslas believes the role of the Commission's staff leader (then a Commander, now the Executive Director) is to focus the Board on problematic cases only so the Board does not "get ground up in trivia." There are perhaps a dozen seriously controversial OIS incidents each year, roughly one per month, and these are the cases on which the Board should concentrate. He does not believe the others are unimportant, but in the dozen cases a year, the Board and the Chief have to work hard together "to try and understand what happened."

Training Recommendations

Yslas experienced resistance from the Department in addressing training needs growing out of the review of OIS cases. He believes it was difficult to get the attention of the Chief. For example, the clam-shell holster produced ten or more incidents in which "something very obvious was wrong." Yet it was difficult to get the Department to take corrective action. (That holster was subsequently outlawed.)

Yslas is sensitive to the distinction between policy and police management issues and the holster was a close call. His preference was to defer to professional police executives regarding equipment issues. But he believed that management of the Department needed to be more "open to input when certain equipment very obviously did not work properly." He believes the Board should not second-guess on equipment issues, but like the type of firearms used, it really was a policy and training issue.

Yslas believes the Commission can be most effective on training issues when it can glean general information from a number of individual OIS cases and recommend broad, general training issues the Department needs to address. This would benefit the entire Department. Rather than an in-depth, ad hoc reexamination of training as occurred in the aftermath of the Eulia Love case, Yslas believes that should be an ongoing process and the Commission should ensure that the Chief of Police does it. It should not be something only triggered from time-to-time by a major newsworthy incident. The Chief of Police is better equipped to do it and the Commission should hold the Chief accountable for ongoing review of training.

Policy Changes

The responsibility of the Chair of the Commissions' OIS review subcommittee is "to step back" from individual cases and look for patterns in OIS cases. Yslas believes that shootings are influenced heavily by supervision and the leadership of each individual Area captain. Commanding officers should emphasize the seriousness of using deadly force. Yslas discussed this with Chief Gates who cautioned that comparing statistical data from Area to Area can be misleading and that there is a certain randomness to OIS cases. Yslas still believes captains can make a difference.

Operation Rollout

This was a "huge controversy" at the time. He met with District Attorney Van de Kamp, then Assistant District Attorney Garcetti, Police Commissioner Sam Williams, Lieutenant Higbie (OIS Team), and Chief Gates to set up the ground rules for rollout. He always thought it was a good idea, aided public confidence and did not believe there was an agenda. The District Attorney's role was to see the scene, pose questions, and observe procedures. There were a couple of instances where the DA's presence caused investigators to go back and reconsider certain aspects of an OIS. With rollout DAs on scene, it was less likely something "would be missed on purpose or by accident."

Commission Monitoring of UOF Board

Yslas believes Commission members and their staff did not monitor the UOF Review Board as much as they would have liked. This was not because the Department made it difficult, but a simple issue of time. Yslas believes Commissioners and/or staff should be selective here as well.

Liability Issues

Though he never saw cases where liability concerns kept the Department from seeking the truth, he did see OIS report preparation as an officer protection issue. That is, "they are written in a way to stand up to employment and DA scrutiny." Yslas believes this speaks to an underlying issue, "are they (OIS investigations) best performed by a fellow officer or someone else? This becomes a real balancing act." The more independence, perceived or actual, the greater the credibility. He did not believe there was an overt agenda to protect officers because investigators regularly turned up evidence resulting in an out-of-policy classification. But, Yslas believes that on close calls investigators "will try to see it the officer(s)' way." Yslas expressed concern that liability issues, for the Department, the City and the involved officers (union and legal representation before an interview) make it more difficult to get all the facts. This is "not optimal" in what may be an unavoidable filtering process.

Retrospective Views

If he was in the same position again, Yslas would:

1.   Be more <u>selective</u> in what the Commission looked at and, with guidance from staff, spend more time on selected cases.
2.   Take a vertical slice and biopsy OIS cases to check for consistency.
3.   Discuss more issues with the UOF Review Board and lead investigator.
4.   Press on when an OIS did not seem right, undaunted by "Department speak" because some cases just did not seem to make sense.

Commissioner Mattox

Commissioner Mattox was interviewed on October 9, 1999. In 1993, he became a Commissioner with an entirely new Commission. There was, therefore, no one on the new Board who had any expertise in OIS reviews. Commissioner Hernandez was designated as primary Commissioner to review OIS cases with Mattox assisting. The best advice he received was from former Commissioner Yamaki, who had done OIS reviews. Yamaki told him that the most important thing the Commission did was to review OIS cases to ensure that any case involving injury or death was given very close scrutiny.

Mattox prepared himself for the OIS review responsibility by going to the Academy and firing all the weapons used by officers. He also went on regular ride-alongs with every Department unit to familiarize himself with their operations. Over time, he became more comfortable with the review of OIS cases.

The timely submission of completed OIS investigations to the Board for their review was a consistently troubling aspect of OIS review. Mattox felt cases were "routinely submitted in the 51st week" which he believed to be "an obvious way of sliding them in just under the (one year) deadline."

The OIS Team

Commissioner Mattox is very uncomfortable with the way the <u>Lybarger</u> process is set up regarding officer interviews. He believes it "put a fourth hurdle between the officers' actions and the truth." He believes investigators are less prone to get the truth but he understands the laws which require this approach. He believes rotation of OIS team members is a good approach as it would be "less prone to collusion, perception of collusion and prevent a natural bias from occurring which can develop over the years." He is fully aware of possible loss of expertise, but it can be managed for the greater good of public credibility.

Commissioner Mattox believes the reports can only say what occurred in so many ways. So, many reports will have similarities in language or style which is no one's fault. The similarity in reporting style did not create a credibility problem for him. There were occasional minority reports included in the completed UOF Board findings and he found some of the minority opinions persuasive. The Board did not always agree with the Chief's findings.

Role of Commission Staff

Commissioner Mattox, a former City Ethics Commissioner, became convinced that the Board needed attorneys similar to those available to the Ethics Commission for the Board to do its work effectively. Specifically, he felt that the Police Commission needed to have lawyers on staff, with prior criminal law experience and adequate training, to assist the Board in the review of OIS cases. These attorneys should not be from the City Attorney's office because of the conflict of interest. He strongly supports staff attorneys working as staff to the Board of Police Commissioners. In addition, he believes such staff lawyers need to receive training outside the LAPD, specifically by state or federal Department of Justice personnel in review of OIS cases. Other than his support for staff attorneys, Commissioner Mattox believes the Commission staff provided excellent support. He also believes the Executive Director has to focus the Board on key issues.

Policy and Training Issues

Commissioner Mattox pointed out substantial changes in policy and training in his tenure, especially in less than lethal force. Many of these changes derived from the Board's review of use of force and OIS cases. He cited the adoption of the bean bag, pepper spray, swarm technique, hobble restraint and others, including the option of the .45 caliber hand gun and the collapsible shotgun for motorcycle officers. He believes these better protect both the public and our employees.

He believes there is a strong nexus between review of OIS cases and recommendations to improve tactics and training, including cases of in-custody deaths. A recommendation approved by the Board to shorten telephone cords in jails was such a case. He also mentioned the need to provide Commissioners with training. Mattox believes "every new Commissioner who signs off on a shooting needs some kind of training on all relevant elements of OIS cases."

Operation Rollout

Commissioner Mattox indicates Operation Rollout was "phased-out in mid-term" of his tenure on the Board (circa 1996). He saw no difference in OIS investigations with the discontinuation of rollout. He believes the idea is a sound one, but the DAs should provide some work product (written report) that would aid the search for truth. He never saw such a work product. He mentioned union opposition to rollout but was unclear on what if any connection there may have been between union opposition and the demise of rollout in 1996.

Liability Issues

Commissioner Mattox cited what he calls the "Yagman Effect" referring to the practice of naming individual Commissioners as defendants in lawsuits. Current law allows a lien to be placed on his house for his role in OIS reviews done as a public service. These same liability concerns affect all parties to an OIS, including the City Attorney, Chief of Police, Commissioners, and OIS Team. Cumulatively, this can have a chilling effect on the search for

truth. He cited the need, as a former Commissioner and private citizen, to send a letter to the City Attorney requesting legal representation on OIS matters in litigation. Mattox cited the extreme financial liability exposure and the fact that there is no guarantee he will be represented.

Retrospective Views

If he had to do it over, he would be more involved, along with other Commissioners and staff, in the deliberations of the UOF Board. He believes the OIS review process, "flawed as it otherwise might be, is the best process for reviewing these matters." He "would be hard pressed to come up with a better system" and believes in civilian oversight.

Commissioner Yamaki

Commissioner Yamaki was interviewed telephonically from Sacramento on October 12, 1999. He was a Commissioner from 1990 to 1993, and chaired the Board's OIS review subcommittee during that time. He read every OIS report and, on occasion, would have Chief Vernon and others come down and explain the details of various OIS cases. Things were "pretty lively then," and then Chief of Police Gates "got a bad rap" as being resistant to the Commission OIS review. He did not resist the Board's oversight.

The OIS Process

Regarding the OIS review process, Mr. Yamaki said it "is what you make of it, if you (the reviewing Commissioners) are not experienced, you can get snowed." Because of his extensive criminal trial experience, Mr. Yamaki understood concepts like "gunshot residue" and "tattooing" that lay-persons may have difficulty understanding. His experience helped him tremendously. He also stated that during his tenure, Robbery-Homicide Division had "standing orders" to call him so he could rollout on actual OIS cases, which he found to be very valuable. He cited the example of a case where a plastic replica gun had been used by the suspect. The report said "toy" gun, but having been there he knew it was a replica which made the report much more credible. "Were I not to have seen it," the Commission would have a much more difficult time reconciling a toy gun with the facts of the case. This knowledge "helped resolve the case much quicker."

Mr. Yamaki realizes that a lot depends on the skill of the report writer and he appreciates the inherent difficulty of reducing an OIS incident to writing. He has no problem in OIS team members trying to see it the officer's way, if possible. Regarding OIS team staffing, Mr. Yamaki pointed out that a District Attorney who did death penalty cases superbly for 12 years has expertise that is not easily replaced. Nevertheless, he believes it is "probably right to rotate people in any assignment, even Metro or motorcycle assignments." The public perception of the value of rotation and the ability to manage the loss of expertise make rotation worthwhile.

Policy and Training Issues

During his tenure, many changes in training were made. Because of turnover, he observed that a problem for Commissioners is "trying to re-invent the wheel half the time." The need is for a

"strong internal executive (Executive Director)." This executive needs to guide and focus Commissioners and can keep them "from getting snowed." He cited the executive's institutional memory and ability to ferret out "hidden agendas" as very important to the Board.

Operation Rollout

Mr. Yamaki said DA personnel were treated differently and that there was "tension." He believes rollout must be a cooperative effort and that Department personnel must "not take it personally." Though he never got any feedback from rollout personnel, he also never sought it out because he felt he should leave them alone and "didn't want to meddle." He does not believe Operation Rollout added any internal value to the Department's investigations, but "from a public standpoint, it added credibility."

Liability Issues

Mr. Yamaki agrees with what another Commissioner labeled the "Yagman Effect," regarding the liability Commissioners are exposed to as a result of their willingness to perform a public service. He has experienced being deposed, often at length, as a result of this exposure. There is nothing to be done other than to prepare people for this aspect of the Commissioners' job. A general problem is that Commissioners, as City officials, are naturally "looking out for interests of the City," and at the same time trying to perform an oversight function to get to the truth of OIS cases. This is a "tough balancing act of duties, and people of strong integrity are needed."

Mr. Yamaki believes the Lybarger process "hinders investigations but is a balancing of rights." "Some people need it, even though the majority of officers don't." To improve the process, the City Attorney, League, Commission and command staff should work together to create a process "all could buy into." The officer on the street will not like whatever system is developed, because they tend to resist change and scrutiny.

Retrospective Views

He would not do anything differently in retrospect. It was a lot of work and he is pleased he "changed institutional thinking" on OIS matters during his tenure. Public perceptions are important, the process is political, and civil liability is a reality. Mr. Yamaki hopes the Department does not look at the Commission's role in OIS review "as the enemy." This is not so. The majority of Commissioners want to do a good job. They need training in the issues, but they try to be neutral fact finders.

Commissioner Talcott

Commissioner Robert M. Talcott was interviewed in his office on October 13, 1999. He was a member of the Board from October 1984 through December 1990. He was Board President for five of those six years. He believes if the Commission is going to take on the review of OIS cases, they cannot do it half-way. He views the Commission's role as that of a court of appeal rather than that of a trial court.

Timeliness of Reports

While he agrees to some extent with the concerns expressed by other Commissioners regarding getting reports near the end of the disciplinary statute period, he is more concerned with the impact of the delay on the involved officers. "A learning event is related to time and place." The final decision "loses its impact" if it is delayed. He believes that perhaps some preliminary policy findings should be made as soon as practicable. He used the analogy of "justice delayed" to point out that policy findings must be relevant and timely.

OIS Team

Commissioner Talcott pointed out there is a general mistrust of any organization which attempts to police itself, whether it is doctors or lawyers or police officers. Their motivation might be to protect the sanctity of the profession. So those investigating OIS cases or reviewing them have to step outside those motivations and really be impartial.

Commissioner Talcott had written guidelines for the former Public Disorder and Intelligence Division (now Anti-Terrorist Division). One of the lessons learned there was the value of personnel rotation. "People lose their edge and enthusiasm and fall into a routine. This happens in all walks of life." "Corruption can take many forms, and one is lack of enthusiasm or creativity." He therefore supports some scheme for rotating members of the OIS team. He suggested a parallel to ATD where one-third of the division rotated at a time with a five-year maximum tenure. He noted, however, that even rotation can not overcome the problem of an individual investigator having a greater loyalty to the organization and involved officers which supercedes the community's best interest.

As to the reporting process, he believes that investigators have "a pre-disposition" to believe that officers did the right thing if the incident is consistent with the investigator's own experience. "That is obviously not good!" He, therefore, does not buy into the "there but for the grace of God, go I" concept. OIS investigators should be neutral and approach investigations like a scientific experiment. "You can't allow a scientist to have a pre-disposition that an experiment will work!" Everything "comes down to the credibility of the investigative team. You have to believe the findings are not 'spun' in a certain direction." He believes investigators have to go into a case "in a neutral mode – there is no necessary presumption of innocence."
He asserted that the right result occurs in the <u>vast</u> majority of cases." He also believes that the Board should probably <u>not</u> be reviewing accidentals and dispatched animals.

Commission Staff

He believes the Commission did a good job, with the limitations it faced. It did not have enough staff to do the job. Existing staff did a terrific job but suffered from not having on-the-job field police experience. He noted that the Board only got OIS cases after they had already been through <u>many</u> levels of review; OIS team, Robbery-Homicide Division, Use of Force Board, Chief of Police, Commission Staff, the Board Commander, and finally the Commission itself. He felt the Eulia Love Report recommendation of using hearing officers selected from a panel of

retired judges may have merit in selected cases. He also seemed supportive of the recommendation made by other Commissioners for attorneys on staff.

Policy and Training

Commissioner Talcott made the distinction that "some uses of force may not rise to the level of Commissioner review." He noted that Board review of OIS cases covered "everything from accidentals to shooting of suspects" and covered a lot of uses of force."
Perhaps some other entity should review those less serious incidents.

The Commission generally endorsed the findings of the Chief of Police, partly because there were layers of review before it ever got to the Board. There may have been more than ten reviews between the OIS Team and the Board. In the vast majority of cases, this led to endorsement. There were some major exceptions. Although it is not technically their role, some Commissioners went to OIS scenes to verify angles, lighting or background and this helped clarify what was in reports. He recalled that as a former bank robbery prosecutor, a visit to the scene was invaluable. Mr. Talcott noted, however, that there is "no way the Board can assume the role of being investigators." Whether the new Inspector General might assume this type of role on behalf of the Board, he could not speculate. "Somehow, even the Board has loyalties to the Department."

Mr. Talcott was not involved in UOF Board deliberations. As the Commission is like an appellate review, he probably does not favor too much involvement at the UOF Board level.

Operation Rollout

He believes the old Operation Rollout was worthless and added nothing but window dressing for the public. He pointed out that former Lieutenant Higbie would not even let them into the OIS scene. "It didn't add anything to the process and nobody ever heard from them." Further, he never knew any of the DA personnel who rolled out to OIS scenes. In his five years as Board president, he never met with the District Attorney regarding rollout, nor was he or any other Commissioner contacted by the District Attorney regarding rollout. Rollout was a non-issue and it was never clear what they were there to do or what their role was supposed to be.

He believes for something like rollout to work it must provide public information. That would include telling the public who composes the team, what their expertise is, what they are looking for and what their role is. This would force the District Attorney to select people who have expertise to review OIS scenes, not just good lawyers or their most senior or favored people. He proposes that the Chief of Police and the District Attorney and a member of a newly selected rollout team hold a press conference. Qualifications of selected team members should be highlighted as well as explaining to the public how the selection process for rollout members was done. The public needs to see that "something serious is being done."

Liability Issues

Commissioner Talcott echoed the thoughts of other Commissioners regarding the many and varied impacts of liability issues on the OIS process and on Commissioners themselves. He has been gone from the Commission for almost ten years, but is still being deposed on litigation.

Retrospective Views

He wishes he had more time to spend on OIS cases. But they were "only one aspect of their work." They (Board members) got two large books of issues each week. As part-time civilians with other obligations, he feels it was hard to do the job thoroughly. There was not enough time.

<u>Commissioner Tooley</u>

Commissioner Tooley was appointed to the Board in 1979, shortly after the Eulia Love incident, and remained on the Board until 1984. She was re-appointed to the Board in 1988, and remained until early 1991. She was interviewed on October 5, 1999. Mrs. Tooley feels strongly about the need for data collection so she tailored her remarks to address this issue. She does not feel she has enough knowledge about current practices of the Department to make specific recommendations about such things as the OIS team. She was very clear on the intent of the Commission in the wake of the Eulia Love incident.

> "The Commission set out to conduct a factual review of the Eulia Love incident, as well as to examine long-term patterns of officer-involved-shootings. To assist in this review, the Board hired attorneys from the Munger, Tolles law firm to help it examine the Love shooting. It also hired Dr. Marshall Meyer, a sociologist/statistician from the University of California, to collect and analyze data on every shot fired by LAPD officers over a period of five years. In addition, the Board hired Lola Grant, an African-American lawyer, to help examine the community relations training available to officers.

> "As a result of its examinations, the Board made out-of-policy findings in the Love case. Based on the Meyer Report, the Board determined that over time there had been a disproportionate number of shootings in the black community and a further disproportion in the 'furtive movement' classification."

She recalls that the Board subsequently required all future shooting reports to include step-by-step specifics on tactics and the drawing of a weapon. It made substantial changes in firearms training, psychological services and community relations. The Board urged the Department to hold supervisors accountable for the misconduct of their subordinates, but there was little forward motion in that area. A procedure was established whereby a Board member might participate in the deliberations of the UOF Review Board, however the Commission was inconsistent in its follow-up. The Board asked the Department to continue the data collection on use-of-force cases and report its findings annually. However, other controversies superseded this effort.

Commissioner Tooley noted that some years later the Christopher Commission brought in outside consultants (statisticians) to audit the Department's reports on use of force and used that data to support its recommendations. She says, "Patterns tend to emerge from an examination of data that covers a long-term period. These patterns are not readily apparent when looking at individual cases or controversies." She believes that the Meyer Report and Christopher Report are data bases that could be updated to provide the Department with valuable information about use of force. She says, "Such a study could address not only larger patterns but specific questions such as the effectiveness of the OIS team."

Role of the Commission

"The Commission is charged by the Charter with managing and supervising the Department," she said. Her view is that the Commission system is much more effective than a Civilian Review Board because the Commission is vested not only with the responsibility to review policies and procedures, but with the authority to make changes in them when necessary. Sometimes the priorities of the Commission, the public and the Department are difficult to balance. However, in the current inquiry, as in all use-of-force situations, integrity in the process should be the goal of all the parties.

Rollout

She believes Operation Rollout did not work as well as intended. The arrival of the District Attorney at the scene was contingent on notifications that were not always timely. The issue of whether to interview officers separately or together was unresolved between the DA and the Chief of Police. She believes that the Department "has to want the DA to be there" for the system to work well. For many years, the DA's involvement was viewed as a suggestion that something was wrong.

Subcommittee Findings

There was consensus among the former Police Commissioners that they would be hard pressed to find another system for investigating OIS incidents better than that of the Department's. There was also consensus regarding the need to rotate investigators assigned to the OIS Team. They recognize the "loss of expertise" issue, but believe it can be managed for the greater good of public confidence in the investigative process. The Commission should have the latitude to use the services of trained criminal attorneys to assist them in the review of OIS cases; however, none of them were Commissioners since the Inspector General came into being and that may be what they had in mind. Several Commissioners believe the role of the Inspector General needs to be defined with respect to the review of OIS cases. There is a consensus that, in general, OIS cases involving animals and accidental discharges should not rise to the level of Commission review.

Commissioners raised the complex question of the impact liability concerns may have on the search for truth. Concern over liability can affect every element of the OIS process, from the involved officers to the Department, City, Chief of Police, and Commissioners. In response to what some labeled the "Yagman Effect," legislation should be sought to minimize, if not eliminate civil liability for community members appointed to civilian oversight commissions.

There were a number of perspectives offered on rollout. The most significant notion was that rollout must have a clearly defined, mutually agreed upon role, it must produce some work product useful to the OIS review process, and its implementation must be convincingly sold to the public.

Some Commissioners believe strongly that all Commissioners, before they ever sign off on an OIS report, should receive some basic training on all aspects of OIS cases.

SELECT CITY COUNCIL MEMBERS

Background

Council members were interviewed by Captain Julie Nelson and Lieutenant Greg Hall. The council members were selected based upon their present or recent assignments within City Council. Council President John Ferraro concurred with the interview selections. Council Member Mike Feuer is the chairperson of the Budget and Finance Committee that reviews police lawsuit settlement offers. Council Member Cindy Miscikowski is the chairperson of the Public Safety Committee, and Council Member Laura Chick is the past chairperson of Public Safety.

These council members were provided with an in-depth briefing on the current investigative procedures of the Department regarding officer-involved shootings. A comparative sampling of other law enforcement agencies across the nation was also provided. Council members were asked to provide improvement suggestions relative to the actual investigative practices, and input to increase the public's confidence in the Department's ability to investigate these incidents.

Summary of Interviews

All three council members expressed serious concerns regarding the active involvement of attorneys in the investigative process. Feuer expressed strong concern about the apparent conflict of interest involved when one attorney represents more than one officer at a time. Miscikowski felt that the League should consider providing a separate attorney for each individual officer. She felt that, in addition to the potential conflict of interest, the practice of having several officers confer with one attorney, either in a group setting or one attorney conferring with each officer separately, has a negative appearance. All three council members felt discussions should take place in an effort to ensure that each officer's statement was obtained on the basis of individual recollection and not influenced by the statements of others, including an attorney.

The council members concurred that the DA's Office needed an active role in the rollout program in order for these investigations to be accepted as credible. The past practice did not sufficiently involve them in the process. Council member Chick suggested that the district attorney representatives be provided a "walk though" by the lieutenant in charge of the investigation. Both Chick and Feuer recommended that the district attorney representative be present at the initial interview of the civilian witnesses rather than having a separate interview after the Department interview.

Council member Feuer suggested that the final protocol for OIS investigations should be reviewed either by the State Attorney General, the U.S. Attorney's Office, or the FBI. A public statement from one or more of those agencies supporting the Department's new system would result in greater public confidence.

Council member Miscikowski stated that the Inspector General's Office should have a specific, articulated role in the process that may include periodic audits of the process. She also suggested that the Department conduct a random survey of officers to determine their perceptions of the process and elicit input to improve the system. She suggested that the Department conduct the survey directly rather than relying on the League to survey its members.

Subcommittee Findings

The council members very much appreciated this opportunity to provide input into the Board of Inquiry process. Their observations were insightful and thoughtful. They are uniformly interested in the manner in which the District Attorney's rollout program will be implemented and will take an active role in reviewing those protocols. The council members' concern about officers conferring with the same attorney is shared by just about everyone else involved in that process. In fact, the League has stated they are sensitive to this concern, but can send only one attorney to the scene as a matter of financial necessity.

RETIRED FEDERAL JUDGE DAVIES

Background

Judge John Davies was a Federal judge for over twelve years. He presided over the Rodney King trial. He is now retired from the judiciary and is currently a member of Bakaly and Davies, a dispute mediation resolution company located in Los Angeles.

Judge Davies agreed to review the Department's officer-involved shooting protocol. He was provided a copy of the investigative manual and briefed on the Department's current investigative practices. He was also briefed on a sampling of other law enforcement agencies' current practices. Judge Davies examined the Department's system independently and then in relation to the Christopher Commission recommendations. He specifically stated he was reviewing this issue not as a subject matter expert, but merely as a former federal magistrate.

Representation of the Involved Officers

Judge Davies felt that the practice of having one lawyer represent more than one officer is seriously flawed and is in conflict with basic tenets of the sixth amendment, the right to counsel. He does not believe that a lawyer can ethically represent multiple clients involved in the same incident. He did not view the Christopher Commission's point that an officer's compelled statement makes criminal prosecution difficult, as a serious flaw. A police department has the right to obtain a compelled statement from its officers, but the District Attorney has no legal right to compel a statement from a potential defendant. Administrative issues need to be addressed and any criminal prosecution effort can be held intact without harm.

Civilian Witnesses

While the District Attorney must restrict their access to officers making compelled statements, Judge Davies believes the District Attorney should have equal access to interviewing civilian witnesses. The practice of having a representative from each agency simultaneously interview a civilian witness is a plausible solution.

Other Considerations

Judge Davies noted the Christopher Commission's complaint that officers frequently speak together as a group after a shooting, has been eliminated by the Department's current practice of having them driven to the station as soon as possible. The officers remain separated or in the presence of a supervisor with the admonition not to discuss the incident. The current Department practice addresses this issue.

A second Christopher Commission complaint focused on the practice, at that time, of conducting a pre-interview before a recorded statement is obtained. Again, the current Department practice is to record the officer's statement immediately with the lawyer present and no "pre-interview" exists in the current system.

Subcommittee Findings

Judge Davies stated that as a whole, he could find no fault with the current Department system with the exception of the officer representation issue. It was his opinion the system addressed the needs and rights of the officer, the person who was shot at, and the public. The Christopher Commission concerns have been addressed in a satisfactory manner and the one flaw cited regarding compelled statements from the officer was, in his opinion, not a flaw as the officer's rights need to be scrupulously guarded. The law is equipped to balance the interests of the officer and the public. As noted by the former Police Commissioners, Judge Davies would expect that District Attorney representatives responding to an OIS would be active participants in the appropriate aspects of the investigation.

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF SOUTHERN CALIFORNIA

The ACLU was contacted regarding the Department's OIS protocols and given an opportunity to provide input regarding those protocols and suggestions for improvement. Rather than be interviewed, they sent correspondence to the Department stating their position on the following matters.

Independent Counsel

Most police shootings are "within policy" and do not raise questions of criminal culpability. Thorough internal investigations require that the involved officers answer questions about the incident posed by superiors. This requirement, however, has to be carefully balanced against the

officer's right to be represented by counsel should the shooting be problematic and the officer is later brought up on criminal charges.

One area of grave concern is that all officers involved in a shooting are allowed to speak to the same attorney. This allows the officers involved – wittingly or unwittingly – to learn the details of the other officer's version of the event before being questioned by an investigator. Critical discrepancies in testimony that might otherwise come to light may be changed. Officers who hear each other's account are able to give the same description of what led up to the shooting to the internal police investigator. The pre-walkthrough interviews with officers involved in the incidents should be taped to preserve the officers' initial accounts. Moreover, the practice of investigating officers asking leading, often conclusionary, questions, must end.

The ACLU continues its support for the police officers' "Bill of Rights," including the right to counsel. The ACLU believes, however, that officers involved in a shooting (or in other incidents that are likely to generate a Board of Inquiry) should each be assigned individual counsel.

Analysis of Decisions Leading to a Shooting

One of the most critical aspects of an investigation into a police shooting is the administrative review that takes place after the determination of whether or not the shooting was within policy. Indeed, a thorough review of the steps leading up to the shooting is often more important than reviewing what happened at the moment of the shooting.

The administrative review should include a broad analysis of what could and should have been done to prevent the incident in the first place. This has two purposes. First, officers are shown how to obtain the same or superior results with less use of force. Emphasis is placed, not on the "split-second" decision to shoot, but on the string of decisions that led up to the officer's final decision to use lethal force. Secondly, alternatives are discussed, along with how those choices are more likely to have deescalated the situation and avoided the use of lethal force.

Officers may be required to undergo additional training, which should be viewed as skill building rather than punitive. The primary goal of the training should be to increase the officer's safety through early identification and avoidance of potentially dangerous situations. Officers should receive commendations for showing restraint in difficult situations.

Analysis of Systemic Problems

The administrative review should include a systemic analysis to determine if the shooting is part of a larger trend that requires a change in departmental policies, practices, training or supervision. Much of the problems with police shootings stem from internal procedures relating to officer selection, training, and assignment as well as the type of equipment they are given. Even when good rules and policies are in place, their implementation may be poor. Early warning signs must be investigated, particularly lax supervision and perpetuation of the old culture through field training officers. The policies and practices taught in the Academy are lost on new recruits whose field training officers tell them "this is how we do it on the streets."

Supervisors who promote and encourage officers to engage in dangerous confrontations need retraining as well.

Quality of Dispatch Information

Another area to look into is the quality of information that officers receive from dispatchers before arriving at a scene. Often different or additional units should be dispatched, such as psychiatric team or officers equipped with nets or other non-lethal means to restrain people especially those who may be mentally disturbed.

Conclusion

All internal reviews of police-involved shootings must go beyond the question of whether or not the shooting itself was within departmental policy. The process must include an investigation into the events leading up to the shooting and must focus on the decisions made by the individual officers involved, as well as the implementation of departmental policies and practices.

Subcommittee Findings

The ACLU echoed the concerns of Judge Davies and several former Police Commissioners regarding the Protective League's decision to provide only one attorney to represent all involved officers. Additionally, they suggest that all interviews, including the walkthrough with RHD investigators, be tape-recorded.

DISTRICT ATTORNEY, STATE ATTORNEY GENERAL & U.S. ATTORNEY

Background

Interviews were conducted with the District Attorney's Office, the State Attorney General's Office, and the United States (US) Attorney's Office in order to explore the relationship and role of these agencies as they relate to the LAPD's investigation of OIS incidents.

1. The District Attorney's Office was interviewed about the rollout team's involvement in the OIS investigation.
2. The State Attorney General's Office was interviewed to determine their role should conflicts develop between the Department and the District Attorney's Office.
3. The US Attorney's Office was interviewed to determine their role when an OIS shooting incident results in an alleged civil rights violation.

Summary of Interviews

District Attorney's Office

Deputy District Attorney Cliff Klein, Special Investigations Division, was interviewed on October 5, 1999, by Lieutenant Greg Hall. Also present at the interview were members of Klein's staff, Deputy District Attorney James Cosper, Supervising Investigator Alan Jarvis,

Captain Gary Schram, Lieutenant Fred Leonhardt, and the District Attorney's Law Enforcement Liaison Joseph DeLadurantey.

The District Attorney's Office is in the process of surveying other agencies across the nation in an attempt to determine the use of and protocols for a rollout program. Once the response protocol is established, a letter will be sent to all agencies in Los Angeles County with a complete outline of the duties and responsibilities the District Attorney will assume upon arriving at the scene of an officer-involved shooting. Response by their office will be provided only to those agencies agreeing to follow the guidelines. One of the models the DA is considering is a protocol in which they obtain non-compelled statements from the involved officers. With the exception of the LAPD and the Culver City Police Department, it is the practice of other agencies within Los Angeles County to obtain non-compelled statements from officers.

The District Attorney is committed to having a meaningful and active role with law enforcement as it relates to interviewing officers and civilian witnesses. Presently, the District Attorney's Office does not receive any documents from the LAPD regarding officer-involved shootings. They requested that shooting reports be forward to them for review with the officers' compelled statements redacted, but available upon request.

> NOTE: Contrary to the DA's assertion, the Department does provide them with select OIS reports based upon their instruction **not** to present them with every misconduct complaint or shooting investigation which has the prima facie elements of a crime. The prior policy of presenting every prima facie case to the DA simply overwhelmed their office; so, the DA requested that the LAPD use judgement and follow the DA's filing policy for criminal cases to identify cases presented for filing. However, the District Attorney's Office continues to routinely review every deputy-involved shooting incident for the Los Angeles Sheriff's Department. The DA's letter to that effect is included with the addenda to this report.

California Attorney General

Senior Assistant Attorney General Carol Wendelin Pollack was interviewed on September 30, 1999, by Lieutenant John Dunkin. California Penal Code Section 1424 describes the authority and role of the State Attorney General's Office in these instances. Essentially, the State Attorney General's Office may become involved in the resolution of a conflict between a local law enforcement agency and the county district attorney in three instances:

1.   An appearance of conflict of interest.
2.   An abuse of discretion by the District Attorney's Office.
3.   Evidence of criminal conduct on the part of the District Attorney's Office.

In the matter of a conflict arising from the investigation of an officer-involved shooting, the appearance of abuse of discretion on the part of the District Attorney's Office is the area most commonly examined by the State Attorney General's Office. Ms. Pollack cited a case of an investigating agency, or victim, believing there was sufficient information and evidence to

support the filing of criminal charges and the District Attorney's Office declining to do so, as a scenario where an allegation of abuse of discretion claim would be raised. Normally, the investigating agency, the victim, or the victim's family raises the allegations of abuse of discretion.

In such cases wherein abuse of discretion is alleged, the State Attorney General's Office would conduct an independent analysis of the investigative material that had been compiled and would render an opinion based on that material alone. Normally, the material analyzed would be that which was in the possession of the District Attorney's Office and which had been submitted by the investigating agency. Absent some indication of criminal conduct in terms of how the investigation was conducted or some appearance of a manipulation of the investigative documents or evidence, there would be no independent investigation of the case in question or re-interview of witnesses.

If, in the opinion of the State Attorney General's Office there does appear to be evidence of an abuse of discretion, the District Attorney's Office would be directed to proceed with the prosecution. However that directive is not binding and in those cases where the District Attorney's Office continues to decline to prosecute, the State Attorney General's Office could assume the prosecution of the case in question.

Ms. Pollack indicated that there is no instance absent motions or requests as described above, when the State Attorney General's Office would inject itself, or conduct an investigation independently into the investigation of an officer-involved shooting.

United States Attorney

Mr. Alejandro Mayorkas, the US Attorney for the Southern District of California, was contacted for the purpose of providing input to the Board of Inquiry. Specifically, input was sought regarding the "ideal" relationship between his office and the LAPD when a corruption or officer-involved shooting investigation concerns his office or discloses possible violations of federal statutes. Mr. Mayorkas agreed to do so through his two Section Chiefs, Assistant US Attorney Michael Gennaco, Chief Deputy of the Civil Rights Section, and Assistant US Attorney Kimberly Dunne, Chief Deputy of the Public Corruption and Government Fraud Section. They were interviewed on October 6, 1999, by Commander James McMurray.

Currently, the US Attorney's Office has no written protocol specifically addressing their relationship with local law enforcement agencies; especially their involvement in any on-going personnel and/or officer-involved shooting investigations. Nor were there any written guidelines delineating at what point the US Attorney desired or needed to become involved in such cases. Mr. Gennaco and Ms. Dunne indicated that their office should be notified as soon as possible when an investigation appears to qualify for investigation and/or prosecution by the US Attorney.

The rationale for involving the US Attorney in an investigation is that a federal agency has resources at its disposal that far exceed those of any local law enforcement agency, city or county. The US Attorney can utilize any resource within the Department of Justice's jurisdiction

to assist in an investigation, should the need arise, and has access to resources at the Department of Treasury, specifically, the Internal Revenue Service (IRS). Records maintained by the IRS can provide critical information in a corruption investigation. Additionally, federal prosecutors have at their disposal the powers of the Federal Grand Jury, whose authority exceeds those of the local grand jury. Testimony provided to a Federal Grand Jury is confidential and does not need to be disclosed to the defense nor is the Federal Grand Jury required to disclose exculpatory evidence it possesses on witnesses. Finally, in the US Attorney's experience, an investigation conducted at the federal level generally remains out of the public forum for a longer period of time. According to Mr. Gennaco and Ms. Dunne, their office is also less prone to having confidential information leaked.

With regard to the details of notification, Mr. Gennaco and Ms. Dunne suggested that the preferred protocol would be for the LAPD staff officer who first becomes aware of the need for federal involvement to contact his or her counterpart at the local Federal Bureau of Investigation (FBI) Office. The FBI would immediately respond to the scene and summon the US Attorney, if necessary.

Currently, the LASD provides a copy of their shooting reports to the US Attorney at the same time they present the investigation to the DA for review. The US Attorney would like LAPD to consider doing the same. If the US Attorney has concerns regarding the shooting, they would discuss the matter with the DA.

Mr. Gennaco volunteered the services of the US Attorney's Office to speak to recruit classes about federal civil rights and corruption investigations, if the Department deems it beneficial.

The US Attorneys were concerned with specialized units within law enforcement agencies, specifically because the loyalty of their employees tends to be with the team or unit, rather than to the Department as a whole. Mr. Gennaco and Ms. Dunne believe that a computerized tracking system of potential problem employees such as TEAMS or TEAMS II is essential.

Subcommittee Findings

Contrary to the assertion of the District Attorney's Office, the Department does provide that office with OIS reports using the protocol they asked us to develop. For example, at the direction of the Chief of Police, the OIS Section provided the District Attorney's Office a copy of the Margaret Mitchell shooting reports. That request for LAPD to use its discretion notwithstanding, the DA reviews every OIS involving a Los Angeles County Sheriff's Deputy.

The Department should consider adopting the Sheriff's practice of providing the US Attorney's office with a copy of reports presented to the District Attorney's Office. The rollout protocol must incorporate input from all involved stakeholders. The Department should consider accepting the US Attorney's offer to have members of their staff speak to recruit classes regarding civil rights and corruption investigations. Given Judge Davies opinion that one attorney representing multiple clients presents a conflict, the Department should open a dialogue with the League to resolve this dilemma.

In conclusion, one must keep in mind that compelled statements are not an agency prerogative, but the response required when an officer chooses to exercise the rights given him or her under the California State law. There simply is no reasonable alternative when an officer asserts those rights prior to being interviewed.

INTERVIEW OF LEAGUE DIRECTOR AND LEAGUE COUNSEL

Background

On September 28, 1999, a meeting was held with representatives of the Los Angeles Police Protective League (League). The issue was the League's role in the investigation of officer-involved shootings, as well as their perceptions relevant to the effectiveness of those investigations. Present at that meeting and representing the League were League Director Rick Wells, League General Counsel Enrique Hernandez, and Independent League Counsel Gary Ingemunson. The interview was conducted by Lieutenant John Dunkin.

Summary of Interview

In his initial statement, Rick Wells stated that the League's role was clear. The presence of a League Director and League Counsel is seen as essential to the protection of the involved officers' rights. This right to representation and counsel is one that the League believes is absolute and is expected and demanded by its membership as a whole. Rick Wells indicated that this belief of the membership's expectations is based on general perception rather than any formal survey of the membership.

According to Wells, the protocol that the League and its counsel follow when responding to an officer-involved shooting scene is to generally oversee the activities of those representatives of the League who respond to the scene. The actual consultation with the officers, who are either directly or peripherally involved, is the responsibility of the General and Independent Counsels for the League. Most League Directors avoid contact with the involved officers prior to the completion of the initial OIS investigation. League Counsel, consistent with current policy, responds to the involved officers' location and meets with the officers prior to their being interviewed by the OIS Section investigators.

Gary Ingemunson described the interview process as being conducted essentially in two parts. The first interview is conducted with only those officers directly involved in the shooting. A second interview is conducted with the remaining officers who, at least initially, are perceived to be only peripherally involved. Ingemunson related that each officer is provided, and asked to sign a waiver authorizing the League Counsel to represent them during this process, understanding there may be conflicts amongst the involved officers. Ingemunson stated the decision to conduct group interviews rather than individual meetings arose from the League recognizing that the interviews of officers were time consuming and, if done individually, would significantly delay the investigative process.

The League recognizes that group interviews, from a public perspective, are problematic. The perception that group interviews afford the involved officers the opportunity to "get their stories together" is of real concern to the League. The League, in response to this concern offered two

suggestions that if implemented, may significantly reduce the delay. First, there is a generally held perception by the League that notification to them regarding officer-involved shootings is delayed. The League is of the opinion that they are a secondary concern in terms of notifications and that a timely notification, simultaneous with notification to OIS Section, RHD, would facilitate a more prompt response and thereby lessen the delay created by the ensuing interviews.

Secondly, and a resolution that is particularly attractive to the League, is the assignment of individual attorneys for each involved officer. The League was clear in stating their position that the financial burden that the assignment of additional attorneys would create would have to be borne by the City of Los Angeles as the league did not have the financial wherewithal to assume that burden. There was some discussion that an insurance program that would provide for legal representation is being contemplated for the membership and that individual officers may be able to draw on that resource in the event they are involved in an OIS.

The League was opposed to the presence of representatives from the City Attorney's Office in an Officer Representation role simply because of the potential for conflict which exists should the matter result in the filing of subsequent lawsuits. They believe that the first responsibility of the City Attorney's Office would be to represent the interests of the City, to the detriment of the involved officers.

Beyond the role of the League representatives, Wells, Hernandez and Ingemunson expressed concern over a number of practices that they and the membership see as problematic. First, and most prominent is the interviewing or questioning of involved officers prior to the arrival of League counsel and the OIS Section team. They acknowledge that the involved officers are expected and required to provide whatever information is necessary to ensure public safety prior to being transported from the scene. However the League is of the opinion that the involved officers' discussions with supervisors and commanding officers far exceed that requirement. This practice is a clear violation of Department policy and conflicts inherent in these types of discussions can prove problematic during civil proceedings that frequently follow OIS incidents. The other issue is the not-uncommon practice of some supervisors confiscating the involved officer's weapon. This practice is unnecessary and likewise is in violation of policy.

Rick Wells believes that generally speaking, the membership does <u>not</u> feel that they will be treated fairly by the investigating detectives. That feeling had its genesis during the time when the OIS team was disbanded and investigations were handled by RHD as a whole. It was the perception then that the involved detectives approached each incident as a criminal investigation and their contact with the involved officers reflected that fact. While the League Directors do not necessarily share that opinion, they are of the opinion that this belief lingers among the membership.

Generally speaking, the League believes that there has been general erosion in the memberships' belief that the Department will do the "right thing" by its officers, and that OIS Section detectives will be fair and impartial. They see the League as being that entity that has filled the void of trust. As such, they do not foresee a time when they would discontinue or modify any of their practices relative to officer-involved shootings.

Subcommittee Findings

The League is incorrect in their belief that timely notification to them about OIS incidents is not the Department's practice. According to Captain Fierro, Commanding Officer, Detective Headquarters Division, the League is on the OIS notification checklist they maintain. A review of the call-up list utilized by DHD personnel revealed that the League is the sixth of twelve different notifications made in these cases. Additionally, a random review of the notification log for three different incidents shows the League being appropriately notified as follows:

1.   OIS resulting in death, January 1, 1999. The incident occurred at 0015 hours, Robbery Homicide Division was notified at 0045 hours, and League Director Ted Hunt was notified at 0050 hours.

2.   Upper body control hold investigation, April 4, 1999. The incident occurred at 1500 hours, Robbery Homicide Division was notified at 1545 hours, and League Director Lenny Munoz was notified at 1635 hours.

3.   In-Custody death investigation, April 12, 1999. The incident occurred at 1700 hours, Robbery Homicide Division was notified at 1745 hours, and League Director Ted Hunt was notified at 1752 hours.

While the notification in the April 4, 1999, incident could hardly be classified as timely, notification in the other two cases occurred within ten minutes of the RHD notification, which is the first notification usually made. Nevertheless, the Commanding Officer, Communications Division, was contacted and reminded of the critical nature of these notifications.

SCIENTIFIC INVESTIGATION DIVISION

Background

Captain William A. Fierro and Lieutenant William B. Ward, Detective Headquarters Division, were assigned to examine the way in which we handle conflicts between the physical evidence collected and analyzed by SID and witness accounts of an incident. Specifically, they were asked to address the following questions:

1.   How is Robbery Homicide Division alerted to possible conflicts between the physical evidence and the statements of witnesses?
2.   Does the sharing of too much or too little information between RHD and SID compromise the integrity of the investigation?

The following individuals from RHD, SID and the Los Angeles County Sheriff's Department were interviewed regarding the procedures used when a conflict arises:

> Captain III Jim Tatreau, RHD
> Lieutenant II Dan Hoffman, RHD
> Detective III Jefferey Parker, RHD

Chief Forensic Chemist II Michele Kestler, SID
Supervising Criminalist Doreen Hudson, SID
Detective Gil Carrillo, LASD Homicide

Summary of Interviews

For the past several decades, the OIS Team, Robbery Homicide Division has conducted in-depth investigations when deadly force is used by an LAPD employee. The professional scientific staff at SID has assisted in those investigations by collecting and analyzing evidence. While the detectives are responsible for the overall investigation, they generally do not "look over SID's shoulders" in order to keep the scientific findings independent of the initial conclusions of the investigators.

According to Doreen Hudson, SID, conflicts are rare occurring approximately six to ten times per year and even then are of a minor nature. Conflicts are resolved by reviewing that portion of the investigation where the conflict occurred. The specialists at SID prefer not to know too much about the case so they are not influenced by what the detectives believe the facts to be. They base their work on autopsy reports (or medical reports, if available), property reports, SID's crime scene notes and physical evidence. Likewise, the detectives prefer to develop the facts based on investigation and witness statements and verify their conclusions with the physical evidence. Hudson also indicated there is no need for SID personnel to see the witnesses' statements. However, SID maintains a continuous dialog with the OIS teams relative to the evidence, thereby allowing open lines of communication.

Detective Gil Carrillo is assigned to the Los Angeles County Sheriff's Homicide Bureau and has been investigating officer-involved shootings for almost 20 years. He could only recall one incident in the early 1980s where an obvious conflict occurred. Once it became obvious that the deputy's statements conflicted with the physical evidence, the Los Angeles County District Attorney's Office was notified and asked to participate in the investigation. According to Carrillo, this was the protocol to be used when conflicts such as this occurred. Once confronted with the facts, the deputy admitted to the fact he had an accidental discharge. In Carrillo's opinion, this system helped the Sheriff's Department maintain their credibility.

Use of Force Review Board staff were queried regarding the feasibility of having SID criminalists attend UOF Boards as subject matter experts. Sergeant Saila Adams stated that SID's analysis is presented to the Board by the OIS team detectives. Should the Board Chair determine that clarification of SID information is desirable, there is nothing prohibiting the UOF Board from calling the criminalist to provide them with information.

Subcommittee Findings

It appears that our current systems are working well in this area. The investigators and specialists alike recognize the importance of each other's role and respect the need to conduct independent investigations. While the two entities enjoy a special relationship, their interaction is strictly professional. There appears to be good communication between RHD and SID, but not to the extent that the integrity of the investigation is jeopardized. The communication level is such that

there is ample opportunity to identify and investigate conflicts arising during investigations. The result is that RHD and SID work independently, for the most part, and conflicts are rare. This approach acts as a check and balance system for both entities. However, some modest changes are in order and RHD was working in conjunction with SID to make those changes prior to the subcommittee's review. Those changes included establishing responsibility for the handling and booking of OIS-related evidence, designating an OIS Coordinator within SID, and ensuring that OIS investigations continue to receive appropriate priority.

The analysis of physical evidence by SID's Firearms Analysis Unit (FAU) is a critical component in many successfully investigations, not just OIS cases. Though SID currently is able to complete the analysis of OIS investigations in the prescribed time limits, it is often at the cost of many other very serious criminal investigations. To meet the needs of all Department investigative entities for firearm related analysis, primary importance should be placed on meeting the staffing and environmental needs of SID's Firearms Analysis Unit. Additional personnel required to meet these needs include one Criminalist III, two Criminalists II, and two Forensic Print Specialists. Also of significant concern is the location of the Firearms Unit which is in a small, substandard facility remote from the remainder of the criminalistics laboratory.

With respect to information from the coroner, OIS investigators take the information from the coroner's protocols and compare it to the findings of SID and the witnesses' statements. If all information coincides, the investigation is complete. However, if there is a conflict between any one of these components, the investigation continues until the conflict is resolved or the conflict is clearly stated in the report. The problem that arises is that medical information is usually not available unless the incident results in death. Medical practitioners are statutorily prohibited from releasing medical records without a patient's consent. Without that consent, which is never agreed to by the patient's attorney, the OIS investigators are unable to obtain detailed medical records for comparison with witness statements and SID analysis. The Ovando case is a classic example. In that case, the investigators believed Ovando had sustained a graze wound to the skull. In reality, Ovando had sustained a shot to the head which caused skull fragments to penetrate his skull. The comparison of medical evidence, ballistic analysis and witness statements becomes much more complete when this critical medical information is also available. The only resolution to this dilemma would be for the legislature to consider a change in the medical privacy laws, at least with respect to the injuries someone sustains during a police incident.

SURVEY OF OTHER AGENCIES

Background

Outside law enforcement agencies were surveyed in order to compare their investigative protocols for officer-involved shooting incidents with those of the LAPD to determine if better protocols, or portions thereof, existed. Robbery-Homicide Division, OIS Section detectives conducted the poll of various federal, state, county, and municipal law enforcement agencies.

The agencies selected were based on the recommendations of other members of the subcommittee with the criteria being to focus on agencies nationwide of comparable size.

Although several of the selected agencies were quite responsive and forthcoming with information, a few elected to seek advice from their respective legal departments before they would respond.

The surveys were conducted telephonically and were comprised of the following questions.

1. Who conducts their OIS investigations?
2. At what point, if any, does prosecutorial involvement occur?
3. Are criminal investigations conducted by the same entity that conducts the administrative investigations?
4. What is the review process?
5. Is there civilian review?
6. Are officers admonished or warned prior to questioning, i.e. "Lybarger" or "Miranda?"
7. Is officer representation provided?

Summary of Agencies

Federal Bureau of Investigation

On September 27, 1999, Special Agent In-Charge Richard Noyes, Federal Bureau of Investigation (FBI), Agent Involved Shooting Team, advised that the Senior Agent-In-Charge of the involved agent's office is responsible for conducting the Agent Involved Shooting investigation. However, if a conflict exists or develops, an inspection team from Washington D.C. would respond and assume the investigative responsibility, both administratively and criminally.

During any interview, the involved agent is represented by an attorney from the employee association. Prior to questions being asked of the involved agent, the investigative entity, absent criminal culpability, provides an administrative admonition compelling the agent to provide a statement by virtue of his or her employment. Although there is no civilian review of the completed investigation, the investigations are submitted to an FBI review board in Washington D.C. Additionally, each case is evaluated by the Department of Justice for criminal culpability on the involved agent's part. The FBI will not forward any written protocol upon advice of their legal staff, fearing discovery issues.

California Highway Patrol

The California Highway Patrol is divided into eight regional divisions. Each division oversees several offices and assigns several officers under the supervision of a lieutenant to respond to an officer-involved shooting occurring within their respective division. Upon being notified of an officer-involved shooting, members of the respective Officer Involved Shooting Team leave their normal assignments and respond to the scene. Their primary role is to conduct an administrative investigation, always keeping in mind the potential of criminal culpability by the involved officer. If criminal culpability is indicated, the agency responsible for conducting the criminal investigation is provided with that information to further their investigation.

Involved officers do not routinely seek legal advice prior to being asked questions regarding the shooting incident. However, if the situation warrants one, the involved officer may be assigned an attorney by their association. The involved officers generally agree to a non-compelled interview by the Officer Involved Shooting Team outside of "Lybarger" or "Miranda." Although there is no civilian review of the officer's conduct, the incident is reviewed by the respective Division Chief, Commissioner and Assistant Commissioner of the Highway Patrol. The respective District Attorney's Office is only notified in those cases involving suspected criminal culpability.

Los Angeles County Sheriff's Department

The Los Angeles County Sheriff's Department Homicide Bureau is responsible for investigating deputy-involved shootings for the purposes of determining criminal culpability, either on the part of the involved suspect or deputy. They are responsible for conducting the investigation of the scene and interviewing all involved persons. The involved deputies may request legal counsel prior to being interviewed; however, most of the deputies agree to a non-compelled interview. The investigation conducted by the Homicide Bureau is submitted to the LA County District Attorney's Special Investigations Division for filing consideration against the involved deputies.

The administrative review of all shootings is conducted by the Sheriff Department's Professional Standards and Training Division (PSTD) response team. When a person has been wounded or killed, PSTD personnel are required to cooperate with Homicide Bureau personnel and vice versa to gather the facts necessary for their review. The PSTD teams are comprised of representatives from various Department units, such as Internal Affairs Bureau, Advanced Training Bureau, Civil Litigation, Traffic Services, Medical Services, Risk Management, Custody and Training, depending on the type of incident and the expertise required.

Generally, the members of the PSTD team prepare a report specific to their area of expertise. However, if at any time, the Internal Affairs Bureau member (a lieutenant) of the PSTD team determines that potential misconduct is present, he/she, with the concurrence of the division chief, turns the administrative investigation over to their Internal Affairs Bureau. If the PSTD lieutenant believes that the conduct of any Department member may have been criminal in nature, he/she immediately notifies the unit commander, and with the concurrence of the division chief, the entire investigation is turned over to the Internal Criminal Investigations Bureau.

The Executive Force Review Committee, comprised of three commanders, reviews the Homicide Bureau and PSTD Response Team reports regarding deputy-involved shootings. The review committee determines if the involved deputy's conduct violated any Department policy. The committee completes a memorandum directed to the deputy's unit commander for the appropriate action.

San Diego Police Department

Investigations of all officer-involved shootings involving injuries are conducted by the on-call Homicide Team. Internal Affairs is assigned to investigate all non-hit officer-involved shootings. When the shooting incident involves a fatality, the San Diego County District

Attorney's Office is immediately notified and dispatches an investigator to the scene. The District Attorney investigator is briefed and provided with a walk-thru of the scene by the senior investigator. Upon completion of the Homicide Team's investigation, the District Attorney's Office reviews the case for potential criminal culpability on the involved officer's part.

Prior to being interviewed, the involved officer is provided an attorney by the Police Officer's Association. Before being questioned, the involved officer is given an administrative "Garrity" admonition, compelling the officer to provide a statement. (The "Garrity" admonishment is the Federal equivalent to the "Lybarger" admonishment.) In the event criminal culpability is suspected, Internal Affairs assumes responsibility for the investigation.

Upon completion of the Homicide Team's investigation, Internal Affairs reviews the case for any violation of department policies and procedures. Following the Internal Affairs review, a civilian review board, comprised of individuals appointed from the community, evaluates the involved officer's conduct.

Santa Ana Police Department

Internal Affairs Division conducts the administrative investigation of officer-involved shooting incidents. The Orange County District Attorney's Office assumes the primary role for the criminal investigation of hit-shootings, including the on-scene investigation, utilizing the Orange County Sheriff's Department Crime Lab to recover and process all evidence. Non-hit officer-involved shootings are investigated by the agency without involvement of the District Attorney's Office.

Prior to being interviewed, the involved shooting officer is provided an attorney by their employee association. The District Attorney's Office requests a voluntary statement from the shooting officer and percipient witness officers. If they refuse to provide a voluntary statement, they are not interviewed by the District Attorney's Office. For the purpose of the administrative investigation, Internal Affairs investigators will provide the involved officer with "Miranda" and "Lybarger" admonitions. The officers will then provide a statement for administrative purposes.

Although there is no civilian review of officer-involved shootings unless the incident is presented to the Orange County Grand Jury, an administrative review is conducted. The administrative review board is comprised of a lieutenant, two sergeants, and a corporal who evaluate the involved officer's conduct and report their findings to the Chief of Police.

Huntington Beach Police Department

The Orange County Sheriff's Department conducts the criminal investigation of officer-involved shootings by Huntington Beach Police Department officers. Huntington Beach Police Department maintains responsibility for the administrative investigation. Prior to being interviewed, the involved officer is provided an attorney from their association. Upon being interviewed by the Orange County Sheriff's Department for the purposes of the criminal investigation, the involved officers are provided a "Miranda" admonition. During the subsequent interview by the Huntington Beach Police Department for administrative purposes, officers

generally agree to provide a non-compelled statement outside of "Miranda" or "Lybarger." The criminal investigation completed by the Orange County Sheriff's Department's is forwarded to the Orange County District Attorney's Office for filing consideration.

Although there is no civilian review of the incident, a review board comprised of four captains from the Huntington Beach Police Department is convened. The review board, utilizing both the Orange County Sheriff's Department's criminal investigation and the Huntington Beach Police Department's administrative investigation, determine if the involved officer's conduct was in or out of policy.

San Francisco Police Department

The investigation of all officer-involved shootings involving injuries is conducted by the on-call Homicide Unit team. The Homicide Unit conducts the criminal investigation of the involved officer's conduct. A team from Internal Affairs Division or Management Control Division will respond and initiate an administrative investigation. If the officer-involved shooting results in no injuries, divisional detectives and the officer's commanding officer conduct the investigation. In addition, the District Attorney's Office responds to the scene of all officer-involved shootings resulting in an injury; however, they play no role in the investigation.

Prior to being interviewed, the involved officer is provided with a union representative and/or a union attorney. Upon being interviewed by the Homicide Unit, the officer is admonished of their "Miranda" rights. Once they refuse to waive and provide a statement, Internal Affairs Division or Management Control Division will provide the officer with the "Lybarger" admonition and obtain a statement. Upon completion of the Homicide Unit's investigation, their findings are presented to the District Attorney's Office for filing consideration.

Both the Homicide Unit and Internal Affairs investigations are reviewed by the Chief of Police and Chief of Investigations for the purposes of determine compliance with policies and procedures. The Police Commission reviews the findings of the Chief of Police and Chief of Investigations.

Seattle Police Department

The Seattle Police Department's Homicide/Assault Unit conducts the criminal and administrative investigations of officer-involved shootings involving death or injury. If the investigators determine that the officer's conduct could have criminal ramifications, Internal Affairs is notified and brought into the investigation.

Upon being involved in an officer-involved shooting resulting in a death or injury, an officer is provided an attorney by the union. No interview takes place between the investigator and the involved officer. All questions by the investigator are submitted to the officer's attorney who in turn completes the officer's statement. The statement is then provided to the investigators. In the event the investigators have additional questions, they must submit them through the officer's attorney.

In all officer-involved shootings resulting in a death, the King County Coroner's Office initiates a Coroner's Inquest to review the circumstances of the death. Additionally, those shootings resulting in a death and those involving potential criminal culpability on the officer's part are presented to the King County Prosecutors Office for filing consideration. There is no civilian review of officer-involved shootings; however, the City of Seattle is presently in the process of implementing such a review.

Atlanta Police Department

The Atlanta Police Department bifurcates the criminal and administrative investigations of all officer-involved shootings. The Homicide Unit conducts the criminal investigation and Internal Affairs conducts the administrative investigation.

During the interview process, an involved officer who is a union member is represented by a union attorney. If the officer is not a member, the officer is provided a reasonable amount of time to obtain counsel at his/her own expense. Upon being interviewed, lacking criminal culpability by the involved officer, no admonition is provided by the investigative entity. If criminal culpability is suspected, the officer is given the "Miranda" admonishment and an administrative "Garrity" admonishment. A civilian review board, appointed by the Office of the Mayor, evaluates the completed investigation. Only cases involving suspected criminal culpability are presented to the County Prosecutor for evaluation.

New York Police Department

The New York Police Department is divided into five Boroughs. Each Borough has a "Duty Captain" who is the team leader for any investigative team assigned to an officer-involved shooting occurring within their respective Borough.

The administrative investigation is conducted by detectives assigned to the Borough Inspection Section, under the supervision of the Duty Captain. Additionally, personnel assigned to Internal Affairs Bureau also respond to the officer-involved shooting and are briefed by the Borough Duty Captain. If criminal culpability or misconduct is suspected, Internal Affairs Bureau assumes investigative responsibility. Although, criminal culpability may not be suspected initially, Internal Affairs Bureau periodically follows-up with the assigned detectives to determine the status of the investigation. At the onset of the investigation, the District Attorney's Office plays a major role, working closely with the assigned detectives.

When the involved employee is of the Police Officer rank, the officer has 48 hours to obtain legal counsel. Those involved officers holding the rank of Detective, Sergeant, or higher are given "a reasonable period of time" to seek legal advice. Prior to being interviewed, an officer is assigned a union representative. The investigator provides the involved officer an administrative admonition, referred to as a "GL-15," prior to questioning. If the District Attorney believes that criminal culpability may exist, they direct the investigator not to compel a statement from the involved officer in order to prevent compromising a potential criminal filing.

An administrative review commences at the Borough level and involves a peer member, Captain, Inspectors and a Chief. The findings are based on the majority rule. The peer member casts his vote first to prevent being influenced by the senior board members. The final adjudication is a board comprised of the Chief of Police, Captain (Training Division), and two civilians one assigned to the Legal Bureau and one Employee Manager. As before, the finding of this board is based on majority rule.

Chicago Police Department

The Chicago Police Department is comprised of five bureaus, each comprised of five areas. When an officer-involved shooting occurs, the Assistant Superintendent is notified and the respective Area Watch Commander responds to the scene. It is the Watch Commander's responsibility to determine if the officer-involved shooting meets Department guidelines and use-of-force policies. The Watch Commander conducts both the administrative and the criminal investigations, with the assistance of area detectives. After determining that there is no suspected criminal culpability on the involved officer's part and that Department procedures were adhered to, the Watch Commander completes an administrative report. If the Watch Commander determines that the involved officer acted in an illegal manner or outside of Department procedures, he summons Internal Affairs which assumes investigative responsibility.

Prior to being interviewed, the involved officers are provided with an attorney from the Fraternal Order of Police Officers and union representatives. Upon being interviewed, the officers are provided with an "Administrative Rights" admonition, compelling them to provide a statement.

A civilian review board reviews all administrative reports, including the Watch Commander's Officer-Involved Shooting Report and Internal Affairs Report. The review board is comprised of civilian investigators and review personnel from the Office of Professional Standards. The review board's findings are submitted to the Department Superintendent for adjudication.

Boston Police Department

The Homicide Unit conducts all administrative investigations of officer-involved shootings using investigative procedures established by the District Attorney's Office. If there is any criminality on the part of the involved officer, it is investigated by district detectives.

Prior to any interview, the involved officers are provided with union representatives and an attorney from the Patrolman's Association. Before being questioned, Homicide Unit detectives admonish the involved officer of his or her "Miranda" rights. Normally, the officer refuses to waive those rights and no statement is obtained. Non-shooting percipient witnessing officers are not admonished and generally agree to provide a voluntary statement. If they do not agree to make a voluntary statement, they are not interviewed. (This was double checked and verified.)

Although there is no civilian review of the incident, the Homicide Unit's completed investigation is provided to Internal Affairs for review. Internal Affairs determines if the involved officer complied with Department policies and recommends a final disposition. In the event that

criminal culpability by the officer is suspected, the Homicide Unit's investigation is forwarded to the District Attorney's Office for filing consideration.

Subcommittee Findings

When reviewing a management system, it is often helpful to explore what other agencies do under similar circumstances. The objective is to explore how others do similar things and look for the "best practice."   However, we did not find any single agency's OIS protocol to be a best practice. In fact, we believe that the thoroughness of our current system for the investigation and review of OIS incidents far exceeds that of any agency we reviewed. That is not to say we didn't discover some enhancements (discussed below), only that our overall system is better.

We found the LAPD's investigative protocols for OIS incidents to be very similar to the investigative protocols of the agencies surveyed. Each agency responds to the scene immediately and conducts an administrative investigation into the incident which is then reviewed by Department managers. In most agencies, their Internal Affairs investigators conduct the administrative investigation. Predominately, departments tasked their agency's homicide investigators with investigating any criminal aspects of an OIS incident. Having the criminal investigation conducted by the District Attorney's Office was the second most frequent choice. Those agencies that have the District Attorney's Office conduct the criminal investigation do so because they feel that it ensures an impartial, third party investigation which has more credibility with their communities. We also found that many agencies' OIS protocols call for notification to their District Attorney's Office, whether or not they conduct the criminal investigation. The DA's Office in San Diego sends an investigator to the scene of all fatal OIS incidents and is briefed by the senior OIS investigator. In New York, the District Attorney's Office responds to the scene and works closely with the criminal investigators. We agree that the presence and active involvement of the DA's Office (rollout) would be a positive enhancement to our protocol, which, if properly implemented, could enhance our OIS investigations.

Currently, we investigate the criminal and administrative aspects of a personnel investigation together.   In contrast, LASD is able to bifurcate the criminal and administrative investigations with separate IAB investigative teams handling each aspect of the investigation. The LASD, however, does not have to contend with Los Angeles City Charter Section 202, which requires that we conclude our administrative investigations within one year of discovery or two years of occurrence. This effectively requires us to conduct a concurrent investigation in order to meet the City-imposed statute of limitations. The LASD is governed by State law which allows an agency to conduct a criminal investigation to its conclusion and then conduct the administrative investigation without fear of the administrative statute expiring while the criminal investigation is being conducted.

We looked closely at LASD's practice of sending a Training Division staff member to the scene of an OIS to evaluate the tactics employed by the officer(s). However, after discussion and careful consideration, the subcommittee concluded that conducting a detailed review of the tactics at the same time we are investigating the OIS would be premature and may actually hinder the OIS investigation. We believe a thorough tactical review should occur after the OIS investigation is completed and all the facts are known and available. We believe those decisions

are best left in the hands of the Use of Force Review Board which has access to the full and complete investigation.

The subcommittee did find merit in the practice by the New York Police Department of having Internal Affairs conduct periodic follow-ups with the OIS investigators. Currently, we require that the OIS Team OIC and the Commanding Officer, RHD, notify IAG whenever an OIS investigation reveals possible misconduct. That responsibility should remain unchanged; however, a monthly follow-up by IAG on all pending investigations would add another check and balance to the system. We were also intrigued with New York's practice of allowing the peer member to comment first at their equivalent of our Use of Force Review Board. This is done to ensure that senior board members do not influence the peer member's comments and perspective of the incident. Although not within the purview of this subcommittee, there may be merit to that procedure and we will pass it on to our UOF Board Chair for his consideration.

Currently, the one area of tremendous disparity in OIS investigations is the process in which the shooting officer(s) is interviewed. In Seattle, investigators submit their questions to the officer's attorney who in turn completes the officer's statement and returns it to the investigator. Officers in New York are given 48 hours to obtain legal counsel before they are interviewed. While these systems may work for those agencies, we rejected them as viable alternatives. When a shooting occurs, we simply cannot wait 48 hours or be required to work through an officer's attorney to find out what happened. Information such as the number of shots fired, direction, outstanding suspects and details of the crime involved are critical pieces of information not only for the discharge of our public safety responsibility, but also to identify and glean information from the crime scene.

Seven of the surveyed agencies compel their officers to provide a statement to the OIS investigators conducting the administrative investigation. The most notable exception is LASD where deputies involved in a shooting incident may have counsel present with them during the interview, but they generally agree to provide a statement without being compelled to do so. If they refuse to provide a non-compelled statement, they are not interviewed. We were unable to determine why LASD deputies agree to provide statements without compelled protections. However, we did discover that the Association of Los Angeles Deputy Sheriffs is looking at the way in which the Los Angeles Police Protective League (League) handles similar cases to determine if their members should ask to be admonished prior to being interviewed.

It appears that the differences in this complex area of OIS investigations come down to legal interpretations. Essentially, the California Peace Officers Bill of Rights gives an officer the absolute right to consult with an attorney prior to being interviewed. The League is notified of any shooting which will be investigated by RHD's OIS Team and they send a League Director and League Attorney. The involved officers are allowed, in compliance with the law, to consult with that attorney prior to being interviewed. With all respect to Judge Davies, who we found to be extremely insightful, the LAPD cannot limit an attorney to representing only one officer. If that poses a conflict, it is a conflict held by the involved officers, not the City or the Department. Consequently, the officer can waive any conflict and we have no recourse but to accept that waiver. None of the departments surveyed have found any way to prohibit one attorney from representing multiple officers.

The officer's attorney invariably requests that his or her client (the involved officer) be *Mirandized* prior to being interviewed. With no knowledge of what the officer is about to say, we have no alternative but to advise the officer of his or her *Miranda* rights. Officers invariably refuse to waive their *Miranda* rights leaving us with two choices. We can stop the interview and proceed with the investigation ignorant of what the officer saw, heard and did. Or, we can compel the officer to tell us what occurred using the *Lybarger* admonition. Essentially, *Lybarger* stems from a California court decision which recognizes a peace officer's duty to testify and make statements regarding the official discharge of his or her duties. In other words, a person in California can either invoke 5th Amendment rights to remain silent or they can be a peace officer, but they cannot do both. The Lybarger admonition orders the officer to make a statement for administrative purposes or risk termination for insubordination. Following those two admonitions, officers tell us what happened and respond to the investigator's questions.

As these are State laws, we as an agency have no choice when an officer asserts his or her rights. The advantage to the officer is that compelled statements are protected from use during any criminal investigation. This raises a significant problem for us when compelled statements are obtained in a concurrent investigation, e.g., criminal and administrative conducted together. If an officer makes a compelled statement, all evidence seized after it becomes suspect because of the legal doctrine known as the "fruit of the poisoned tree." In other words, if the statement is inadmissible, any evidence obtained as a result of it is also inadmissible. However, if the evidence is found independent of the statement, it would be admissible. Therefore, compelled statements must be removed from an investigation before it can be submitted to a prosecutor for consideration of criminal filing.

It is highly unlikely that there will be a retreat from the League demand that officers be admonished regarding their criminal and administrative rights prior to making a statement. If the Department stopped compelling statements in serious administrative investigations such as an officer-involved shooting, we would be forced to conduct an administrative investigation and reach conclusions on the incident without ever hearing from the officer. Absent some change in the law, there is no alternative to continue compelling statements from officers whenever they assert their Constitutional right to remain silent.

SUBCOMMITTEE CONCLUSIONS AND MANAGEMENT INSIGHT

After completing its work, the subcommittee met on five occasions to discuss the results and issues that arose independently through the work of other subcommittees. That effort included a complete review of the Department's present OIS protocol, the rationale for that protocol, and the way in which other agencies handle similar investigations. In light of those discussions and the information gathered by the subcommittee, the following conclusions were reached.

In conjunction with all involved stakeholders, the Department should attempt to see if a new OIS investigative protocol could be developed which allows the OIS investigators to be the first interviewers of the involved officers. If possible, the protocol should also address the issue of having one attorney represent multiple clients. Though primarily concerned with representing their membership, the League expressed concern about the public perception in these areas and expressed a willingness to at least discuss them. However, absent their agreement to modify

those procedures, there is nothing we as an agency can mandate in these areas which are governed by law.

The rollout program design should be based upon discussions between the DA, Chief of Police (or his designees), City Attorney, Board of Police Commissioners, and the League. Aspects of the program that the Department should negotiate include how rollout personnel will be selected, what their specific role will be, and what kind of work product they can be expected to contribute to the OIS investigation. Once these matters are resolved, an intensive public education program should be initiated to educate the community on the value of this program. Interviews conducted by the subcommittee indicate that the rollout team would function most effectively if its members were to jointly interview civilian witnesses along with LAPD homicide investigators. We feel that this high-visibility role would add the most value to the OIS investigative process and enhance the credibility of those critical interviews.

Investigative authority for crimes against police officers related to OIS cases has been transferred to RHD, and only RHD detectives should interview civilian witnesses to an OIS. The two-hour block of training regarding the OIS investigative process taught by RHD personnel should be reinstated for recruit officers. The Commission should also consider Council member Miscikowski's suggestion regarding the Inspector General's role in the Commission's OIS review process, particularly regarding the IG looking at trends.

Several legislative changes are also in order. First, State legislation should be enacted to prevent legal harassment and provide liability protection for public-spirited citizens who volunteer for public service which may expose them to significant financial liability. Additionally, Charter Section 202(4) should be amended with respect to bringing administrative charges against an officer when those charges also involve criminality. In order to conduct these investigations effectively, the Charter would need to be changed similar to State Government Code Section 3304 (d)–(g), which allows the statute to be held in abeyance on an administrative case while the criminal investigation is being conducted. This would allow the Department to conduct a criminal investigation to its conclusion and then conduct the administrative investigation without the concern that the statute will expire before that portion of the investigation is completed. State law should also be amended to permit the release of medical records of persons injured in police incidents, solely for the purpose of aiding the search for truth and ensuring that a thorough investigation is conducted. If we are to address the issue of compelled statements, then current State law allowing officers legal counsel almost at will needs to be changed and the issue of multiple officers being represented by a single attorney would also require legislation.

With respect to the US Attorney, the Department should consider adopting the Sheriff's practice of providing that office with a copy of reports presented to the District Attorney's Office. The Department should also consider accepting the US Attorney's offer to have members of their staff provide training regarding civil rights violations and police corruption. However, rather than teaching at the Academy, that training would seem to be more worthwhile at supervisory classes. Many of our most notorious incidents over the past few years have occurred when a supervisor has been on scene, but failed to take appropriate action. It is critical that supervisors be reminded of the serious outcomes their failure to take appropriate action can have.

Several people expressed the thought that we should implement a fixed rotation policy for specialized units, including RHD's OIS Team. The US Attorney expressed a general concern regarding specialized law enforcement units and their loyalty to their assignment rather than to the Department as a whole. Additionally, the former Police Commissioners expressed their belief that public confidence in the ability of the Department to investigate its own OIS incidents would be enhanced if there were a rotation policy for OIS Team members. This subject has also been discussed internally several times. Our goal has to be that we maintain credibility in our OIS investigations, both internally and externally. To do that, we must recruit, train, equip and provide technical support to the highest quality people who are expected to produce the highest quality investigations. We must also recognize that many of the protocol problems we now have stem from the lack of confidence that arose when OIS investigations were spread out among RHD investigative teams. We cannot afford to lose that confidence again.

Our internal procedures for administratively transferring people are straightforward and rather simple. If an OIS investigator is unable to produce the quality investigations we require or simply "burns out" from the demands on his or her personal and/or professional life, that person can be moved into another assignment easily. However, that is unlikely to happen particularly when it involves highly skilled detectives who have done an outstanding job for many years. Therefore, we believe that consideration should be given to establishing a staggered fixed tour of duty for these positions at the three or five year point. We believe this would be beneficial to the officers, the Department, and the public.

CHAPTER 9

CORRUPTION INVESTIGATIVE PROTOCOL

BACKGROUND

The Subcommittee on Corruption Investigative Protocol was tasked with identifying a suitable protocol for handling major personnel investigations including cooperation with and notification to other law enforcement agencies, methods to determine breadth and depth of the problem, investigative oversight and on-going case management review to ensure investigative integrity. The subcommittee was chaired by Commander Margaret York, Commanding Officer, Detective Services Group, and was organized into four work groups.

Research

Captain II Kenneth Garner, South Traffic Division
Lieutenant II James Craig, Training Division
Lieutenant I Douglas Miller, West Traffic Division
Lieutenant I Gregory Montgomery, South Traffic Division

Protocol Development

Captain III Richard Roupoli, Organized Crime and Vice Division
Lieutenant II Dennis Shirey, Detective Services Group
Detective II Gordon Hagge, North Hollywood OSD
Sergeant II Jose Perez, Organized Crime and Vice Division
Sergeant II Jack M. Rose, Internal Affairs Group

On-going Case Management

Captain II Donald Floyd, Financial Crimes Division
Lieutenant II Joseph Arreola, Detective Headquarters Division
Detective III John Brown, Financial Crimes Division

Subcommittee Report Writing

Captain I Mark R. Perez, North Hollywood OSD
Detective III James Dawson, Investigative Analysis Section
Detective II Loretta Monk, Investigative Analysis Section

In her capacity as General Counsel for the Los Angeles Police Department, Senior Assistant City Attorney Cheryl Ward reviewed a draft copy of this subcommittee's report and made recommendations regarding minor points of clarification. Her suggestions have been incorporated into this report. She identified no issues that were of a concern from a risk management standpoint.

METHODOLOGY

In developing a recommended protocol, the subcommittee reviewed and considered relevant literature, identified the best practices of other agencies, and reviewed prior practices of the LAPD, including a review of prominent LAPD cases. Interviews of current and past LAPD members whose knowledge of events and systems are applicable to this inquiry appear in this report as sources of management insight and system analysis.

The review of outside law enforcement agency practices included interviews of administrators from the Chicago, Detroit, Miami Metro-Dade, New Orleans, New York and Philadelphia Police Departments, and the Federal Bureau of Investigation (FBI). The following Department managers and supervisors were also interviewed to obtain their insight on this issue:

Deputy Chief David J. Gascon, Chief of Staff
Deputy Chief Martin Pomeroy, Operations-Headquarters Bureau
Deputy Chief J.I. Davis, Human Resources Bureau
Commander James S. McMurray, Internal Affairs Group
Commander Daniel Schatz, Operations-Headquarters Bureau
Captain III Bradley Merritt, Internal Affairs Group
Lieutenant II Emmanuel Hernandez, Internal Affairs Group
Detective III William Holcomb, Robbery-Homicide Division
Detective III Brian Tyndall, Robbery-Homicide Division
Detective III Denny Fuller, Burglary-Auto Theft Division
Supervising City Attorney Donald Vincent, Los Angeles City Attorney's Office

Law enforcement literary periodicals and Department archives were queried to research the methods, management, and critiques of major misconduct investigations including:

The Manual of the Los Angeles Police Department.
Internal Affairs Group, "Personnel Investigations: A Guide for Supervisors"
Internal Affairs Group, "Management Guide to Discipline"
Los Angeles Police Department, "Standardized Emergency Management System"
Los Angeles Police Department, "Incident Command System"
Los Angeles Police Department, "Field Operations Guide"
Federal Bureau of Investigation, "Misconduct to Corruption, Avoiding the Impending Crisis"
Federal Bureau of Investigation, "The Los Angeles Task Force on Law Enforcement Ethics"
Robbery-Homicide Division, "Major Case Management System"
Robbery-Homicide Division, "Proposal for Major Case Management System"

To develop the protocol for the on-going case management review portion of this report, interviews were conducted with the following Department managers and supervisors:

Commander Daniel Schatz, Operations Headquarters Bureau
Lieutenant Robert Cedillos, Inspection and Control Section
Lieutenant Rita Knecht, Employee Relations Group

Lieutenant Manuel Hernandez, Internal Affairs Group
Managing Assistant City Attorney Cecil Marr, Los Angeles City Attorney's Office
Senior Assistant City Attorney Cheryl Ward, Los Angeles City Attorney's Office and General
        Counsel to the Los Angeles Police Department

To determine how the Department relates to criminal prosecutors, the following representatives
of the United States (US) Attorney and the Los Angeles County District Attorney (DA) offices
were interviewed:

Assistant US Attorney Michael Gennaco, Chief Deputy, Civil Rights Section
Assistant US Attorney Kimberly Dunne, Chief Deputy, Public Corruption and Government
        Fraud Section
Deputy District Attorney Cliff Klein, Head Deputy, Special Investigations Division
Deputy District Attorney James Cosper, Assistant Head Deputy, Special Investigations Division

LITERATURE REVIEW

External Publications

The most comprehensive analysis of police corruption appeared in the recently released United
States Department of Justice report entitled "Misconduct to Corruption, Avoiding the Impending
Crisis." This report defines police corruption as, "Any prohibited act involving use of an
officer's official position for actual or expected material gain." The report found that police
corruption was influenced by a combination of factors including:

- Greed;
- The drug culture;
- Changing societal values;
- Poor recruitment and hiring;
- Lack of effective entry level and in-service ethics training;
- Poor first-line supervision and field training;
- Lack of early warning systems;
- An inadequate and inconsistent disciplinary process;
- Lack of executive staff support for Internal Affairs investigative entities;
- Personnel working together too long;
- Union interference;
- Lack of organizational core beliefs (values);
- Lack of leadership, accountability and responsibility; and,
- Poor role models.

The report found that complacency breeds misconduct, misconduct leads to corruption,
corruption becomes corrosive, and corrosion becomes organizationally debilitating and long term
in its impact on agency morale and public trust. It also noted that corruption increases in direct
proportion to the degree in which a police department accepts abusive practices as a norm. In
addition to addressing the fifteen factors, the report concluded that an agency had to establish
and maintain a culture of accepting nothing less than total integrity from its current as well as

prospective members if it was to prevent corruption from occurring. This included the agency's top managers down to its entry-level employees.

Another article entitled "Undercover Probes of Police Corruption: Risk Factors in Proactive Internal Affairs Investigations" describes a model corruption prevention program.[1] Systems such as the Early Warning System (EWS) used in Boston, Denver, and Miami-Dade Police Departments are discussed. These systems track officer activities such as personnel complaints, use of force incidents, and vehicle accidents in order to identify potential problem officers. The article concludes by recommending four measures for Internal Affairs units moving into the area of proactive corruption prevention:

- Detailed authorization guidelines should be established for the initiation of a proactive investigation;
- Operational guidelines should be established for the use of ruses and deceptions;
- Practical application training and a problem-based learning experience should be provided to Internal Affairs personnel involved in these investigations; and,
- An on-going self-evaluation must be conducted to review the guidelines and results of each investigation.

Internal Publications

Current protocols for the handling of complaint investigations are contained in three Department publications: (1) The Department Manual[2]; (2) Personnel Investigation: A guide for Supervisors; and, (3) Management Guide to Discipline.

Manual Section 3/835 "Internal Affairs Group – Scope of Authority" provides the protocol for escalation of a complaint investigation beyond the scope of routine. It provides that, "The Commanding Officer, Internal Affairs Group, has the authority to take charge of an investigation or any act of censurable conduct when, in his/her opinion, it is advisable. The Commanding Officer, Internal Affairs Group, may act in a staff capacity and advise or assist in the investigation or assume the responsibility thereof when: (1) Sufficient supervisory personnel to conduct the investigation are not available; (2) Adequate investigative facilities are not readily available to the concerned commanding officer; (3) Personnel of more than one division/Area are involved; (4) The complaint or the investigation is of a nature that it would be impracticable for the investigation to be conducted by the concerned commanding officer; (5) Investigation is being improperly conducted; and, (6) Complaints involving staff and command officers, except as directed by the Chief of Police."

Section 3/837.20 "Investigation Responsibility-General" provides protocol for investigative responsibility for the Department's unified investigation of low-grade misdemeanor (employee's Area/division of assignment at the time the incident occurred), high-grade misdemeanors and

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[1] Behavioral Sciences and the Law, Volume 16,pp479-496.
[2] Department Manual sections 1/640, 2/214.10, 2/214.22, 2/214.24, 2/214.30, 2/410.03, 2/642.21, 3/728.27, 3/796.10, 3/760.92, 3/805 – 3/890.10, 5/1.19 – 5/1.81.16, and 5/1.88 address this issue.

felonies, at the direction of the Commanding Officer Internal Affairs Group. Upon notification of a high-grade misdemeanor or felony incident, the Commanding Officer, Internal Affairs Group, shall: (1) Review the circumstances of the case; (2) Determine the scope of the investigation; and, (3) Obtain the necessary expertise, experienced personnel and equipment to complete the investigation.

Section 3/837.30 "Scope of the Investigation" provides protocol for the investigation of a criminal allegation against Department personnel – "[It] shall be the same as that for private persons detained or charged under similar circumstances." Completed complaint investigations are forwarded to Internal Affairs Group for presentation to a prosecuting agency.

Section 2/214.11 provides protocol for investigative review by Internal Affairs Group, Administrative Section, to "[Assure] complete, accurate, and objective investigations of alleged complaints by auditing all complaint reports."

OTHER LAW ENFORCEMENT AGENCIES

Many large cities have anti-corruption units as part of their Internal Affairs function to handle cases that involve alleged acts of police corruption. This section identifies many of those agencies and provides a description of the agency's corruption unit responsibilities.

Chicago Police Department

The Confidential Investigation Section (CIS) is a special section of the Chicago Police Department's Internal Affairs Division. It handles only investigations involving major corruption allegations against police officers. The unit is headed by a Lieutenant and has 35 personnel assigned, 15 Sergeants and 20 Police Agents (detective rank equivalent). The unit handles on-going cases and is in full-time operation. It reports directly to the Assistant Superintendent of the Department. The unit also has one Special Agent from the FBI attached. For large-scale operations requiring additional personnel, the unit draws from the pool of 200 personnel assigned to Internal Affairs Division. (Sergeant Steve Jackson, (312) 746-4170)

Detroit Police Department

Internal Affairs Section contains a Public Corruption Unit (PCU) which is responsible for investigating all city employees, including police officers, who are allegedly engaged in on-going criminal enterprises. Investigative responsibility would be assigned to PCU if the involved employee's actions constituted a profiteering from city resources. Any other alleged misconduct would be investigated by another section of Internal Affairs. Many of the larger investigations involved several of the Internal Affairs units. The FBI is requested in certain cases to add resources and instill community confidence. (Lieutenant Fred McClure, Internal Affairs, (313) 596-2444)

Miami Metro-Dade Police Department

Internal Affairs Section contains an Anti-Corruption Unit (ACU) which initiates investigations based on tips or leads concerning serious officer misconduct. Investigations conducted by the ACU could involve stings and/or surveillance activities. The General Investigations Unit conducts all other officer misconduct investigations. (Sergeant Gonzales, Internal Affairs, (305) 579-6565)

New Orleans Police Department

Special Operations Unit (SOU) is part of the Public Integrity Division (PID) and handles only cases that involve corruption allegations against police officers. The unit includes two Sergeants and one Special Agent from the FBI. The unit has the ability to draw personnel from the main investigative section of PID and is also responsible for conducting random and targeted integrity tests on police personnel. (Captain Dominick Bondi, (504) 826-1410)

New York Police Department

The Internal Affairs Bureau (IAB) is separated to cover the various geographic commands within NYPD. Specialized units also have an assigned IAB unit and any one of the IAB units could conduct a corruption investigation. In addition to the investigative units within the IAB, there is a Training Unit and an Integrity Testing Unit (ITU). The Integrity Testing Unit is responsible for conducting investigations based on tips and audits which reveal a high frequency of questionable incidents. For example, any officer who has a high number of uses of force could be examined by ITU. (Lieutenant O'Brian, Internal Affairs Bureau, (212) 374-6650)

Philadelphia Police Department

The Integrity Management Police Anti-Corruption Team (IMPACT) unit is a special section of Internal Affairs Section and handles only cases that involve corruption allegations against police officers. One Captain, six Lieutenants, four Sergeants, two Detectives and 18 Police Officers are deployed full-time. IMPACT has two case-handling teams and one technical team responsible for surveillance equipment when needed by the investigative teams. IMPACT can draw personnel from the main investigative section of Internal Affairs as needed. IMPACT is responsible for conducting random and targeted integrity tests of officers, but also conducts counseling sessions with officers who have numerous not-resolved complaints of misconduct. Counseling sessions include the officer's supervisor and commanding officer. (Captain Anthony Pannarello, (215) 685-1665)

Federal Bureau of Investigation

The Office of Professional Responsibility (OPR) is a special section of the FBI and is located in Washington D.C. The OPR can elect to accept any case where there is an allegation of corruption, but has the option of referring the case to the local office where the accused agent is assigned. (Special Agent David Chainer, (310) 477-6565)

PRIOR LAPD PRACTICES

The Department's past protocol for handling major corruption investigations consisted of following the Manual's procedures for handling personnel complaint investigations. Expansion of the investigation required the assembly of a task force, the size and composition of which was determined by joint agreement between the commanding officer of Internal Affairs Division, the Chief of Police, and other command and staff officers associated with the investigation. A lieutenant usually led these task forces with personnel from Internal Affairs Division as the core investigators. Additional investigators were selected from divisional personnel as needed. Locations were found within City facilities to house the investigators and their logistical support. There were no pre-specified routines or procedures to expand the scope of a burgeoning investigation nor any policies to automatically trigger the creation of a task force. The expertise and judgment of Department managers with input from their technical advisors, including specialized detectives and City Attorneys, directed the path and scope of major investigations.

It was a significant and important discovery that none of the Department's prior investigations into major corruption included a critique of the investigation's quality. There were no retrospective reviews of the investigations, no investigative audits, no recommendations for future investigations, and no self-critical analyses of the investigations. Further, except for the Hollywood Burglary case and the 39th & Dalton case, no other reports of major corruption investigations were found other than court records and the information contained in the personnel complaints themselves.

39th Street & Dalton

On August 6, 1988, (five days after the warrant), Deputy Chief William Rathburn, Commanding Officer, Operations-South Bureau, met with Captain Thomas Elfmont, Commanding Officer, Southwest Area, and Captains Terry Dyment and Carlo Cudio, Commanding Officer and Chief Investigator, Internal Affairs Division (IAD), and two IAD investigators. A request was made for IAD to handle the investigation. Captain Dyment agreed that IAD could handle the investigation but it would take at least one year to complete the investigation. Chief Rathburn insisted that the investigation be completed as soon as possible to reduce adverse community reaction. When it was clear that IAD could not handle the entire investigation, Chief Rathburn suggested a quick, joint investigation by IAD and South Bureau supervisors focusing on the damage caused by the search without attempting to focus on other possible complaints of misconduct that might arise.

In the late afternoon of August 8, Deputy Chief Rathburn met with Deputy Chief Ronald Frankle, Acting Chief of Police, to develop a Department response to the incident. After further discussions, Assistant Chief David Dotson, Director, Office of Special Services, directed that an investigative task force be established immediately under the supervision of an IAD Lieutenant and staffed by a two-officer team from IAD and three other two-officer teams of supervisors with IAD experience. The investigation began Tuesday, August 9, 1988.

On October 5, 1988, Assistant Chief Robert Vernon, Director, Office of Operations, directed Deputy Chief Frankle to chair an Ad Hoc Committee to evaluate the management of the search

warrant executed at 39th Street and Dalton Avenue. Commanders John White and Robert Gil were assigned as members of the committee. The Committee's precept paper was as follows:

"The Board shall examine what information was available to the below listed persons and what actions they took concerning the search warrant incident.

* The detective command and supervisory staff of Southwest Area
* The Area and Patrol Commanding Officers of Southwest Area and the Southwest Watch Commander on duty during the search warrant service
* The command staff of Operations-South Bureau
* The Command and supervisory staff of the Operations-South Bureau Task Force

"The Board shall make recommendations to the Director, Office of Operations, regarding the appropriateness of the actions taken by those persons identified in Part 1 of this precept. The Board shall examine whether there was anything said by supervisory or command officers that may have been interpreted as encouraging unnecessary violence toward suspects or destruction of property during the search warrant execution. The Board shall make recommendations, as necessary, to ensure future search warrants are served without unnecessary violence or destruction of property. In doing so, the Board shall make specific recommendations concerning appropriate command involvement and level of field supervision in the service of search warrants."

An administrative report was completed on the investigation into the 39th Street and Dalton Avenue search warrant service. That report focused on the incident's causes and the steps taken to investigate the misconduct. Specifically, the focus of the inquiry was to determine if management properly supervised the execution of this search warrant. The final report contained insight into some of the attitudes and problems within Southwest Area that led to this incident. However, the depth, scope, and quality of the investigation were not examined.

Hollywood Burglary

An after-action report was prepared regarding the 1981 Hollywood Burglary investigation. This investigation began from statements made to a West Los Angeles detective by an FBI informant and former Los Angeles police officer.   A task force composed of eight IAD investigators was created to investigate the information supplied by the informant. On December 7, 1981, the task force used a sting operation, feigning a commercial burglary, resulting in the arrest of several involved officers.

Ultimately, 41 investigators were assigned to this investigation which lasted over 11 months and produced 32 investigative reports, over 500 interviews and many sustained allegations of burglary, theft, receiving stolen property, sexual relationships with prostitutes, and other serious neglects of duty against 12 sworn employees from Hollywood Area. The task force investigators cleared 96 burglaries, four thefts, five vandalisms, and recovered over $30,000 in stolen property. Seven criminal filings were obtained charging burglary and/or related felonies against one sergeant and six police officers. One sergeant and nine officers resigned in lieu of discipline and one sergeant and a police officer were removed at Boards of Rights.   Although the after-

action report reported the important features of the case, it did not critique the investigation itself.

INTERVIEWS OF KEY PERSONNEL

Internal

Deputy Chief David Gascon, Chief of Staff

Deputy Chief Gascon was interviewed on September 28, 1999, by Captain Richard Roupoli, OCVD; Lieutenant Dennis Shirey, DSG; Sergeant Jose Perez, OCVD; and, Sergeant Jack Rose, IAG. In summary, Deputy Chief Gascon believes it is important to distinguish between a management protocol for major personnel investigations and an investigative protocol. The current management protocol relies on the judgement of our managers. Perhaps our managers are in need of some additional training and perhaps our control systems need some shoring up, but the basic management protocol is sound. He does not recommend that the Department enhance its current definitions to include "major misconduct." Doing so would only attempt to distinguish the degree of serious misconduct. Such an attempt might inadvertently cause commands to focus on identifying the degree of misconduct for investigative assignment rather than investigating the alleged misconduct expeditiously.

The Department's current protocol suffices to open and expand an investigation and require appropriate notifications. Since each investigation has its unique qualities, it would be nearly impossible to create a protocol that would address every conceivable investigation. However a "first responder checklist" model might be appropriate. The current protocol calls for commanding officers and staff officers to make managerial judgement decisions based on experience, common sense and insight. A training program to enhance the ability of command and staff officers to accurately assess investigative issues would be helpful. We do not need a written protocol to guide the Chief of Police in making critical decisions pertaining to a major investigation.

Deputy Chief Gascon discussed some of the issues that resulted in the Rampart Investigation being assigned outside of Internal Affairs Group. While those reasons were sound, today he would favor assigning the investigation to Internal Affairs Group and having the subject matter experts assist the Internal Affairs Group investigators, who would be charged with both the criminal and administrative investigation. Criminal investigators and subject matter experts can be called into IAG to assist. He also felt strongly that an investigation of the magnitude of the Rampart case requires that a staff officer be assigned to lead it and that the staff officer convey information directly to a chief officer. Deputy Chief Gascon believed that Internal Affairs Group should maintain a ready reserve cadre of previous Internal Affairs investigators who could be called upon to assist the Department with a large investigation.

Deputy Chief Gascon felt we have to use caution when we bifurcate an investigation. Different investigators can handle the criminal portion, but we must ensure that we do not cut corners on administrative considerations or forget about administrative statutes. To maintain the integrity of

the investigation, Deputy Chief Gascon does not favor the involvement of the District Attorney's Office until the investigation requires it.

According to Deputy Chief Gascon, a lesson learned in the O. J. Simpson Case was that the Department's investigation would have been strengthened had an audit or inspection of the investigation been conducted while the investigation was in progress. Future high profile or serious corruption investigations should be audited by a "clean team" to ensure procedural and technical integrity. Generally, Deputy Chief Gascon would prefer oral updates to written synopses or 60-day reports.

Deputy Chief Martin Pomeroy, Commanding Officer, Operations-Headquarters Bureau

Deputy Chief Pomeroy was interviewed on September 29, 1999, by Lieutenant Dennis Shirey, DSG, Sergeant Jose Perez, OCVD, and Sergeant Jack Rose, IAG. In summary, Deputy Chief Pomeroy stated that current protocol did not provide the specific information to guide decisions made, relevant to the task force. Deputy Chief Pomeroy described the Rampart incident as a once in a career, or once every decade occurrence. Therefore, several of the decisions made were judgement decisions made by the Chief of Police, the Chief of Staff and Chief Pomeroy that could not and should not be dictated by a written protocol. Unfortunately, the Department did not have any one person or a section within it that possessed the required expertise and resources for this investigative assignment. The scope and importance of the investigation required that a task force be formed, composed of subject matter experts with investigative experience, to conduct the criminal investigation with Internal Affairs Group investigators assigned to conduct the administrative investigation. The emphasis was to seek a criminal filing. The District Attorney's Office was consulted in an advisory capacity at the earliest possible moment to facilitate the criminal investigation and give investigators legal advice. The City Attorney gave advice relevant to liability and other administrative issues. The nature and scope of the investigation should determine when the District Attorney and City Attorney are brought into the investigation.

Deputy Chief Pomeroy believed the Department should pursue criminal prosecution against its employees as the initial focus of the investigation, with the administrative portion following closely. He is not suggesting parallel investigations however. In order to accomplish that task, a criminal investigative section, preferably within Internal Affairs Group, should be created and staffed with experienced criminal investigators. The investigators would be tasked with conducting serious criminal investigations with the goal of criminal prosecution first. The administrative investigation would use the criminal investigation as a starting point. Such a section could be expanded to conduct major investigations utilizing the Major Case Management System. An investigative protocol should not attempt to define when we launch a corruption investigation. For one thing, corruption is too hard to define.

Deputy Chief Pomeroy identified two key issues the Department needs to address. First, there needs to be a group of seasoned detectives permanently assigned to IAG who seek criminal prosecutions. Second, even if the Department had an Internal Affairs Group criminal section, the scope and magnitude of a Rampart incident may still require the Department to create a task

force off-site. Where to place that task force in the Department's organizational structure should be left to the discretion of the Chief of Police.

Deputy Chief Julius I. Davis, Commanding Officer, Human Resources Bureau

Deputy Chief Davis was interviewed on September 30, 1999, by Lieutenant Dennis Shirey, DSG, Sergeant Jose Perez, OCVD, and Sergeant Jack Rose, IAG. Deputy Chief Davis was interviewed regarding Department and IAD protocol because of his extensive IAG experience. Deputy Chief Davis is not familiar with how the Rampart Task Force headed by Commander Schatz was created. Since historically, Internal Affairs Group was responsible for investigating officer misconduct, such a task force normally would have been developed under the umbrella of Internal Affairs Group. Any investigation that exceeded the resources or expertise of Internal Affairs investigators would be assigned to subject matter experts, who would be loaned to Internal Affairs to assist with the investigation until it was either concluded or their assistance was no longer required. In this manner, Internal Affairs maintained management control of the investigation.

Deputy Chief Davis recommends that future task forces be placed under the umbrella of the Commanding Officer, Internal Affairs Group. Placing the task force under the Internal Affairs Group umbrella would ensure the task force's information flowed vertically and would provide better coordination and oversight. This would also allow for better coordination between the criminal and administrative investigations. Deputy Chief Davis did not recommend parallel investigations, but rather that the administrative investigation could be compiled as the criminal investigation progressed.

Deputy Chief Davis does not believe another unit or section is required to conduct criminal investigations of Department employees because Internal Affairs Group already has the Special Operations Section. Deputy Chief Davis favored expanding the SOS unit by at least four experienced criminal investigators. The SOS originally started out solely as a surveillance unit, but its role was expanded to include special investigations. Instead of creating a new protocol, the Department should just redefine the SOS role to include serious criminal investigations. In the event an investigation required the creation of a task force, SOS has the structure in place to use the Major Case Management System. The task force commander would report to the Commanding Officer, Internal Affairs Group, even if the scope of an investigation required it to be headed by a staff officer. The Department should consider bringing seasoned investigators directly into SOS because of the need for investigative expertise. The protocol should also require active liaison with the Department's Risk Management Division to address potential issues of civil liability and allow the Department to anticipate any legal challenges or lawsuits. That would also bring in the advice and assistance of the City Attorney.

Deputy Chief Davis felt the Department's primary concern during an investigation should be the criminal component of the allegations. Information gathered during a criminal investigation can always be used for administrative purposes, but the reverse is not always true. The assistance and guidance of the District Attorney's Office should be solicited once the case develops, but not initially. This does not mean that the Department adopts the federal model wherein the Attorney

General leads the investigation. Rather, the District Attorney's Office should provide case-specific legal advice and be kept aware of developments.

Deputy Chief Davis does not see a need for a separate audit team to ensure the integrity of active investigations or a mandated time period for written updates. The team's leaders are responsible for routine auditing and evaluation with continuous updates from their subordinates. That should be sufficient to provide appropriate status information to the Commanding Officer, Internal Affairs Group, and the Chief of Police.

Deputy Chief Davis believed the Department should not establish a protocol that would limit individual judgement decisions on cases. Doing so would adversely affect the Chief of Police's ability to make decisions regarding the management of a particular case. Additionally, the Commanding Officer, Internal Affairs Group, should have the latitude to decide where a case should be assigned within IAG, or whether a task force should be created. Protocols do not always fit every type of case.

Commander Jim McMurray, Commanding Officer, Internal Affairs Group

Commander McMurray was interviewed on September 28, 1999, by Captain Richard Roupoli, OCVD, Lieutenant Dennis Shirey, DSG, Sergeant Jose Perez, OCVD, and Sergeant Jack Rose, IAG. In summary, Commander McMurray felt that the Department did not need to create a new classification of misconduct— "major misconduct." Commander McMurray believes the current protocol for making the Department aware of serious misconduct is sufficient.

Commander McMurray recommended Internal Affairs Group be assigned to investigate all allegations of serious misconduct, corruption, or high profile misconduct. When such investigations are handled outside of IAG, there is a danger of normal control systems for monitoring the administrative portion of the investigation breaking down. Further, IAG may not be involved in decisions where IAG expertise is critical. Special Operations Section (SOS) has the facility and equipment to accommodate investigative expansion and, where expansion exceeds SOS capabilities, a separate task force using the Major Case Management System model could be created within IAG. Department subject matter and/or investigative experts can be assigned to IAG to assist with criminal investigations. Any protocol should allow the IAG Commanding Officer to recommend, with Chief of Staff approval, structuring an investigation according to the particular needs of the case.

Commander McMurray made it clear that, although the Department aggressively seeks a criminal filing in the case of criminal misconduct, we may ultimately (due to time constraints and other considerations) have to give priority to proceeding with the administrative investigation. We cannot allow an employee who we believe has committed serious criminal offenses to remain a police officer for the City of Los Angeles. Unfortunately we cannot always rely on criminal prosecution to cause the employee's removal.

Regarding the District Attorney, Commander McMurray cited the advantage of receiving input from the District Attorney's Office during Robbery Homicide Division's investigation of the Ennis Cosby murder. The recent restructuring of the City Attorney's and District Attorney's

Offices has increased their level of expertise and cooperation with the Department and it could only enhance the criminal investigation portion of Department investigations. Commander McMurray is particularly pleased with the job that Cecil Marr has done at the City Attorney's Office to strengthen the working relationship with the Department. The cooperative investigation may reveal that federal prosecution rather than state prosecution, would be more appropriate. Commander McMurray pointed out that the investigation would still belong to the Department until it was handed over to the District Attorney.

Commander McMurray believes it would be hard to have a protocol for making judgement assessments, but training for the command and staff officers to improve their judgement assessments would be a good idea. Commander McMurray believed a written 60-day status report, similar to a homicide investigation, would not be appropriate for these cases. However, a short synopsis on serious or large investigations could be helpful. The Commanding Officer, Internal Affairs Group, would make such a decision.

Commander Daniel Schatz, Officer-in-Charge, Rampart Task Force

Commander Schatz was interviewed on September 29, 1999, by Captain Richard Roupoli, OCVD, Lieutenant Dennis Shirey, DSG, Sergeant Jose Perez, OCVD, and Sergeant Jack Rose, IAG. Also present at the interview were Task Force members Lieutenant Emmanuel Hernandez, IAG, Detective Brian Tyndall, RHD, Detective Denny Fuller, BAD.

Commander Schatz was selected, in part, to head the task force because he headed the last task force conducted by the Department while he was assigned to IAD. The current task force was not formulated based on any Department Table of Organization or established protocol. The formation was based upon the uniqueness of the investigation and the rarity of the nature and scope of the investigation. This was a decision made by the Chief of Police. Ideally, Commander Schatz felt that future task forces should be assembled under the umbrella of Internal Affairs. However, an investigation of the scope of the Rampart Task Force would exceed the ability of the Commanding Officer, Internal Affairs Group, to head both the task force and Internal Affairs Group effectively.

The four task force members felt that, in cases of obvious criminal behavior, the Department has never emphasized completing the criminal investigation first and then the administrative. That has reduced the Department's ability to conduct a thorough investigation which could reveal further criminal activity by non-Department personnel and also reduced the Department's ability to successfully prosecute officers for criminal actions. The Department should create a new section within Internal Affairs that conducts criminal investigations involving serious crimes, when a criminal filing clearly would be pursued. The remainder of Internal Affairs would conduct administrative and minor criminal misconduct activity. Once the case is filed (or sooner if necessitated by statute considerations), the administrative investigation should be conducted. However, if time constraints do not allow for the accused employee to be interviewed, a charge sheet could still be prepared and processed to meet the statute of limitations for administrative actions.

It was recommended that the Department not recreate the criminal investigation merely to address administrative issues, but rather conduct a supplemental investigation to address just administrative issues not addressed in the criminal investigation. Instead of reformatting the criminal investigation to meet the administrative format, the administrative issues could be added to the criminal investigation and submitted as one. On those rare cases when statute dates become an issue, the criminal investigation could be used for administrative purposes. In both cases, the Letter of Transmittal could be attached to either the criminal investigation or the supplemental investigation.

A criminal investigation unit should be established within IAG and staffed with investigators who have extensive experience, perhaps Detectives III. Internal Affairs administrative investigators who discover serious criminal activity, criminal activity with evidence of corruption, or complex criminal activity should relinquish the investigation to the Internal Affairs criminal investigators. The unit would have to establish a working relationship with the City Attorney's and the District Attorney's Offices at the onset. Those relationships could prove vital to the success of the criminal investigation. The assistance of the District Attorney's Office to the task force was critical in helping the Department prepare solid cases. The criminal section within Internal Affairs Group could be expanded, as required for a large or complex investigation, by utilizing the Major Case Management System and Clue Manager. Subject matter experts could be loaned to Internal Affairs Group until the conclusion of the investigation. Should a task force be required, the criminal unit could provide the initial structure and guidance needed to conduct an investigation around City Charter 202 or the MOU mandates. Should a task force concept be needed, consideration should be given to locating the task force at an off-site facility centrally located to the downtown area.

During the Rampart Task Force investigation, detectives dressed in plain clothes, rather than coat and tie, were able to blend into an Area easier and were able to solicit more willing cooperation from Department employees. Detectives also indicated that being able to say they were from their assigned division (such as RHD) rather than IAG greatly facilitated the interview process with Department personnel.

One hindrance the task force encountered was the lack of equipment needed to conduct the investigation. For instance, the availability of computers hindered the initial use of the Major Case Management System. They also felt there should have been more information exchanged between the Task Force and the entity assigned to conduct a complete audit of Property Division. Better communication could have facilitated coordination between the two entities.

The task force felt they were successful, in part, because they were housed at an off-site facility. This allowed them to bring officers and witnesses in without suspicion. The investigators were also able to come and go quietly. This maintained the confidentiality of the investigation and the identity of its investigators. The selection process was also a key. Because of the magnitude of the investigation, it was critical that subject matter experts were carefully selected and then made part of the task force rather than merely loaned to it.

Commander Schatz, Lieutenant Hernandez, and task force supervisors had daily interaction wherein everyone was kept abreast of the task force concerns, issues and case progress. The

Deputy District Attorney also had daily interaction with the task force. Having a staff officer in charge was very beneficial in conflict resolution situations and in obtaining timely decisions. The limited chain of command also eliminated vertical or horizontal miscommunications.

Commander Schatz felt that a written review of an unsettled case would be detrimental to the prosecution of the case. Per the City Attorney, such an audit or review is discoverable.

Captain Bradley Merritt, Commanding Officer, Internal Affairs Administrative Division

Captain Merritt was interviewed on October 1, 1999, by Lieutenant Dennis Shirey, DSG, Sergeant Jose Perez, OCVD, and Sergeant Jack Rose, IAG. Captain Merritt stated current protocol was sufficient to meet the needs of the Department. Any modifications to the protocol should not remove the ability of the IAG Commanding Officer, the Chief of Staff, or the Chief of Police to make judgement assessments. There should not be a threshold criteria for mandating how certain significant personnel investigations should be handled.

Historically, a task force investigating misconduct would normally come under the control of Internal Affairs Group. If an investigation exceeded the resources or expertise of Internal Affairs investigators, subject matter experts would be loaned to assist IAG with the investigation until it was either concluded or their assistance was no longer required. Generally, Captain Merritt recommends that future task forces be placed under the control of the Commanding Officer of Internal Affairs. However, if the scope and nature of the investigation dictated that the investigation be housed off-site or that the task force be placed outside of Internal Affairs' control, the Chief of Police must have those options.

Captain Merritt has no objection to establishing a criminal unit, but it is a question of finding the requisite additional resources. Currently, SOS handles significantly more investigations than the other IAG Sections. They also handle those investigations that contain strong evidence of criminal activity. Investigations handled by IAG in general and SOS in particular are unified, including both the criminal and administrative aspects of the case. He would favor the expansion of SOS rather than creating a new unit or section to conduct criminal investigations. Captain Merritt cautioned that any future expansion would require relocating the unit and providing it with the appropriate resources to accomplish its mission. Captain Merritt has mixed feelings about putting a task force under SOS. The decision as to where to place a task force within IAG should be left to the commanding officer based upon space, equipment and workload considerations.

Captain Merritt has trouble visualizing how to apply the ICS model to an IAG investigation, but thinks the Major Case Management System could and should be applied to certain cases. The use of the District Attorney in an advisory role to assist the Department in preparing a case for criminal filing is appropriate. However, the District Attorney should not be housed with the task force or with the investigators because of potential conflict of interest issues and because the District Attorney might attempt to direct the investigation. As a general rule, he favors unified over bifurcated investigations, including major cases.

According to Captain Merritt, the current investigative review process for personnel investigations could be improved by adding an additional Detective III to the Review and Evaluation Section. The supervisors leading, directing or conducting the investigation must ensure the integrity of the investigation. The existing system, where the frequency of updates through the chain of command is dictated by the scope of the investigation, works fine. At the direction of the Chief of Police or the Commanding Officer IAG, investigative updates could be provided either in writing or orally, as appropriate.

Detective William Holcomb, Robbery Homicide Division

Detective Holcomb was interviewed on September 29, 1999, by Captain Richard Roupoli, OCVD, Lieutenant Dennis Shirey, DSG, Sergeant Jose Perez, OCVD, and Detective William John Krulac, NHWD. Detective Holcomb has been assigned to Robbery Homicide's Officer Involved Shooting (OIS) Section since 1986. When Detective Holcomb transferred into RHD, the OIS Section was transitioning from now retired Lieutenant Chuck Higbie to Lieutenant William Hall.

Detective Holcomb stated that representatives from Robbery Homicide Division, Officer Representation Section, and the Los Angeles Police Protective League all respond to the scene of an officer-involved shooting. Robbery Homicide Division has an officer-involved shooting investigation manual that provides investigators with a written protocol to guide shooting investigations and establishes procedures when a shooting indicates criminal culpability or administrative misconduct by the officers.

Once the investigators arrive, their first objective is to rule out any criminal culpability. They attempt to speak with the first supervisor at scene, because that supervisor, in essence, is the Department's "fresh witness" and has solicited a public safety statement from the involved officer(s). If the detectives do not suspect criminal culpability, then an administrative investigation is conducted. The detectives then review the crime scene and evidence, and briefly get an idea of what occurred according to the witnesses. The detectives then go to the station. On average, there can be a two to four-hour delay before the detectives can interview the officer(s). The delay is caused by Government Code Section 3301 and Memorandum of Understanding (MOU) considerations, which allow the officers to meet with their representative and/or attorney before the officer can be interviewed or walked through the scene. These considerations also prevent the detectives from interviewing the percipient officers without a Lybarger Admonishment (compelled statement).

If the detectives suspect any criminal culpability on the part of any officer, the Lybarger Admonishment is not given and the investigation is stopped immediately until the detectives notify their commanding officer. The Commanding Officer, Robbery Homicide Division, notifies the Commanding Officer, Operations Headquarters Bureau, and the Chief of Police. The Chief of Police decides whether Robbery Homicide will complete the investigation, relinquish it to Internal Affairs Group, or assist Internal Affairs Group with the investigation. The Department then proceeds with the criminal investigation, which may involve seeking guidance from the District Attorney's Office. Once the criminal investigation has been taken as far as it can go, Internal Affairs Group conducts the administrative investigation.

Detective Holcomb emphasized that to a large measure, one must rely on the expertise of the officer-involved shooting team to determine if an officer is lying. He explained that large differences in perceptions are a normal occurrence, so it is erroneous to conclude that officers are being untruthful just because there are differences between each officer's description of an incident. Holcomb added, however, that if a group of officers planted deceptive evidence and, together with a supervisor, conspired to report untruthfully about a shooting, he is not sure any investigation will initially point to misconduct. In these circumstances, we must rely on the assigned detectives to keep an open mind as they complete their investigation, and to pursue any leads or evidence that points to circumstances different from those reported by the officers.

Currently, the Department is working with the District Attorney's office to develop a protocol for its Rollout Team. Detective Holcomb feels this protocol should not create an adversarial relationship between the District Attorney's Office and the Department. The outside review would help eliminate the "appearance of bias" in these investigations. At one time, all shooting investigations were forwarded to the District Attorney for review. The District Attorney's Office determined if there was any criminal culpability and created correspondence stating the District Attorney's opinion. This practice stopped about three years ago. The Department only sends selected cases to the District Attorney's Office. The combination of no District Attorney Rollout Team and the District Attorney not reviewing all officer-involved shootings casts the Department in a bad light during litigation. Detective Holcomb believes re-instituting both reviews will enhance the Department's image during litigation.

Detective Holcomb thinks the current investigative protocol could be improved by amending the law and current MOU, which now prevents the RHD detectives from interviewing percipient officer(s) or involved officers until they have met with their employee representative or attorney.

External Interviews

Supervising City Attorney Donald Vincent, Los Angeles City Attorney's Office

Mr. Vincent was interviewed on October 6, 1999, by Lieutenant Dennis Shirey, DSG. In addition to his expertise in the City Attorney's Office, Mr. Vincent is also a retired member of the Department and was a captain at IAD when the 77th Street Area vice case and the Hollywood Area burglary corruption case were investigated.

Mr. Vincent does not believe that a written report regarding the management issues was prepared for the burglary investigations, though a Board of Inquiry was convened regarding the vice investigation. Both investigations were conducted primarily using regularly assigned IAD staff. The West Los Angeles Area detective who initiated the Hollywood investigation, based upon information he received from an informant, was brought in to assist with the internal investigation and an FBI informant was used in a sting operation during the 77th vice investigation. These were the only outside personnel used for these investigations.

Senior Assistant City Attorney Cheryl Ward, Los Angeles City Attorney's Office and General Counsel to the Los Angeles Police Department

Ms. Ward was interviewed on October 14, 1999, by Commander Margaret York, Detective Services Group; Captain Donald Floyd, Financial Crimes Division; and, Lieutenant Dennis Shirey, Detective Services Group.

Ms. Ward stated that there are sometimes conflicting interests between management's desire for an on-going case review to ensure the integrity of the investigation, and a prosecutor's concern about what materials will have to be made available upon discovery. Experience has shown that under certain circumstances, even confidential administrative reports will be allowed in criminal or civil proceedings, and certainly any documentation that points to initial flaws in the investigation could be used to the advantage of the defense. However, one should not allow this fear to discount the importance of internal reviews to guarantee that a sound investigation has been conducted. The Department has an obligation to the public to ensure the most professional investigation possible has been conducted in fairness to all involved, including the defendant. Additionally, prosecutors can always counter arguments of the defense pertaining to flaws in the investigation by pointing out that the Department's own Case Management Review detected the flaws and that, thereafter, corrective actions were immediately undertaken. Cheryl Ward feels that on balance an on-going Case Management Review is a good idea.

Assistant US Attorney Michael Gennaco, Civil Rights Section, Assistant US Attorney Kimberly Dunne, Public Corruption and Government Fraud Section

Mr. Gennaco and Ms. Dunne were interviewed on October 6, 1999, by Commander James McMurray, Commanding Officer, Internal Affairs Group, as part of the Subcommittee on OIS Scene Protocols. Commander McMurray's report of that interview was used to identify issues relevant to this subcommittee.

The US Attorney's Office has no written protocols addressing its relationship with local law enforcement agencies nor does it have any written guidelines determining when the US Attorney becomes involved in local law enforcement cases. Ideally, local police should notify the US Attorney as soon as the police agency believes an investigation qualifies for federal prosecution. The preferred notification protocol entails an LAPD staff officer contacting his or her counterpart at the local FBI office to respond and summon the US Attorney. The US Attorney prefers that local police use bifurcated investigations because the criminal cases are easier to prosecute. The criminal case must not contain any compelled statements from officers.

Deputy District Attorney Cliff Klein, Head Deputy, and Deputy District Attorney James Cosper, Assistant Head Deputy, Special Investigations Division

Mr. Klein and Mr. Cosper were interviewed on October 14, 1999, by Lieutenant Dennis Shirey, DSG, and Detective James Dawson, IAS. In summary, Mr. Klein and Mr. Cosper stated that Special Investigations Division reviews criminal cases against police officers where the alleged crimes occurred on duty or occurred off duty and their employment as police officers was a factor. Deputy District Attorneys within their office are always available for advice.

For major criminal or corruption cases, they recommended that their office be consulted at the earliest opportunity and certainly at the time legal documents such as search warrants are being prepared. For large cases, a specific Deputy District Attorney will be designated to be readily available at all times to the investigating officers. It is Mr. Klein's opinion that, generally, this arrangement is preferable to assigning a Deputy District Attorney to work with investigators at the same facility. Prosecutors assigned to work on a case often must spend considerable time in their own office conducting research and preparing the case. Additionally, it is important that prosecutors be readily available to management personnel of the District Attorney's Office to keep them fully informed.

Regarding the bifurcation of cases, both Mr. Klein and Mr. Cosper preferred the Los Angeles County Sheriff's system to that of the Department. (The difference is discussed in Sergeant Hayden's interview which follows.) This is based solely from a prosecution perspective. The Sheriff's Department submits all cases investigated by their criminal investigation unit to the District Attorney. However, Mr. Klein and Mr. Cosper understand that the one-year administrative statute of limitations that the LAPD must contend with creates other concerns which must sometimes be addressed in order to preserve the administrative case. Nevertheless, they feel that it should be a relatively rare instance when a criminal case cannot be concluded within one year.

Mr. Klein and Mr. Cosper feel it is desirable to submit a case to their office before submitting it to the US Attorney. Most cases can be handled more effectively in state court, plus local government can take great pride in being able to keep its own house in order without involving the federal government. However, certain cases are more suitably handled in the federal judicial system. When these circumstances arise, the staff of the District Attorney's Office will recommend, without reservation, that the investigator take the case to the US Attorney.

Sergeant Gary Hayden, Internal Criminal Investigations Bureau, Los Angeles County Sheriff's Department (LASD)

Sergeant Hayden was interviewed telephonically on October 21, 1999, by Lieutenant Dennis Shirey, DSG. In summary, LASD has both an Internal Criminal Investigations Bureau (ICIB) and an Internal Affairs Bureau (IAB). The two bureaus are located next to one another. About two months ago, both bureaus were placed under the command of the division chief in charge of personnel and training. Previously, the bureaus reported directly to the Under Sheriff.

The ICIB handles only criminal investigations. They review cases that are referred for ICIB investigation by the division chief overseeing the station or entity where the involved employee is assigned. Upon initially receiving a case, ICIB personnel determine if the criminal conduct is worthy of being handled by ICIB. This may involve conducting a preliminary investigation into the circumstances surrounding the allegations. Generally, criminal misconduct such as drunk driving, or criminal allegations that have little chance of being filed by the District Attorney, are forwarded to IAB for complete investigation and are not handled by ICIB. Generally, ICIB only investigates on-duty criminal misconduct, or off-duty criminal misconduct that occurred within the jurisdictions policed by LASD.

The IAB handles significant administrative investigations or criminal investigations forwarded to them by ICIB. The ICIB sometimes provides reports used in the criminal investigation to IAB on an on-going basis when it is known there are administrative issues that will have to be addressed. At other times, ICIB does not submit anything to IAB until the criminal case has been concluded. The IAB adheres to the State statute of limitations on administrative investigations which makes allowances for the conduct of a criminal case without losing the administrative charges. Hayden said this takes a lot of pressure off the criminal investigators. He cited, as an example, one criminal case that has been at the District Attorney's Office for filing consideration for over a year without any decision forthcoming.

Hayden stated IAB investigators only interview accused deputies on administrative issues that were not addressed in the course of the criminal investigation. Reports from the criminal investigation are directly introduced in the administrative investigation.

Deputies relieved of duty are paid until such time charges are filed, then the pay ceases. If the deputy is found not guilty or charges are dropped, LASD must bring administrative charges within 30 days or reinstate the deputy. The maximum suspension a deputy can receive is 30 days. The only penalties that can be imposed that are more severe are reduction in rank or termination.

Hayden said ICIB is staffed with 12 investigators, all sergeants. A lieutenant heads the investigative unit. There is also a surveillance team of one sergeant and six deputies. Additionally, a technical support team of one sergeant and six employees provides such equipment as clandestine video capabilities and body wires. In comparison, there are approximately 36 sergeants and three lieutenants assigned to IAB. Both ICIB and IAB are commanded by a captain.

MAJOR CASE MANAGEMENT SYSTEM

In a September 25, 1997, report to the Chief of Police, Robbery Homicide Division proposed that the Department adopt the Major Case Management System as its protocol for managing major police investigations. This proposal was based upon a model case management system developed by the Canadian Police College. The Canadian model was modified to conform with the Incident Command System (ICS) for the following reasons:

1. Department personnel are already familiar with the ICS model, so using it for major investigations would be a logical extension and adaptation of the concept.
2. It automatically imbues a large task force with structure and accountability.
3. The Department can accurately assess its needs and deploy without spending an inordinate amount of time creating a task force.
4. A detailed chain of command furnishes direction, an appropriate span of control, and attaches accountability.
5. The model can be used for criminal investigations which include non-department personnel.
6. It allows for the incorporation of outside agencies into an investigation and assures that appropriate notifications are made.

7. It specifies the mission and objectives to accomplish that mission.
8. Its structure induces proactivity instead of reactivity.
9. It helps managers forecast the investigation's timetable and expenditures.
10. The incident commander can more accurately report case progress to the Chief of Police and his designees.
11. The system coordinates the response of non-investigative department resources.

Similar to ICS, the Major Case Management System has a flexible, predetermined organizational structure with various components staffed as the case grows or the need arises. Key components of the system include pretraining personnel to staff key positions, forming a crime scene management system to handle major crime scenes, establishing a coordinated investigative team for the follow-up investigation, activating a clue management system, and providing for periodic case review. The system works for both large and small cases because the protocol is relevant for any investigation. Once trained in the concept, investigative personnel can join any investigation and quickly understand one's responsibilities as well as the functions performed by other members of the investigative team. Because of the well-defined organizational structure, individual effectiveness and accountability are enhanced. Most importantly, it eliminates the need to "re-invent the wheel" each time a major case arises. The RHD proposal is currently being used by Robbery Homicide Division and is now being taught to Area detectives.

SUBCOMMITTEE CONCLUSIONS AND MANAGEMENT INSIGHT

The current protocol for handling major personnel investigations, including all of the elements specified in this subcommittee's written precept, is generally sufficient to accomplish its purpose. However, interviews, analyses of the literature, and subcommittee discussions indicate that certain modifications to the existing protocol could improve case management, assure the technical and procedural quality of investigations, improve logistical support for future investigations, and create an archive of self-critical analyses for consideration in future investigations.

The subcommittee concluded that the Special Operations Section, IAG, should be responsible for conducting corruption investigations involving Department employees. This will require that SOS be expanded and enhanced with additional experienced criminal Detectives III and II, in a ratio of one Detective III to every four Detectives II or Sergeants II. The deployment of additional Detective III positions will enable IAG to attract the most highly qualified experts in the diverse specialties needed to handle complex and high profile corruption investigations. However, when it is determined that the nature of a corruption investigation is beyond the resources of SOS and IAG, a task force should be created under the direction of an IAG manager. The task force should include personnel from IAG and any other entity with the expertise to successfully complete the investigation.

When a corruption case cannot or should not be placed within the purview of IAG and a task force is formed to investigate the matter, the task force should be led by a staff or command officer of suitable rank, position, or expertise. In addition, a chain-of-command should be designated for the task force. In all cases, the IAG commanding officer should receive regular briefings from the task force leader and be present at all briefings of the Chief of Police or his

designee. This ensures that the Chief of Police and task force leader are apprised of any relevant IAG investigations.

Staff and command officers and IAG supervisors who review and assign cases should be trained in the identification of complaints that may contain corruption issues. The training should include methods to identify corruption cases immediately so they can be assigned to the appropriate investigative entity. The training should also enhance decision-making skills to properly assess investigative needs, establish an appropriate notification network and facilitate resource acquisition.

The entity responsible for investigating a major corruption case should be located away from City facilities so it can conduct its business in relative confidentiality. In that regard, the Department needs the ability to acquire off-site office space and furniture for twenty investigators without going through the City's normal process. This is necessary to avoid potential security breaches of the investigation. If the investigation is assigned to a task force, additional logistical support will have to be provided including computers pre-configured for LAN/WAN access and printers.

From its inception, each major corruption investigation should follow the protocols outlined in the Department's Major Case Management System. Detective supervisors, particularly those with special expertise in criminal areas, and IAG supervisors should be trained in applying the Major Case Management System to major criminal and personnel investigations cases. The investigation should include regular consultation with the District Attorney and the City Attorney for guidance throughout the investigation. The District Attorney can advise the task force on matters regarding the criminal case while the City Attorney can provide counsel on personnel, disciplinary and risk-management issues. Consideration should also be given to regular consultation with the Department Advocate on the preparation of administrative charges and the sufficiency of evidence to support those charges,

At the beginning of all major corruption investigations, a Case Management Review Team should be designated to review both the criminal and administrative aspects of the case in order to track the investigation's progress and ensure that it conforms to all relevant legal and Department standards. The Review Team will recommend mid-course corrections to the investigative leader, as appropriate. The Review Team should consist of senior detectives and sergeants with extensive experience in conducting criminal and/or administrative investigations. The Review Team should do in-depth biopsies of representative investigative work samples. Normally, the Review Team will not re-interview witnesses or accused officers, but will limit their review in that area to reviewing the original tape-recorded interviews.

On occasion, extraordinary circumstances arise, such as a personnel complaint involving a complex criminal case, when the Department's standard Personnel Complaint report format requires more time than is available to meet a critical statute of limitations deadline. In such cases, the adjudicator may wish to consider using the criminal investigation documents in lieu of the standard Personnel Complaint format to adjudicate the administrative charges. In such cases, a supplemental administrative investigation report could be added to address non-criminal allegations. This option is not without some degree of controversy in that the expediency of

utilizing an alternative reporting format for extraordinary crisis-deadline cases must be weighed against handling such cases substantially different than the norm. However, consideration should be given to legitimizing this alternative in select cases, particularly when the primary scope of the investigation has been criminal.

An after-action report should be prepared for each major corruption investigation. The Case Management Review Team would seem ideal to prepare that document, given their unique perspective of being intimately familiar with the investigation from a position of continuing oversight. However, preparation responsibility can be designated on a case-by-case basis. In the past, the Department has not completed a comprehensive chronicle of major corruption investigations from a self-critical analysis perspective. The investigations are documented in the corresponding personnel complaints; however, no reports were prepared outlining critical information typically contained in an after-action report. Consequently, there is no reference material from which future Department managers can learn, thereby avoiding past mistakes.

The Department should establish an easily accessible archive for after-action reports produced by the Case Management Review Teams. The presence of such an archive improves policy and procedure research and encourages continual self-critical analysis. The recently created Department historical records repository at Records and Identification Division would be a suitable location.

CHAPTER 10

<u>POLICE INTEGRITY SYSTEMS</u>

At the heart of the Rampart corruption scandal is an obvious breakdown of the fundamental LAPD core value of "Reverence for the Law." But beyond that overarching failure are a number of people and systems problems that commingled daily and which, over the short and long haul, contributed to the breakdown of discipline and integrity.

As has been discovered in other cities that have experienced police corruption incidents, most notably New York City, the problem of corruption extends far beyond the individual corrupt police officer. As the Mollen Commission Report on NYPD corruption discovered in the early 1990s, police corruption flourished: because of a police culture that exalted loyalty over integrity; because of the silence of honest officers who feared the consequences of "ratting" on another cop no matter how grave the crime; because of willfully blind supervisors who feared the consequences of a corruption scandal more than corruption itself; because of the demise of accountability that makes all commanders responsible for fighting corruption in their commands; because of a hostility and aberration between the police and community in certain precincts which breeds an "Us versus Them" mentality; and, because for years the New York City Police Department abandoned its responsibility to ensure the integrity of its members.[1]

While some question the wisdom and value of examining NYPD operations and practices, there is strikingly similarity between the actions of NYPD officers in the Dowd incident, which led to the Mollen Commission Report, and the Rampart corruption scandal. Both are the worst examples of police corruption because in both instances, it was alleged that police officers engaged in premeditated and organized group criminal conduct.

The critical importance of police integrity to our democracy and to the effective delivery of police services is well established in both the popular media and academic literature. In a 1997 National Institute of Justice report on police integrity, it was noted that, "Public trust can exist only when the police execute their duties with fairness, equity, professionalism, and rigor. A police service that performs in this manner also has integrity and honor."[2]

Unfortunately, numerous incidents have occurred in recent years which have seriously eroded public trust and confidence in the law enforcement profession. And even more unfortunate is the fact that the Los Angeles Police Department has made significant contributions (Rodney King and Mark Fuhrman) to this sad state of affairs. As Professor Edwin J. Delattre of Boston University writes, "All these trends and events confirm that ethics in policing – the continuing elevation of standards of integrity and competence – remains central to the well-being of the Country and the public."

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[1] <u>The City of New York: Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department,</u> by Milton Mollen, Chairman, July 7, 1994.
[2] National Institute of Justice, <u>Police Integrity: Public Service With Honor,</u> (Washington, D.C.: Government Printing Office, 1997), 1997.

With an acute awareness of our apparent failure to ensure the highest level of ethics and integrity, the Integrity Subcommittee engaged in a comprehensive review of organizational systems and practices. From that review, a series of short and long-term recommendations were developed to improve ethical standards within the Department, aggressively ferret out corrupt behavior, and ensure the maintenance of high integrity standards in the future.

METHODOLOGY

The Integrity Subcommittee was assigned the responsibility to develop a plan to shore up Department integrity systems including an examination of training programs, with an emphasis on Watch Commander School, the thoroughness of the audit guide, and Area Integrity Plans similar to OHB's. The precept also directed the subcommittee to consider proactive measures such as drug testing, stings, financial checks and the development and use of both individual and organizational profiles.

An initial meeting was convened where members were joined by several Department command and staff officers to discuss the subcommittee's mission and "brainstorm" key areas that should be researched and studied. From this meeting came seven primary research areas upon which the subcommittee focused its efforts. Those key areas were:

1. Review LAPD's existing integrity control systems, rules and regulations. This effort was coordinated by Captain Kyle Jackson, Northeast Area. His work team conducted an extensive review of Department rules and regulations to determine the adequacy of current policies and practices.

2. Review existing training on integrity and ethics. Captain James Voge, Narcotics Division, and Dr. Robin Greene, Police Training Administrator, evaluated the Department's ethics and integrity training programs, reviewed training programs in that regard from around the country and conducted a literature review.

3. Review hiring and screening practices which may contribute to subsequent breakdowns of integrity and ethical standards. The Chief Department Psychologist, Dr. Debbie Glaser, evaluated current personnel hiring practices, which may be factors in subsequent ethical breakdowns by Department personnel. (Time constraints and difficulties obtaining restricted and confidential information resulted primarily in recommendations for further study and research in this area.)

4. Examine national "best practices" for integrity assurance and corruption prevention programs. Deputy Chief Greg Berg, Operations Central Bureau, and Commander Ron Bergmann, Administrative Group, contacted four police departments that have experienced major corruption scandals in recent years to learn how they responded to their crises and the resulting corrective measures. New York, New Orleans, Chicago and Miami County police departments provided considerable information.

5. Search the Internet for information concerning integrity assurance and corruption prevention policies and programs. Lieutenant Jerry Szymanski conducted this research. However, it proved to be of limited value as it was found that relevant websites were primarily listings of training programs offered by professional organizations such as the IACP or consulting groups.

6. Conduct comprehensive interviews of sworn and non-sworn personnel concerning perceptions of integrity issues and solicit recommendations on corruption prevention strategies. Captain Lee Carter, West Valley Area, led a team of researchers who interviewed over 200 sworn and non-sworn Department employees soliciting feedback on perceptions and recommendations concerning the breakdown of Department ethics and integrity. The interview team consisted of four lieutenants and a Detective III who interviewed sergeants, detectives, police officers and non-sworn personnel in all 18 Areas as well as specialized commands within OHB.

7. Conduct interviews of selected external stakeholders for recommendations on corruption prevention. Commander Sharon Papa, Operations Central Bureau, conducted telephonic interviews of selected external stakeholders to solicit feedback concerning the Department's corruption scandal and also invite comments on how to prevent recurrence. Time constraints and scheduling problems limited the size of this group to six individuals. However, a deliberate effort was made to contact individuals who have, in the past, expressed criticism of the way the Department handles internal discipline and police officer accountability.

EXISTING LAPD INTEGRITY CONTROL SYSTEMS

In an effort to promote integrity and establish an appropriate standard of conduct for its employees, the Department has developed detailed policy statements and implemented numerous control systems. In this subject area, the subcommittee sought to identify barriers and causative factors contributing to the breakdown of integrity and ethical standards, and evaluate the Department's rules and regulations designed to ensure ethical conduct to determine the adequacy of such policies. In that regard, the following subjects were researched and analyzed:

- Policy statements regarding integrity.
- Primary control systems responsible for maintaining the integrity of the Department.
- Personnel issues that could lead to a breakdown of integrity.

In addition, a limited survey was conducted of outside police agencies to determine their promotion and pay grade advancement policies and procedures. For the purpose of this analysis, integrity is defined as the degree to which our employees follow the policies, rules, and procedures of the Department.

Methodology

All Department commands were contacted to identify any internally generated documents addressing the issue of integrity. Integrity systems were identified by reviewing the Department Manual, specialized manuals, valid Office of Operations and Operations Committee Orders,

Chief of Police directives and publications, Code-20 videos, and The BEAT magazine. Relevant entries from those documents were summarized and included in this section. Relevant control systems and personnel issues in the above documents were identified and analyzed. The merits of both formal and informal control systems were evaluated, and recommendations were made where appropriate.

LAPD Directives Addressing Integrity

The LAPD Manual is the primary reference for the Department's rules, policies and procedures for all sworn and civilian Department employees. The Manual provides guidelines for every area of police-related work. While all the guidelines in the Manual can be related to integrity, the policy section of the Manual (Volume I) most specifically address this issue.

- The first 3 sections of Volume I include our Mission Statement, Core Values and Management Principles which make strong statements on respect and dignity, honor and integrity, reverence for the law, and improper relations or employment.

- The 5th section of Volume I addresses the Department's expectations in the area of law enforcement operations.

- Internal Affairs Group published "Personnel Investigations: A Guide for Supervisors" in November 1997, and the "Management Guide to Discipline" in December 1998. Both of these publications provide detailed information on reporting, investigating and adjudicating personnel complaints and they have been the subject of extensive Departmentwide training.

- Management Paper No. 2, issued on October 22, 1998, describes the Chief of Police's expectations of Department employees, which places a heavy emphasis on integrity.

- Three articles have appeared in the Beat Magazine: A November 1998 article on personnel matters, a December 1998 article on the importance of personal integrity, and a February 1999 article reviewing and supporting Management Paper No.2.

- Administrative Order No. 3, 1991, discusses service excellence and describes how each member of the Department is personally responsible for the service they provide. We admit it when we make a mistake, apologize, and make it right.

- A Code 20 video was released on August 13, 1997, in which Chief Parks discussed the need for open communication and a high degree of integrity throughout the Department. An HRB Notice on March 10, 1993, states that all employees have a responsibility to report misconduct or unethical behavior.

In addition, every police station in the City has our Management Principles, Mission Statement and Core Values posted conspicuously, usually in several different places. Some individual commands have been proactive in the area of establishing additional integrity systems. While these efforts and publications provide an excellent foundation, more must be done to keep the issues of honesty and integrity always in the minds of the personnel of the Department.

<u>**Divisional Integrity Assurance Plans**</u>

Two commands, both at high risk of integrity breaches, have developed what appear to be very effective Integrity Assurance Plans. The Narcotics Division Integrity Assurance Plan was issued in February 1999. It identifies policies and procedures already in place that should be enhanced to prevent or deter corruption. Additionally, it outlines well-defined policies for handling narcotics, money and informants to address possible temptations for corrupt behavior. Integrity of the individual officer and the Department will be assured by adherence to this plan. It is also designed to clearly delineate the role of ND supervisors in corruption prevention and the maintenance of a high standard of police integrity.

Organized Crime and Vice Division's Integrity Assurance Plan was issued in August 1999. The purpose of the Organized Crime and Vice Division (OCVD) Integrity Assurance Plan is to document those policies, procedures and guidelines that OCVD has in place, or will develop or propose, to prevent or deter corruption. The standards set forth in this plan are designed to prevent individual interpretation which could lead to violations of Department policies and procedures. It places emphasis on the importance of the role of supervisors in the prevention of corruption and the preservation of Department integrity.

While it appears that sufficient rules and regulations exist to ensure integrity throughout the Department, these plans apply those rules and regulations to the particular commands. It appears that several other high-risk commands may benefit from the development of a command-specific corruption plan as well as those commands with general law enforcement responsibilities such as Areas and traffic divisions.

<u>**Integrity Control Systems**</u>

Over its history, the Department has established a number of control systems, many of which were designed to ensure officer integrity. These systems frequently serve as a system of checks and balances for our operational activities. These systems have been discussed in depth in previous chapters, mostly in Chapter 6, Department Operations Systems, and appropriate suggestions for improvement have been made. However, they are summarized here in order to set the stage for a discussion of improvements in our overall integrity system.

1. **DFAR.** The Daily Field Activity Report (DFAR) is a tool used to formally document a patrol officer's daily activities and contacts with the public. It is also used to recap an officer's activities numerically. At end of watch, the DFAR is turned in along with personal service citations and field interview cards. Supervisors are supposed to use the DFAR to assess their subordinates' activities. Each day, a supervisor is required to review the DFARs from the previous watch to ensure thoroughness, accountability and integrity of the activity. That includes ensuring that officers are spending their time and enforcement efforts in the places and at the times there are corresponding problems. The supervisor also reviews the citations and field interview cards, turned in with those logs, for completeness and accuracy as well as proper recordation of the activity on the log. Reviewing the logs also gives the supervisor an opportunity to initiate quality control checks to ensure that service was

delivered in the appropriate manner. These controls and review processes reduce the opportunity and likelihood of inappropriate behavior on the part of officers in the field.

2. **Review of Reports.** Officers are tasked with completing crime, arrest, and property reports daily. Once completed, these reports require supervisory review and approval. This control and review process is in place to ensure that all arrests and reports are properly completed and used as a tool to facilitate truthful testimony in court. The system currently in place appears to be sufficient; however, supervisors notoriously give these reports inadequate review. Several years ago, Senior PSRs were budgeted to give each watch commander an experienced assistant to perform some of these administrative tasks. However, our inability to bring Communications Division up to full strength has effectively eliminated that program with only a handful of Senior PSRs actually assigned to those positions.

3. **Quality Service Audits.** The Quality Service Audit is an informal tool used to monitor service being provided by officers. The person who received the service is contacted by a supervisor and asked about issues such as timeliness of service, investigative procedures, officer demeanor, accurate and appropriate documentation, and correct enforcement action. This system provides an opportunity for input on the overall quality of police service. These audits reduce the likelihood of false documentation, intimidation, discourtesy, prejudicial attitudes, complacency, and neglect of duty.

4. **Business Cards.** Officers are required to provide the people they contact with a business card, unless the person is cited or arrested. This creates a high degree of accountability as the officers can be readily identified if a complaint is made. Supervisory control of this issue is adequate through appropriate audits and quality service evaluations. However, it was recently learned that many commands were ordering few cards from supply and, in some cases, commands had not ordered cards for more than a year. While some claim that many officers today purchase their own cards to hand out, that is certainly not a universal experience and the failure to order cards, provided at City expense, speaks volumes as to the degree of compliance with this Department requirement.

5. **Community Meetings.** Department personnel participate in many community meetings, including Neighborhood Watch, Community Police Advisory Boards, homeowners associations, booster clubs, and neighborhood improvement associations. With the implementation of the Ideal Basic Car, all officers who deliver service to a community are required to attend semi-annual community meetings. In addition to providing the community and the Department with information that is important to the community policing partnership, the meetings also allow supervisors and managers to identify existing and developing problems in overall service delivery and, more importantly, substandard enforcement and/or employee conduct.

6. **Release from Custody Verification.** Control of the release from custody of arrested persons is important to eliminate the possibility that officers could use this process for personal gain, abuse of power or discrimination in any form. This release can take place at the police station when it is determined that an arrestee did not commit a crime or when an arrestee is released on his/her own recognizance after a low-grade misdemeanor arrest. The criteria for

such releases are precisely outlined and well controlled to eliminate discretion on the part of the arresting officer. This includes supervisory review and written approval which is maintained as part of the case package. This system ensures the release of arrestees is accomplished in a uniform, consistent, and equitable manner. (Manual Section 4/216.654; Detective Operations Manual 1/353.13). No changes are recommended.

7. **Court Audit.** Included in the duties of police officers is testifying in court. An important component of that is the officer's preparation for court. The officer's appearance, confidence, and knowledge when testifying in court greatly influence his/her believability. In addition, an ill-prepared officer is more likely to make mistakes in court that can be compounded by attempting to save the case or his/her dignity through perjury. Although most officers do testify truthfully and are well prepared to do so, it is important that supervisors periodically monitor this process to ensure its integrity. Court audits are an informal process that is not defined or mandated by the Department. However, the Judicial Liaison Officer, OCOP, and the C/O, DSG, regularly and routinely interface with their counterparts in the criminal justice system. Further, the Chief of Police or his occasional designee attend the monthly Los Angeles County Criminal Justice Coordinating Council meeting which is attended by the heads of all County criminal justice agencies and the county's judicial leadership.

8. **Administrative Investigations.** Any incident involving a use of force or vehicle pursuit requires the strictest of supervisory controls, evaluation, and follow-up investigation. This entire subject is addressed in more detail in Chapter 8, Management Review of Administrative Investigations.

9. **Supervisory Response to Calls.** The primary responsibility of a field supervisor is to respond to a wide variety of incidents in the field. Supervisory participation and oversight in field operations is supposed to ensure that officers are well trained, minimize liability and reduce the opportunities for a breakdown of integrity. While we saw in Chapter 6 that those sergeants who are assigned to field supervision are responding to a higher percentage of calls for service now that ever before, we must continue to stress the importance of having an adequate number of field supervisors deployed in the field daily.

10. **Evidence Audits.** There are a multitude of controls governing the booking process to protect the collection, reporting and booking of evidence. These controls are intended to prevent a breakdown in the integrity of the collection, preservation, and custody of evidence. However, few controls exist at crime scenes where evidence such as money or narcotics could be removed before supervisors and other crime scene workers arrive.

11. **MDT and Radio Use Audits.** Over the past eight years, the use of Department MDTs and radios has been the subject of much scrutiny. The misuse of these systems has great potential to place the integrity of the Department in question because of inappropriate comments or other misconduct. Since all information transmitted in both systems is recorded and available to be monitored or later reviewed, audits of MDT and radio use are relatively simple. This includes controlling and monitoring access to confidential information such as arrest or driving histories, vehicle registration, and warrant information.

12. **Ring In/Sign In Sheets.** Department policy requires that vice officers use a ring-in/sign-in sheet to record their activities (Department Vice Coordinator Notice, January 1998). When officers arrive at their assignment, they are required to sign in and enter a time on a printed form. Throughout the day, officers record when they leave the station and where they are going. When they arrive back in the station, they indicate the time of their return. This procedure continues until the end of the day, when the officer indicates his or her end-of-watch time. In addition to the obvious officer safety aspects, the ring in/sign in sheet also provides documentation in the event questions arise regarding the officers' activities. The sheets are used during citizen complaint investigations, timekeeping and detective log audits, and for supervisory oversight of operations. This daily control in itself tends to provide appropriate controls over vice officers' activity when not in the presence of supervisory personnel. While there are no formal guidelines for this procedure in other than vice operations, many other detective operations Departmentwide use this practice.

13. **Secret Service Chits.** The Federal Secret Service makes funds available to facilitate investigations. These funds are allocated every year and are made available through Fiscal Operations Division (FOD) to various Department entities. Including geographic detectives. Federal and Department guidelines for use of these funds are precise, and the authorization for and accounting of expenditures is closely monitored. As a result, there are no changes recommended.

14. **Detective Case Management.** Due to the nature of their jobs, detectives must work independently and are thus generally out of the immediate observation of a supervisor. Without strict controls, this has resulted in significant opportunities for misconduct and criminal behavior. The detective case management system, as outlined in the Detective Operations Manual, requires that supervisors review and approve investigative documentation and arrest packages. This review ensures that the investigations and packages are thorough, accurate, and submitted in a timely manner. It further enables a supervisor to ensure that the suspect's rights are not violated, and that each officer/detective is operating within the constraints of the law and Department policy.

15. **Intelligence Cards.** Intelligence Cards (I-Cards) are used by Area CRASH operations to document gang activity by admitted gang members and their associates. They are also used by Organized Crime and Vice Division to identify members or close associates of organized crime families and to document criminal vice activity. Maintenance of any intelligence file requires close oversight due to the potential for maintaining records on individuals who should not be the subject of police attention. Review of this control ensures that individuals included in Intelligence Card files are actually involved or associated with criminal activity. This review further ensures that the file does not contain information on citizens indiscriminately or for any reason other than those specifically approved by the Department. Additionally, in the case of CRASH gang files, those individuals who have had no gang-related contact with the police for five years are purged from the system.

16. **Confidential Informant File.** There are three types of confidential informants: Citizen informants, confidential reliable informants, and untested informants. These non-employees

are a judicially recognized source of information. They provide valuable information during the course of an investigation, but they must first be developed and maintained in a professional manner.   Officers must be constantly mindful of the possibility of the appearance of impropriety and the fact that the informant might affect the officer's professional objectivity. Procedures and policies require that informants must be approved by the commanding officer. The officer-in-charge must review the confidential files on a regular basis and must move the informant to an inactive file after two years of no contact. Each and every contact with an informant must be noted on the informant card, and any contact with the informant which may have potential to undermine the integrity of the investigation or the Department, must be reported to the commanding officer. At the discretion of the commanding officer and with the approval of a staff officer, such informants may be placed in the Department's Undesirable Informant File. This alerts interested personnel that the individual has demonstrated behavior which may have a negative impact on Department operations. (This issue was addressed more fully in Chapter 5.)

17. **Audit Guidelines.** An entire manual is dedicated to ensuring that all aspects of Department operations are fully audited for compliance at set intervals. This document, the Department Audit Guide 1993, describes the reason for an audit, how to approach the audit task, and the type and frequency of specific audits. This manual also contains specific questions for those employees conducting the audits. It is a comprehensive guide which leaves very little room for error or oversight. The audit guide is not well known, readily available, nor regularly used throughout the Department. (This issue is also addressed more fully in Chapter 5.)

18. **Acceptance of Gratuities and Donations.** Gratuities are gifts to Department employees for their own personal use and donations are gifts to the Department for its use. The acceptance of gratuities has the potential to influence police-related decisions, an act that is clearly unethical, and the acceptance of gratuities is strictly prohibited. Donations have the same potential, but may be accepted under very strict guidelines (Manual Section 4/292). Without care, a donation can have the same appearance as a gratuity, eroding the public trust.

19. **Off-Duty Employment.** Because certain off-duty activities are incompatible with an employee's primary responsibilities, the Department may impose conditions on outside employment or may prohibit it altogether. The Department Manual outlines in detail the policies governing outside employment by Department employees. Employees seeking to engage in outside employment must first submit an application to their commanding officer. Prior to approving or rejecting such requests, the commanding officer conducts an investigation into the nature and scope of the proposed employment, as well as the requesting employee's qualifications to perform the described work. The Area commanding officer of the location in which the employment will take place must also approve the request. The request is then forwarded to the Commanding Officer, Human Resources Bureau, for further review, approval, and retention of the approved permit. An approved permit must be re-submitted annually. Additional restrictions include restricting outside employment to twenty hours per week, prohibiting most outside employment in uniform, and prohibiting outside employment by employees on sick or IOD status as well as those on probation. The policies outlined in the Manual appear sufficient to ensure the Department receives full and faithful

service from its employees. However, as with other control systems designed to prevent corruption and abuse, regular monitoring of these systems is the key to ensuring integrity.

20. **Facilities Inspections/Audits.** There are a number of procedures used by Department managers and supervisors to ensure the integrity of the workplace itself. These procedures often overlap in both methodology and purpose. The three main procedures reviewed were off-hours inspection, station inspection, and spot audits.

21. **Grievance Procedures.** Many issues affecting Department employees are subject to administrative review up to and including the Board of Police Commissioners. The process for these appeals is established in employee organization's MOUs and in the Department Manual.

22. **Travel Authority.** Travel authority is a formal control established in the Department Manual and Detective Operations Manual to govern travel by Department personnel that is defined as a business trip or attendance at a convention or business meeting. Each trip requires a formal request 45 days prior to commencement of the travel to ensure adequate time for supervisory review for appropriateness and necessity. Specific amounts to be expended are detailed and approved. Following the travel, the Department requires a formal accounting of funds expended during the trip.

23. **Complaint Investigation System.** Central to the public's trust of the Department is their ability to report real or perceived complaints or allegations of misconduct and to expect an investigation and resolution to the complaint. It is also critical to the integrity of the Department that a formal system exists to fully investigate reported misconduct, and criminal behavior. The perceived and actual integrity of the Department and everyone in it is dependent upon this system. The current complaint system, described in Special Order No. 1, January 1, 1998 – Revised, added the ability to document, track and monitor complaints received by the Department which do not amount to misconduct. These revised procedures provide for the validation and review of any complaint received by the Department from any source. It also enhances the public's perception of integrity and restores public confidence in the Department's willingness to address any and all issues brought to its attention. The Department benefits from the ability to track and compare the total number of complaints received with the number of complaints which amount to misconduct.

This personnel control system investigates and adjudicates all allegations of misconduct and applies appropriate discipline, training and penalties wherever it is determined that misconduct has occurred. Moreover, if an officer appears to be the focus of more than an average amount of credible complaints, a supervisor can then investigate as to whether a pattern actually exists and what (if anything) can be done. It is an effective tool in dealing with many personnel issues which arise Departmentwide.

24. **Environmental Audits.** Environmental Audits are conducted periodically by Inspection and Control Section and on a regular basis by a commanding officer. Commanding officers may conduct formal audits or informal inspections, in which he/she reviews the facility for written, spoken, graphic or demonstrative derogatory terms, slurs, comments, gestures,

ridicule, threats, rumors, or jokes. In addition, supervisory employees are also responsible to ensure that each workplace has a working atmosphere free from sexual harassment, discrimination, and gender bias. Ensuring a high level of integrity in this area is crucial to maintaining a professional work environment, high levels of self-esteem and morale, and confidence in the Department's integrity.

25. **TEAMS Reports.** TEAMS is a tool that captures officers' personnel histories in the areas of pursuits, use of force, officer-involved shootings, benefit usage, training, commendations, traffic collisions and discipline. Printouts generated from this system are used as a pointer system for personnel ratings, promotions, pay grade advancements, and disciplinary issues. The original data can be analyzed to identify proficiencies, deficiencies, training needs, and negative behavioral trends. TEAMS reports facilitate identification and analysis of behavioral trends which suggest a pattern of conduct that should to be addressed by management. This control and review process increases the likelihood that officers will retain a high degree of integrity by increasing accountability for patterned behavior. Although this process is well publicized and known, no procedure or policy could be found that requires a regular TEAMS review which should most logically be done in conjunction with each employee's annual performance evaluation.

26. **Comment Cards.** Comment Card entries are a tool used to document progress (or lack thereof), exceptional performance, and incidents demonstrating deficiencies not amounting to misconduct (Manual Section 3/760.50). These entries provide a means to document employee behavior, both positive and negative. In addition, they provide feedback to employees on their performances between ratings. These supervisory systems are among the most flexible, readily available tools and can be used daily to meet many needs. A first-line supervisor can use a comment card entry to encourage an officer to continue along a positive behavioral pattern or to dissuade him or her from a negative one. If used as intended, this control will encourage appropriate, desirable behavior and will dissuade and/or document undesirable behavior. In addition, this control may reveal a pattern of behavior indicative of a potential or existent breakdown in integrity. The use of comment cards is a control that is extremely powerful, readily available and uniquely flexible. It appears that this tool is not used nearly enough. Additionally, they should be audited annually to ensure the quality and quantity of the entries.

27. **Drug Testing.** Illicit drug use by Department personnel cannot be tolerated. It is illegal, severely impacts the public's perception of the Department's integrity, and invariably leads to additional misconduct by the involved employee. Drug testing is conducted on a random basis for probationary officers. A separate procedure is used for tenured employees when an employee is exhibiting objective symptoms or where there is a reasonable, articulated suspicion that he or she is under the influence of a controlled substance (MOU – Lieutenants And Below, Article 3.4). However, there was a tremendous benefit to the random drug testing program started and then stopped several years ago. Officers have a right to know that the people who they must depend on (their fellow employees) are drug free and the community needs those assurances also.

28. **Benefit Abuse Audits.** Abuse of benefits (including sick leave, leaves of absence, injured-on-duty status, and workers compensation claims) is an issue that must be continuously monitored by the public and private sectors alike. Some employees view these benefits as rights rather than privileges which can lead to other integrity issues. To combat abuse, employees suspected of benefit abuse can be surveilled to either prove or disprove their off-duty or restricted status. When benefit abuse is substantiated, the involved employee is subject to the Department's disciplinary process. However, the laws governing benefit claims have changed dramatically over the past few years and now prohibit us from asking an employee any questions regarding their claimed illness. Clearly, there is no longer a level playing field between the Department's responsibility to ensure its employees use benefits properly and the employee's near-absolute right to privacy.

29. **Department Commander and Command Duty Officer.** With the Department's reorganization in 1997, the full-time position of Department Commander was activated using existing resources. That staff officer is deployed in the "off hours" (nights and on weekends) to oversee our line operations. In addition, a Command Duty Officer is deployed every night to assist in that oversight responsibility.

30. **Department Command Post.** In September 1999, the Department's 24-hour Command Post was shifted from Detective Headquarters Division to Communications Division. Communications is the first entity to become aware of significant events even as they develop. With its communications capability, it is the ideal command and control center for directing units, supervisors and the Department Commander and/or Command Duty Officer to the scene of significant events.

31. **Off-Hour Inspections.** Finally, every command officer on the Department is expected to conduct off-hour inspections of his or her command. These inspections are impromptu and are used to give the commanding officer a better sense of events within his or her command during those critical off-hours.

Management Insight

This research and analysis has shown that the Department has an outstanding array of controls to help ensure the continued integrity of Department personnel. These systems are discussed elsewhere in this report, along with the extent to which these systems are being used and complied with.

Personnel Integrity Issues

The working group addressing this matter consisted of an Area commanding officer with extensive command experience, a tenured Lieutenant I with extensive research and writing experience, two Sergeants II, two Sergeants I, one Detective III, one Senior Police Service Representative, one Police Service Representative, one Management Analyst II, and four police officers.

In roundtable discussions, the group identified and defined the following issues as significant factors in maintaining a high standard of ethics and integrity among Department personnel. These issues were not identified through specific interviews or surveys; the findings stem from the diverse background, training and experience of the group members as well as anecdotal evidence provided during the discussions. The working group believes that these observations reflect the current view of many, if not most, Department employees.

1. **Off-Duty Conduct.** Off-duty conduct is one of the primary sources of personnel complaints and, consequently, an area of concern regarding personal integrity. Examples of such conduct include domestic violence incidents, financially over-burdened or conflict of interest, use of intoxicants, off-duty employment, and personal relationships with felons or others actively breaking the law. Such conduct contributes to a deterioration of integrity both on and off duty, and negatively impacts the public's opinion of the Department. An employee who is actively breaking the law cannot effectively enforce the law. Financial difficulties or the use of intoxicants may negatively impact an employee's moral judgement, and association with undesirables may erode an employee's integrity or place him/her in compromising positions. Department Manual Volume 1/200, Personal Conduct, includes the Law Enforcement Code of Ethics and addresses a variety of issues specific to personal conduct, both on and off duty. Although additional training in this area could always benefit employees, adequate supervision of employees should identify most potential problems before they become misconduct.

2. **Field Supervision.** Adequate field supervision is probably the most critical component in ensuring the integrity of field personnel. Supervisors must have sufficient available time to actually be in the field, responding to calls and getting to know the officers. By doing so, supervisors can provide ongoing training and guidance, and can intervene early to recognize and modify negative behavior. However, supervisors are often not available in the field in sufficient numbers to provide this important function. In addition to reducing supervisory accountability, this diminished presence increases the span of control for available supervisors and reduces their ability to effectively analyze, evaluate, and monitor employee behavior. The reasons for this shortfall is the over-utilization of supervisors for administrative functions, such as complaint investigations and projects. Although the Department has sufficient policies, rules, and procedures in Volume 3 of the Department Manual to guide the activities of field sergeants, the functions thus described cannot be performed unless there are sufficient personnel deployed to perform them.

3. **Lack of supervisory training prior to assignment.** Although the quantity of field sergeants is critical, the effectiveness of these valuable and expensive resources is critically impacted by the extremely late training provided to many newly promoted sergeants. Training is critical to ensure that supervisors have the knowledge and ability to perform their function, and the confidence to make the right decisions. Although the Department has sufficient formal training specific to supervisory personnel, most supervisors do not receive this training in a timely manner, often months and, in some cases, years after promotion. This leads to sergeants learning "on-the-job," resulting in incorrect information or the development of improper habits.

From 1996 through 1998, 12 supervisory development courses provided initial training to approximately 300 sergeants. There were five schools in 1996, four in 1997, and three in 1998. With 459 sergeants promoted during that same time (121 in 1996, 165 in 1997 and 173 in 1998), the backlog of supervisors awaiting training is obvious. There are still about 200 sergeants who have yet to receive formal supervisory development training, about 80 of whom were promoted during 1999. There are also about 45 supervising detectives who have not received this training. Part of the reason for this failure is the dramatic fluctuations in course content that occurred during this period. That is discussed in the next paragraph. But, the bottom line is that supervisory training simply failed to keep up with the rate of supervisory promotions, which was heavy during this period. That has since been corrected and eight supervisory schools were conducted in 1999 in order to eliminate the backlog and ensure that training is provided in a timely manner.

In 1997, the existing four-week (160-hour) supervisory development course was expanded to eleven weeks (440 hours). With the class meeting every other week, the course ran for a total of 22 weeks (5 ½ months) during which no other supervisory development courses were conducted. The school contained three separate offerings: basic instructor development (66 hours), West Point leadership (132 hours), and the original core course (expanded from 160 to 242 hours). In the expanded core course, the time devoted to writing skills, audits, public speaking, booking procedures and tactical review was increased. Course evaluations revealed that participants were critical of the length of the school and found some of the materials not applicable to their daily assignments. As a result, the course was returned to its original four-week (160-hour) configuration with minor modifications and was presented three times during the spring of 1998. The courses removed from the core curriculum are still available to supervisors on an in-service basis.

During 1998, the California Commission on Peace Officer Standards and Training (POST) was also experimenting with different delivery strategies statewide. Consequently, another modified four-week supervisory development course was designed and first offered in January 1999. The first week of this (current) course provides instruction in core supervisory competencies required for sworn or civilian supervisors including communications skills, commendations, employee relations, audits and controls, diversity, wellness, career survival, and the role of the supervisor. Week two provides 32 hours of leadership training from nine West Point modules. The remaining two weeks focus on tactical applications specific to the work of a field sergeant. Presently, POST requires only 80 total hours of instruction in supervisory development; the Department course includes 160 hours. Continuing Education Division is exploring the feasibility of a single "core" supervisory development course for sergeants, supervising detectives, and civilian supervisors. This initial training would be augmented by modular courses designed to address the individual demands of each sworn and civilian supervisory rank.

4. **Rotation in Specialized Assignments.** With some exceptions, Department personnel in specialized assignments are not subject to mandatory rotation. This lack of rotation can lead to a level of familiarity that increases the potential for misconduct. It can also lead to a breakdown of integrity due to feelings of "elitism" and extended isolation. However,

mandatory rotation also reduces the development of subject matter expertise, geographic familiarity, and the training of new officers. Mandatory rotation could also hamper investigations and subsequent criminal court testimony due to the amount of time required for an officer to become a subject matter expert. Additional research should be conducted to determine if mandatory rotation should be expanded, keeping the balance of stagnation and expertise in mind.

5. **Lack of an Effective Personnel Evaluation System.** The personnel evaluation system is intended to provide feedback to personnel that rewards positive and identifies negative traits or behaviors. This process is critical to the professional and personal growth of Department employees, helps reduce unethical behaviors, and helps ensure the integrity of the personnel selection and advancement processes. Although there is an effective, equitable personnel evaluation system in place, personnel are not being evaluated honestly or accurately-- virtually all evaluations would be ranked as excellent or outstanding. Because an average evaluation is viewed as poor, those personnel who are evaluated accurately are penalized by the system. There are a number of possible reasons for this, including the lack of supervisory consistency, lack of courage, and the inability of any one sergeant or manager to honestly evaluate subordinates without severely penalizing him/her. This inadequacy is compounded in our selection process for specialized assignments and advanced pay grade positions. Our near-universal lack of confidence in the personnel evaluation system has generated an informal process where "word of mouth" has become a powerful influence in these selections. Officers are well aware of this process and guard their internal reputations closely, even to the point of overlooking misconduct for fear of falling victim to the "word- of-mouth" exclusion from these assignments. Our ineffective personnel evaluation system simply must be corrected.

6. **Failure to Report Misconduct.** Failure to report misconduct leads to a breakdown of integrity, destroys the effectiveness of individual employees and may contribute to the corruption of countless others. The Department requires employees to stop misconduct and report it to a supervisor. Retaliation, if allowed to exist, significantly reduces an employee's willingness to report misconduct. Retaliation can take the form of intimidation, ridicule, refusing to provide backup, or shunning. An IAG audit of complaints initiated in 1996, 1997 and 1998, showed that in 30 cases Department personnel were the primary witnesses in substantiating charges of misconduct against other officers. Non-sworn employees reported two of those incidents and sworn officers reported the remaining 28. The charges ranged from excessive force to neglect of duty. Additionally, we have greatly expanded the locations at which a complaint can be made to include any supervisor, IAG, ERA, Ombuds Office, BSS, the Office of the Inspector General and at the Police Commission's Discrimination Unit.

7. **Workplace Intolerance/Harassment.** Workplace intolerance and harassment of any kind create a work environment that is both illegal and unethical. Such an environment reduces morale, increases job stress, and leads to a breakdown of integrity. Poor attitudes by employees foster a climate that does not provide other employees the opportunity to perform their duties to their fullest potential. The Department has formal procedures that direct and guide employees to immediately stop the offending activity and report the incident (Manual

Sections 1/275, "Hazing and Initiation Activities," and 1/280, "Sexual Harassment"). Again, there are any number of places at which complaints of this sort can be filed. Continued education and appropriate discipline are the keys to preventing intolerance and harassment.

8. **Double Standard of Discipline.** There is a perception among many officers that a double standard exists in the application of the Department's disciplinary system. Line officers believe that command and staff officers are judged differently and receive lighter penalties for similar misconduct. Employees believe that command staff can "get away with it." This perception, true or not, leads to resentment, lower morale, an attitude of "Us verses Them", decreased motivation, increased animosity, and a feeling of unfairness. This belief can contribute to the breakdown of integrity. There is a formal disciplinary system that applies uniformly to all Department employees. It is recommended that, whether true or not, the perception that the two groups are judged differently be addressed.

9. **Lack of Leadership and Courage.** The lack of leadership on the part of some mid-managers and supervisors coupled with the inability or courage to make a decision, our significantly reduces the Department's ability to maintain integrity and prevent corruption. Supervisors must clearly understand their responsibility to enforce policies and prevent misconduct. A supervisor must frequently command the actions of employees by orders and directions to carry out proper police operations. This must be done forcefully and effectively and is essential to the control of the most critical police situations. Well-trained supervisors are the most critical factor in preventing corruption, identifying problematic behavior, and making the proper decision. A supervisor who is unwilling or unable to make a proper decision creates an atmosphere of uncertainty among officers. With the tremendous educational opportunities that exist both internally and externally through the Revolving Training Fund, there is simply no excuse for people in leadership positions failing in this regard. We have trained people well and it's time to hold them accountable for failures in this critical area.

10. **Off-Duty Employment.** Though apparently not a problem in the current Rampart investigation, off-duty employment has, in the past, been the source or at least a factor in prior difficulties. The Department Manual is sufficiently clear concerning the responsibilities of both employees and commanding officers on the subject of outside employment. The Department receives about 30 permit requests each day and it takes about seven minutes to input each one into the Comprehensive Automated Permit System (CAPERS) which allows monitoring and tracking. However, the system should be updated to improve processing and tracking (old hardware and software). Historically, about eight or nine work permits are denied each month (100 annually). This has risen recently to about 20 per month (240 annually) due in part to the Department's policy of denying permits for employees to work for other City entities at base pay. However, most permits are still denied based on restricted duty status, excessive sick time usage, or timeliness (those permits submitted to a commanding officer after the employee has engaged in the outside employment). There does not appear to be a pattern developing concerning the denial of work permit requests. Proper training on the submission and review of permits for outside employment would likely reduce the number of permits denied. Management Services Division, Procedures and

Directives Section, is currently completing two projects concerning policies and procedures governing outside employment. One critical issue to be addressed in that project is the requirement to obtain sufficient information about an off-duty job so that an intelligent decision can be made as to its propriety.

Management Insight

During the course of this inquiry, it became apparent that issues which tend to break down individuals' personal integrity must be examined. Many of these issues are far more difficult to quantify and analyze than others addressed elsewhere in this report. However, integrity issues have a more far reaching impact than just the affected individual and, in many cases, grow to affect units, sections, watches and, eventually, whole commands.

CURRENT LAPD INTEGRITY AND ETHICS TRAINING

Methodology

Integrity Subcommittee members were tasked with reviewing existing Department training programs addressing the issues of ethics and integrity. The lesson plans were gathered from course coordinators and a grid prepared to describe topics covered during presentations. In addition, a telephonic interview was conducted with retired Sergeant Sam Barber regarding his recollections about integrity and ethics training between 1973 to 1995, during his tenure as an instructor at Training Division. A brief interview was also conducted with Commander Garrett Zimmon in his role as the current coordinator of the Department's ethics training cadre.

Organizational Structure for Training Programs

In order to evaluate integrity and ethics training programs, it is important to have some understanding of the Department's organizational structure for training programs. Until 1993, Training Division was responsible for coordinating recruit training and providing in-service training to Department employees. As both the Department and its training needs expanded, these responsibilities exceeded the capacity of a single command. To provide a greater focus on in-service training, In-Service Training Division was established in 1993. With the Department reorganization in 1997, it was named Continuing Education Division (CED) and is responsible for the preparation and administration of most post-Academy training.

In 1983, the Department established the Training Review Committee comprised of key personnel assigned to Training Division and Behavioral Science Services to review and approve all new courses or any modification to existing courses. As with many standing committees, the level of activity of the Training Review Committee has ebbed and flowed over the past 15 years. In January 1999, as part of the Department's Strategic Planning process, the committee was resurrected as the Curriculum Review and Validation Committee whose goal is to review all Department training and require routine audits of instruction conducted by operations experts. Integrity and ethics courses will be included in this review process.

In addition to this internal review committee, Former Chief Darryl Gates established an external stakeholder group, the Professional Advisory Committee to the Chief of Police, comprised of academic professors and human relations professionals. Since 1986, they have taken an active interest in reviewing and monitoring human relations-related training, including Departmentwide instruction on community relations, diversity, ethics, mental illness and instructor development. They continue to actively review a wide variety of training offerings each year.

Historical Perspective on Ethics Training

Former long-time Academy instructor Sergeant Sam Barber, now retired, recalls ethics and integrity training appearing during the late 1950's or early 1960's when the Law Enforcement Code of Ethics was adopted by the International Association of Chiefs of Police. In about 1967, the Law Enforcement Code of Ethics was distributed to recruit classes and officers were directed to abide by those standards. However, there was no structured discussion on the topic. From 1973 to 1982, the MILE (Multimedia Instructional Learning Environment) Program, sponsored by a federal grant, became the foundation for recruit training. Within that format, the Code of Ethics continued to be distributed without discussion, but recruit officers were now required to sign for receipt of the document.

POST began standardizing lesson plans for recruit training presentations during the mid 1980s. There were forty areas covered during the regular basic course with the first domain or area focusing on history, professionalism and ethics. The lesson plan focused on the values, principles, canons, and professional standards articulated in the Law Enforcement Code of Ethics. (In the second quarter of 1999, recruit officers began using a workbook to supplement classroom presentations on this topic. The workbook provides guided exercises and activities to generate discussions of the issues, and strategies for taking the necessary actions.)

Since 1995, a block of instruction under the diversity domain called "Police in Transition" provides guided activities and recruit-generated vignettes for discussing a wide variety of issues within the police culture. With guidance from the instructional team, recruits role-play actual dilemmas they may encounter in their daily work as a police officer. Additionally, since 1988, a staff officer has presented a one to two-hour lecture highlighting situations and incidents that created problems for officers during their careers to stimulate discussion with the recruits. This class is still given during the last week of recruit training just prior to graduation.

In-service courses on integrity and anticorruption began to appear in training schedules after the 1985 Hollywood burglary incident. In 1988, a class on career survival, designed by Sergeant Brian Hospodar for selected promotional schools, focused on a variety of issues including discrimination, ethics at work, and anticorruption. The course was interactive with simulation vignettes, role-play, and writing exercises. At some point, the class was decreased from eight to four hours and called "Principles, Ethics and Values." That course was taught to tenured officers from 1989 through 1996.

In 1997, POST released a telecourse training video on ethics based on materials from the Josephson Institute of Ethics located in Santa Monica, California. In an interview with Commander Garrett Zimmon, he indicated that he decided to become more involved in providing

training to Department personnel after seeing the telecourse. He received permission from Chief of Police Bernard Parks to attend the trainer workshop conducted by Southwestern Law Enforcement Institute in Texas. In collaboration with Continuing Education Division, Commander Zimmon formed a cadre of command and staff officers. The cadre designed a lesson plan based on a variety of resource materials and began providing training in a variety of Department schools. This particular lesson plan is used in supervisory (sergeant, civilian supervisor) and managerial (command development) schools.

Current Training Efforts

Currently, training on the topic of integrity and ethics is provided in eight Department schools. Personnel receiving the stand-alone block of instruction include adjutants (Adjutant School), detectives (Basic and Supervisory Detective Schools), commanding officers (Command Development), field training officers (FTO School), PSRs (during RTO phase), recruits (Basic Course), sworn and civilian supervisors (Supervisory Development and Supervisory Excellence Schools), and West Point Leadership Program. Since 1992, the Chief of Police or one of his key Deputy Chiefs has addressed every recruit class on the subject of integrity and the Department's Core Values.

Research indicated that the lesson plans for the various classes on ethics and integrity are not standardized. However, common themes covered during classroom instruction include definitions, Law Enforcement Code of Ethics, consequences and concerns of past incidents of integrity violations, analysis of specific case studies, and rules or tests for ethical decisions or code of conduct. Presentations vary from lecture, using overhead screens or PowerPoint presentations, video clips reinforcing key points, small group discussions on prepared vignettes and handouts for reading or note-taking style worksheets.

In addition to these regular offerings, command and staff officers will be receiving a one-day ethics seminar presented by Dr. Terry Cooper, USC. This is one segment in an eight-part series on Leadership for the 21st Century. Additionally, a coalition of LAPD Employee Associations (LaLey, Hunter Fund, OJB, Asian Pacific Islander and LAWPOA), in collaboration with UCLA's School of Public Policy, are currently designing a one-day seminar on Ethics and Integrity Issues in Policing. At the request of Chief Parks, Captain Earl Paysinger, Sergeant Sandy Jo MacArthur and Dr. Robin Greene attended an eight-hour workshop on integrity in August 1999, sponsored by the Immigration and Naturalization Service. This was part of the Department's ongoing efforts to study other training programs

The following chart depicts the current course offerings which address integrity issues.

**EXISTING COURSES ON
ETHICS AND INTEGRITY**

Course Content	Recruit	FTO	Det Supv	Sgt/Civ Spvr*	Capt*	West Point
Time Allocation for Instruction in Hours	7 **	4	1 to 2	4	6	4
Key Definitions (ethics, principles, values)	✓	✓	✓	✓	✓	✓
Mission Statement and Core Values	✓	✓	✓	✓	✓	✓
Law Enforcement Code of Ethics	✓	✓	✓	✓	✓	✓
Code of Professional Conduct (Canons)	✓					
Rationalizations		✓	✓	✓	✓	
Benefits of Professional and Ethical Behavior		✓	✓			
Unethical and Inappropriate Behavior	✓	✓				✓
Consequences of Unprofessional Conduct	✓					
Characteristics of An Ethical Person/Leader		✓	✓			✓
Real vs. Espoused Ethics		✓		✓	✓	
Ethical Dilemma Scenario/Case Studies***	✓	✓	✓	✓	✓	✓
Rules of Ethical Decision Making			✓	✓	✓	
Actions for Ethical Dilemmas				✓	✓	
Code of Silence – Loyalty				✓	✓	
How to Stop Unethical Behavior	✓					
How to Prevent Unethical Behavior	✓					
Restoring Credibility						✓
Who Sets the Ethical Tone						✓
Type of Ethic to Develop as a Leader						✓
Strategies for Establishing Ethical Climate						✓
Total Course Hours	**1,064**	**40**	**80**	**160**	**196**	**160**

*   Uses standardized course outline prepared in 1997 by Commander Zimmon
**   3.5 hours on ethics & 3.5 hours on police in transition
*** Uses different case vignettes, but similar rules/guides for response

Subcommittee Findings

Needless to say, development of knowledge, skills and abilities through training and education are essential in the implementation of corruption-prevention strategies. Attention must be given to ensuring that the issues of integrity and honesty are integrated and infused into the entire network of training offerings for all Department personnel. By using a broad brush and a wide variety of instruction methods, the Department is more likely to ensure effective retention of baseline information, critical thinking skills and decision-making capacities.

Educational endeavors are one of many interrelated organizational systems required to address integrity issues that can reinforce a behavioral standard of conduct directed at reducing and preventing corruption. Training can foster and reinforce the strong ethical decision maker through the repetition of consistent information covering methods and strategies for taking the necessary action steps toward establishing an organizational environment where certain behavior is not tolerated. However, the subcommittee recommends against attempting a "quick training fix" for instilling ethical standards of conduct through a massive "inoculation" initiative. In other words, we recommend against a "Camp Snoopy" approach to this problem.

First we must put out a strong philosophical message regarding our organizational principles, expectations, values and code of ethics which are the standards to which this training must be conducted. Then, we need to conduct a formal review of the existing ethics and integrity courses for topic continuity, proper delivery based on the needs and job duties of participants, and trainer preparation and enhancement. The design for this training system should be a seamless connection between the content of initial training as a new employee with subsequent training offerings over an entire career. This requires standardized lesson plan outlines and objectives while maintaining the ability for classroom participants to generate ethical dilemmas from their perspectives. Following that, must be accountability systems, e.g., supervision, audits, inspections and discipline, all of which are designed to ensure compliance. When a breakdown occurs, we need to fix the breakdown, but then we need to examine the process that allowed it and quickly determine if it is isolated or systemic. If isolated, we should commend the people responsible for the system that brought it to our attention and not penalize everyone with a broad brush. However, if its systemic, then those responsible for having systems in place to detect problems before they become systemic, must be held accountable for their failure to use those tools.

All sworn employees should be required to attend between two to four hours of training on ethics and integrity every two years as part of the required 24 hour continuing professional training (CPT) units. In addition, civilian personnel must also comply with the training requirement even though there is no mandated state requirement for those positions. The focus of instruction would involve critical thinking, problem solving, and decision-making strategies for addressing ethical dilemmas in a policing environment. These courses should use a predetermined combination of cognitive (critical thinking) and affective (attitudinal perspectives) teaching approaches with less didactic (lecture) material, more learner-centered (participant generated dilemmas) focus. Maintain the continuity and repetition of the message in a learning atmosphere promoting dialogue and discussion of polarized and taboo subjects, such as integrity and corruption or diversity and discrimination. As part of describing potential pitfalls, explore

teaching methods, such as videotape testimonials from past and present employees who have volunteered to tell their story, to reinforce the lifetime consequences of unethical behavior.

We should retain the current single-issue course (horizontal training) on integrity in specific, pre-selected schools. Seek out other blocks of instruction or forums requiring critical thinking, decision-making actions, and vulnerabilities to corruption. Examples might include writing and reviewing reports, use of force, evidence retention, general treatment of the public, traffic enforcement, code of silence, organizational culture and climate, and generational gaps between employees in the workplace to reinforce the expected standard of conduct.

We must conceptualize the purpose of training as developing proactive skills required for critical thinking and problem solving including identifying, defining and watching for early warning signs, assessing and analyzing present facts, devising multiple intervention strategies, and monitoring the effectiveness of implemented solutions on the work environment. Conduct training with a primary focus on creating skills to see and respond to problematic behavior patterns rather than teaching to replicate responses to a specific incident or event. Classroom instruction on integrity and anticorruption must be reinforced through other opportunities such as commanding officer presentations during standardized roll call training, discussion in supervisory meetings for monitoring and auditing the work environment and job product, workshop-style formats in divisional training days that encourage frank discussions about this issue. This should also be reinforced by Department Commander and CDO participation in roll call training and discussions. In addition to live presentations, employ certain teaching technology advances of CD-ROM, LAN and Internet formats as appropriate to the goal of the training. This approach will provide opportunities for vertical communication among all employee ranks and classifications.

We should continue to explore nationwide training programs within the law enforcement community, as well as educational programs for other public service occupations, to keep abreast of the best practices nationwide and use training to **support** the Department's Mission to eliminate unethical behavior. Training, in isolation of other system reviews or as the driving force to generate organizational change, will sabotage trainers and frustrate participants in the classroom setting. A holistic and comprehensive approach is necessary in order for training to be most effective. Other operational systems essential to effective anticorruption efforts include selection strategies and standard rotations for certain types of positions, continual review of incentives and rewards for quality (honesty) as well as quantity (numbers) in measuring productivity, regular monitoring through supervisory oversight, dependable auditing procedures and swift response to known violations.

Finally, we should consider soliciting the involvement of the City's Ethics Commission to review and monitor Departmentwide ethics training endeavors.

HIRING AND SCREENING PRACTICES RELATED TO INTEGRITY

In this section, the subcommittee examined the Department's testing/hiring procedures and evaluated their effectiveness in determining the integrity and character of prospective employees.

Methodology

Integrity Subcommittee members were tasked with obtaining information about pre-employment screening from outside law enforcement agencies. Information requested included the agency's pre-employment minimum requirements for police officer candidates. Each agency was contacted telephonically and asked for information on their minimum pre-employment requirements, background process, and psychological testing. That often required contacting three different sections of each agency, which speaks volumes about the degree to which these three factors are separated in most agencies. Time constraints and the sensitive issues involved hampered the collection of this information. Most agencies were reluctant to provide any specific information on their background investigations in that most agencies were reluctant to speak telephonically about their screening and psychological testing processes.

The information gathered from those agencies willing to provide immediate telephonic feedback was compared with the Department's pre-employment requirements to identify any considerable differences among agencies in selecting new police officers.

Outside Agencies

Dallas Police Department

Dallas PD requires candidates to be 21 years of age with 45 semester units from an accredited college or 19 ½ years of age with 60 semester units. Candidates must be citizen of the United States, have a valid driver license and no felony convictions in their past. The hiring process consists of a preliminary interview, civil service test, physical fitness test, polygraph exam, formal interview board and background investigation. Recruits attend a 32-week academy which includes criminal law, firearms training, vehicle operations, patrol procedures and tactics, investigative techniques, human relations and the department's standard operating procedures.

Kansas City Police Department

Kansas City PD requires a civil service application which asks about the applicant's driving record and drug use. Applicants must also agree to live within the City within 11 months of hire. A computer check is conducted for arrest record and a POST exam administered testing the applicant on arithmetic, reading comprehension, grammar, and writing. Applicants take a physical agility test and polygraph examination, which is their biggest eliminator of candidates due to responses on driving history, anger control, and problems with previous employers such as theft on the job. A background investigation is conducted followed by psychological testing (MMPI and CAQ, both performed by outside contractors) and a physical exam. A summation sheet is prepared and submitted up the chain of command to a Deputy Chief for personnel selection.

City of Minneapolis Police Department

Minneapolis PD requires a valid driver license, US citizenship, and successful completion of all POST requirements. Candidates must have no felony convictions and meet physical fitness

standards, which is a continuing requirement for employment. Applicants are screened through a written test, physical agility examination, job interview with Minneapolis officers, background investigation, and medical and psychological examinations.

New York State Police

New York State PD requires applicants to be at least 20 years old to apply and 21 years at the time of appointment. Applicants must be high school graduates, or have a High School Equivalency Diploma, and 60 college credits at time of appointment. They must be a US citizen, a resident of New York State at time of hire and have no felony convictions. The selection process consists of a competitive written examination, physical performance test, psychological evaluation, extensive background investigation including polygraph examination and a medical examination

Pittsburgh Police Department

Pittsburgh PD requires applicants to be at least 19 years of age with at least 60 college credits. Applicants complete a civil service application and civil service test with only the top 500 proceeding to next step consisting of interviews and physical agility testing. Screening processes consist of a background check, written psychological examination, interview with a psychologist and polygraph test.

San Francisco Police Department

San Francisco PD requires applicants to be at least 20 years old, with at least a high school diploma or equivalent. Applicants must be a US citizen, possess a valid driver license and have no felony convictions. Applicants must pass a POST written test, physical agility test, oral interview, extensive background check including polygraph test, psychological written test and interview with psychologist, and a drug test.

General Applicant Requirements

There does not appear to be a considerable difference in pre-employment requirements among other agencies and our Department. However, many of the departments surveyed utilize the polygraph examination to assist in the screening of candidates. The agencies that required college units stated that the number of applicants decreased significantly when that requirement was implemented.

Pre-Employment Psychological Assessment

BSS conducted an evaluation of pre-employment psychological assessment procedures on a convenience sample of three organizations, including the City of Los Angeles. This included discussions with Dr. Damien McCann of the State Personnel Board (SPB) (viz., California Highway Patrol, California Youth Authority, State Prison), Dr. Audrey Honig of the Los Angeles Sheriff's Department (LASD), and Dr. Sheldon Kay who oversees pre-employment psychological evaluation for the City of Los Angeles. Caution should be exercised in

extrapolating beyond the findings presented herein, in light of the limited time under which this evaluation was conducted.

It appears that there is a high level of overall consistency among our three agencies. The screening process by which an applicant is evaluated and considered for psychological disqualification (DQ) is based on a thorough review of the individuals' personal and psychosocial history, background investigator findings, and the interpretive results of any psychological instruments used in the screening. Not one of our three agencies DQs an applicant on the basis of psychological test results alone. The psychologists all noted that there is legal precedent which generally precludes disqualifying an applicant on test results alone, with only few exceptions. All individuals interviewed stressed the need to thoroughly integrate complex test results with behavior and personal history.

There were some differences in the actual psychological tests administered. Los Angeles utilizes the MMPI-2 and the California Personality Inventory (CPI) in conjunction with a thorough psychosocial history obtained by clinical psychologists employed by the City of Los Angeles. The State Personnel Board and LASD both use the MMPI-2 and a very similar process of evaluation, but have substituted the 16-PF for the CPI. Their contention is that the additional information obtained from the 16-PF is "a little more useful." However, Dr McCann noted that there is "nothing inherently wrong with using the CPI."

A review of the materials made available suggests that the psychological histories obtained using a semi-structured interview does not differ significantly among agencies. Similar areas of concern are explored and all include aspects of psychosocial and psychosexual development, parental relationships, sibling relationships, education, conflict resolution, an assessment of impulsivity and anger management, medical and psychological histories, child abuse, alcohol and fiscal responsibility, to name but the major categories.

The rates of disqualification appear to differ between these three agencies. The SPB, depending upon the category of applicant (CHP vs. DOJ investigator, etc), DQs between 3 and 16 percent. The CHP disqualification rate, which would be expected to attract applicants closely resembling LAPD applicants, is at the high end of that spectrum. The LASD reported that DQ rates are approximately 12 to 14 percent. The City's DQ rate, according to Dr. Kay, is estimated to be between 8 and 10 percent. However, it is unclear if these differences are due to an applicant's self-deselection, screen down prior to psychological evaluation, or some other factor. Additional research would be necessary to develop a better understanding of this phenomenon.

At present, law enforcement agencies do not have an integrated tracking system that permits entry-level psychological data to be compared to complaint history, discipline, and job performance. Although all departments maintain data bases on some or all of these components, currently there does not appear to be a way of analyzing their correlation.

Subcommittee Findings

Additional information and comparisons should be obtained in continued discussions with qualified psychologists conducting pre-employment assessments. Consideration might be given

to developing a process by which information on Department employees with extensive or serious complaint histories may be analyzed appropriately, including pre-employment psychological analysis. Consideration should also be given to formally encouraging POST to convene a panel of psychologists to openly discuss the current state of pre-employment psychological assessment.

NATIONAL "BEST PRACTICES"

Background

Benchmarking was considered a critical component of the Integrity Subcommittee's work. Several cities have experienced major corruption scandals, and all have taken aggressive steps to deal with such problems. In the early 1990s, New York City conducted a 22-month investigation into a major corruption scandal. More recently, serious ethics and integrity breakdowns in two community stations led to an investigation and a comprehensive set of remedial actions by the Chicago Police Department. In Chicago's corruption incident, officers in specialized units were found guilty of criminal activity very similar to the officers accused in the Rampart incident. In the last several years, both the New Orleans Police Department and the Miami Police Department have experienced serious episodes of police corruption and malpractice. Therefore, a study of factors leading up to these incidents and more importantly, the changes that resulted were considered crucial to the development of the subcommittee's findings.

Summary

The anticorruption policies and practices identified in the four cities studied fall into six broad categories: Pro-active anticorruption programs; training; misconduct investigations; integrity monitoring; personnel practices; and, further research. However, the most dominant theme discerned from the lessons learned in all four departments was the importance of establishing aggressive anticorruption practices.

The NYPD conducts over 1,000 stings annually in an effort to test their officers' integrity in the field. While command officers have the responsibility of ensuring integrity among their personnel and within their commands, internal affairs or public integrity divisions have the primary responsibility of rooting out corruption using gathered intelligence as well as random stings and drug testing procedures. In the NYPD, internal affairs "field associates" (officers who agree to be "undercover" eyes and ears for internal affairs) are used to provide intelligence on possible corrupt activities within commands and to check out rumors of corrupt or improper behavior. The clear lesson learned from all four of the departments studied is that constant vigilance is necessary to search for and find corrupt behavior.

The quality of internal affairs investigations also merits review. Adequate logistical resources are essential to conducting aggressive anticorruption strategies. Following the Mollen Commission Report, the NYPD Internal Affairs Bureau was provided over $2 million worth of electronic equipment and other technological support in order to carry out their anticorruption responsibilities. Internal Affairs Bureau (IAB) operations were also streamlined. In 1998, NYPD logged over 22,000 formal complaints; however, only about 2,700 of these complaints

were serious enough to merit investigation by the NYPD IAB. The remaining complaints are referred to the Civilian Complaint Review Board (CCRB) which investigates a large percentage of allegations including discourtesy, use of force, and abuses of authority. Complaints not investigated by CCRB, which include those alleging minor rule violations, are referred to and handled by either borough investigators or supervisors assigned to the involved precinct. It would be in the best interest of the LAPD to staff IAG to a level that all serious misconduct cases could be handled by IAG, and a very simplified investigative report be developed for use by field supervisors who would only investigate other minor misconduct.

New York, Chicago and New Orleans each developed comprehensive databases and enhanced the complaint analysis and monitoring systems after their corruption scandals. The development of a similar data base to track at-risk officers, along with a trained and well staffed analysis unit within Internal Affairs, are some of the methods we should consider to constantly monitor and track misconduct trends. The Department's recommendation regarding the hiring of a consulting firm to evaluate these systems is pending before the City Council.

The area of personnel practices was found to receive the greatest focus in response to major corruption scandals. This included raising the entry-level age requirement to at least 22 years of age (23 in Chicago), promoting and deploying more field supervisors and amending local ordinances requiring disciplinary penalties to be enforced prior to retirement (New York). This category generated an extensive list of policies and practices deemed worthy of consideration. Entry-level education standards have also been established with New York and Chicago now requiring applicants to have 60 college units. Chicago plans to phase in a bachelor's degree requirement over the next several years. More field experience and better training of sergeant candidates were also implemented by other cities in response to corruption scandals.

Finally, many departments, most notably the NYPD, deemed it critical that further research be conducted into police culture and the "code of silence," as well as into hiring practices as predictors of future corrupt behavior. That included the identification of corrosive factors gleaned from post-incident interviews of officers who became involved in serious misconduct.

Subcommittee Findings

The result of the subcommittee's work in this area led to over a dozen ideas deemed worthy of consideration for implementation within the LAPD. Many of those ideas will no doubt overlap findings from other BOI subcommittees. Indeed, many overlap the ideas generated by this subcommittee's working groups.

The major finding gleaned from this study of "best practices" is that the LAPD should develop aggressive anticorruption strategies, which involve both proactive sting operations and random drug testing. Internal Affairs Group should have the primary responsibility of rooting out corruption within the Department and be given adequate personnel and logistical resources to meet that responsibility. IAG should develop a Professional Standards and/or Public Integrity Section with the responsibility for detecting corrupt activities as well as actively monitoring corruption and major misconduct data.

As recommended in the 1991 Christopher Commission report, IAG should also investigate all serious misconduct cases. Area and divisional supervisors should only investigate minor misconduct and rule violations. Obviously, a considerable increase in investigative and support staff must be provided to IAG to accomplish this responsibility. Streamlining the 1.28 investigative report for minor rule violations is also recommended. Another key recommendation is that investigators no longer volunteer for assignment at IAG, which was a significant change in New York as recommended by the Mollen Commission. The critical nature of serious misconduct investigations requires skilled experienced investigators and IAG must be given the latitude to select investigators for assignment within IAG.

As mentioned, changes in personnel practices and deployment are critical to the Department's ability to maintain high standards of integrity, ethics and accountability in the future. Poor supervision of specialized units contributed to the corruption breakdown in Chicago and weak front line supervision certainly was a major factor in the breakdown in New York, Miami and New Orleans. Specialized units such as CRASH and SPU, as well as commands within OHB, should be considered for limited tour assignments. Additionally, CRASH and SPU unit positions should be upgraded to Police Officer III and Sergeant II positions.

Changes to hiring and promotional practices are also recommended. An increase in the minimum hiring age from 21 to at least 22 years of age and at least some college, preferably an associate in arts degree, are worthy of consideration. A passing score for the written entrance examination should be maintained at a level which ensures candidates are able to perform the class work necessary for successful completion of the Academy's academic workload. Consideration should be given to requiring that sergeant candidates have at least five years of uniformed field enforcement experience before promotion and that an education requirement of 60 units be established. Finally, entry-level hiring standards should be reevaluated. Prior drug use and financial problems should be disqualifiers, as should prior active gang affiliation. More use of entry-level polygraph testing is also recommended.

INTERNET RESEARCH

In order to ensure that all relevant training options are explored, an Internet search was conducted and information analyzed for Department applications.

Methodology

A web search was conducted to identify the "best practices" that exist on the Internet on the subject of ethics and integrity training. The search included both public and private sector organizations. Some of the web sites reviewed were:

- International Association of Chiefs of Police (IACP)
- Police Executive Research Forum (PERF)
- Southwestern Law Enforcement Institute
- United States Office of Government Ethics
- Commission on Peace Officers Standards and Training
- Josephson Institute of Ethics

- New York Police Department
- Philadelphia Police Department
- Queensland Police Service (Australia)
- The National Institute of Ethics
- International Association of Directors of Law Enforcement Standards and Training
- Police Ethics Network
- Institute for Global Ethics
- American Society of Law Enforcement Training
- West Point Military Academy

Summary

The Internet contains more that 15,000 sites with information on ethics and integrity. Numerous sites contain information specific to police ethics while others discuss the topic in general. Unfortunately, many of the more significant sites, IACP, PERF and POST, contain no available online training information. The majority of the information is philosophical and editorial in nature, addressing the importance of ethics and integrity in very general terms. Several web sites contain relevant training information on integrity and ethics. The information also varies from that being immediately available for download to private consultants that conduct "train the trainer" programs for a fee.

The analysis revealed that the information varies from the very simple to detailed training programs. Some of the more notable were the Josephson Institute of Ethics, Department of Justice Office of Governmental Ethics, Southwestern Law Enforcement, Queensland Police Service, and West Point Military Academy.

The Josephson Institute of Ethics located in Marina Del Rey offers a 34-page booklet on "Making Ethical Decisions" which is available for purchase or to download over the Internet. The Josephson program is not law enforcement specific but addresses the subject of ethics in general. In addition to the information that is provided for download, Josephson provides a consulting service and training program. Josephson's client list includes business, government and professional organizations.

The information from the Office of Government Ethics (OGE), although not entirely applicable to the Department, presents an interesting concept for future consideration. The OGE tests their personnel on ethical issues with an interactive presentation. Each employee is required to complete an online instruction course followed by a test. While the current OGE test requires the participants to view a 57-page power point slide presentation, this may well be impractical for Department purposes. However, the value of a semi-annual ethics/integrity test using the Local Area Network System (LANS) should be considered. This would place the employee in an environment, unlike roll call, where often responses are influenced by the setting as opposed to capturing real values and opinions.

In 1996, the Queensland Police Service conducted a major research project, Project Honour, which examined matters pertaining to ethics and organizational integrity. The research indicated that police find it particularly difficult to attend to ethical implications of a decision when the

decision must be made in a hurry. To this end, the S-E-L-F test was developed and adopted to guide decision making in circumstances where an officer must make critical decisions under pressure. The S-E-L-F acronym provides an easy formula for the Queensland Police to adopt in operational situations. The test involves an analysis of each decision. The four parts include: Would your decision withstand **Scrutiny** (Community, Police Service, and Media)? Will your decision **Ensure** compliance (Oath of Service, Policy and Code of Conduct)? Is your decision **Lawful** (Laws, Regulations and Rules)? Is your decision **Fair** (Community, Colleagues and Family)? The SELF-test has been well received by both police and staff. Additional components of Queensland Police Service program include internal witness support, research and profiling, inspection and evaluation, and internal audit program.

The West Point Military Academy provided information on various courses that cadets take during their Academy training. One course discussed honor as a cadet and discusses developing an ethical climate. The issues discussed in the lesson plan are appropriate for the supervisors of the Department. The lesson plan contains components on:

- Ethical principles or standards that guide professionals to do the moral or right thing;
- Being a role model, recognizing that actions say much more than words;
- Developing subordinates ethically through personal contact and by teaching them how to reason clearly on ethical matters; and,
- Establishing a goal of developing a shared ethical perspective so people act properly with the moral strength to do what is right.

Subcommittee Findings

The Queensland and West Point training programs are extremely good. However, our efforts should be directed at pursuing training programs that integrate ethical and principle training throughout our training program rather than through stand-alone classes.

INTERVIEWS OF DEPARTMENT EMPLOYEES

Methodology

Subcommittee members conducted random interviews of 204 Department employees (probationary officers through sergeant and non-sworn employees of various classifications). These interviewees were selected from the 18 Areas as well as from traffic and specialized divisions. Although the interviewees were given anonymity in their responses, statistical information regarding rank, gender, ethnicity and tenure on the Department were recorded to ensure that a broad cross section of the Department was interviewed. The detailed responses to all questions and individual perceptions were retained for additional analysis.

Questions and Summary of Responses

Each person interviewed was asked three questions. Following are those questions with a summary of the responses which were most frequently received from those interviewed.

Question No. 1. What are your perceptions concerning honesty and integrity within the Department?

1. Integrity is not a problem within the Department.

The overwhelming majority of the respondents felt that the Department and its employees have a great deal of integrity and honesty. That perception of high integrity within the Department was especially true for employees who had significant pre-LAPD work experience such as working for other City Departments, other police agencies, the military or private industry. One officer, who has prior experience with a federal police agency and the United States Marine Corps, compared the Department's integrity very favorably with those two entities. Most respondents believe that because the Department is large, it was inevitable that a few employees would be corrupt or lack the requisite integrity to be police officers. Most employees commented that the alleged misconduct in Rampart CRASH was an isolated incident or likely involved only a "few bad apples." CRASH units and other specialized units are usually subjected to more temptations involving honesty and integrity.

In contrast, some employees believe our standards of honesty and integrity are average. Those respondents believe that the breaches of integrity are not isolated to Rampart, but are occurring in other commands and involve sworn and civilian employees. This problem is not limited to specialized units as integrity problems occur in regular operations as well.

2. Employees are concerned about management and supervision.

Employees have doubts about management's integrity and honesty. Generally, employees believe command and staff officers have compromised the integrity of the Department. They believe a double standard exists in that too many managers subscribe to the philosophy of, "Do as I say, not as I do." A substantial number of respondents were concerned with a general lack of leadership on the part of their first-line supervisors. (This is addressed further later in this chapter.)

Question No. 2. Please identify the factors you believe contributed to the breakdown of integrity and ethical standards.

1. Personnel Hiring

Respondents overwhelmingly pointed to the Department's lowered hiring standards as a major factor in the breakdown of integrity and ethical standards. Several employees were aware of the Department hiring people with prior gang affiliations, drug use and criminal histories. Additionally, those interviewed pointed to the Department's prior accelerated hiring phases as contributing to the breakdown of ethics and integrity. Several respondents indicated the inability to de-select people during their training and probationary phases is problematic in that everyone always wants to give them a "fresh start" rather than deal with the circumstances which are usually fairly well documented.

2. Leadership

Nearly all employees pointed to the lack of leadership as a strong contributor in the breakdown of integrity and ethics within the Department. Supervisors need to be more available in the field and simply do their job of supervising field officers. Employees in leadership roles lacked the requisite tenure to adequately supervise patrol functions. Generally, supervisors' relationships are too close to the police officers they are assigned to manage, and accountability is lacking. Supervisors must take measures to identify problems or bad officers and they must complete accurate rating reports. Whenever peers identify individuals with integrity issues, management generally ignores them, even though warning signs are present. Although audit systems are in place, they are not utilized properly. Additionally, the pressure exerted by supervisors and management for increased productivity causes officers to cut corners.

3. Specialized Units

The current chain-of-command for specialized units concerned a broad section of personnel. Specialized units should be accountable to a watch commander and the Area commanding officers. Units accountable only to detectives are more likely to become involved in corruption. The isolation of specialized units from the "mainstream" of Department operations, especially when they are housed off-site, can generate problems such as isolation and separation from the rest of an Area. The officer-in-charge of specialized units should be a mature, tenured supervisor.

Many employees believe that allowing officers to work CRASH for an unlimited period of time is a factor contributing to corruption. The bond between officers in specialized units becomes too great and creates situations in which no one wants to question another member's actions. Specialized units, and especially CRASH units, should be made up of tenured and mature officers. This is especially true of each unit's officer-in-charge. The gender and ethnic balance of CRASH units is also an important factor in their effectiveness. Many interviewees supported a selection process similar that used for a vice assignment where a "clearance" is required prior to assignment.

4. Personal Responsibility

Many employees pointed to the need for individuals to be personally responsible for integrity issues. Many employees stated that because police officers are not closely supervised, it is incumbent on each officer to act with integrity at all times. Respondents frequently indicated it was the individual officer's personal responsibility for any breakdown in integrity. Additional factors cited include: situational ethics (stretching the truth, the ends justify the means), the gradual erosion of integrity and ethical standards, greed and desire for financial gain, quest for power, and the comfort level of police officers that allowed misconduct to flourish.

Question No. 3. Please provide three recommendations you believe could prevent the breakdown of integrity.

1. **Leadership**

    The vast majority of the recommendations were in the area of leadership. Generally, they felt that supervisors are either too busy to properly supervise their people or they lacked the requisite experience to do so effectively. Respondents indicated that supervisors need to be out in the field rather than in the station. Additionally, several employees stated the span of control ratio is tremendously high, making it nearly impossible for first-line supervision to properly monitor the actions of their subordinates.

    Simple leadership practices such as interviewing arrestees, conducting meaningful audits, holding personnel accountable for their actions, and informing employees of management's expectations were also listed as necessary steps to prevent future breakdowns in integrity. The quality of supervision needs to improve and they need to be tested on their job knowledge relative to the job of being a supervisor. This can be accomplished by having higher promotional requirements for sergeants, scored examinations, assigning specific sergeants to administrative functions, and providing supervisors better training. Supervisors need to be more pro-active leaders. They should focus on several specific areas, including employee recognition for making the right decisions on issues, appropriate use of existing systems and controls, and closer monitoring of arrest, property recovery, and booking procedures.

2. **Backgrounds and employment practices**

    Just as employees pointed to poor background checks of candidates as a contributing factor, they also point to better background investigations as a recommended solution. Many felt that the minimum employment age for police officers should be raised to 25 years with a maximum age of 40 years. Generally speaking, people hired between 21 and 25 years of age today simply lack the requisite "life experiences" to be mature police officers.

    Respondents recommended that more tenured officers should be encouraged to work CRASH and that more field experience should be required for promotion to sergeant. Immaturity on the part of the CRASH officers may have resulted in inappropriate behavior. They also indicated that selection into a CRASH unit should be more formalized to include "clearances" similar to those used in the selection of vice officers. They also recommended a limited tour of assignment for both supervisors and officers in specialized units. They recommended additional integrity control systems such as mandatory drug testing, alcohol screening, use of polygraphs in the selection of personnel for specialized units, financial disclosures, and expanded use of in-car video equipment.

3. **Training**

    Many employees felt that Academy training on ethics and integrity was sufficient; but, an additional focus on these areas during in-service training would enhance the Department's

ethics and integrity. Employees also stated that training provided at roll calls and training days often does not address integrity issues. Respondents recommended those training opportunities be used as forums to discuss integrity. Additionally, the Department should enhance and expedite training for new supervisors and those supervisors newly assigned to specialized units.

Perceptions of Interviewers

Detective Joan T. McNamara

Overall, Detective McNamara was met with an open display of honest appreciation by participants who seemed pleased to be asked their opinion on Department issues. At the same time, they exhibited an underlying skepticism believing that the information derived from these interviews would fall upon deaf ears. For the most part, participants were brutally candid, using this opportunity as a forum to vent their frustration on a myriad of issues such as the corruption scandal, double standard, loss of the compressed work schedule, affirmative action and the selection process. A common thread among the participants was that integrity begins at the top and trickles down. The rank and file Los Angeles Police Officer is seeking a Department filled to capacity with strong leadership and managers whose actions are consistent with their words.

Lieutenant Rick Webb

Nearly all employees who responded to these interviews indicated that background investigations needed to be more thorough. Many personnel were aware of substandard personnel who clearly should not have been hired. Several employees pointed to people who were hired even though they had known gang affiliations or a history of associating with gangs. Any association with gangs should automatically trigger a polygraph examination prior to being hired as a member of this Department.

Employees' perceptions about the lack of field supervision were stunning. Many officers indicated they rarely saw a supervisor in the field and usually only after they requested a supervisor for a particular issue. While most officers understood the need for a strong disciplinary system, they pointed to instances where honest mistakes were met with severe punishment. It seems the Department should attempt to examine those issues that are critical to the Department in a more thorough manner than complaints about routine police procedures or other issues. While there may be management studies that indicate the field supervisors are not spending an inordinate amount of time on administrative duties, the findings of those studies are suspect. Field supervisors are clearly spending more time writing reports than supervising their personnel.

Similarly, they felt that the span of control for field personnel to supervisors is too high. Considering the critical nature of police work, far greater supervision is required. In the same vein, CRASH and other specialized units should be accountable to the patrol watch commander. People in specialized units should attend regular patrol roll call and work more closely with patrol. Housing a group of limited-tenure officers away from the view or control of a watch commander is only inviting trouble. It was interesting to note that the view of supervisory issues

was fairly consistent between supervisory and line personnel. In fact, line personnel frequently pointed to the need for more audits, urinalysis, greater accountability and the presence of supervision as being desirable and needed.

Personnel at the working level clearly believe there is a dual standard for discipline within the Department. While the Chief of Police may not tolerate such a standard, employees believe higher-ranking personnel can and do filter information from the Chief, thus controlling the initiation and outcome of personnel investigations. The Department should consider a 10 to 20 year review of cases involving staff and command officers including interviews of the assigned IAD investigators, to determine if the cases were thoroughly investigated, appropriately documented and fairly adjudicated. If nothing else, this analysis will either validate or refute these perceptions.

The lack of tenure by police officers in patrol, CRASH and other Area-based operations was disconcerting to many respondents. While management may publicly state that patrol is the backbone of the Department, many employees feel they are, in fact, treated as stepchildren. This is evidenced by a promotional system which seems to promote a poor quality of people into supervisory and management ranks. Further, our organizational structure encourages tenured employees to gravitate away from patrol especially after incentives to remain in patrol were eliminated, such as a compressed work schedule.

In conclusion, many respondents saw this as a great opportunity for the Department to renew itself from the top down. Line employees sometimes feel that management knowingly misleads them or asks things of them knowing they can only be achieved by bending the rules. An example of this is response time. When the Department did not have enough field resources, watch commanders routinely asked for better and better results in the area of response time. At the same time, officers were being held accountable for their "code 2 and-a-half" driving while trying to maintain a seven-minute response time. In reality, the response-time goals could only have been achieved by some officers driving irresponsibly to get to calls in the prescribed time. Similarly, the demand for recap and results must be weighed against the achievability of the objective in a lawful manner. While no watch commander or commanding officer may ask officers to break the law or bend the rules, those officers who have the highest recap of felony arrests are rewarded. The Department has yet to find a way to measure the problem-solving efficacy of its officers' actions and this must be done.

Lieutenant Debra Kirk

Throughout the numerous interviews, recurring themes were noted. A significant degree of frustration exists among Department employees because of a perceived lack of communication between rank and file personnel and "management." One civilian employee stated, "The Department asks us what we want, but they don't use the information to improve things." A tenured detective echoed this sentiment stating, "The Department fails to act on information even though it says it wants feedback." Others cited the burdensome administrative workload carried by many sergeants, lieutenants and captains, which has decreased interaction among these groups. Almost every person interviewed expressed a desire to have the BOI's findings disseminated throughout the Department, either through the "Beat" and/or on the LAN.

An overarching concern across all ranks is the perception of a double standard of discipline for rank and file employees versus management. A concomitant area of interest is conflicting Department values, especially in the area of reporting misconduct. Most employees agreed in principle with the mandate to report misconduct, but characterized the Department as woefully ineffective in protecting those who did. Many believe there is no reward for bringing misconduct to the Department's attention or any sanction for those who engage in retaliation. One female detective cited an ongoing investigation that involved an anonymous complainant. She stated, "The division has spent six months trying to figure out who made the complaint, instead of dealing with the alleged misconduct. Is it any wonder people don't trust the system?"

Of particular note was the responsibility of detectives in the area of integrity. While much emphasis has been placed on the role of supervisors in the prevention of corruption, the role of detectives was given equal priority by several of the respondents. A senior detective said, "Detectives must accept some responsibility for what happened at Rampart. They are the final reviewers of arrest reports. They file the cases. What did they observe? Why didn't they raise any 'red flags?'" Another investigator pointed out the almost sacrosanct standing shared by specialized units within the Department hierarchy. Interestingly, this detective challenged the Department to hold specialized units to the same productivity standards as patrol divisions. According to one detective, some units do not justify their existence. She asserted, "Evaluate the efficiency of all specialized units; scrutinize filing rates. That's how you will know who's doing the job and who's not."

Lieutenant Rick Smith

While all participating employees were advised the interviews were both confidential and anonymous, not surprisingly many seemed somewhat reluctant to be interviewed. Fear of being identified and connected with their answers likely caused some employees to respond conservatively. As indicated earlier in this section, insufficient supervision, personal moral failure, inadequate hiring standards/background investigations, and extended tours in specialized assignments were the principal issues identified in the breakdown of integrity and ethical standards. The isolation of some specialized units from the "mainstream" of the Department (off-site locations, no accountability to the watch commander), an "elitist" attitude, and peer pressure were also readily identified as contributing factors.

A number of employees identified the current personnel complaint investigation process as a causal factor as well. The 1.28 system is viewed as oppressive, and exhaustive investigations are regularly conducted on even the most minor complaints. Witnessing officers who reluctantly bring information forward often find themselves added to the complaint as an accused employee, rather than being recognized for reporting misconduct. Along the same line, several employees commented that the Department should provide more employee recognition for those who make the "right decision" on issues.

Real or perceived, a substantial belief exists among rank and file officers that a dual standard of discipline exists, one for line officers and another for command and staff employees. Many employees believe that command and staff officers are not held accountable for their actions.

Lieutenant Denis Cremins

Sincerity was the primary perception derived from these interviews. Although several individuals initially expressed reservations about participating in the interviews, they quickly shed their apprehensions and welcomed the opportunity to provide meaningful input. Without exception, each person interviewed demonstrated genuine concern for the Department. As might be expected, employees with more tenure had deeper insights.

However, despite the willingness to provide insights and suggestions, there was an undertone of skepticism. Several individuals wondered aloud if their suggestions would even be reviewed by the command staff, much less implemented. A corollary theme running throughout the interviews was the existence of a double standard, especially in disciplinary matters, for staff and command officers as compared to rank and file officers.

Subcommittee Findings

The employees interviewed for this portion of the subcommittee's work were selected at random and represented a meaningful cross-section of the Department's line personnel. Understandably, many were initially reluctant to participate in this process. As the interviews progressed however, the vast majority of respondents expressed a genuine concern for the welfare of the Department. They were candid and sincere in making suggestions for improvement.

While many held the Department and most of its employees in high regard, time and again those interviewed identified issues such as a dual standard of discipline, little or no field supervision, lack of experienced patrol personnel, and weak candidates succeeding in the promotional system as fundamental elements in the breakdown of integrity. The information gathered in these interviews and other areas of this subcommittee's work provides a tremendous opportunity for the Department to make meaningful changes based on input from front-line employees. More than a few of those interviewed wondered if the Department would take action on the feedback it solicited through this process.

Providing feedback to all employees on both the Board of Inquiry's findings and the resulting changes will significantly bridge the credibility and communication gap which now exists between line personnel and Department managers.

BOI Interview of Integrity Subcommittee Interviewers

In various subcommittee reports and specifically in the work done by the Integrity Systems Subcommittee, there were frequent references to the prevalent employee perception that a double standard of discipline exists: one for captains and above and another for lieutenants and below. Because of the frequency with which this issue was raised, the BOI members met with the five lieutenants who interviewed about 300 rank and file employees regarding the Department's integrity systems. The lieutenants estimated that between 60 to 70 percent of the employees they interviewed believe there is a double standard of discipline. As these interviews were conducted with the promise of anonymity, information on specific incidents was not solicited.

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They gave several examples during the interviews. Their examples included a captain being promoted shortly after a significant problem was discovered in his vice unit, several traffic-related incidents involving staff or command officers, rumors of domestic incidents which did not inhibit careers, and inappropriate material on Department computers. They indicated that these were not the only cases where it is perceived that complaints involving staff and command officers resulted in lesser discipline than rank and file employees. But, the greatest concern expressed by the interviewees was that problems and issues tend to be filtered before they get to the Chief of Police as formal complaints. This perception was particularly true of those interviewees who had prior IAD experience.

There is also a perception that staff and command officer disciplinary matters are not reflected on monthly "rap sheets." As this discussion developed it was evident that there is not a clear understanding of those matters which are included in the rap sheets. Many of those interviewed have not seen a rap sheet in some time, indicating that the information in them is not being used as an effective training tool. There were also some indications that IAD workload has occasionally precluded the publication of the rap sheet every month. As the rap sheet is a public document, it was suggested that consideration be given to putting it on the Department LAN.

In addition to perceived problems with the disciplinary system, the following issues also arose as the frequent perceptions of those interviewed:

1. The Department's standards have slipped;

2. The Department is hiring some officers with previous ties to active street gangs; and,

3. Specialized units such as CRASH were out of control and driven by recap statistics.

Because this perception of a double standard is wide spread, a study should be conducted of complaint investigations and disciplinary actions involving staff and command officers for the past five to ten years. As part of that study, former IAD investigators and commanding officers should be interviewed regarding their knowledge and perception of a two-tiered disciplinary system. When completed, it is important that the study be made available Departmentwide. If the perception is reality, steps must be taken to correct it. If not, education must occur to dispel these harmful perceptions.

INTERVIEWS OF EXTERNAL STAKEHOLDERS

Methodology

Key external stakeholders are often able to provide a unique and valuable perspective on issues such as a department's perceived level of integrity and honesty. Their insight from an external perspective offers feedback as to the way in which an agency's actions are interpreted and perceived in the broader community. In order to obtain this insight, it is customary to obtain input from a variety of sources, including those who view the department in a favorable light as well as some who do not. The Integrity Subcommittee felt it important to interview a variety of

people whose views of the Department are often critical. The subcommittee felt it important to obtain these different points of view in order to evaluate the types of checks and balances they felt should be established to ensure honesty and integrity throughout the LAPD. In that vein, the following people were interviewed:

Ms. Ramona Ripston – ACLU
Ms. Katherine Mader – District Attorney's Office and former Inspector General
Father Gregory Boyle – Jobs for a Future
Ms. Katherine Spillar – Feminist Majority
Mr. Merrick Bobb – Consultant to the Los Angeles County Board of Supervisors
Ms. Penny Harrington – National Center for Women & Policing

Summary

Each person agreed that integrity and honesty are difficult issues that must be addressed with a multi-faceted approach. Training became a common theme for officers as well as supervisors. Officers must be reminded of the community problem-solving goal, especially those working in "elite assignments" where the culture is viewed as more aggressive and seems to work under a different set of rules.

Supervisors should be trained to identify early warning signs of potential problems and be held accountable for their officers' actions. Officers who ultimately come forward to report misconduct should be supported and not be charged themselves with failing to report the misconduct in a timely manner. The Department does not appear to acknowledge how difficult it is for an officer to come forward, only to face discipline for having done so.

Most interviewees believed that integrity testing through sting operations is a necessity. Several other departments routinely conduct such "integrity checks" on officers to ensure that items such as money and narcotics are properly handled. Background checks of officers assigned to specialized units should also include financial disclosure. Maintaining a gender balance in specialized units is important as it may decrease the number of misconduct complaints. They believe that units which are ethnically and genderly balanced are more likely to have a balanced view of their jobs and the people they serve.

Comments specific to CRASH units included developing a specific mission statement for CRASH and considering a "less aggressive" name. Many believe that the name itself establishes a confrontational mindset in the officers who are in those assignments. Consideration should also be given to integrating CRASH enforcement activity into the patrol function. Every arrestee should be presented to the watch commander who should be responsible for giving all booking approvals.

The final issue raised in the interview was the tone and/or culture of the Department. Integrity must be maintained at all levels, with no double standard for command staff. There is a concern that the leadership at the top of our agency is reluctant to hold everyone to the same standard. There is also a perception of resistance to an open process of civilian oversight which some believe contributes to reinforcing the notion of a different set of rules for sworn police officers.

However, everyone contacted during this process was delighted that the Department sought his or her input on these issues.

Subcommittee Findings

The issues raised by the individuals interviewed have also surfaced in other areas examined by the Integrity Subcommittee. An in-depth review of selection and promotional criteria must be conducted. It appears the external stakeholders and the Department view many areas of concern in the same light, though methods to achieve those objectives differ.

The Department should incorporate ethics and integrity issues throughout its training programs. It should not simply be a stand-alone topic. Further, background checks should be done on officers seeking assignment to specialized units. This should include a review of financial records and written surveys of work habits obtained from first-line supervisors and City or District Attorneys who have worked with the officers. Sting operations should be developed and implemented through our Internal Affairs Division. Other major cities such as New York and Philadelphia can be contacted for background information on their programs that target integrity issues.

Achieving appropriate gender balance in specialized units should remain a high priority. Employment Opportunity Development Division (EODD) should determine if any significant relationship exists between gender balance and the frequency of alleged misconduct in specialized units throughout the Department. Strict criteria should be established to determine eligibility for assignment to CRASH, and background investigations should be an important part of the screening process. Tours of duty in CRASH should be limited and positions routinely rotated. Existing CRASH personnel should not be "grandfathered in" and must meet the same criteria as new transferees. All arrestees should be presented to (and booking approved by) the patrol watch commander.

Top management must be held to the same standard as other employees in the Department. Promotions to command ranks should require the same criteria as other ranks regarding performance and disciplinary history.

SUBCOMMITTEE CONCLUSIONS AND MANAGEMENT INSIGHT

There will no doubt be considerable overlap or duplication of recommendations among the Board's various subcommittees. The subcommittees reviewing management operations at Rampart Area, looking at Department operations systems, and reviewing non-disciplinary administrative investigations will likely make many of the same recommendations as the Integrity Subcommittee. But it is worth noting that, at least from the information gleaned from departments that have experienced scandals perhaps even more serious than Rampart's, bold steps to correct problems and prevent recurrence may be more important than creativity or innovation. The single most important recommendation may be that the LAPD management staff move from its traditional reactionary mode, responding to corruption incidents when they occur, to a proactive mode, which aggressively searches for corrupt police officer behavior and routinely tests police officers' ethics and integrity. The greatest challenge in that regard may be

convincing our employees that any changes in policies or procedures implemented as a result of this inquiry are necessary to better serve the public and not a knee-jerk reaction to political and media scrutiny.

The single most important lesson learned from other police departments' corruption scandals is the need for an aggressive anticorruption program. The Department and IAG do a good job responding to corruption incidents, but we must now do an equally good job trying to find corrupt behavior within the ranks of the LAPD. A Public Integrity or Professional Standards Unit should be established within IAG. This unit should be given the logistical tools, as well as the personnel resources, to continually conduct sting operations, random drug testing and other investigative strategies (such as financial checks) to find and root out corruption.

Internal Affairs Group, the Inspector General and Department staff and command officers share responsibility to monitor and detect corruption within the LAPD. A monitoring and tracking unit should be established within IAG to constantly analyze misconduct trends and develop early warning methods to detect at-risk officer behavior. The Inspector General should be provided sufficient staff to augment and support IAG's risk management monitoring efforts. A simplified and standardized risk-management database must also be developed which captures the four primary areas of risk management: use of force; personnel complaints; pursuits; and traffic collisions. The ad-hoc tracking systems developed by various Department entities are only interim measures and should be replaced quickly with a simple-to-use Departmentwide program. This data, tracked by Area and divisional commanding officers, bureau commanding officers, the Inspector General and IAG should readily identify, early on, officers with a propensity for at-risk behavior. In concert with HRB's Risk Management Committee to do trend analysis and profile commands, sections, units and individual employees, the Department will have a comprehensive approach to monitoring risk management and quickly identify trends, patterns, and problematic employees.

There has been serious erosion in the quality and emphasis of audits and inspections over the years. The elimination of a commander position at each bureau seriously impaired our system of formal audits and inspections. It is recommended that an additional Lieutenant II position be allocated to the four geographic bureaus and to OHB. This lieutenant should be given the responsibility to lead and supervise the bureau inspection and audit unit, and the unit should be staffed, at minimum, with Sergeants II, Detectives II and Management Analysts II. Under the direction of the bureau commander, this unit should conduct regular audits of sensitive or critical operations. Certainly CRASH and Special Problems Units should be part of this external inspection process, as well as Area Community Relations Offices, particularly Explorer programs. It is also recommended that the Department Audit Guide be updated and redistributed to all Department commands. A new Department audit schedule should be established and these audits should be tracked and evaluated by bureau inspection units.

Specialized units within our Area commands are important to the accomplishment of the Department's crime control mission. It could be argued that, except perhaps for SWAT and certain Narcotics Division Operations, these functions may be the most sensitive and risky of Department operations. Yet we staff these units with the basic police officer and sergeant ranks and fill many of those positions with officers barely off probation. Using the same rationale as

that used for Area vice assignments, it is recommended that CRASH, SPU, Career Criminal and Hype units all be advanced paygrade positions. It is further recommended that candidates for these sensitive and specialized Area enforcement units be carefully screened with comprehensive background checks prior to selection to these units. Finally, it is recommended that these units have three-year limited tour assignments.

Breakdown in front-line supervision has been observed as a key factor in corruption scandals in other cities. Based upon these observations, and certainly from our own experiences, improving the selection criteria, expertise and deployment of field supervisors is essential. This must begin with a more stringent examination process which tests the applicant's job knowledge. The Department should reemphasize the need to require 60 college units as a criterion for taking the sergeant's exam. It is also recommended that consideration be given to requiring a minimum of five years experience in a uniformed, enforcement assignment before promotion to sergeant, and a minimum of three years for upgrade to detective II.

The dearth of sergeants in the field monitoring and leading field operations was frequently mentioned in interviews with Department personnel. The impact on the delivery of quality service and the effect on anticorruption efforts are obvious. Further studies should be conducted to determine if this is, in fact, true. In order to maximize a patrol supervisor's field time, it is recommended that a streamlined 1.28 report be developed for use in cases of minor rule violation or in minor public complaints. Internal Affairs Group should research the feasibility of creating a one page checklist investigative report that can be used for some rule violations and discourtesy allegations. Absent a massive infusion of investigators into IAG, the entire complaint investigation process for minor misconduct allegations that do not involve repeat offenders or officers with a pattern of conduct should be reengineered. The goal is to conduct and document a thorough investigation with minimal administrative burden.

In the area of training, we must conduct a formal review of the existing ethics and integrity courses for topic continuity, proper delivery based on the needs and job duties of participants, and trainer preparation and enhancement. Then, our integrity training must be fully integrated into the entire training system, not just a stand-alone block of instruction. We must standardize the lesson plan outlines and objectives while maintaining the ability for classroom participants to generate ethical dilemmas from their perspectives. Further, all employees should attend between two to four hours of training on ethics and integrity every two years. For sworn employees, this could be part of their required 24 hour continuing professional training (CPT) units. The focus of instruction would involve critical thinking, problem solving, and decision-making strategies for addressing ethical dilemmas in a policing environment.

We should continue to explore nationwide training programs within the law enforcement community as well as educational programs for other public service occupations, to keep abreast of best practices nationwide. Classroom instruction on integrity and anticorruption must be reinforced through other opportunities such as commanding officer presentations during standardized roll-call training, presentations by the Department Commander and CDO, discussion in supervisory meetings for monitoring and auditing the work environment and job product, and workshop-style formats in divisional training days that encourage frank discussions about this issue. In addition to live presentations, employ certain teaching technology advances

of CD-ROM, LAN and Internet formats as appropriate to the goal of the training. This approach will provide opportunities for vertical communication among all employee ranks and classifications.

One common complaint voiced by many during the internal stakeholder interview process was that newly promoted sergeants all too often attend sergeants' school months, and in some cases years, after their promotion. It is recommended that Human Resources Bureau develop a "short course" for new sergeants, detectives II and non-sworn supervisors. This 1-3 day course, focusing primarily on the role and responsibilities of Department supervisors, should be given the first working day of each deployment period, regardless of the number of personnel to be trained. Part of this training should be designed toward increasing courage on the part of field supervisors to make tough decisions to avoid future ethical breakdown. No field supervisor should be permitted to work as a supervisor until he or she attends the course.

We should seriously consider eliminating the practice of supervisors applying to IAG and give the IAG command staff the latitude and authority to select and assign investigators to IAG. Except perhaps for some murder investigations, IAG investigations are the most sensitive and certainly the most complex investigations conducted by the LAPD. IAG personnel act as the "gatekeeper" but with insufficient investigative resources and people who often lack the investigative skills to do the job, it is hard to hold IAG responsible for meeting that tremendous challenge. Too many IAG investigators lack sufficient investigative experience and expertise. The deployment of detectives into IAG has largely been a failure as IAG has been able to attract mostly inexperienced Detectives I seeking a Detective II position. Given the critical nature of IAG investigations and their complexity, IAG should not be a coveted assignment and a grooming ground for future promotion. It should be where the Department's best investigators are assigned for a three-year tour, to handle these sensitive, complex and usually criminal cases. These investigators should be hand picked and assigned based on a demonstrated ability to conduct such investigations.

Although the Department Manual states that gratuities shall not be accepted in very general terms, employees are well aware that this practice is tolerated in the form of reduced prices for meals and free coffee. Because the Department is always vulnerable to charges of misconduct and/or corruption, it is especially important that all Department employees, sworn and civilian alike, clearly understand the issue and that supervisors reinforce this policy. Its is recommended that a more specific policy statement be developed regarding the acceptance of gratuities and include the issue of donations to individual units, sections and divisions.

We should also conduct research into the validity of pre-employment psychological assessments as predictors of future police officer performance and behavior. This should include a frank discussion with the Personnel Department to determine their position on prior drug use, criminal histories and prior financial problems as de-selection criteria for police officer applicants. The Department should also ask POST to convene a panel of psychologists to openly discuss the current state of pre-employment psychological assessment.

Finally, specialized divisions at risk of integrity breaches should consider developing a Divisional Integrity Assurance Plan addressing the unique characteristics of their particular

division. Additionally, further research should be conducted to determine if the development of such a plan would benefit commands with general law enforcement responsibilities such as Areas and traffic divisions.

Certainly, this most recent LAPD scandal is devastating to our relationship with our many diverse communities. Distrust, cynicism, and even fear of the police are the certain outcomes. The only ones not greatly alarmed by these recent events are those in the community who prey on the innocent. Overall public safety has been harmed, and it will take a strong resolve by Department personnel, along with equally strong political support, to correct the problems which led to this breakdown of police ethics and integrity and the concomitant erosion of community support that has resulted. Hopefully, through this unprecedented Board of Inquiry process, meaningful remedial steps will be identified, supported and put into practice ensuring a future LAPD of the highest ethical and integrity standards.

CHAPTER 11

CONCLUSIONS AND RECOMMENDATIONS
OF THE
<u>BOARD OF INQUIRY</u>

After careful consideration of the information developed during the Board of Inquiry's work, it is the Board's view that the Rampart corruption incident occurred because a few individuals decided to engage in blatant misconduct and, in some cases, criminal behavior. Published assertions by former Rampart CRASH Officer Rafael Perez that the pressure to produce arrests caused him to become corrupt, simply ignores the fact that he was convicted of stealing narcotics so he could sell them and live the life style of a "high roller." Even the finest corruption prevention system will not stop an individual from committing a crime if he or she has the will to do so. However, had the Department and the Rampart management team exercised more vigorous and coordinated oversight of Area operations, and its CRASH unit in particular, the crimes and misconduct that occurred may have been prevented, discouraged, or discovered much earlier.

It is very clear that many of these officers allowed their personal integrity to erode and their activities certainly had a contagion effect on some of those around them. We, as an agency, must learn from what they did and establish systems to prevent and detect similar patterns and activities should they occur in the future. This scandal has devastated our relationship with the public we serve and threatened the integrity of our entire criminal justice system. Distrust, cynicism, fear of the police, and an erosion of community law and order are the inevitable result of a law enforcement agency whose ethics and integrity have become suspect. Clearly, public safety in this City has been harmed and it will take strong resolve by Department personnel, along with equally strong support from our City's leaders, to correct the problems that allowed this breakdown. Hopefully, the findings of this unprecedented Board of Inquiry process will lead to meaningful remedial steps being put into practice to ensure a future LAPD of the highest ethical and integrity standards.

In developing its recommendations, the Board focused its efforts on those issues which are both critical to ensuring a corruption-free Department, and achievable with minimal budgetary impact. The Board deemed it critical to outline a path forward that is clear and achievable and one that will enable the Department to attain and maintain a corruption-free organization. We also recognize that many people will be evaluating these recommendations in the months to come. Therefore, it is important to recognize that most of these recommendations come down to the same basics inherent in any criminal activity, those being motive and opportunity. In order for corruption to exist, there must be a group of employees motivated to commit crimes and breach the public's trust; **and**, there must also be an opportunity for them to become involved in those activities. To facilitate review, the Board categorized its recommendations into nine general areas:

- Testing and screening of police officer candidates

- Personnel practices

- Personnel investigations and management of risk

- Corruption Investigations

- Operational Controls

- Anti-corruption inspections and audits

- Ethics and integrity training

- Job-specific training

- BOI work that should continue

<u>Testing and Screening of Police Officer Candidates</u>

Pre-employment information on four of the profiled officers raises serious issues regarding their employment with the Department. Criminal records, inability to manage personal finances, histories of violent behavior and narcotics involvement are all factors that should have precluded their employment as police officers. However, these officers were hired in spite of these factors being discovered during their pre-employment screening. In three cases, the Police Department recommended their disqualification, but they were cleared for hiring by the Personnel Department, which has final authority to deselect police officer candidates. Three of these men were hired before the Independent Commission report was published in 1991. As their hiring predates the "reforms" that followed, it is tempting to attribute these hiring failures to factors corrected long ago. However, that does not explain the fourth officer hired three years later in spite of information that he had sold narcotics as a juvenile and was involved in a vehicle tampering incident.

While it is impossible to substantiate completely, it appears that the application of our hiring standards was compromised when these officers were hired during periods of accelerated hiring in the late 1980s and early 1990s. This is not to say that anyone intended to do so. But, one need only look at the pre-employment histories of these four people to see that something was seriously wrong when they were approved for hire. The fact that these men were hired with egregious information in their packages leaves only two explanations: 1) Recognize that erosion has occurred and shore up the systems to prevent it from recurring; or, 2) Insist that the application of our standards did not erode, which means that criminal conduct, drug dealing, financial irresponsibility and violent behavior are consistent with our standards. Clearly, there <u>has been</u> erosion, the blame for which cannot be placed on one individual or group, but rather on a multifaceted system with competing interests. So, as painful as it may be, we must recognize that this problem has not been solved, but it must be if we are to provide the people of this City with the quality of law enforcement it deserves.

1. State law should allow a law enforcement agency screening a candidate for employment, access to the applicant's full criminal history including any criminal record that may have been sealed by a court. Several candidates had juvenile criminal histories that had been sealed by the court making them unavailable for consideration during the hiring process.

2. All publicly available information should be obtained on candidates, particularly those from out-of-state, and utilized to assess a candidate's suitability to be a Los Angeles Police Officer. There are a multitude of public information databases which provide this information with the speed of the Internet. The cost would vary depending upon the type of data requested and the speed with which the information is required. This up-to-date resource base on candidates has the ability to increase the depth of the background investigation including access to court and county records nationwide. A cost analysis would have to be done to determine if this information should be "out sourced" (contracted through a private vendor) or self-contained within the Department.

3. The services of retired officers residing throughout the country (and world if necessary) should be utilized as occasional contract investigators (Interview Specialist) to ensure that a thorough in-person background investigation is conducted. The information obtained from in-person interviews greatly outweighs any costs associated with such a program and the reduced wages and travel expenses make the use of out-of-state investigators extremely cost effective.

4. The California State Commission on Peace Officer Standards and Training (POST) should be asked to convene a statewide task force to examine psychological testing of police officer candidates.

5. To improve the psychological screening of candidates in the meantime, consideration should be given to transferring the responsibility for candidate psychological testing to the Police Department's Chief Police Psychologist. This may require a Charter change, but would allow the system to become a more efficient process and resolve fitness for duty issues in a more timely manner. Under the direction of the Chief Police Psychologist, screening would be conducted by outside specialists on a personal service contract. If this responsibility is not transferred to the Police Department, the Police Department's Behavioral Science Services staff must at least be allowed to become a partner in the process and take an active role in the psychological screening of police candidates.

6. In any case, the psychologists conducting future psychological evaluations should retain all of their notes in the candidate's file. The Board was quite surprised to discover that Personnel Department's psychologists routinely destroyed the notes they took during a candidate's screening interview. This practice is inconsistent with the Records Retention Schedule established for such documents and seriously hampered the Board's ability to review the thought process involved in hiring several of the profiled officers.

7. In the short term, the polygraph must be authorized as a routine investigative tool whenever a potentially disqualifying issue arises during a candidate's background investigation. The current Civil Service Commission (CSC) policy requiring CSC approval for each and every polygraph use is unnecessarily burdensome and severely limits the use of this valuable investigative tool.

8. For the long term, polygraph examinations should be administered routinely to all police officer candidates prior to conducting their background investigation with a particular emphasis on drug use and integrity issues. The cost associated with this effort will undoubtedly be offset by the reduced costs associated with disciplinary and litigation processes generated by problem officers.

9. As the Chief of Police is ultimately responsible for the Department's performance, including the performance of its employees, the Chief of Police should have ultimate responsibility for determining the eligibility of applicants and selecting the best police officer candidates, not the Personnel Department.

10. The Personnel and Police Departments must come to agreement on a common understanding and interpretation of the current guidelines for candidate deselection. Several of the profiled officers clearly should not have been hired. The Police Department recommended the disqualification of several profiled officers for integrity issues, drug use and violent histories. In each case, those recommendations were overruled by the Personnel Department which concluded there were insufficient grounds for disqualification. Obviously, the two departments see the standards very differently, a difference which simply must be resolved.

11. In the long term, the current disqualification standards must be revised to disqualify candidates whose past conduct clearly shows they are not suited to be police officers.

12. Specific guidelines must be established for candidates who appeal their disqualification to the Civil Service Commission or General Manager of the Personnel Department. These guidelines must establish consistent, job-related factors in assessing a candidate's suitability including consideration of the candidate's complete package.

Personnel Practices

The Board of Inquiry's work included a thorough review of the Department's personnel practices. In addition to a lack of confidence in the accuracy of our personnel evaluation system, it was discovered that several key Rampart supervisors had not received personnel evaluations in years. The Board also found that assignment to Rampart CRASH appears to have been based upon a system of "sponsorship" under which potential members were effectively nominated by existing members of the unit rather than by supervisors or managers. The lack of advanced paygrades in CRASH and other Area specialized assignments precludes the assignment of more experienced officers to those assignments. Clearly, several existing personnel practices need to be shored up and, in some cases, completely revised.

13. We must improve our data capturing and input infrastructure for the Training, Evaluation and Management System (TEAMS). Whereas multiple entities are responsible for inputting data into the system, one entity must be designated to conduct continuous audits of that system. Several major personnel investigations were found that did not appear on the officers' TEAMS history even though the matter had been adjudicated for some time. It is imperative that TEAMS accurately reflect the current status of its information and that requires on-going auditing. In too many cases, people are making personnel and promotional decisions unaware of matters that certainly would affect their decisions.

14. We must significantly improve our Position Tracking System (PTS). It must become more useable and its capability should be expanded to include tracking Administrative Transfers, personnel who cannot be assigned to certain workplaces (relatives and ex-relatives) and other critical personnel issues that affect personnel movement within the Department. Presently, this information is captured through "institutional knowledge" which is hardly a reliable system. The PTS was supposed to correct that and record every Department employee's specific assignment each deployment period. However, PTS is largely unusable due to its poor <u>functional</u> specifications. This must be corrected if we are to capture this information and ensure its availability for transfer considerations.

15. We must restore integrity to our performance evaluation system so that it can be relied upon as a true measure of performance. Whether that will require implementation of a new system, such as returning to the outstanding, excellent or satisfactory categories and placing a numeric maximum on each category, or simply enforcing the existing rules is inconsequential. The fact is that our personnel evaluations have little or no credibility at any level in the organization and that must be corrected. In resolving that problem, we must also address the issue of grievances (and the workload they create) that seem to arise when some employees are rated at any level less than completely outstanding. All too often, this has resulted in inflated ratings just to resolve the grievance.

16. There should be a standardized selection process for Area specialized units. Based upon the particular assignment, this may include a background check, polygraph, drug testing or financial disclosure statement. At a minimum, officers being considered for assignment to an Area's specialized units should undergo the clearance procedures now required for a vice assignment.

17. Supervisors and officers assigned to Area specialized units such as CRASH, SPU, Career Criminal, Hype Units and Youth Services should be in advanced paygrade positions. These units are important to the accomplishment of the Department's crime control mission and, except perhaps for SWAT and some narcotics operations, are among the most sensitive and risky of Department operations. Yet we staff these sensitive, high-risk units with the basic paygrades and, all too often, fill many of those positions with officers barely off probation. Only tenured supervisors and officers should be selected for these specialized assignments and making them advanced paygrade positions will encourage our most qualified and experienced officers to take them.

18.   The Chief of Police must have the ability to recommend that the Board of Pension Commissioners pension a sworn employee who is no longer physically or mentally able to perform the essential duties of a peace officer. Currently, there is no way in which a sworn employee can be removed from his or her position as a peace officer other than through a disciplinary proceeding. However, some unique non-disciplinary circumstances arise which can only be resolved by requiring an officer to retire. These circumstances are failing health or mental/emotional instability which precludes the officer from performing his or her essential duties such as carrying a firearm.

19.   We should consider expanding the number and categories of specialized assignments that should be subject to a limited tour of duty, both in the Areas and in specialized divisions. Most of these assignments provide outstanding opportunities for career development and were never intended to be career-long positions. We also feel that the expertise required for some of these positions is highly over rated, predominately by the incumbents. Clearly, a rotation system must maintain a balance of expertise vs. stagnation and not deplete a unit's institutional knowledge. But, it is time to expand mandatory rotation assignments.

20.   Sergeant candidates should be required to have a minimum of five years experience, at least three of which should be in a uniformed assignment. A breakdown in front-line supervision was certainly apparent in Rampart and it has also been identified as a key factor in corruption scandals in other cities. Based upon these observations, and certainly from our own experiences, improving the selection criteria, expertise and deployment of field supervisors is essential.

21.   We need to review the way in which we assimilate new officers into our organization during their critical first three years of employment. Specifically, we found an almost universal lack of understanding about the way in which a patrol officer's work flows through our systems and how the quality of that work effects everything else. In years past, officers off probation rotated through several of our key operational-support commands such as Communications, Jail, Records and Identification and Scientific Investigation Divisions. Those brief exposures to these support elements early in an officer's career provided a deeper understanding of these critical systems and a better sense of the larger Department operation. Civilianization over the past several years has virtually eliminated the need for these brief (6 to 8 month) assignments, but we need to reexamine the wisdom and long-term benefits of reinstituting that program. One side benefit to the old program was its ability to bridge the gap between our sworn and non-sworn employees which is important to our efforts at ensuring a cohesive organization.

Personnel Investigations and Management of Risk

Time and again, the Board found clear patterns of misconduct that went undetected. Nowhere was this more apparent than in the investigation of personnel complaints made by the Rampart community. Regardless of the source, complainants all seemed to be viewed as recalcitrant and their allegations were not taken seriously by some of the supervisors assigned to conduct the investigations. Equally significant was the failure of management to recognize those clear patterns and correct the behavior of the officers involved. Many of the complaints involved

serious allegations that should have been handled by Internal Affairs Group rather than divisional supervisors.

We must improve our capacity to investigate personnel complaints including proactive measures to ferret out behavioral patterns that may be indicative of corrupt behaviors. If we are to prevent a recurrence of the Rampart scandal, it is also critical that we build the Department's ability to look at critical risk-management factors in a broad, Departmentwide sense in order to identify the patterns of individuals, work units and commands.

22.   Internal Affairs Group must be expanded to ensure that IAG investigates all but the most minor community complaints and enhance the integrity of IAG's investigations. In particular, IAG's Review and Evaluation Unit should be increased in order to at least randomly review taped interviews and compare them with the written synopsis of the interview submitted with the complaint for adjudication.

23.   The practice of applying to work IAG should be eliminated and the IAG command staff should be given the latitude and authority to select the people necessary to fulfill their mission. The investigations conducted by IAG are among our most sensitive and certainly most complex investigations. But without sufficient investigative resources and people who have the investigative skills to do the job, it is difficult to meet this tremendous challenge. The deployment of detectives into IAG has largely been a failure as IAG has been unable to attract our most experienced detectives. Given the critical nature of IAG, they should be allowed to handpick their personnel to ensure that the Department's best investigators are assigned to handle these sensitive, complex and all-too-often criminal cases. Naturally, those selected for these assignments must be guaranteed retention of their advanced paygrade position and given preference of assignment upon completion of their IAG assignment.

24.   A Public Integrity or Professional Standards Unit should be established within IAG. This unit should be given the logistical tools, as well as the personnel resources, to continually conduct sting operations and other investigative strategies (such as financial checks) to find and root out corruption. Carefully thought out protocols will be required for sensitive operations such as stings and financial checks. The single most important lesson learned from other police departments' corruption scandals is the need for an aggressive anti-corruption program. The Department and IAG do a good job responding to corruption incidents, but we must now do an equally good job of finding corrupt behavior within the ranks of the LAPD.

25.   State laws must be changed to allow examination of an officer's financial records, particularly when that officer is in a highly sensitive assignment or there are indications that the officer may be living above his or her apparent means. Officers driving a very expensive automobile who boldly display a license plate taunting the IAG surveillance team or who display wealth far above their apparent means should expect to be asked about the source of their income. Restricting a law enforcement agency's access to this critical information only facilitates corrupt activities.

26.   We must seek changes to Los Angeles City Charter, Section 202(4) which requires that an administrative investigation be concluded within two years of occurrence or one year of discovery in order to assess discipline greater than a reprimand. No other law enforcement agency in this State is subject to such a restriction. The State's Government Code Section 3304 (d) – (g) provides that the statute of limitations may be held in abeyance while conducting a criminal investigation, but the City preempts that with its own law. This change would allow the Department to conduct a criminal investigation to its conclusion and then to conduct the administrative investigation without concern that the statute will expire before that portion of the investigation is completed.

27.   We must seek changes in state law permitting the release of medical records of persons injured in police incidents solely for the purpose of aiding the search for truth and ensuring that a thorough investigation is conducted. Without that information, we have no way to compare a person's injuries with individual accounts of the incident.

28.   We must find ways to streamline our personnel investigation and reporting system for cases of a minor rule violation or minor public complaint such as failing to take a routine report. This is especially true when the allegation, even if sustained, does not involve a repeat offender or an officer with a similar pattern of conduct. The goal should be to adequately investigate the matter, but minimize the time field sergeants must spend away from their primary duty of directing and monitoring field activities.

29.   Risk Management Division's staffing must be increased so they can develop a system of monitoring and tracking our critical risk-management factors and providing managers with regular broad-based analysis of those trends to facilitate effective management oversight. This would include the four primary areas of risk management, e.g., use of force, personnel complaints, pursuits, and traffic collisions. This responsibility would include a tracking system and analysis of individuals, work groups, commands and bureaus with high or unusual patterns in these areas.

30.   An additional Commander position should be added to Human Resources Bureau (HRB) in order to assume full-time responsibility for the Department's Risk Management program. With line command of Risk Management Division, this staff officer would be responsible for administering a proactive risk management program including the monitoring of potential problem officers and entities with unusual patterns of risk-management behaviors. This staff officer should also be the final review authority for all administrative investigations that are not handled through IAG or the Use of Force Review Board, e.g., most use of force, traffic collision and pursuit reports. That responsibility would include reviewing all completed reports for consistency and accuracy, reconciling any classification disagreements, and retaining the original investigative report.

31.   The responsibilities of the Risk Management Committee (RMC) should be expanded to include an annual audit of our administrative review processes. Additionally, the RMC should be responsible for the adjudication of employee-involved traffic collisions resulting in serious injury (hospitalization) or death and all traffic collisions involving a staff or command officer. The Chief of Police should be the reviewing authority for matters

adjudicated by the RMC. The BOI found significant break-downs in our review of administrative investigations. Though those deficiencies are being corrected, an annual audit will be critical if we are to maintain the integrity of those systems and prevent them from falling into disrepair again. To ensure consistent adjudication of employee-involved traffic collisions resulting in serious injury or death and collisions involving a staff or command officer, it is important that these incidents be adjudicated at the RMC level.

32. Time and again, it was brought to the Board's attention that there is a strong perception of a dual disciplinary standard, one for captains and above and the other for lieutenants and below. It has been suggested that IAG conduct an audit of all complaints involving staff and command officers over the past five to ten years. That audit should include interviews of the investigators to see if disparate adjudications have occurred. While we support that effort, we feel it is more important to have an entity with credibility at both the line and management levels look into this matter and see if there are ways in which this gap can be bridged. The professionals at Behavioral Sciences Services should be given that mission.

Corruption Investigations

The current protocol for handling major personnel investigations is generally sufficient to accomplish its purpose. However, certain modifications to the existing protocol could improve case management, assure the technical and procedural quality of investigations, improve logistical support for future investigations, and create an archive of self-critical analyses for consideration in future investigations.

33. The Special Operations Section, IAG, should be responsible for conducting corruption investigations involving Department employees. This will require the expansion of SOS with additional detectives, in a ratio of one detective III to four detectives II. The deployment of additional detective III positions will enable IAG to attract the most highly qualified experts in the diverse specialties needed to handle complex and high profile corruption investigations.

34. When the Commanding Officer, Internal Affairs Group, with concurrence of the Chief of Staff, determines that the nature of a corruption investigation is beyond the resources of SOS and IAG, a task force should be created under the direction of an IAG manager. The task force should include personnel from IAG and any other entity with the expertise to successfully complete the investigation.

35. When a corruption case cannot or should not be placed within the purview of IAG and a task force is formed to investigate the matter, the task force should be led by a staff or command officer of suitable rank, position, or expertise. In addition, a chain-of-command should be designated for the task force. In all cases, the IAG commanding officer should receive regular briefings from the task force leader and be present at all briefings of the Chief of Police or his designee. This ensures that the Chief of Police and task force leader are apprised of any relevant IAG investigations.

36. Staff and command officers and IAG supervisors who review and assign cases should be trained in the identification of complaints that may contain corruption issues. The training should include methods to identify corruption cases immediately so they can be assigned to the appropriate investigative entity. The training should also enhance decision-making skills to properly assess investigative needs, establish an appropriate notification network and facilitate resource acquisition.

37. The entity responsible for investigating a corruption case should be located away from City facilities so it can conduct its business in relative confidentiality. To avoid security breaches, the Department must have the ability to acquire off-site office space and supporting equipment without leaving the paper trail required by the City's normal process. Preliminarily, it would seem that the Secret Service fund may be appropriate for this purpose.

38. The investigation should include consultation with the appropriate prosecuting agency and the City Attorney for guidance. The prosecutor can advise the task force on matters regarding the criminal case while the City Attorney can provide counsel on personnel, disciplinary and risk-management issues.

39. From its inception, each corruption investigation should follow the protocols included in the Department's Major Case Management System. Detective supervisors, particularly those with special expertise in criminal areas, and IAG supervisors should be trained in applying the Major Case Management System to major criminal and personnel investigations cases.

40. At the beginning of all corruption investigations, a Case Management Review Team should be designated to review both the criminal and administrative aspects of the case in order to track the investigation's progress and ensure it conforms to all relevant legal and Department standards. The Review Team should consist of senior detectives and sergeants with extensive experience in conducting criminal and/or administrative investigations to monitor the investigation and recommend mid-course corrections to the investigative leader, as appropriate. The Review Team should do in-depth biopsies of representative investigative work samples. Normally, the Review Team will not re-interview witnesses or accused officers, but will limit their oversight in that area to reviewing the original tape-recorded interviews.

41. On occasion, extraordinary circumstances arise, such as a personnel complaint involving a complex criminal case, when the Department's standard Personnel Complaint report format requires more time than is available to meet a critical statute of limitations deadline. In such cases, the adjudicator should consider using the criminal investigation documents in lieu of the standard Personnel Complaint format to adjudicate the administrative charges. In such cases, a supplemental administrative investigation report could be added to address non-criminal allegations. This option is not without some degree of controversy in that the expediency of utilizing an alternative reporting format for extraordinary crisis-deadline cases must be weighed against handling such cases substantially different than the

norm. However, consideration should be given to legitimizing this alternative in select cases, particularly when the primary scope of the investigation has been criminal.

42.   An after-action report should be prepared for each major corruption investigation. The Case Management Review Team may be the ideal entity to prepare that document given their unique perspective of being intimately familiar with the investigation from a position of continuing oversight. However, preparation responsibility should be designated on a case-by-case basis. In the past, these investigations were documented in the corresponding personnel complaints, however, no reports were prepared outlining critical information typically contained in an after-action report. Consequently, there is no reference material from which future Department managers can learn, thereby avoiding past mistakes.

43.   The Department should have an easily accessible archive for after-action reports. The presence of such an archive improves policy and procedure research and encourages continual self-critical analysis. The recently created Department historical records repository at Records and Identification Division would be a suitable location.

Operational Controls

Essentially, many of the problems found by this BOI boil down to people failing to do their jobs with a high level of consistency and integrity. Unfortunately, we found this to be true at all levels of the organization, including top managers, first-line supervisors and line personnel. Clearly, pride in one's work and a commitment to do things correctly the first time seems to have waned. The old adage that "reading and signing a document are two separate functions" was all too apparent in some of the shoddy work we found. This is not to say that every document was riddled with errors or that every employee's performance was deficient, as that is hardly the case. For example, the Work Product Subcommittee examined over 5,000 arrest reports completed by officers assigned to specialized units and identified about 50 with problems. While the vast majority of those reports were done correctly, those with errors should have been caught and corrected when they were reviewed. Equally important, the quality of those reports should have been scrutinized by staff and command officers whose job it is to oversee their commands and ensure that things are being done correctly. That simply did not happen.

In order to correct these problems, we simply must build a better Department infrastructure; one that will allow sufficient time for proactive supervision and sufficient management personnel to perform essential leadership and oversight functions. We also must change our "specialist" culture and recognize that our evolvement toward Community Policing/Government can only take root when most community problems are dealt with through our Basic Cars, not by creating more specialized units.

44.   We must return to the formula of providing one field sergeant for every seven patrol officers (1:7) rather than the 1:8 formula imposed several years ago. The lack of effective field supervision in Rampart was, frankly, glaring. We simply must ensure there are sufficient field supervisors to perform the basic supervision and leadership functions necessary to prevent future corruption incidents. New programs such as FASTRAC, the complaint process, the Ideal Basic Car and the Ideal Area are critical to our future success.

These were implemented after most of the Rampart corruption activity occurred; but, they certainly will reduce proactive field supervisory time even further.

45. The current practice of having all Chief Officers present to discuss command assignments must be continued. Clearly, more consideration should have been given to ensuring that the management team at Rampart reflected a proper balance of experience, ability, and compatibility. Unfortunately, such decisions at that time were not participatory and, on occasion, resulted in unnecessarily weak command structures. The current system ensures consideration of those factors and is much less likely to produce unanticipated outcomes.

46. Whenever possible, Area commands should always operate out of a single facility. When this is impossible, high-risk units such as CRASH, SPU and Community Relations should always operate out of the main facility to allow for oversight by the uniformed watch commander. Those units certainly can maintain their lockers and perform administrative duties at a satellite facility, but arrestees and evidence should always be processed at the main facility.

47. When an Area must operate out of multiple facilities, a formal, comprehensive plan must be established to ensure proper and effective supervision and leadership. Almost without exception, that plan should prohibit bringing arrestees to the secondary facility especially by non-detective personnel during non-business hours (nights and weekends).

48. In order to bring our Area specialized units back into the operational mainstream, we should establish a consolidated Special Enforcement Unit (SEU) in each Area. The SEU structure should include CRASH, Special Problems Units, and similar uniformed details. In establishing SEU, we must ensure that our gang efforts are refocused on a clearly defined mission that includes public education, police/community problem solving, intelligence gathering and suppression of criminal gang activity. Given the revelations regarding Rampart CRASH, it is unlikely that this expanded gang mission could be institutionalized while retaining the same name those units have operated under all these years. Therefore, we should send a clear message that our gang enforcement strategy has changed and use the title Gang Detail to describe those units.

49. When specialized units such as the Gang Detail and SPU are not integrated into the patrol chain-of-command, they must at least be functionally accountable to the patrol watch commander. This would require each of these units to provide the watch commander with a written line-up each day indicating exactly who is working, what cars they are driving and their start and end-of-watch times. That written line up should be attached to the Watch Commander's log and retained in the Area's permanent files.

50. In no case should the Gang Detail or SPU be deployed without an assigned supervisor. Area Gang Detail and SPU OICs should be required to coordinate their days off so one of them is working whenever the Gang Detail or SPU is deployed. If the OICs are unavailable such as vacation or a complex personnel investigation, another supervisor should be assigned temporarily to supervise the unit.

51. To stem the proliferation of non-budgeted specialized units within Areas, an Area commanding officer should be required to obtain approval from their bureau commanding officer to deploy a non-budget specialized unit. The written request must identify the unit's specific mission, staffing, method of deployment (uniform or plain clothes, hours, and days of the week), and duration. Bureaus should be accountable for ensuring that prior approval is obtained and that these units are disbanded upon completion of their stated mission. This process will ensure that specialization occurs only when necessary and that these units do not become permanent fixtures.

52. The experiment of civilianizing Area Adjutants has failed and those critical positions must be returned to Sergeant II authorities. Adjutants do much more than simply track and process paperwork. Their main function is to sift through the large volume of paperwork generated daily in an operational command and bring important matters to the commanding officer's attention. The ability to recognize those critical issues requires that Area adjutants have sworn supervisory experience. We recognize that some non-sworn adjutants have been very successful; but, those generally have been people who are "career" Police Department employees. Unfortunately, those people are few and far between today and no amount of training can substitute for experience when it comes to recognizing police issues and subtle patterns before they become major problems. In that regard, a comprehensive study of the Department's Civilianization Plan should also be conducted to evaluate and determine if it has delivered its stated goal of returning officers to the field and replacing them with non-sworn employees without losing operational effectiveness. In short, we must determine if those changes have made the Department more or less effective and productive.

53. Similarly, Area Administrative Lieutenants must be upgraded to lieutenant II positions. With the implementation of the Ideal Area, an entire layer of Area management was eliminated and the three patrol watch commanders now report directly to the Area commanding officer. This substantially increased the Area commanding officer's responsibilities which was to be compensated for by establishing the position of Administrative Lieutenant. However, many of these positions are being filled by very new lieutenants which stifles their growth and development. Upgrading these positions to lieutenant II will attract the more senior lieutenants to these positions and ensure that lieutenants with the proper experience are performing those critical Area functions.

54. With the expanded number of sergeant and lieutenant advanced paygrade positions, it is critical that Areas retain the flexibility to move their people among the advanced paygrade positions within the command. For example, with the implementation of these recommendations, each Area would have 8 sergeant II positions (not counting vice): 3 Assistant Watch Commanders, 1 Training Coordinator, 1 Adjutant, 1 Youth Services OIC, and 2 specialized unit OICs. An Area C/O should be able to move sergeants within those positions to promote their development and prevent stagnation. This would require these positions to be advertised generically rather than for a particular assignment.

55. Support staffing for each Area must be consistent with the size and complexity of each individual command. Currently, each Area is allocated about the same number of support staff regardless of size. However, more people generate more paperwork and it is unreasonable to expect that large commands perform their work with the same number of support staff as small commands. Support staff must be budgeted and allocated in proportion to the size of each command to ensure there are adequate resources to accomplish the command's management and oversight responsibilities.

56. The informant manual currently being developed by Criminal Intelligence Group must be expedited to establish uniform procedures for the use of informants Departmentwide. In that regard, a decision must be made on whether or not patrol officers should be allowed to cultivate and use informants with a criminal background or if that should be restricted to detective functions. Further, the issue of LAPD officers involved in joint-agency task force operations must be addressed as to whose informant policies should apply, ours or the lead agency's. This is not an issue which should be negotiated in each individual Task Force's Memorandum of Agreement (MOA) any more than our use of force policy should be mitigated through an inter-agency MOA.

57. Criminal Intelligence Group, through the Operations Committee, should be tasked with evaluating and making recommendations on the desirability of establishing a centralized database to track all informants including those deemed to be undesirable. That evaluation should include the desirability of making the Undesirable Informant File available through the Criminal Intelligence System (CIS), formerly known as NIN, which would allow Monday through Friday (0600-2300 hours) access to this information.

58. Criminal Intelligence Group, through the Operations Committee, should evaluate our current controls on the preparation and service of search warrants. That would include the establishment of a tracking system within each operational command for the management of search warrants to facilitate oversight of these critical, high-risk operations. It must also close the current loophole which does not require supervisory or management review of a search warrant affidavit prior to submission to a magistrate.

59. Criminal Intelligence Group, through the Operations Committee, should develop a protocol for the development of Divisional Integrity Assurance Plans and specialized operational divisions should be required to develop such a plan for their command. Each plan should also address the unique vulnerabilities of each command's particular mission. Additionally, CIG should evaluate the usefulness of developing such a plan for commands with general law enforcement responsibilities such as Areas and traffic divisions.

60. Although booking advice should be obtained from a detective or specialized unit supervisor, booking and report approvals should always be obtained from the Area watch commander who should be responsible for visually inspecting each arrestee.

61. Whenever possible, the supervisor approving a booking should be the same supervisor who reviews and approves the related reports. Consistent review of these two processes serves as redundant scrutiny of the arrest's validity. This will ensure that sufficient probable cause is articulated in the arrest report and that any evidence seized is properly recorded and booked.

62. Special attention and additional scrutiny should be given to the substantial volume of misdemeanor arrests being made Citywide in which "boilerplate" reporting formats are being used. Though time saving, such reports are rarely specific enough to refresh an officer's memory in court. They also can be perceived as an "assembly line" process that lends itself to potential problems by depriving arrestees of a proper preliminary investigation and making it easy to overlook information essential to specific arrests.

63. A new Detention Log should be developed for Department holding facilities. In addition to recording the detainee's name and time in/time out, the log should record the watch commander's inspection of the arrestee and any interview which took place.

64. Our system of authorizing the disposal of evidence needs to be reviewed in order to determine if supervisory or at least investigative concurrence should be required for all property dispositions or dispositions involving critical evidence such as narcotics and firearms. Currently, property can be disposed of by the investigating officer, the booking officer or the Property Disposition Coordinator. However, there are no checks and balances to this system which can create a loophole for a dishonest employee to remove evidence, use it illicitly, and then cover up the transaction. In addition, our property control system should pay particular attention to the removal of property after it has been authorized for disposal. Once a case has been disposed of, there are few legitimate reasons to remove the evidence from property.

65. All Property Division facilities should be equipped with computerized equipment to capture a thumbprint and Personal Identification Number ("PIN") to verify the identity of each employee checking out property. In addition, all Department employees should be issued a new identification card with electronic coding consistent with that system. Until that system can be implemented, verification of an employee's identity is essential whenever property is being checked out, perhaps in the form of a thumbprint.

66. The Department should develop a new OIS investigation protocol that allows the OIS investigators to be the first interviewers of the involved officers. The protocol should also require that RHD investigate any crime against a police officer related to an OIS case and that RHD interview all civilian witnesses to any OIS which is the investigative responsibility of RHD's OIS Team. Finally, the Police Protective League must also be encouraged to address the issue of one attorney representing multiple clients.

67. If we are to ensure the investigative integrity of our OIS scenes, we must ensure that trained detectives respond quickly and take control of the crime scene and secure all witnesses and evidence. This will require that we reinstitute "K-cars" out of Detective Headquarters Division and require their response to all OIS, homicide and other major crime scenes to "freeze" those scenes and assist the entity responsible for the investigation.

68. It is critical that we place a high priority on the scientific analysis of evidence seized during an OIS investigation. If the analysis of that critical information is to be available in a timely manner, we simply must improve our ability to complete OIS firearms examinations expeditiously without sacrificing our responsiveness to other criminal cases. This will require the hiring of additional Firearms Examiners and Latent Print Experts along with the equipment needed to accomplish their missions.

69. Re-implementation of the District Attorney's Roll-Out Program should be monitored to ensure the protocol produces the desired effect of facilitating the District Attorney's Office monitoring of OIS investigations at the scene of the incident. Every effort should also be made to educate the public on the progress of this program in order to maximize the program's value.

70. An officer should be referred to the same Behavioral Sciences Services (BSS) psychologist when he or she is involved in a second or subsequent OIS. One of the primary purposes of the post-OIS referral to BSS is to determine any cumulative effect these events may be having on an officer. Whenever possible, having the same psychologist conduct subsequent interviews will improve our success at detecting and dealing with any cumulative effects which may occur.

71. The Use of Force (UOF) Review Board should expand the scope of its post-adjudication review of an OIS to include OIS patterns that may be occurring in the involved officer's division and entity of assignment. Several years ago, the UOF Review Board expanded its role to include a review of the involved officer's OIS history. This occurs after the Board makes its determination on an incident and is intended to assess any patterns or trends the officer may have in this area. In reviewing the Rampart shootings, particularly in 1996 and 1997, shooting after shooting resulted in the UOF Review Board criticizing the level of supervision which either was not at the location or was there but did not do their jobs well. Though this pattern was clear, we found no evidence that the Board recognized it was the 3rd or 4th consecutive time it had criticized the same command for the same shortcomings. Expanding the UOF Review Board's role to include a review of organizational patterns as well as individual patterns should ensure that these trends are identified and dealt with.

72. Commanding officers should be required to convene a divisional Fleet Safety Review Board for all employee-involved traffic collisions. Currently, this is not required for captains and above and is optional for lieutenants and below. Some commanding officers chose not to convene a Board because they have little confidence in the Board's recommendations. However, peer participation in the review of collisions causes people to reflect on their own driving, defensive driving issues, and the Department's policies and training.   With respect to staff and command officers, their exclusion from the Fleet Safety

Review Board process represents an unnecessary and artificial barrier between ranks in that they too may benefit from reflection on defensive driving.

73. We must standardize the processes for reporting and administratively reviewing use of force, pursuit and traffic collision incidents. That process should include a reporting format with headings and the specific information that must be provided under each heading. It must also address the expected scope of the C/O's review and provide a signature box indicating that the C/O has reviewed the report and made the required determinations. There also needs to be a signature box for the bureau CO indicating that the bureau C/O has reviewed the matter and either concurred with the employee's C/O or made separate determinations. The people reviewing and approving those reports must include their serial numbers, as we found many of the signatures on documents to be illegible. Management Services Division is preparing a Special Order to address this recommendation.

74. Critical issues such as use-of-force standards and less-lethal control devices must be included in Department publications. The UOF Handbook was issued years ago, but has not been updated since its original publication. It must either be updated or cancelled in which case training bulletins should be issued to address this material. Similarly, devices such as the beanbag shotgun still are not addressed in the Department Manual.

75. The Legal Sourcebook, authored by the California Department of Justice, should be obtained in the more user friendly CD-ROM format and it should be made available in every watch commander's office as well as in the offices of specialized operational entities. We found that several other law enforcement agencies, including the Los Angeles County Sheriff's Department, mandate that every watch commander's office have the Legal Sourcebook as an available reference.

Anti-Corruption Inspections and Audits

If there is one aspect of the Board of Inquiry that has been more discouraging than others, it is the degree to which our employees are failing to follow established Department procedures. That failure is compounded by the failure of their supervisors and managers to oversee their work. In some cases, those failures are due to a lack of training or volume of work which has overwhelmed some of our people. But, in many other cases it appears people have figured out that the likelihood of anyone discovering the use of shortcuts is practically nil. Unfortunately, that latter motivation—no fear of detection—is all too true and has created an opportunity for some of our employees to take dangerous shortcuts. Clearly, there has been serious erosion in the quality and emphasis of audits and inspections over the years. Without a routine system of in-depth audits, we are unable to ensure the quality of our employees' work or hold their command structure accountable for the performance of their command.

If we are to ensure that people follow the rules and comply with our standards, we must embark on an aggressive system of audits and inspections. These efforts must ensure that individual work is completed up to standards and that work done in high-risk areas is inspected regularly to identify trends and potential problems early. It was interesting to note that every vice unit we

inspected was virtually error free. After several corruption incidents in the 1950s and 1960s, a system of checks and balances were set up for our vice units which are virtually "bullet proof." This is not to say that problems do not arise in our vice operations, but they are generally detected very early and dealt with effectively. Systemic problems, such as those we encountered in other places, are virtually unheard of in our vice operations. Therefore, we believe it necessary to emulate those systems for our other critical operational entities where integrity breaches can be far more serious and the liability aspects extremely costly.

76. The second commander position, removed from the operational bureaus years ago, must be restored along with sufficient sworn and non-sworn staff to establish a meaningful system of inspections and audits for each of the operational bureau COs. This audit team would be responsible for overseeing the bureau's risk management efforts and providing meaningful and regular audits and inspections of the bureau's operations including case biopsies and quality control evaluations. Also critical in this effort is the ability to track the implementation of recommendations from previous audits so that a command does not make the same mistakes over and over again.

77. An additional captain should be deployed at each Area to oversee line operations during the critical evening hours and on weekends. The movement of captains to detective operations occurred after many of the events at Rampart. Had that command officer been in place, it is quite possible that some of the systemic problems may have been detected earlier as all of the problematic reports eventually end up on the desk of detectives. Our increased emphasis on strategic problem solving also requires command officer oversight of each Area's critical Crime Analysis function. However, any municipal police agency's line operations are most active on weekends and at night where there is currently little oversight by command officers. The Command Duty Officer program has attempted to rectify that shortcoming, but is insufficient especially when each person is deployed about once a quarter and has no responsibility for the on-going management of a command.

   In the alternative, consideration should be given to reinstituting the permanently assigned Command Duty Officer program which assigned 3 full-time captains to the night hours and on weekends to provide command oversight during those critical hours. If that alternative is considered, the program should be expanded to 6 full-time captains who would report to the Department Commander and provide Citywide coverage from about 1700 hours to 0600 hours every day.

78. We must review our automated systems to determine if they are able to capture and produce information which may be required for effective audits and corruption investigations. For example, the Police Arrest and Crime Management Information System (PACMIS) database (or its successor, CCAD) must allow for retrieval of information on all officers involved in any given arrest. This became problematic during the Board's work when it was discovered that PACMIS records were of limited use in identifying arrests in which specific officers were involved. Consequently, a lot of time was consumed in hand-searching reports to find the information needed for the Board's investigation. What is required at this time is a careful review of the functional requirements for these systems after which our technical experts will have to evaluate the

cost associated with the needed changes. However, we simply need to know things differently today if we are to prevent corruption from occurring and many of those needs simply did not exist when these systems were created.

79.   The Department's Audit Guide must be updated and redistributed to all Department commands. A new Department audit schedule should be established and these audits should be tracked and evaluated by the bureau inspection units.

80.   The ultimate "audit" and the true measure of any law enforcement agency's effectiveness is the degree to which the community it serves is satisfied with its performance. While we regularly try to take the community's "temperature" through a variety of means, there simply is no substitute for a well-planned, scientific survey of the community done on an annual basis. In addition to identifying a community's present concerns, an annual survey also allows the Department to measure change within a Community Police Station's geographic boundaries and assess the variables which may have contributed to that change. Most importantly, it also gives the community an opportunity to provide input on Department programs and the way in which they are being treated. This is invaluable information which provides insight into potential problems and allows for early intervention into problem commands. The survey done several years ago by Cheryl Maxson, PhD, Karen Hennigan, PhD, and David Sloane, PhD, from the University of Southern California's Social Science Research Institute, is precisely the type of community survey that needs to be done annually in every Area. At an estimated annual cost of about $300,000, this is an inexpensive investment to ensure that quality police service is being delivered throughout the City.

81.   As a final comment in this area, we are one of the few law enforcement agencies in the nation which is led by a civilian Board of Police Commissioners. Attracting high-quality people to the Board's positions is of great interest to the Department and probably even greater interest to the people of this City. But, many highly qualified people must consider the legal ramifications of accepting such a highly visible, though prestigious position due to the legal liability involved. We interviewed former commissioners who are still being sued even 10 years after their assignment as a member of the Commission. If we are to attract quality people to these important positions, consideration must be given to the liability protections which are provided to the public-spirited citizens who volunteer for public service which now exposes them to significant personal financial liability. Further research will be needed to determine if those protections should take the form of State or federal legislation or can be provided through the California State Bar Association.

Ethics and Integrity Training Programs

We must revitalize and reinforce our core values in the minds and hearts of all our personnel so that each and every employee understands their responsibility to uphold the integrity of the Department. Equally important is the need to address our expectations of managers and supervisors, including the consequences of any failure in that area. The actions or inaction of managers and supervisors are critical in this regard in that they can easily create an atmosphere of eroding standards eventually leading to significant acts of corruption by their subordinates. In

that regard, it is critical that each and every command develop a cohesive management/ supervisory team.

82. This effort must begin with a thorough review of the existing ethics and integrity courses for topic continuity, proper delivery based on the needs and job duties of participants, and trainer preparation and credibility.

83. From that review, we must develop a comprehensive training program on ethics, integrity, mentoring, and leadership. This should include the development of a standardized curriculum and lesson plans, while maintaining the ability for classroom participants to generate ethical dilemmas from their various perspectives. It should also involve critical thinking, problem solving, and decision-making strategies for addressing ethical dilemmas in a policing environment.

84. In developing this program, we should seriously consider accepting the US Attorney's offer to have members of their staff provide training regarding civil rights violations and police corruption. However, rather than teaching recruits, that training would seem to be more worthwhile at the supervisory and watch commander levels and would surely make them more cognizant of the serious outcomes their failures can have.

85. All Department employees should receive greatly increased training in the areas of ethics and integrity and that training should be fully integrated into our regular training programs.

86. Classroom instruction on ethics should be reinforced through other training opportunities such as commanding officer presentations during standardized roll call training, discussion in supervisory meetings, monitoring and auditing the work environment, and workshops in divisional training days that encourage frank discussions about this issue. In addition to live presentations, we should utilize technology advances such as CD-ROM, LAN and Internet formats as appropriate.

87. We must continue to explore nationwide training programs within the law enforcement community, as well as educational programs for other public service occupations, to keep abreast of the best practices nationwide.

88. It is critical that each command develops and maintains a cohesive management/ supervisory team. In that regard, Behavioral Science Services should develop and implement an annual team-building exercise for each command. That exercise must include all management and supervisory personnel within the command and emphasize the importance of shared responsibility, consistency of direction, teamwork and communications.

Job-Specific Training Programs

One of the most common comments expressed by many people during the Board's work was how little they knew about some of the Department's less-than-routine procedures. One good example was the use of informants where there was near-universal ignorance of our standards

and even less comprehension of the dangers inherent in the use of informants. One could respond that many people expressing that view were simply covering for their own shortcomings. However, the comment was so universal that categorizing these comments as simple alibis is myopic. One must also keep in mind that, for decades, we could rely on a highly-competitive promotional process to ensure that every serious candidate for promotion would study the most minute detail of every Department publication. However, the "pass/fail" format with a floating pass point of the past few years only requires minimal knowledge of these publications.

We also have a fairly young Department and many people promote so rapidly through the supervisory and mid-management ranks that they never have the opportunity to acquire the institutional knowledge which is so critical in those positions. Without the ability to acquire that depth through their own experiences, it simply must be taught to them through training. The fact is that many of our supervisors and middle managers receive too little training on the mechanics of their jobs and most of that is in the form of on-the-job training which is predicated on the knowledge of the one doing the training. One need only review the curriculum for Watch Commanders School to see the depth of the problem. Nearly every report the Board of Inquiry reviewed was at least signed by a watch commander, whether it was actually reviewed or not is another issue. However, there is nothing in the Watch Commander School curriculum on what to look for in these reports, especially the critical administrative reports dealing with pursuits, collisions and use of force. Even more telling is the fact that audits and controls is not even taught in Watch Commanders School, a major omission in teaching leaders how to manage their responsibilities.

If a weak curriculum alone were not a significant enough problem, it is significantly compounded by the fact that many new promotees do not attend the school designed to teach them their jobs in a timely manner. For example, newly promoted sergeants frequently do not attend sergeant's school until months, and in some cases years, after their promotion. These shortcomings simply must be corrected.

89. In its review of training programs, the BOI found a general lack of oversight in the way classes were added to or deleted from Department schools. It almost seemed as if employees at surprisingly low levels made those decisions with little or no review. Human Resources Bureau should establish a formal system to control that process and records should be maintained for each class to document its history and the rationale for content changes.

90. A one to three day introductory course should be developed for new sergeants, detectives II and non-sworn supervisors. It should be given the first working day(s) of each deployment period, regardless of the number of personnel to be trained, and no one should be permitted to work as a supervisor until he or she attends the course. This course should focus primarily on the role and responsibilities of Department supervisors and it should be designed to increase courage on the part of supervisors to make the tough decisions necessary to avoid ethical breakdowns in the future.

91. Consideration should be given to reorganizing the Supervisory Development Course from a four week block of instruction to a program of smaller blocks of instruction spread out over a longer period of time. This will allow time for students to apply their knowledge, and to develop their talents within a peer setting.

92. The Watch Commander School should be completely revamped to teach watch commanders the mechanical things they need to know to be effective in their assignments. Three experienced, highly regarded watch commanders should monitor the next School and provide their insight on subjects which need to be taught and the quality of instruction. However, at a minimum the instruction should include the review of administrative investigations, personnel deployment, monitoring the investigation of personnel complaints, and setting up audit and control systems to ensure their watch's effectiveness.

93. We need to develop "hands-on" case scenarios for Command Development School to train new command officers on just about every subject including the proper review, classification and adjudication of administrative investigations. They also need to receive specific training on resource management in order to assist them in managing their multi-million dollar commands. This training would provide appropriate guidance for these new command officers and result in greater consistency in these critical areas.

94. Our standardized roll call training program should be critically evaluated to determine its utilization and effectiveness. While most of the watch commanders' logs we reviewed indicated that the standardized training had been provided, the high level of compliance with that requirement was inconsistent with the lack of compliance in most other areas. It is possible that the standardized roll call training curriculum is being fully and faithfully provided, but it is also possible that people are simply making the expected notation on their log whether or not the training actually occurred.

95. Every specialized division, section and unit should have in place a standardized training module for the assimilation of new officers including any handout material describing their duties and mission. The development of these training programs will ensure that assimilation is consistent with the Department's goals and objectives.

96. We must embark on a comprehensive training program directed at informant cultivation and management. This training must begin with recruits at the Academy and should be added to appropriate in-service schools. Consideration should be given to having command officers, especially from CIG, teach informant control particularly at the field officer, supervisory and mid-management levels.

97. Consideration should be given to restoring the two-hour block of training regarding the OIS investigation process taught by RHD personnel to recruit officers. Becoming involved in an OIS is traumatic enough without having at least some understanding of the process.

98. We must ensure that our Training Coordinators know how to input training information into the CHRIS and TEAMS systems. Without this instruction, directed training resulting from an administrative review process will never be documented and tracked.

99. We must fully staff the Advanced Tactics Unit, Continuing Education Division, to ensure that every officer is adequately trained in this critical area, that remedial training is provided as problems arise, and that every officer receives regular follow-up training throughout their careers.

100. We must ensure that the material being taught to our officers at their commands is consistent with Department standards, especially in the critical area of tactics. In that regard, the schedule and proposed training material for all Area/divisional training days must be submitted in advance for approval by their bureau C/O and the C/O of Training Group. Training Group personnel must monitor those training sessions to ensure the content and delivery are consistent with Department standards.

101. Training programs for recruits and line-level officers must reemphasize the need for officers to fully and completely articulate their reasons for detaining people in the "Source of Activity" portion of their arrest reports. Recognizing probable cause and reasonable suspicion, as well as their legal underpinnings, is a subject which must be taught at those schools and reemphasized throughout our training courses. Time and again, the Board found significant slippage in the quality of arrest reports, particularly in the reasonable suspicion to detain suspects. In some cases it appeared that officers, especially those assigned to CRASH, appear to work under an "implied authority" which they believe allows them to stop and detain any gang member in a "gang infested" area. It is difficult to judge if the lack of articulation stemmed from poor report writing or failure to recognize the legal requirement for those detentions. In any event, our growth over the past several years has yielded increased proactive patrol time for officers and we need to shore up their ability to recognize and record good legal justification for their self-initiated activities.

BOI Work That Should Continue

This Board of Inquiry brought together staff, command, mid-management and supervisory personnel from throughout the Department to delve into various issues. With a very tight time frame in which to complete its work, there are certain areas which were left incomplete. That work must be continued to ensure that a full and complete analysis has been conducted and to ensure there are no additional problems left unaddressed.

102. A further analysis of the Rampart Area CRASH Unit work product should be conducted, with biopsies performed on specific cases where problems or recurring patterns have been identified for specific officers. That review should include the 46 additional officers who were assigned to the Rampart Area CRASH Unit from July 1994 through July 1998.

103. It was clear from reviewing his arrest reports that Perez worked very differently when he was assigned with different partners. When he worked with some officers, his reports were sloppy and often did not articulate clear probable cause for his activities. But when he worked with other partners, those deficiencies were not as apparent. Case biopsies should be completed for arrests made by Perez to determine the factors that caused him to work differently with different partners.

104. Case biopsies should be done on arrests made by CRASH units from the other 17 Areas and other specialized units Departmentwide for cases identified in this audit as problematic or suspicious. Specific attention should be given to specialized units to which Rampart Area CRASH Unit officers transferred to determine the extent to which Rampart CRASH practices may have been exported to other specialized units.

105. The audit of CRASH units Departmentwide should be continued and include a more comprehensive sample of unit activities and reports. The time constraints imposed on this initial audit resulted in findings and conclusions based upon a review of arrest reports only. A more comprehensive and thorough audit should include a larger sample of reports for longer time periods.

106. An examination should be made of each CRASH unit's work product to determine their responsiveness to gang problems and how each unit perceives its role, i.e., intelligence gathering, focusing on a variety of non-gang related crimes and problems, gang suppression units, or narcotics enforcement units. This review should include how well CRASH units use intelligence, investigative follow-up, probation, parole, vertical prosecutions, and community outreach and enhancement strategies in their operations. The review should also examine CRASH unit supervisors' daily logs and compare the amount of time spent supervising personnel in the field, completing administrative paperwork, auditing for risk management issues, and approving bookings and reports.

107. Area/division report processing and filing practices must be audited for compliance with Department procedures and to identify possible causes of the misfiled and missing reports noted in this audit. Proper filing and ease of document retrieval are critical to an effective audit system.

108. The Subcommittee on Rampart Management and Supervision identified 275 arrest reports that mentioned the use of an informant in making the arrest. Those reports should be audited to gauge the knowledge and level of compliance with current informant management guidelines.

In conclusion, we believe these recommendations are a prudent response to the Department's problems which have been identified through this Board of Inquiry process. However, we would be remiss if we did not comment on two other aspects of this matter. The first is the responsibility the entire criminal justice system has to ensure that each of its component parts is operating properly. Every one of these cases went through that entire system virtually unchallenged by anyone. While the recommendations we have made will put us on the right track, the criminal justice system itself must take a serious, introspective look at itself. Together, we must look for ways in which we can assure the people of this City that the system of justice, so critical to the American way of life, is being conducted with integrity and honesty. This should be a major focus of the Los Angeles County Criminal Justice Coordinating Council at the start of this new millennium.

The second is that Sheriffs and Chiefs of Police must retain full authority and responsibility to discipline their officers and they must be held accountable for the exercise of that authority. Efforts at imposing binding arbitration in this State, especially when it involves peace officer discipline or any other administrative aspect of their jobs, must be abandoned. Peace officers are unique employees and disciplining them when they commit misconduct must remain the sole responsibility of their Chief. If that Chief uses that authority unfairly, there is recourse through the courts and through local civic leadership. Attempting to resolve those issues through an arbitrator is foolish and will severely undermine our efforts to ensure the principled delivery of police service to our communities.

ACKNOWLEDGEMENTS

Along with Chief of Police Bernard C. Parks, the members of the Board of Inquiry would like to express their deep gratitude and sincere admiration to those people who worked so hard on this effort. As the largest Board of Inquiry in the history of the Los Angeles Police Department, over 300 people contributed greatly in helping to set the future course for policing in the City of Los Angeles. Even through the months of intense, but justifiable, scrutiny and almost daily revelations about a group of rogue cops, it is our honor to recognize the great leadership this organization is able to provide. Every one of the subcommittee and work group leaders was asked to complete an enormous task that many thought we could not do. Not only did they accomplish their individual mission, but they did so while fulfilling their routine command and supervisory responsibilities. Their commitment honors the badge and demonstrates the Mission Statement and the Core Values of the Los Angles Police Department.

We must also say a few words regarding Commander Dan Koenig, to whom this Board and the Department owes a special recognition. As the Assistant to the Board of Inquiry, he had the enormous task of coordinating the work product of seven sub-committees and two working groups. His work ethic and organizational knowledge were invaluable. For weeks, he personally organized and rewrote this entire document, synthesizing the material and masterfully ensuring the accuracy of the information provided. It was not by mistake that he was chosen for this task, for it is unlikely that anyone else could have accomplished it.

In addition, hundreds of other Department employees, political leaders and community members provided input throughout the Board of Inquiry. Listing them all would add hundreds of pages to an already voluminous document. But, we would sincerely like to extend our thanks and appreciation to each of you for your valuable contributions.

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