

## INTRADPARTMENTAL CORRESPONDENCE

February 19, 2021  
14.2

**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** NON-CATEGORICAL USE OF FORCE AUDIT (AD NO. 20-010)

### RECOMMENDED ACTION

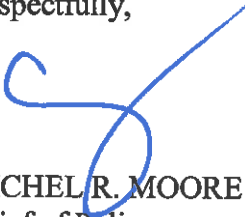
1. It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Non-Categorical Use of Force Audit.

### DISCUSSION

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

If additional information regarding this audit is required, please contact Police Administrator I Trina D. Unzicker, Commanding Officer, Audit Division, at (213) 486-8480.

Respectfully,



MICHEL R. MOORE  
Chief of Police

Attachment

**LOS ANGELES POLICE DEPARTMENT**

***NON-CATEGORICAL USE OF FORCE AUDIT  
2020***

***(AD NO. 20-010)***



Conducted by  
**AUDIT DIVISION**

**MICHEL R. MOORE**  
Chief of Police

*December 2020*



**NON-CATEGORICAL USE OF FORCE AUDIT**  
**Conducted by Audit Division**  
**2020**

**OVERVIEW**

Audit Division (AD) examined Non-Categorical Use of Force (NCUOF) cases closed between January through April 2020 to determine compliance with the Department's NCUOF policies and procedures.<sup>1</sup> Auditors focused on policy, procedures, and consistency of statements with Body-Worn Video (BWV) and NCUOF documentation. Department compliance rates ranged from 93 to 100 percent as follows:

- The compliance rate for interviewing all Department Employees, Suspects, and Witnesses was 97 percent (*See Objective No. 1*);
- The compliance rate for Consistency of NCUOF statements was 100 percent (*See Objective No. 2*);
- The compliance rate for BWV Recordings Documented on Related Reports was 93 percent (*See Objective No. 3*); and,
- The compliance rate for Approval of Reports by an On-Duty Watch Commander (WC) or Designee of Supervisory Rank was 100 percent (*See Objective No. 4*).

**BACKGROUND**

All NCUOF investigations are classified into two categories: Level I and II. Level I investigations involve one or more of the following:

1. An allegation of unauthorized force is made regarding the force used by a Department employee(s); or,
2. The force used results in a serious injury, such as a broken bone, dislocation, an injury requiring sutures, etc., that does not rise to the level of a Categorical Use of Force incident;<sup>2</sup> or,
3. The injuries to the person upon whom force was used are inconsistent with the amount or type of force reported by involved Department employee(s); or,
4. Accounts of the incident provided by witnesses and/or the subject of the use of force substantially conflict with the involved employee(s) account.<sup>3</sup>

All other NCUOF investigations are classified as Level II. Supervisors are required to interview all subjects of force, witnesses, and all Department employees who either witnessed or were involved in an incident. For the purposes of this audit, AD examined only Level I investigations due to the higher level of Departmental risk involved. It should be noted that AD's last NCUOF audit was in 2018. See table titled *Findings by Objective* that compares compliance levels for objectives previously audited.

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<sup>1</sup> This audit was conducted as part of the 2020 Annual Audit Plan.

<sup>2</sup> If the investigating supervisor is unable to verify the seriousness of an injury or complained of injury, it shall be reported as a Level I incident. If the injury requires admission to a hospital, the incident becomes a Categorical Use of Force and will be investigated by Force Investigation Division.

<sup>3</sup> See *Department Manual*, 4<sup>th</sup> Quarter 2018, Vol. 4, "Line Procedures," Section 245.11, "Non-Categorical Use of Force Reporting Levels."

**SCOPE AND METHODOLOGY**

Auditors requested that Critical Incident Review Division provide a data run for all Level I NCUOF investigations closed between January 1, 2020 and April 30, 2020. Critical Incident Review Division identified 88 closed Level I NCUOF investigations using the Training Evaluation and Management System II (TEAMS) Cognos Analytic portal. Auditors obtained a statistically valid sample that yielded 29 investigations for review.<sup>4</sup> The following table summarizes the four objectives:

**Findings by Objective**

<b>Objective No.</b>	<b>Audit Objectives</b>	<b>2018 Percent Meeting Standards</b>	<b>2020 Number Meeting Standards/ Evaluated</b>	<b>2020 Percent Meeting Standards</b>
1	Interviewing All Department Employees, Suspects, and Witnesses	96%	28/29	97%
2	Consistency of Non-Categorical Use of Force Statements	Not Evaluated <sup>5</sup>	29/29	100%
3	Body-Worn Video Recordings Documented on Related Reports	Not Evaluated	27/29	93%
4	Approval of Reports by an On-Duty Watch Commander/Officer in Charge or Designee of Supervisory Rank	98%	29/29	100%

**DETAILED FINDINGS**

**Objective No. 1 – Interviewing All Department Employees, Suspects, and Witnesses**

**Criteria**

The Department requires that supervisors shall interview the subject of force, witnesses, and all Department employees who either witnessed and/or were involved in the incident.<sup>6</sup>

**Audit Procedures**

Auditors reviewed each investigation to determine whether all suspects, witnesses, and Department employees who either witnessed and/or were involved in the incident were interviewed. Investigations that documented the required interviews or included a justification for not conducting an interview met the standard for this Objective.

<sup>4</sup> Auditors used a one-tailed test with a 95 percent confidence level, a five percent error rate to yield a statistically valid random sample selection. The audit was performed in accordance with federal Generally Accepted Government Auditing Standards.

<sup>5</sup> Objectives No. 2 and 3 for 2020 were not specifically evaluated in 2018, therefore, there was not a direct comparison for the objectives.

<sup>6</sup> See *Department Manual*, 4<sup>th</sup> Quarter 2018, Vol. 4, “Line Procedures,” Section 245.12, “Completing the Narrative – Level I Incident.”

## Findings

Twenty-eight of the 29 investigations (97%) met the standard for this Objective. One investigation did not meet the standard for the reason below:

- Devonshire Area – Auditors were unable to locate any documentation or recording of the suspect interview for the second and third uses of force that occurred nor was there any justification provided for not conducting the interviews.

Auditors advised OO and Area management of this finding. It is recommended that Devonshire Area provide training reminding personnel of the importance of documenting interviews with suspects and witnesses on BWV or noting why the interview was not conducted pursuant to Department Manual Section 4/245.12. See Recommendation No. 1.

## Objective No. 2 – Consistency of Non-Categorical Use of Force Statements

### Criteria

The Department requires consistent statements among witnessing employees, non-Department witnesses, videos, and associated documents. If the statements are not consistent, the report becomes a Level I NCUOF and the investigating supervisor shall note the inconsistencies in the NCUOF report. The *Department Manual* states:

If a person refuses to provide a statement, this shall be documented in this section. An attempt shall still be made to obtain the witness's identifying information.<sup>7</sup>

### Audit Procedures

Auditors reviewed each of the 29 selected investigations for consistent statements among witnessing employees, non-Department witnesses, the subject force was used upon, videos, and the associated documents. Statements that did not contain inconsistencies or contained inconsistencies that were addressed during the investigation and review process, met the standard for this Objective.

### Findings

Each of the 29 investigations (100%) met the standard for this Objective.

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<sup>7</sup> See *Department Manual*, 4<sup>th</sup> Quarter 2018, Vol. 4, "Line Procedures," Section 245.12, "Completing the Narrative – Level I Incident."

### **Objective No. 3 – Body-Worn Video Recordings Documented on Related Reports**

#### **Criteria**

Officers are required to document any portion of an incident captured on the BWV system under the heading "Photos, Recordings, Video, DICV [Digital In Car Video], BWV and Digital Imaging" on all administrative and investigative reports.

If any portion of an incident resulting in an arrest was captured by BWV equipment, officers shall identify the existence of a BWV recording on all necessary forms including the City Attorney's Disclosure Statement.<sup>8</sup>

#### **Audit Procedures**

Auditors reviewed each BWV recording and compared the BWV to the NCUOF investigation and all related reports for documentation. All BWV recordings that were documented with their respective NCUOF investigation and related reports met the standard for this Objective.

#### **Findings**

Twenty-seven of the 29 investigations (93%) met the standard for this Objective. Two investigations did not meet the standard for the reasons below:

- Central Area – The audio or video box was not checked on the City Attorney's Disclosure Statement.
- 77<sup>th</sup> Street Area – The audio or video box was not checked on the City Attorney's Disclosure Statement.

Auditors advised OO and Area management of these findings. It is recommended that each division provide roll call training to remind personnel to identify the existence of a BWV recording on the City Disclosure Form pursuant to Department Manual Section 3/579.15. See Recommendation No. 2.

### **Objective No. 4 – Approval of Reports by an On-Duty Watch Commander/Officer in Charge or Designee of Supervisory Rank**

#### **Criteria**

Non-Categorical Use of Force investigations and any related report(s) (i.e., the crime and/or arrest report or Employee's Report), **shall be approved by an on-duty watch commander/OIC or designee of supervisory rank.**<sup>9</sup>

<sup>8</sup> See *Department Manual*, 4<sup>th</sup> Quarter 2018, Vol. 3, "Management Rules and Procedures," Section 579.15, "Objectives of Body Worn Video."

<sup>9</sup> See *Department Manual*, 4<sup>th</sup> Quarter 2018, Vol. 4, "Line Procedures," Section 245.10, "Reporting A Non-Categorical Use of Force Incident." Auditors corrected one typographical error in the quote above.

### **Audit Procedures**

Auditors reviewed the NCUOF and other related reports such as Arrest Reports (Form 05.02.00), Incident Reports (Form 03.01.00), Property Reports (Form 10.01.00) and Employee's Reports (Form 15.07.00) to assure that the forms were approved by an on-duty WC/OIC or designee of supervisory rank. Additionally, auditors checked each supervisor's TEAMS report to ensure they had completed Basic Supervisor School, prior to the day of incident, which authorized them to approve all the reports. Non-Categorical Use of Force investigations where primary and related reports were approved by an on-duty WC, OIC, or designee of supervisory rank who was not the investigating supervisor met the standard for this Objective.

### **Findings**

Each of the twenty-nine investigations (100%) met the standard for this Objective.

### **RECOMMENDATIONS:**

It is recommended that the Office of Operations:

1. Notify the respective Area commands of the audit deficiencies for review and appropriate disposition;
2. Recirculate *Department Manual* Section 4/245.12, "Completing the Narrative – Level I Incident", to all Area Commanding Officers and Area Watch Commanders; and,
3. Recirculate *Department Manual* Section 3/579.15, "Objectives of Body Worn Video", to all Area Commanding Officers and Area Training Coordinators.

### **ACTIONS TAKEN/MANAGEMENT RESPONSE**

Auditors presented these findings to the Director of OO who expressed general agreement with the findings and provided the attached Intradepartmental Correspondence, Form 15.02.00 detailing OO's action plans.



**APPENDIX**

**Audit Division Contact:** Detective II P. Sutton, Serial No. 24920,  
(213) 486-8480



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P. SUTTON  
Project Manager, Audit Division



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SERGIO SAIS  
Officer in Charge, Audit Division



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TRINA D. UNZICKER  
Commanding Officer, Audit Division

**OFFICIAL CORRESPONDENCE REVIEW**

<b>INITIATED BY:</b> (Name, Bureau or Division, etc.) Commander Michael P. Rinkunas Assistant to the Director, Office of Operations		<b>DATE</b> January 25, 2021	
<b>STAFF OFFICER ASSIGNED:</b> (Name, Bureau or Division, Phone Extension, etc.) Kimberly Solis, Police Performance Auditor III, Office of Operations, (213) 486-6050			
<b>SUBJECT:</b> 2020 NON-CATEGORICAL USE OF FORCE AUDIT RESPONSE			
<b>ATTN</b>	<b>REVIEWED BY:</b>	<b>ATTN</b>	<b>REVIEWED BY:</b>
1	Assistant to the Director, Office of Operations		
	Director, Office of Operations		
3	Director, Office of Constitutional Policing and Policy		
4	Commanding Officer, Audit Division		

70-15.75.0 (7/03)

**RECEIVED**  
FEB 08 2021  
Office of Constitutional Policing and Policy  
119

<sup>#79</sup>  
**RECEIVED**  
JAN 26 2021  
ASSISTANT TO THE DIRECTOR  
OFFICE OF OPERATIONS

**RECEIVED**  
FEB 11 2021  
Audit Division

INTRADEPARTMENTAL CORRESPONDENCE

January 25, 2021  
11.2

**TO:** Commanding Officer, Audit Division

**FROM:** Assistant to the Director, Office of Operations

**SUBJECT:** 2020 NON-CATEGORICAL USE OF FORCE AUDIT RESPONSE

Audit Division (AD) conducted a 2020 Non-Categorical Use of Force (NCUOF) Audit and assessed closed NCUOF cases to determine compliance with NCUOF Department directives, policies and procedures. The scope of the audit included NCUOF cases closed between January 2020 and April 2020. Audit Division noted that the Department performed well overall with improvement required over the following objective tested:

- **Objective No. 3 – Body Worn Video – Recordings Documented on Related Reports:** Audit Division noted that 27 out of 29 (93%) investigations met the standard for this objective. The two investigations that did not meet the standard were due to missing documentation on the City Attorney's Disclosure Statement.

The Office of Operations Inspection Unit will address the following deficiencies as follows:

- Notify the respective Area commands of the audit deficiencies for review and appropriate disposition;
- Recirculate Department Manual Section 4/245.12, *Completing the Narrative – Level 1 Incident*, to all Area Commanding Officers and Area Watch Commanders; and,
- Recirculate Department Manual Section 3/579.15, *Objectives of Body Worn Video*, to all Area Commanding Officers and Area Training Coordinators.

If you have any questions, please contact Lieutenant II Hayley Smith, Office of Operations, at (213) 486-6050.



MICHAEL P. RIMKUNAS, Commander  
Assistant to the Director, Office of Operations