

**REPORT OF THE INDEPENDENT MONITOR  
FOR THE  
LOS ANGELES POLICE DEPARTMENT**



**Kroll**

**The Consulting Company**  
Independent Monitor  
of the Los Angeles Police Department

**REPORT FOR THE QUARTER ENDING  
DECEMBER 31, 2003**

**Issued February 17, 2004**



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## INTRODUCTION

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The City of Los Angeles and the Los Angeles Police Department (LAPD) entered into a Consent Decree with the Department of Justice (DOJ) on June 15, 2001. The Consent Decree provides specific guidelines designed to institute new policies and procedures and to reform the conduct of the LAPD. Michael Cherkasky and Kroll Associates have been hired as the Independent Monitor to ensure that Consent Decree reforms are implemented in an effective and timely manner. This, the Monitor's Tenth Report, covers the quarter ending December 31, 2003.

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

As a tool to assist the reader of this report, the Monitor has attached a "Report Card" as Appendix A that summarizes the overall grade of compliance with each paragraph or subparagraph of the Consent Decree for the last five quarters, beginning with the quarter ending December 31, 2002. The "Status as of Last Evaluation" column provides the most recent evaluation made for each paragraph of the Consent Decree, whether it was made in this quarter or in a prior quarter, or before the *Methodologies to Aid in Determination of Consent Decree Compliance*<sup>1</sup> (the Methodologies) were finalized. The quarter in which the evaluation was made is also indicated. Finally, the Report Card identifies the quarter in which the Monitor anticipates conducting the next evaluation of compliance for each paragraph. This is an estimate based on available information at the date of issuance of this Monitor's report and report card. These estimates are subject to change as information develops and circumstances change.

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

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

## **EXECUTIVE SUMMARY**

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During the quarter ending December 31, 2003, the Monitor examined 58 paragraphs or sub-paragraphs of the Consent Decree. Of these, the City and the LAPD successfully complied with 28, failed to achieve compliance with 25, and, for reasons stated in the body of this report, the Monitor withheld a determination of compliance for the remaining 5 paragraphs or sub-paragraphs.

Areas of concern identified during the quarter ending December 31, 2003 include:

- The Monitor disagrees with the Ethics Enforcement Section's (EES) approach to random complaint audits, whereby certain audits were terminated prior to the generation of a complaint based upon Department employees' positive responses to undercover officers' concerns. It is the Monitor's belief that in order to accurately test the complaint intake process, the EES must conduct sting audits that run the gamut of the intake process, including the generation, or lack thereof, of a complaint form.
- The Inspector General's (IG) effectiveness continues to be compromised by resource constraints, as the IG is not completing his oversight functions on a timely basis. As stated in our prior report, this threatens to undermine the Department's ability to achieve substantial compliance by the end of the third year of the five-year Consent Decree.

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

- As a result of the LAPD's commitment to issuing and revising policy and the Training Group's review procedures, there has been a marked improvement in the quality and consistency of Non-Categorical Use of Force (NCUOF) investigations.
- During the course of the Monitor's assessment of Critical Incident Investigation Division (CIID) roll-outs to Categorical Use of Force (CUOF) incidents, the Monitor determined that CIID tracking logs are maintained in an excellent manner and the information contained in the logs are concise and accurate.
- Although struggling with its review of audits and discipline reports, the IG was found compliant in the other areas assessed this quarter, including the IG's presence at Use of Force Review Board (UOFRB) meetings and the IG's timely notification to the Police Commission of pending investigations and audits, and continues to make strides.
- Audit Division submitted two audits that the Monitor concluded were fully compliant with Consent Decree requirements: the Gang Unit Work Product Audit and the Motor Vehicle and Pedestrian Stop (MV&PS) Data Collection Audit.<sup>2</sup> These audits were thorough, creative, insightful and well-written and serve as evidence of Audit Division's emergence as a cornerstone of the Department's reform efforts – not only in the quality of such audits, but

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<sup>2</sup> Please refer to paragraph 128(4) and 131a for further details.

also in the follow-up actions taken to remedy the problems identified in these audits. Audit Division leadership and staff should be commended for their excellent work in these areas.

- The Audit Division also continues to make great strides in the timeliness of audits, having completed all audits scheduled for this quarter on a timely basis.
- The Department has taken steps to remedy a number of the previously-reported deficiencies with its gang unit audits by: a) reassigning certain audits from the Special Operations Support Division (SOSD)<sup>3</sup> to Audit Division and CRID and making a concerted effort to improve the quality of such audits; b) conducting quarterly rather than annual audits of the gang unit work product as a whole; and c) conducting quarterly rather than annual audits of the roles and conduct of gang unit supervisors. The Monitor is encouraged by these developments; however, the Monitor notes that further improvements are still required to the Department-wide audits in order to adequately address gang unit issues as a separate component of the Department-wide audits.

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<sup>3</sup> While the Monitor supports the Department's decision to reassign these audits, the Monitor notes that this is contrary to the Consent Decree, which requires that such audits be completed by the SOSD. The Department cannot achieve compliance unless the Consent Decree is formally amended.

## **I. FOCUS ISSUES**

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### **A. REVAMPING THE INVESTIGATION OF CUOF AND OFFICER-INVOLVED SHOOTINGS**

In its Report for the Quarter Ending September 30, 2003, the Monitor brought to light the issue of deficient Use of Force (UOF) investigations by CIID. The Monitor identified three specific separate incidents in which it appeared that investigations conducted by CIID were deficient and, indeed, questioned the underlying reasons for those deficiencies. Furthermore, the Monitor reiterated the belief that the community's faith in the system is largely determined by its confidence that investigations into allegations of improper UOF, will be handled fully, fairly and impartially. As noted, the Monitor was very pleased with the Department's initial response to our findings.

Within weeks of receiving the Monitor's report on the problems uncovered, the Department began developing a plan to address the shortcomings of both CIID and the overall CUOF investigation process.

During the current quarter, the Monitor reviewed the Department's proposal for reorganizing the units dealing with CUOF and Officer-Involved Shootings (OIS). The Department's analysis of the current state of affairs was insightful and the review of various scenarios of change was extremely thorough. While other solutions may be workable, the Monitor believes that one proposed solution for the problem, the creation of a Force Investigation Team (FIT) Unit within the Professional Standards Bureau (PSB) is not only workable, but offers the best chance of instilling confidence in the community of fair and impartial investigations. The FIT would be split into two separate teams, one handling the administrative aspects of an investigation and the other handling the potential criminal aspects of an investigation. The teams would work side by side, up to the point that a compelled statement was taken from an officer or officers.<sup>4</sup>

Mindful that the decision relative to the adoption of any change to the current system lies with the Chief of Police and ultimately with the Police Commission, the Monitor recommends that the FIT proposal be given serious consideration.

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<sup>4</sup> Under administrative rules, a police officer may be compelled to provide a statement relative to the facts and circumstances of a UOF. Failure to do so can result in the loss of employment. A compelled statement may not, however, be utilized in a criminal action against the officer providing the statement, and must therefore be segregated from the criminal investigation.



## **B. PROTOCOL FOR REPORTING SENSITIVE INFORMATION**

As described in this report, the recent audits conducted by Audit Division have been very thorough and insightful, and they are now of a standard where they are able to identify patterns of behavior by officer(s) or groups of officers suggestive of inappropriate police behavior. This critical element of the reform process will likely reveal sensitive findings, which need to be reported separately from the general distribution audit report. It is critical that the appropriate parties are informed of any such findings, as well as the steps undertaken to confirm or dispel such findings. Accordingly, the Monitor recommends that the Department establish a formal reporting protocol to ensure that the appropriate parties are informed of any sensitive findings that may be excluded from any general distribution audit reports.

## **II. MANAGEMENT AND SUPERVISORY MEASURES TO PROMOTE CIVIL RIGHTS INTEGRITY**

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### **A. TEAMS II [COMPUTER INFORMATION SYSTEM]**

The Consent Decree requires the City develop an early warning system, termed TEAMS II, with the purpose of promoting professionalism and best policing practices as well as identifying and modifying at-risk behavior.<sup>5</sup> In order to meet this requirement, the City is developing four new systems: the Complaint Management System (CMS), the Use of Force System (UOFS), the STOP database,<sup>6</sup> and the Risk Management Information System (RMIS). The RMIS will gather data from the new systems, as well as numerous legacy systems, in order to produce relevant information for risk management analysis.

The ability to conform to the original timeline for completion of the TEAMS II project has, from the inception of the Monitorship, been very much in question. The Monitor has always recognized the numerous challenges presented by the scope of the TEAMS II project; therefore, the failure of the City to meet the deadlines set forth in paragraphs 50c and 50d while disappointing, is not surprising.

That being said, it is nonetheless the Monitor's belief that, at this point in the process, the City is moving forward in as expeditious a manner as possible, with the proper attention to the details so important in projects of this magnitude.

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

- Sierra Systems continued work under the RMIS/UOFS contract. Although the agreed-upon schedule was delayed by a total of approximately 14 days, Sierra delivered a Design Document relative to RMIS. A walkthrough of that document was held, in which both the Monitor and the DOJ participated. This session led to additional delays due to the number of comments from the City. We are informed by the Department that, notwithstanding these delays, the overall RMIS operational schedule of June 2005 is still achievable.<sup>7</sup> There were also delays relative to the UOFS. The Design Document for UOFS was originally scheduled to be delivered on January 9, 2004; the delivery date was subsequently pushed back by

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<sup>5</sup> The system is being developed as a successor to the existing computerized information processing system known as the Training Evaluation and Management System (TEAMS).

<sup>6</sup> The STOP database has already been developed and is currently being utilized to collect data from the Field Data Reports regarding pedestrian and motor vehicle stops.

<sup>7</sup> The RMIS Prototype (Beta) is scheduled to be completed by September 2, 2004, with RMIS Department -wide deployment still scheduled for June 27, 2005.

approximately six weeks. Although these delays will impact the timeline for deployment of the UOFS,<sup>8</sup> they will not impact the deployment of RMIS.

- The City concluded its negotiation of a sole-source contract for CMS with BearingPoint, Inc. and work is currently underway pursuant to that contract. With respect to the Deployment Period System (DPS), it is expected that a contract should be finalized in the early part of the first quarter of 2004.
- The MSRP Unit, which completed its analysis of all legacy systems, has begun to conduct impact assessments and implement fixes to legacy systems in order to allow for the smooth transition to RMIS and other systems.
- The development of Use Protocols continued this quarter with Peer Groups being near-finalized. The implementation of Use Protocols and Thresholds, which will alert Risk Management and line supervisors and managers to potential issues, requires the Department to “meet and confer” with the affected bargaining units. Although formal “meet and confer” cannot commence before the City has presented its implementation plan to DOJ and DOJ has approved the plan, the Department, much to its credit, has included the Police Protective League (PPL) and the Command Officer’s Association in the committee dealing with Thresholds and related issues.<sup>9</sup>

In addition to monitoring the progress made towards the development of the TEAMS II system during the current quarter, the Monitor evaluated the Department’s compliance with paragraph 51 of the Consent Decree, which requires the LAPD to utilize existing databases, information and documents to make certain key personnel decisions until TEAMS II is implemented. The results of our current assessment follow.

**Paragraph 51 – Use of Existing Databases to Make Certain Decisions until TEAMS II is Implemented**

Paragraph 51 requires the LAPD to utilize existing databases, information and documents to make specified decisions until TEAMS II is implemented.

The decisions specified in paragraph 51 are included in four discrete paragraphs. The Monitor has elected to conduct separate compliance assessments for each paragraph, as follows.

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<sup>8</sup> The UOFS was originally scheduled to be deployed on August 13, 2004; the revised deployment date is October 27, 2004.

<sup>9</sup> The Consent Decree mandates that the City present its implementation plan to DOJ by April 30, 2004. The DOJ must approve the plan within 60 days of submission.

**Paragraph 51a – Selection of Officers for Assignment to CIID<sup>10</sup> or as PSB<sup>11</sup> Investigators**

Paragraph 51a requires that whenever an officer is selected for assignment to either the CIID or the PSB as an investigator, the LAPD shall review the applicable IAG Form 1.80's, and all pending complaint files for such officers, in conjunction with the Officer's TEAMS I record.

***Background***

As described in the Monitor's Report for the Quarter Ending June 30, 2003, the LAPD outlined the requirements of paragraph 51 in five distinct orders that were published and approved by the LAPD in July 2003.<sup>12</sup> These Special Orders were provided to the Monitor shortly after they were issued.

Prior to the current quarter, the Monitor withheld a compliance determination pending meet and confer issues.

***Current Assessment of Compliance***

In order to assess primary compliance with paragraph 51a, the Monitor reviewed Special Order 24, "Criteria for Transfers/Loans of Sworn Personnel – Established" and Special Order 30, "Selection and Assignment to Critical Incident Investigation Division" and determined that they reasonably and substantially address the requirements of the paragraph.

In order to assess functional compliance with paragraph 51a during the current quarter, the Monitor requested and received a listing of all investigators assigned to the PSB during the period April 1, 2003 through September 30, 2003. In total, 20 officers were identified as newly assigned.<sup>13</sup>

As noted in prior Monitor reports, the LAPD's practice is to loan investigators to PSB for a three-month period to determine whether the individuals can perform as needed to conduct criminal and administrative complaint investigations. For all selection packages reviewed, the Monitor noted that all of the officers were loaned for three months and evaluated after their respective three-month tour.

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<sup>10</sup> CIID was formally known as OHB Unit.

<sup>11</sup> PSB is the successor to the IAG.

<sup>12</sup> Special Order 23, "Criteria for Transfers/Loans of Sworn Personnel – Established," published July 10, 2003; Special Order 24, "Selection and Assignment to Professional Standards Bureau," published July 10, 2003; Special Order 25, "Field Training Officer Selection and Deselection-Established," published July 10, 2003; Special Order 27, "Selection and Assignment to Gang Enforcement Details," published July 10, 2003; Special Order 30, "Selection and Assignment to Critical Incident Investigation Division," published July 25, 2003.

<sup>13</sup> A similar request was made for any investigators newly assigned to the CIID during the same time period. The LAPD responded that no new investigators were assigned to the CIID during this time period.

Also included in each package was a questionnaire and interview worksheet completed by both reviewers who administered the oral interview. The questions spanned knowledge of LAPD policy and procedure and included testing the applicant's knowledge of the Consent Decree, particularly as it pertains to misconduct investigations. For all packages reviewed, it was noted that worksheets contained comments on the applicant's knowledge, or lack thereof, of policy and the Consent Decree.

Lastly, for all 20 packages, the applicant's TEAMS report and a CMS report were included and documented as reviewed.<sup>14</sup> None of the candidates' histories revealed any complaints, whether completed or pending, that would preclude their service in PSB.

Based on the forgoing, the Monitor finds the LAPD in primary and functional compliance with paragraph 51a.<sup>15</sup>

### **Paragraph 51b – Selection of Officers as FTOs or for Gang Units**

Paragraph 51b requires that when an officer is selected as a Field Training Officer (FTO) or to a gang unit, the LAPD shall review the applicable TEAMS I record.

### ***Background***

As described in the Background section of paragraph 51a and in the Monitor's Report for the Quarter Ending June 30, 2003, the LAPD outlined the requirements of paragraph 51 in five distinct orders that were published and approved by the LAPD in July 2003.

Prior to the current quarter, the Monitor withheld a compliance determination pending meet and confer issues.

### ***Current Assessment of Compliance***

In order to assess primary compliance with paragraph 51b during the current quarter, the Monitor reviewed Special Order 27, "Selection and Assignment to Gang Enforcement Details," and determined that it reasonably and substantially addresses the requirements of paragraph 51b.

In order to assess functional compliance with paragraph 51b, the Monitor requested and reviewed the selection and personnel packages for 6 supervisors<sup>16</sup> and 34 non-supervisory

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<sup>14</sup> It was noted that for some, but not all applicants, the reviewers made notations of the applicant's complaint history during the oral interview. In other packages, a log tracking the progression of the applicant through the process documented the review of TEAMS and CMS. The log also served to document a review of officer histories for compliance with the Consent Decree.

<sup>15</sup> There are no secondary compliance requirements for this paragraph.

<sup>16</sup> As explained in the Current Assessment of Compliance for paragraph 106c, below, this was the total population of supervisors selected to gang units during the period.

officers<sup>17</sup> selected to a gang unit during the period July 27, 2003 to October 18, 2003. The Monitor identified the following regarding the requirement to review TEAMS I reports:

- 33% of the selection packages reviewed had TEAMS I reports that were dated more than ten working days after the respective officer was selected.<sup>18</sup>
- 44% of the selection packages reviewed had a TEAMS Evaluation Report indicating review of the TEAMS I report that was dated more than ten working days after the respective officer was selected.

Based on the foregoing, the Monitor finds the LAPD in primary compliance, but in functional non-compliance with the provisions of paragraph 51b.<sup>19</sup>

### **Paragraph 51c – Officers Transferred into New Divisions or Areas**

Paragraph 51c requires that when an officer transfers into a new division or area, the Commanding Officer (CO) shall promptly require the watch commander or supervisor to review the transferred officer's TEAMS I record.

### ***Background***

As described in the Background section of paragraph 51a and in the Monitor's Report for the Quarter Ending June 30, 2003, the LAPD outlined the requirements of paragraph 51 in five distinct orders that were published and approved by the LAPD in July 2003.

Prior to the current quarter, the Monitor withheld a compliance determination pending meet and confer issues.

### ***Current Assessment of Compliance***

In order to assess primary compliance with paragraph 51c during the current quarter, the Monitor reviewed Special Order 23, "Criteria for Transfers/Loans of Sworn Personnel-Established," and determined that it reasonably and substantially addresses the requirements of 51c.

In order to assess functional compliance with paragraph 51c, the Monitor requested and received a list of officers who were transferred to a new division or area during DP8 - DP10, 2003. In total, the LAPD provided a listing of 465 officers who met these criteria, 80 of whom were randomly selected by the Monitor for a review of materials related to Special Order 23, including

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<sup>17</sup> As explained in the Current Assessment of Compliance for paragraph 106c, below, 50 non-supervisory officers were selected to gang units during the period, of which the Monitor selected a stratified sample of 34.

<sup>18</sup> Please refer to the Current Assessment of Compliance for paragraph 107b for additional information regarding the time frame requirement for reviewing TEAMS I reports.

<sup>19</sup> The Monitor's next assessment will include a review of secondary compliance requirements.

TEAMS I reports and TEAMS Evaluation Reports. The Monitor identified the following instances of non-compliance regarding the requirement to review TEAMS I records of transferred officers:

- For 33% of the transferred officers reviewed, the watch commander/supervisor's signature was not included on the TEAMS Evaluation Report indicating review of the TEAMS I report.
- For 27% of the transferred officers reviewed, the CO's signature was not included on the TEAMS Evaluation Report indicating review of the TEAMS I report.
- For 64% of the transferred officers reviewed, the Monitor was unable to locate documentation demonstrating that the officers' TEAMS I report was reviewed within ten working days.<sup>20</sup>
- For 14% of the transferred officers reviewed who transferred after Special Order 23 was published, the Monitor was unable to locate a TEAMS Evaluation Report, which contains approval dates and signatures indicating review of the TEAMS I report.
- For 20% of the transferred officers reviewed, the Monitor was unable to locate a TEAMS I report, indicating review of such documentation as required.

Based on the foregoing, the Monitor finds the LAPD in primary compliance, but in functional non-compliance with paragraph 51c.<sup>21</sup>

**Paragraph 51d – Document Consideration of Sustained Administrative Investigations, Adverse Judicial Findings or Discipline**

Paragraph 51d requires that when an officer is selected to an OHB unit, a gang unit, or assigned as an IAG investigator or FTO, supervisors and managers shall document their consideration of any sustained administrative investigation, adverse judicial finding, discipline for excessive force, false arrest or charge, improper search or seizure, sexual harassment, discrimination, or dishonesty.

***Background***

As described in the Background section of paragraph 51a and in the Monitor's Report for the Quarter Ending June 30, 2003, the LAPD outlined the requirements of paragraph 51 in five distinct orders that were published and approved by the LAPD in July 2003.

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<sup>20</sup> Although Consent Decree paragraph 51c states that this TEAMS I review shall take place promptly after the officer is transferred, Special Order 23 specifically states that 'promptly' shall be within ten working days from the date of transfer order or notification of loan.

<sup>21</sup> The Monitor's next assessment will include a review of secondary compliance requirements.

Prior to the current quarter, the Monitor withheld a compliance determination pending meet and confer issues.

### ***Current Assessment of Compliance***

In order to assess primary compliance with paragraph 51d during the current quarter, the Monitor reviewed the Special Orders described in the Background section of paragraph 51a, as well as Special Order 41, "*Training Evaluation and Management System/Personnel History Management Policy*," and determined that they reasonably and substantially address the requirements of 51c.

As described in paragraphs 51a and 51b, during the current quarter, the Monitor reviewed the selection and personnel packages for investigators assigned to the PSB from April 1, 2003 through September 30, 2003 and supervisors and non-supervisory officers selected to a gang unit during the period July 27, 2003 to October 18, 2003. The Monitor determined that none of the above-referenced officers had a sustained administrative investigation, adverse judicial finding or instance of discipline that fit the requirements of this paragraph.

Based on the foregoing, the Monitor finds the LAPD in primary and functional compliance with paragraph 51d.<sup>22</sup>

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<sup>22</sup> A review of the selection and personnel packages for FTOs will be included in the next assessment of 51d. In addition, the next assessment will include a review of secondary compliance requirements.



### **III. INCIDENTS, PROCEDURES, DOCUMENTATION, AND REVIEW**

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#### **A. USE OF FORCE**

The Consent Decree requires LAPD officers to report all incidents in which force is used and whether that force is "Categorical" or "Non-Categorical." A CUOF<sup>23</sup> is defined by paragraph 13 of the Consent Decree. Any UOF that falls under this definition is subject to certain paragraphs of the Consent Decree.<sup>24</sup> Administrative investigations of these incidents are the responsibility of the CIID. All completed CUOF incident investigations must be presented to a UOFRB and ultimately the Police Commission within a defined period of time.

All other UOF that do not fall under the definition of paragraph 13 are considered Non-Categorical. These are also subject to certain paragraphs.<sup>25</sup> NCUOF occur much more frequently than do CUOF, as officers often encounter resistance while performing their duties. NCUOF range from a technique as simple as the physical force used to control a resisting individual to the use of a taser or a bean-bag shotgun.

While the Department has recently struggled with certain aspects of CUOF investigations, it continues to make significant improvements and progress. Notably, where the Monitor has identified deficiencies, the Department has taken timely action to remedy them.

During the current quarter, the Monitor assessed the LAPD's compliance with a number of Consent Decree requirements relative to CUOF investigations, including the notification process, and the required psychological evaluation of officers involved in a deadly CUOF. The results of our current assessment follow.

#### ***Paragraph 56 – CIID to Attend All Categorical Use of Force Incidents***

Paragraph 56 requires that the OHB Unit, defined by LAPD directives to be the CIID, have the capability to "roll out" to all CUOF incidents 24 hours a day.<sup>26</sup> Additionally, the Department must require immediate notification to the Chief of Police, CIID, the Police Commission and the Office of the Inspector General (OIG) whenever there is a CUOF.

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<sup>23</sup> CUOF include an OIS with or without a hit, In-Custody Death, Law Enforcement Activity Related Death, Law Enforcement Related Injury requiring hospitalization, Neck Restraint, Head Strike with an impact weapon and a Department canine bite requiring hospitalization.

<sup>24</sup> Specifically paragraphs 13, 38, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 67, 69, 80, 82, 83, 136 and 142 as well as certain audit related paragraphs.

<sup>25</sup> Specifically paragraphs 13, 38, 65, 66, 68, 69, 81 and 82 as well as certain audit related paragraphs.

<sup>26</sup> Effective November 16, 2003, the CIID commenced reporting to the Chief of the PSB, previously known as the IAD.

### ***Background***

Following the occurrence of a CUOF incident, LAPD protocol requires that the Watch Commander notify the Department Command Post (DCP). Once notified, DCP officers concurrently notify the Chief of Police, the CIID, the Police Commission, the OIG and, if applicable, the District Attorney's Office.

The Monitor last evaluated compliance with paragraph 56 during the quarter ending June 30, 2003, at which time the LAPD was found in functional compliance.

### ***Current Assessment of Compliance***

No changes in policy were issued during the current quarter in connection with paragraph 56 requirements. The Monitor determined that the policies that were previously issued continue to adequately meet primary compliance requirements. In addition, the Monitor determined that adequate internal audit processes exist and are being utilized in order to track conformance with the requirements of paragraph 56.

In order to assess functional compliance during the current quarter, the Monitor listed and reviewed all 53 CUOF incidents reported during the period April 1, 2003 through September 30, 2003, as documented on DCP Logs. The CUOF incidents were broken down as follows: 4 In-Custody Deaths (ICD), 2 Law Enforcement Activity Related Deaths (LEARD), 10 Law Enforcement Related Injuries (LERII) with Head Strike, 5 LERII with Hospitalization, 5 Canine Bites with Hospitalization, 15 OIS with Hit, and 12 OIS with no Hit. The following chart summarizes, for each CUOF category, the average notification times for the field in reporting the incidents to the DCP and for the DCP in reporting the incidents to the CIID, as well as the CIID's average response time.

Average Notification Times	4 ICD incidents	2 LEARD incidents	9 LERII Head Strike Incidents <sup>27</sup>	5 LERII requiring hospitalization	4 Canine Bites requiring hospitalization <sup>28</sup>	15 OIS With Hits	12 OIS No Hits
Field to DCP	35 minutes	16.5 minutes	76 minutes	27 minutes <sup>29</sup>	240 minutes <sup>30</sup>	26 minutes <sup>31</sup>	21 minutes
DCP to CIID	13 minutes	57.5 minutes	13 minutes	10 minutes	8 minutes	9 minutes	18 minutes
CIID Response Time	59 minutes	37 minutes	56 minutes	49 minutes <sup>32</sup>	68 minutes <sup>33</sup>	49 minutes	62 minutes

The OIG received notification of all OIS incidents. On average, notification time from the DCP to the OIG was approximately 37 minutes. The OIG responded to 20 of the 27 incidents. For all but one incident, the Chief of Police, or his designee, were notified in a timely manner.

The Monitor found that, with the exception of one head strike incident<sup>34</sup> and one LERII requiring hospitalization,<sup>35</sup> notifications were generally timely. And, with the exception of one canine

<sup>27</sup> A tenth incident, which involved an off-duty officer who was at home when he struck a trespasser in the head with his gun, occurred outside of the Department's jurisdiction. The DCP was notified 560 minutes after the occurrence. Once the DCP was notified, CIID was notified within 2 minutes. Because the incident occurred outside of the Department's jurisdiction, CIID's response time was 378 minutes. The Monitor excluded this incident from the computation of the average notification and response times.

<sup>28</sup> The Monitor excluded a fifth incident from the computation of the average notification and response times because CIID was directly notified by the field. In turn, the DCP was notified by CIID within 80 minutes of the incident. CIID response time for this incident was 65 minutes.

<sup>29</sup> For one incident, hospitalization did not occur until the next day, at which point DCP was notified within 90 minutes. CIID was notified immediately by the field at the time of hospitalization and arrived at the hospital 135 minutes later.

<sup>30</sup> One incident had a notification time of 490 minutes; the delay in notification was due to the reclassification of the cause of hospitalization to canine bite.

<sup>31</sup> This is the only category for which LAPD's internal policy requires notification of the incident within 15 minutes of its occurrence. For 4 of the 15 incidents, DCP was notified within 15 minutes.

<sup>32</sup> For two of the incidents, CIID was at the hospital prior to hospitalization being determined.

<sup>33</sup> For one incident, CIID's response time was 197 minutes. CIID was notified of this incident during the middle of the night. A supervisor from CIID stated that a CIID team would respond the following morning. The CIID team arrived at the hospital at 6:00 a.m.

<sup>34</sup> This is the incident, described above, that involved an off-duty officer and occurred outside of LAPD's jurisdiction.

incident that the CIID elected not to roll-out to immediately, the CIID response times were judged to be within acceptable limits.

The Monitor also noted that the CIID tracking logs are maintained in an excellent manner and the information contained in the logs are concise and accurate. The Monitor commends the CIID for their effort.

Based on the foregoing, the Monitor finds the LAPD in primary, secondary and functional compliance with paragraph 56.

### **Paragraph 58 – LAPD to Notify District Attorney of OIS and ICD Incidents**

The LAPD is required to notify the Los Angeles District Attorney's Office whenever an LAPD officer, on or off-duty, shoots and injures any person during the scope and course of employment. In addition, the LAPD is required to notify the District Attorney's office whenever an individual dies while in the custody or control of an LAPD officer or the LAPD, and a UOF by an officer may be the proximate cause of death.

### ***Background***

Notification to the District Attorney's Office was a practice of the LAPD prior to the Consent Decree. As discussed in prior Monitor reports, the LAPD has established a protocol for first reporting CUOF incidents to its DCP, which in turn makes appropriate notifications to other individuals and/or entities, including the District Attorney's Office. Notifications are documented in daily 24-hour occurrence logs maintained by the DCP.

The Monitor last assessed compliance with paragraph 58 during the quarter ending June 30, 2003, at which time the LAPD was found in functional compliance.

### ***Current Assessment of Compliance***

During the current quarter, the Monitor determined that there were 53 reportable CUOF incidents from April 1, 2003 through September 30, 2003.<sup>35</sup> Of the 53 incidents, 15 required notification to the District Attorney's Office.

For all 15 incidents, the District Attorney's Office was contacted by the LAPD via the DCP. On average, once the DCP was notified of an incident, the DCP notified the District Attorney's

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<sup>35</sup> This is the incident, described above, in which hospitalization did not occur until the next day, at which point DCP was notified within 90 minutes

<sup>36</sup> Please refer to the Current Assessment of Compliance for paragraph 56 for additional information regarding the CUOF incidents reported during the selected period.

Office within approximately 26 minutes. Notification times ranged from 6 to 55 minutes. The District Attorney's Office responded to all incidents.

Based upon the foregoing, the Monitor finds the LAPD in functional compliance with paragraph 58.

### ***Proposed Recommendations***

During the Monitor's review of the DCP Notification Logs, it was noted that the Chief of Police and the OIG are notified of CUOF incidents via Nextel Blackberry emails. The DCP has been using the Blackberry System for notification since May 2003. This notification system appears to be working very well. Specifics of the incident as well as updates of incidents can be sent via the Blackberry system simultaneously to several individuals. The Monitor recommends that the Department expand this notification process to include the District Attorney's office.

### **Paragraph 59 – LAPD to Cooperate with District Attorney at Scene of Incident**

Paragraph 59 requires the LAPD to cooperate with District Attorney Office personnel who arrive at a CUOF incident pursuant to the required notifications as defined in paragraph 58 of the Consent Decree.

### ***Background***

The Monitor last evaluated compliance with paragraph 59 during the quarter ending June 30, 2003, at which time the LAPD was found in functional compliance.

### ***Current Assessment of Compliance***

Although no changes in policy were issued during the current quarter in connection with paragraph 59 requirements, the Monitor determined that the policies previously issued by the LAPD continue to adequately meet the paragraph's primary compliance requirements.

In regard to secondary compliance, in its August 8, 2003 status report, the City reported that the LAPD's Audit Division included paragraph 59 in its most recently completed CUOF Audit. A review of this audit determined that this paragraph was, in fact, not addressed.

In order to assess functional compliance during the current quarter, the Monitor requested from the District Attorney's Office a listing of all incidents for which it received notification from the LAPD during the period April 1, 2003 through September 30, 2003. The Monitor also requested that the District Attorney's Office comment on the level of cooperation afforded by LAPD officers upon responding to a CUOF incident scene.

The District Attorney's Office confirmed notification for 15 reportable incidents, as described in paragraph 58. The written correspondence received from the District Attorney's Office also confirmed that LAPD officers at CUOF incident scenes are very cooperative.

Based on the foregoing, the Monitor finds the LAPD in continued primary and functional compliance with paragraph 59.

### **Paragraph 62 – Analyses of CUOF and Search Warrants**

Paragraph 62 requires that managers shall analyze the circumstances surrounding the presence or absence of a supervisor at (a) a CUOF incident, and (b) the service of a search warrant. The review and analysis is required to occur within seven calendar days of the occurrence of the incident or service to determine if the supervisor's response to the incident or service was appropriate.

### ***Background***

The Monitor last evaluated paragraph 62 during the quarter ending June 30, 2003, at which time the LAPD was found in functional non-compliance.

### ***Current Assessment of Compliance***

#### ***Use of Force and Officer Involved Shooting Review (Paragraph 62(a))***

In order to assess functional compliance with paragraph 62 during the current quarter, the Monitor reviewed 45 of the 53 CUOF incidents reported during the period April 1, 2003 through September 30, 2003.<sup>37</sup> The Monitor's review determined that 2 of the 45 incidents were not reviewed within the mandated seven calendar days.<sup>38</sup> In addition, the Monitor concluded that the analyses conducted by the CO of the Divisions were insufficient for 7 incidents. For these incidents, the CO either failed to indicate whether or not the supervisor's actions were appropriate or inappropriate, failed to adequately articulate their reasoning in concluding that a supervisor's response was adequate or failed to provide any analysis at all.

The nine instances of non-compliance described above, out of 45 CUOF incidents reviewed, results in a compliance rate of 80%.<sup>39</sup>

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<sup>37</sup> Please refer to the Current Assessment of Compliance for paragraph 56 for additional information regarding the 53 NCUOF incidents.

<sup>38</sup> The analyses were conducted 13 and 19 days, respectively, after the incident.

<sup>39</sup> Because 9 of the first 45 incidents reviewed were non-compliant, the maximum compliance rate the LAPD could have achieved if all 53 packages were reviewed was 83.3%. Accordingly, the LAPD failed to achieve functional compliance with the paragraph, and the Monitor elected not to review the remaining packages.

Based on the foregoing, the Monitor finds the LAPD in functional non-compliance with paragraph 62(a).

*Search Warrant Service Review (Paragraph 62(b))*

Pursuant to the Consent Decree, the LAPD instituted a new Warrant Service and Tactical Plan Report (Form 12.25.0), which is designed to standardize documentation of warrant service, and revised the Warrant Tracking Log (Form 8.17.05).<sup>40</sup> Form 12.25.0 includes sections for both the reviewing supervisor and the CO to complete. The form specifically addresses the documentation requirements of the manager's analysis required under this paragraph.

In order to assess functional compliance during the current quarter, the Monitor requested and received from the LAPD supporting documentation for 88 randomly selected executed search warrants.<sup>41</sup> The Monitor concluded that 24 of the first 31 search warrant packages reviewed were in non-compliance because they either failed to meet the requirement that the analysis be completed within seven days of the incident and/or failed to include an adequate analysis.<sup>42</sup>

The Monitor noted that for nine search warrants, the manager's review either was not completed within seven days or the Monitor could not determine the date of the analysis. The Monitor concluded the analyses were insufficient for 17 packages reviewed.<sup>43</sup> Furthermore, there was no analysis included for five search warrants, all of which were from the Narcotics Division. Only one of nine search warrant packages for the Narcotics Division was deemed in functional compliance.<sup>44</sup>

Based on the foregoing, the Monitor finds the LAPD in functional non-compliance with paragraph 62(b).

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<sup>40</sup> The new Warrant Service and Tactical Plan Report (Form 12.25.0) and the revised Warrant Tracking Log were included with Special Order 28, which was published on July 15, 2003.

<sup>41</sup> The sample was selected from a population of 865 executed search warrants, excluding Ramey (arrest) warrants and warrants solely for the production of documents. The Monitor notes that that some warrants selected for review were executed prior to the publication of Special Order 28, since the period selected for review straddled its publication date.

<sup>42</sup> Because 24 of the first 31 packages reviewed were non-compliant, the maximum compliance rate the LAPD could have achieved if all 88 packages were reviewed was 73%. Accordingly, the LAPD failed to achieve functional compliance with the paragraph, and the Monitor elected not to review the remaining packages.

<sup>43</sup> These analyses, more often than not, were devoid of original information, instead relying primarily on generic, canned language and indistinct conclusions.

<sup>44</sup> The Monitor noted that the Narcotics Division included a memorandum that was addressed to the CO of CRID from their CO indicating that "ND was unable to locate documentation of any post warrant supervisory analysis or approval."

**Paragraph 63 – Confidential Psychological Evaluation for Officers Involved in Deadly CUOF**

Paragraph 63 requires the Department to continue referring officers involved in CUOF incidents resulting in death or the substantial possibility of death to the LAPD's Behavioral Science Services (BSS) for a consultation and evaluation with a licensed mental health professional. Such officers are precluded from working in the field until such consultation has occurred and notification of fitness for duty has been discussed with their respective CO.

***Background***

The Monitor last assessed compliance with paragraph 63 during the quarter ending June 30, 2003, at which time the LAPD was found in functional non-compliance. The Monitor expressed concern that all officers referred to BSS appeared to be deemed fit for duty after their initial consultation.

***Current Assessment of Compliance***

During the current quarter, the Monitor reviewed LAPD policy addressing the requirements of paragraph 63<sup>45</sup> and determined that all current policy reasonably and substantially addresses the requirements of the paragraph.

In order to assess functional compliance during the current quarter, the Monitor identified 15 OIS incidents involving 28 officers reported during the period March 1, 2003 through September 30, 2003.<sup>46</sup> All officers involved in the OIS incidents were timely referred to the BSS. A review of supporting documentation determined that 22 of the 28 officers were not assigned to return to field duty until after their appointment with a BSS psychologist and after that psychologist conferred with each of the respective officer's CO.

A review of one officer's daily work sheets indicated that the officer worked in the field at least one day prior to the required consultation between the officer's CO and a BSS psychologist.<sup>47</sup>

The documentation, including handwritten notes, provided by the LAPD for the remaining five officers was insufficient,<sup>48</sup> preventing the Monitor from concluding on compliance for these

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<sup>45</sup> LAPD Manual Sections 3/799.10 and 4/245.15; Special Order 39, "Critical Incident Investigation Division – Established," approved by the Commission December 11, 2001; Special Order 15, "Revision to Special Order No. 39, CIID Investigations," approved by Police Commission, May 7, 2002. Special Order 21, 2003 "Return to Field Duty of Personnel Involved in an Officer Involved Shooting Resulting in Injury or a Categorical Use of Force Resulting in Death or the Substantial Possibility of Death" approved by Police Commission on July 22, 2003.

<sup>46</sup> Please refer to the Current Assessment of Compliance for paragraph 56 for additional information regarding the selection of incidents to assess compliance with this and other paragraphs.

<sup>47</sup> The Monitor noted that by the order of the Chief of Police, this officer was restricted from returning to field duty until the UOFRB had convened.



officers. As a result, the Monitor considered these non-compliant, resulting in an overall compliance rate of 78.6% (22 of 28 officers).

The Monitor also requested and received a listing of all LAPD physicians responsible for consultation with officers involved in an OIS. A query of public records determined all licenses are current and in good standing.

Based on the foregoing, the Monitor finds the LAPD in primary compliance but in functional non-compliance with paragraph 63. Even though the Monitor finds the LAPD in functional non-compliance, it was noted that several of the packages reviewed contained excellent documentation of the BSS referral process, clearly indicating the officer's status, assignment and referral to BSS, as well as the CO's consultation with BSS and determination of the officer's fitness for duty before the he or she returned to field duty.

### **Paragraph 65 – Requirement to Report NCUOF**

Paragraph 65 requires that LAPD officers report, without delay, their involvement in a UOF using the appropriate form as required by paragraph 66<sup>49</sup> of the Consent Decree.

### ***Background***

The Monitor last assessed compliance with paragraph 65 during the quarter ending June 30, 2003, at which time the LAPD was found in functional compliance with this paragraph.

### ***Current Assessment of Compliance***

During the current quarter, the Monitor reviewed LAPD policy that addresses paragraph 65 requirements<sup>50</sup> and determined that it reasonably and substantially meets the primary requirements of the paragraph.

In order to assess functional compliance with paragraph 65, the Monitor requested and received a listing of all NCUOF incidents that occurred during the period March 1, 2003 through August 31, 2003. The LAPD provided a listing of approximately 2,574 incidents, of which 91 were

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<sup>48</sup> One OIS incident involved four officers from a detective division. Supporting documentation provided consisted merely of a handwritten sheet of paper, documenting only the date, time and location worked. The entries do not list each individual officer or sufficient details of their assignments.

<sup>49</sup> In its Report for the Quarter Ending June 30, 2002, the Monitor determined that the LAPD was in compliance with paragraph 66. Pursuant to the paragraph, the LAPD developed and implemented a revised UOF report form. The form is dated April 2002, the month it was issued, and remains in effect to-date.

<sup>50</sup> The following policy addresses the requirements of paragraph 65: LAPD Manual Section 4/245.10; Special Order 27, "Investigation and Adjudicating Non-Categorical Use of Force Incidents," approved by the Police Commission September 25, 2001; Special Order 18, "Revisions to Special Order No. 27, 2001 – Investigating and Adjudicating Non-Categorical Use of Force Incidents," approved by the Police Commission, May 7, 2002.

randomly selected for review to test compliance with paragraphs 65, 68, 69, 81 and 82 of the Consent Decree.

The Monitor established, through an examination of UOF forms and underlying investigations, that for 88 of 91 investigations reviewed, the involved officer(s) self-reported, without delay, their involvement in a UOF. The Monitor also noted that for all but two investigations, the UOF incident was documented using the most recently issued UOF reporting form.

Based on the foregoing, the Monitor finds the LAPD in primary and functional compliance with paragraph 65.

### **Paragraph 68 – Non-Categorical Use of Force Investigations**

Paragraph 68 requires that a supervisor<sup>51</sup> conduct a timely investigation of NCUOF incidents as required by LAPD policy and pursuant to the provisions of paragraphs 69, 81 and 82 of the Consent Decree.<sup>52</sup>

### ***Background***

Paragraph 68 is a “shall continue to” requirement and references pre-Consent Decree LAPD policy. The LAPD has, since implementation of the Consent Decree, issued two Special Orders that provide additional guidance on investigating and adjudicating NCUOF incidents.<sup>53</sup>

The Monitor last evaluated this paragraph during the quarter ending June 30, 2003, at which time the LAPD was found in primary, secondary and functional compliance.

### ***Current Assessment of Compliance***

During the current quarter, the Monitor reviewed LAPD policy, including the Special Orders described above, and determined that it reasonably and substantially meets the requirements of paragraph 68.

In order to assess functional compliance with paragraph 68 during the current quarter, the Monitor randomly selected and reviewed 91 completed NCUOF incident investigations.<sup>54</sup> For

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<sup>51</sup> The LAPD defines a supervisor as an individual ranked at least a Sergeant I or Detective II.

<sup>52</sup> These paragraphs mandate that NCUOF investigations be reviewed within 14 days of the incident by management; that investigations prohibit group interviews; that investigations include interviewing on-scene supervisors when applicable; that all appropriate evidence be collected and preserved with the burden of collection on the LAPD; and, that should the investigator suspect misconduct unrelated to the incident, a complaint investigation will be initiated.

<sup>53</sup> Special Order 27, “Investigating and Adjudicating Non-Categorical Use of Force Incidents,” September 25, 2001 and Special Order 18, “Revisions to Special Order 27, 2001 – Investigating and Adjudicating Non-Categorical Use of Force Incidents,” May 7, 2002.

89 of 91 NCUOF incident investigations reviewed, the Monitor noted that a supervisor who was neither involved in nor a witness to the incident conducted a timely and appropriate investigation.<sup>55</sup> The Monitor based its conclusion on a review of the UOF report form and underlying investigation for all 91 investigations.

Based on the foregoing, the Monitor finds the LAPD in primary and functional compliance with the requirements of paragraph 68.

### ***Paragraph 69 – Review of Uses of Force***

Paragraph 69 addresses both CUOF and NCUOF incident investigations. With regard to NCUOF incidents,<sup>56</sup> LAPD Division Management<sup>57</sup> is required to review each UOF within 14 calendar days of the incident, unless a deficiency in the investigation is detected, in which case the review shall be completed within a reasonable time period. Department Bureau Management must also review each incident.

### ***Background***

The Monitor last evaluated paragraph 69 as it relates to NCUOF incident investigations during the quarter ending June 30, 2003, at which time the LAPD was found in functional non-compliance.

Since the inception of the Consent Decree, the LAPD has issued significant policy and policy revisions to address the requirements of paragraph 69.

### ***Current Assessment of Compliance***

During the current quarter, the Monitor reviewed LAPD policy that addresses paragraph 69 requirements as they relate to NCUOF incident investigations<sup>58</sup> and determined that it reasonably and substantially meets the requirements of the paragraph.

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<sup>54</sup> As described in the Current Assessment of Compliance for paragraph 65, this is the same sample selected to test compliance with paragraphs 65, 69, 81 and 82.

<sup>55</sup> For one incident, two separate UOF occurred, however the report addressed only one. For the other incident, an officer was involved in a UOF while off duty and the investigation was initiated only once a misconduct complaint was submitted.

<sup>56</sup> The Monitor did not assess compliance with paragraph 69 as it relates to CUOF incident investigations during the current quarter; such an assessment was made during the quarter ending September 30, 2003.

<sup>57</sup> Defined by paragraph 29 of the Consent Decree as an LAPD supervisor at the rank of captain or above.

<sup>58</sup> LAPD Manual Section 2/092.50 and 4/245.10; March 6, 2001, "Investigating Non-Categorical Use of Force Incidents," approved by Police Commission September 25, 2001; Special Order 18, "Revisions to Special Order No. 27, 2001 – Investigating and adjudicating Non-Categorical Use of Force Incidents" approved by the Police Commission, May 7, 2002.

In order to assess functional compliance with paragraph 69 requirements relative to NCUOF incident investigations, the Monitor randomly selected and reviewed 91 completed NCUOF incident investigations.<sup>59</sup> For all but four incidents, LAPD Division Management reviewed the incident within 14 days and the investigations were completed within a reasonable time period thereafter.

As an additional test of compliance, the Monitor requested and received time records of reviewing managers for 26 of the 91 investigations in order to verify that the managers were, in fact, on duty at the time they purportedly reviewed the investigations. For all incidents selected, the Monitor determined that official time records reflected that the reviewing officials were indeed on duty.<sup>60</sup>

Based on the foregoing, the Monitor finds the LAPD in primary and functional compliance with the provisions of paragraph 69 that relate to NCUOF incident investigations.

## **B. SEARCH AND ARREST PROCEDURES**

The Consent Decree requires the LAPD to establish and/or continue to implement policies and procedures regarding searches and arrests.

In the Monitor's Report for the Quarter Ending September 30, 2003, the Monitor assessed supervisory review of Search Warrants, Ramey Warrants, as well as Search Warrant Logs.

The Monitor is scheduled to assess the supervisory review of all booking approvals, arrest paperwork, watch commander logs and detention logs; as well as the Department's training relative to arrest and booking procedures, in conjunction with the Monitor's review of the Department's Arrest Booking and Charging (ABC) audit, which the Monitor expects will be completed during the quarter ending March 31, 2004.

## **C. INITIATION OF COMPLAINTS**

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

The Monitor last assessed compliance with Consent Decree requirements relative to officers receiving citizen complaints in the Monitor's Report for the Quarter Ending June 30, 2003. As described in the report, the Department's failure to take citizen complaints in accordance with

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<sup>59</sup> As described in the Current Assessment of Compliance for paragraph 65, this is the same sample selected to test compliance with paragraphs 65, 68, 81 and 82.

<sup>60</sup> For one incident, the reviewing official's time record reflected "LP", leave without pay. An interview of the manager determined that he had completed work at home while on leave.

mandated policies and procedures and the delay in the prosecution of the administrative proceedings against officers who failed to take citizen complaints resulted in the Monitor finding the Department in non-compliance with certain provisions of the Consent Decree. Conversely, the Monitor noted that for some paragraphs, namely those requiring the reconciliation of lawsuits and claims and the immediate notification by officers to the LAPD of their arrest, the LAPD remained in compliance.

During the current quarter, the Monitor again assessed compliance relative to officers receiving citizen complaints, as well as the requirement to report officer misconduct. The results of our current assessment follow.

### **Paragraph 74 – Receipt/Maintenance of Complaints**

Paragraph 74 outlines the methods by which the LAPD must receive complaints, maintain required complaint materials and continue the operation of a 24-hour toll free telephone complaint hotline. Officers are also prohibited from asking or requiring the complainant to sign a form that in any manner limits or waives certain rights.

### ***Background***

The Monitor last evaluated paragraph 74 during the quarter ending June 30, 2003, at which time the Monitor found the LAPD in functional non-compliance based on the findings of EES sting audits.<sup>61</sup>

### ***Current Assessment of Compliance***

In order to assess functional compliance with paragraph 74 during the current quarter, the Monitor reviewed 90<sup>62</sup> complaint investigations that were selected to test compliance with various paragraphs during the quarter ending September 30, 2003. The Monitor did not identify any evidence in the complaint investigation files that officers were refusing to accept complaints.<sup>63</sup>

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<sup>61</sup> EES determined that for 11 of 19 sting audits, officers and/or supervisors administratively failed the audits for failing or refusing to accept a complaint.

<sup>62</sup> As explained in the Monitor's Report for the Quarter Ending September 30, 2003, the Monitor selected a random sample of 91 closed complaint investigations out of a population of 1,883 closed complaint investigations for the period January through June 2003. The LAPD was unable to locate one complaint, preventing the Monitor from assessing compliance for this particular investigation. This complaint was categorized as non-compliant in calculating compliance rates for the paragraphs tested.

<sup>63</sup> The complaint investigations were accepted at various venues and in languages utilized by the City of Los Angeles in municipal election ballot materials, as required by the Consent Decree.

The Monitor also requested and received tape recordings of the 24-hour hotline for three days. A review of the tapes determined that complaints were appropriately documented on complaint face sheets, where applicable.

However, the also Monitor reviewed approximately 60 EES sting audits designed to test whether officers are receiving complaints and whether officers are dissuading the reporting of misconduct. For 13 of 60 audits conducted, the EES concluded that officers failed. This translates into a compliance rate of 78%.<sup>64</sup>

Based on the foregoing, the Monitor finds the LAPD in functional non-compliance with paragraph 74.

### **Paragraph 75 – Initiation of Complaint Form 1.28 Investigations**

Paragraph 75 requires that a complaint investigation be initiated against any officer who allegedly:

- fails to inform any civilian who indicates a desire to file a complaint of the means by which a complaint may be filed;
- attempts to dissuade a civilian from filing a complaint; or
- refuses to accept a complaint.

### ***Background***

The Monitor last evaluated paragraph 75 during the quarter ending June 30, 2003, at which time the LAPD was found in functional non-compliance due to delays in administrative proceedings.

### ***Current Assessment of Compliance***

During the current quarter, the Monitor reviewed 60 random complaint audits that were conducted by EES. The audits were designed to determine whether or not officers discouraged, refused or simply failed to receive and document a complaint or provide guidance on submitting a complaint.

The LAPD's EES concluded that in 13 sting audits, involved officers failed to initiate a complaint investigation. The EES appropriately initiated a complaint investigation or an administrative reprimand against the officers.

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<sup>64</sup> The Monitor concluded that an additional 6 audits were improperly adjudicated by the EES and should have resulted in a rating of "administrative failure." Please refer to the Current Assessment of Compliance for paragraph 97 for additional information.

Based upon its independent review of the EES audits, the Monitor concurred with EES's conclusion that complaint investigation or administrative reprimands against officers were warranted in 13 of the 60 audits. However, the Monitor contends that the LAPD should have initiated one additional complaint investigation as a result of those 13 audits. For one audit, a complaint investigation should have been initiated when a supervisor's remarks appeared to defend the actions of an officer and possibly served to dissuade a complainant.<sup>65</sup> The Monitor is concerned that an additional complaint was not generated in what appear to be an obvious situation.

Notwithstanding the incident noted, the Monitor finds the LAPD in functional compliance with paragraph 75.

**Paragraph 78 – Requirement to Report Officer Misconduct**

Paragraph 78 mandates that the Department continue to require officers to report, without delay, any conduct by another officer that reasonably appears to constitute any of the following:

- an excessive use of force or improper threat of force;
- a false arrest or filing of false charges;
- an unlawful search or seizure;
- invidious discrimination;
- an intentional failure to complete forms required by LAPD policies and in accordance with procedures;
- an act of retaliation for complying with an LAPD policy or procedure;
- an intentional provision of false information in an administrative investigation or in any official report log or electronic transmittal of information.

Officers are required to report such behavior directly to a supervisor or to the PSB. Failure to do so can result in discipline against the non-reporting officer.

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<sup>65</sup> The incident occurred when a complainant who had called the station spoke with a supervisor regarding an LAPD vehicle inappropriately parked. The supervisor instructed the complainant to immediately confront an officer whose conduct appears inappropriate. This same supervisor stated without additional information he would not know what officer to confront. The supervisor also indicated that if he was on a call and had nowhere to park, he too, would park wherever he wanted to. The supervisor also stated that he was not in the officer's place and did not know the situation. The supervisor stated that if the complainant came into the station he could speak to a supervisor, but there was nothing he could do and there was no way to track the officer unless there was a name or patrol car number.

## ***Background***

The Monitor last assessed compliance during the quarter ending June 30, 2003, at which time the LAPD was found in functional non-compliance with paragraph 78.

## ***Current Assessment of Compliance***

During the current quarter, the Monitor reviewed LAPD policy relative to officers' duty to report misconduct and determined that current policy<sup>66</sup> meets the primary compliance requirements of this paragraph.

In order to assess functional compliance during the current quarter, the Monitor requested for review all sustained complaints containing paragraph 78 allegations that were closed between April 1, 2003 and September 30, 2003. According to LAPD reports, 15 such complaints were closed during this time period.

The Monitor reviewed the investigation files for the 15 closed complaints and determined that each investigation was conducted in compliance with the provisions of paragraph 78. The Monitor did identify deficiencies in four investigations, but these deficiencies do not impact the LAPD's compliance with this paragraph.<sup>67</sup>

Based on the foregoing, the Monitor finds the LAPD in primary and functional compliance with paragraph 78.

## **D. CONDUCT OF INVESTIGATIONS**

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

In past quarterly reports the Monitor reported that the LAPD was in functional compliance with many provisions in this section, most notably in the conduct of CUOF incident investigations and with some of the requirements related to complaint investigations.

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<sup>66</sup> LAPD Manual Sections 3/805.25, 3/815.05, and 1/210.46; Special Order 30, "Duty to Report Misconduct," approved by the Commission September 6, 2001.

<sup>67</sup> One investigation failed to address several neglect of duty issues, including summoning appropriate medical help, calling SID for pictures (as none were taken), and inconsistencies in videotaped evidence and statements; one investigation failed to consider the officer's history, which included two complaints that were not completed within the statutory time limit; one investigation failed to address inconsistencies in a witness officer's statements; one investigation failed to address differences in an officer's statements and documentation contained on the officer's DFARs.



However, during the Monitor's most recent report, it was reported that serious deficiencies were noted in CUOF incident investigations. Specifically, the Monitor identified instances in which the LAPD failed to preserve evidence, failed to identify and report inconsistencies in officer and witness statements, failed to prohibit group interviews and failed to report possible misconduct.

During the current quarter, the Monitor assessed compliance with Consent Decree requirements related to the conduct of NCUOF and collateral misconduct investigations.

### ***Paragraph 81 – Non-Categorical Uses of Force***

Paragraph 81 requires that certain investigative guidelines set out in paragraph 80 shall also apply to Chain of Command (COC) complaint investigations and NCUOF incident investigations, where applicable. These guidelines include the directive to interview witnesses separately, to interview supervisors regarding their conduct during the incident; and to properly collect and preserve all evidence, including canvassing the scene for witnesses, with the burden of collecting evidence on the LAPD.

### ***Background***

The Monitor last evaluated paragraph 81 during the quarter ending June 30, 2003, at which time the LAPD was found in functional non-compliance with this paragraph due, in large part, to the LAPD's continued failure to document whether or not witnesses were interviewed separately. As previously reported, the LAPD is aware of this problem and issued additional guidance contained in a January 2003 memorandum.

### ***Current Assessment of Compliance***

During the current quarter, the Monitor reviewed LAPD policy and procedures relative to the review of NCUOF investigations. The Monitor determined that current policy<sup>68</sup> meets the primary compliance requirements of this paragraph.

Regarding review procedures, the Use of Force Review Section (UOFRS) tracks and reviews each completed NCUOF investigation. Should the review identify deficiencies in the investigation, the investigation is returned, via an official communication with an explanation of the deficiencies. The Monitor views this process as an audit or inspection function that meets secondary compliance requirements for NCUOF investigations.

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<sup>68</sup> LAPD "Complaint Investigations Guide for Supervisors," October, 2000; LAPD Use of Force Handbook, August 1995; "Categorical Use of Force Classifications and Investigative Responsibility" published July 30, 2001; Special Order 27, "Investigation of Non-Categorical Use of Force Incidents," approved by the Police Commission September 25, 2001; Human Resources Bureau Notice, "Consent Decree Required Information on Non-Categorical Use of Force Investigations," approved by the Police Commission January 28, 2003. Human Resources Bureau Notice, "Non-Categorical Use of Force Reporting Where an Arrest is made," published February 24, 2003.

In order to assess functional compliance with paragraph 81 during the current quarter, the Monitor randomly selected and reviewed 91 completed NCUOF incident investigations.<sup>69</sup> The Monitor reviewed each investigation, in totality, for the requirements of paragraph 81 and noted the following:

- For 86 of 91 NCUOF investigations reviewed, the Monitor determined that no group interviews took place. The Monitor based its conclusion on documentation within the investigation file that either specifically stated that individuals were interviewed independently or, where such specific statements were absent, contained sufficient information to conclude on compliance with this requirement. This translates into a compliance rate of 94.5%.
- For 35 of the 36 investigations in which a supervisor was present at the scene, the supervisor responsible for conducting the investigation interviewed the on-scene supervisor regarding the on-scene supervisors' conduct. This translates into a compliance rate of 98.9%.
- For 87 of 91 investigations reviewed, the Monitor determined that the LAPD collected and preserved all material evidence required for a proper adjudication. This translates into a compliance rate of 95.6%. For the four non-compliant NCUOF investigations, the Monitor noted that the LAPD failed to conduct interviews of individuals who may or may not have had relevant information.

The Monitor commends the LAPD for the marked improvement in the quality and consistency of NCUOF investigations since its last review. Much credit, deservedly, is attributable to the LAPD's commitment to issuing and revising policy and the Training Group's review of policy and procedures for completed NCUOF incident investigation.

Based on the foregoing, the Monitor finds the LAPD in primary, secondary and functional compliance with the provisions of paragraph 81 as they relate to NCUOF incident investigations.

### **Paragraph 82 -- Collateral Misconduct Investigations**

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

### ***Background***

The Monitor last evaluated this paragraph, as it pertains to CUOF incident investigations, during the quarter ending March 31, 2003, at which time the LAPD was found in functional compliance.

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<sup>69</sup> As described in the Current Assessment of Compliance for paragraph 65, this is the same sample selected to test compliance with paragraphs 65, 68, 69, and 82.

### ***Current Assessment of Compliance***

During the current quarter, the Monitor reviewed LAPD policy relative to collateral misconduct investigations resulting from NCUOF investigations. The Monitor determined that current policy<sup>70</sup> meets the primary compliance requirements of this paragraph.

In order to assess functional compliance with paragraph 82 during the current quarter, the Monitor randomly selected and reviewed 91 completed NCUOF incident investigations.<sup>71</sup> The Monitor noted that the LAPD initiated a total of 7 complaint investigations from the population selected. All complaints were initiated based upon either the investigator's observations at the incident scene, on statements made by individuals arrested or on statements made by witnesses. The Monitor's review supported the LAPD's conclusions and the Monitor did not identify additional instances of misconduct that should have resulted in complaint investigations.

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

### **E. ADJUDICATING INVESTIGATIONS**

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

The Monitor assessed all aspects of the adjudication phase of the complaint process during the quarter ending September 30, 2003.

The Monitor is scheduled to again review Consent Decree requirements regarding the adjudication of investigations during the quarter ending March 31, 2004.

### **F. DISCIPLINE & NON-DISCIPLINARY ACTION**

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

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<sup>70</sup> LAPD Manual Section 3/810.20 and 3/810.30; Special Order 8, 2000, "Complaint Reporting Procedures-Revised," February 24, 2000; Special Order 30, 2001, "Duty to Report Misconduct," approved by the Police Commission September 6, 2001; Special Order 39, "Critical Incident Investigation Division - Established," approved by the Police Commission December 11, 2000; Administrative Order 12, "Investigating a Personnel Complaint and Evaluating Witness Credibility," approved by Police Commission, September 25, 2001.

<sup>71</sup> As described in the Current Assessment of Compliance for paragraph 65, this is the same sample selected to test compliance with paragraphs 65, 68, 69, and 81.

analyze and report to the Police Commission on the Chief's actions, and the Police Commission must assess the appropriateness of his actions.

In the Monitor's Report for the Quarter Ending September 30, 2003, the Monitor reviewed the Chief of Police's discipline report and the IG and Commission's review of the discipline report; as well as, managerial review of Complaint Form 1.28 Investigations, and notifications to the complainants of complaint resolutions.

During the current quarter, the Monitor again assessed the Chief of Police's discipline report and the IG and Commission's review of this report. The results of our current assessment follow.

### **Paragraph 88 – Chief of Police Report on Discipline**

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

### ***Background***

The Monitor last evaluated paragraph 88 during the quarter ending September 30, 2003. During that quarter, the Monitor met with Department personnel and requested information concerning the time between the Chief's final determination regarding the imposition of discipline and the date each complaint case was closed for the third quarter 2003. This information was to provide a basis for further discussion with the Department concerning the timeliness of the information provided in the Quarterly Discipline Report (QDR). On October 9, 2003, the Monitor received a printout showing timeframes between the Chief's final determinations of discipline imposed and the date each complaint case was closed. The Monitor withheld determination of the Department's functional compliance pending review of the information provided.

### ***Current Assessment of Compliance***

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

During the current quarter, the Monitor reviewed the information provided by the Department on October 9, 2003. According to the information provided, 441 sustained allegation complaint cases were closed during the third quarter of 2003. For these cases, the elapsed time between the date of the Chief's discipline decision and the date the complaint case was closed ranged from 1 day to 3200 days (8.8 years), with an average elapsed time of 194 days (6.5 months).



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Of the 441 complaint cases closed, 136 cases (31%) were Failure To Appear (FTA), Failure To Qualify (FTQ), and Preventable Traffic Collision (PTC). For these 136 cases, the elapsed time between the date of decision and the date the complaint was closed ranged from 1 day to 637 days, with an average elapsed time of 40 days.

The following table is a breakdown of the cases closed during the third quarter of 2003 and the year in which the Chief made his discipline decision based on the information provided by the Department on October 9, 2003.

<i>Cases Closed in Third Quarter 2003</i>	<i>Year in Which Discipline Decision Was Made by Chief of Police</i>	<i>Average Elapsed Time between Date of Decision and Date Closed</i>
318	2003	64 Days
86	2002	349 Days
25	2001	744 Days (2 Years)
5	2000	1016 Days (2.8 Years)
5	1999	1379 Days (3.8 Years) <sup>72</sup>
1	1998	1762 Days (4.8 Years)
1	1994	3200 Days (8.8 Years)
441	<-----Totals----->	194 Days (6.5 Months)

During the current quarter, the Monitor requested additional information from PSB concerning cases closed during the third quarter of 2003 in which there appeared to be an inordinate amount of time between the Chief's discipline decision and the date the case was closed.<sup>73</sup>

The Monitor also obtained and reviewed the Department's QDR for the third quarter of 2003. According to the QDR, complaints closed during the quarter involved 469 employees. This is inconsistent with the information provided by the Department on October 9, 2003, which indicated that complaints were closed during the quarter involving 441 employees. Additionally, the QDR included approximately 72 cases that were not included in the information provided by the Department on October 9, 2003 and excluded 39 cases that were included in the information provided by the Department on October 9.

Based on the foregoing, the Monitor finds the Department in functional non-compliance with paragraph 88.

<sup>72</sup> Represents two 1999 cases (one case involved four individuals).

<sup>73</sup> PSB reviewed the relevant complaint files and provided this information to the Monitor on January 22, 2004.

***Paragraph 89 – Inspector General and Police Commission Review of QDR***

Paragraph 89 requires the IG to review, analyze, and report to the Police Commission on each QDR. Within 45 days of receipt of the QDR, the Police Commission must review the QDR with the Chief of Police and assess the appropriateness of the Chief of Police's actions, specifically with respect to CUOF. Such assessment must be considered as part of the Chief's annual evaluation as provided in paragraph 144.

***Background***

The Monitor last evaluated the provision of paragraph 89 that requires the IG to review, analyze and report to the Police Commission on each QDR during the quarter ending September 30, 2003, at which time the Monitor withheld determination of the Department's functional compliance pending receipt and review of the IG's review of the QDR for the second quarter 2003.

The Monitor last evaluated the provision of paragraph 89 that requires the Police Commission to review and assess the discipline imposed by the Chief of Police during the quarter ending September 30, 2003, at which time the Department was found in functional non-compliance. The Monitor based its assessment of non-compliance on the Commission's failure to timely review the QDR for the second quarter 2003 and noted that the Commission had not timely reviewed the QDR since the first quarter 2002.

The Monitor has not previously evaluated the provision of paragraph 89 that requires the Police Commission to consider its assessment of the discipline imposed by the Chief as part of the Chief's annual evaluation. An evaluation was placed on hold pending completion of the Chief of Police's annual review.

***Current Assessment of Compliance***

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

During the current quarter, the Monitor received and reviewed the IG's review of the QDR for the second quarter 2003. The Monitor determined that the IG's review was thorough and analytical concerning discipline issues.

The Monitor did not receive the IG's review of the QDR for the third quarter 2003. This, coupled with the IG's belated review of the QDR for the second quarter, raises concerns regarding the IG's timely review of the QDR and the impact this may have on the Police Commission's ability to timely review and assess the discipline imposed by the Chief of Police. The Monitor believes that inherent in paragraph 89 is a requirement that the IG timely submit his review and analysis of the QDR so that the Police Commission can meet its requirements under this paragraph.

Based on the foregoing, the Monitor finds the Department in functional non-compliance with the provision of this paragraph that requires the IG to review, analyze and report to the Commission on each QDR.

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

Paragraph 89 requires the Police Commission to review the QDR no later than 45 days after its receipt. During the current quarter, the Monitor determined that the QDR for the third quarter 2003 was delivered to the Commission by the LAPD on or about November 14, 2003. However, as of January 20, 2004 the Commission had yet to schedule its review.

Based on the foregoing, the Monitor finds the Department in functional non-compliance with the provision of paragraph 89 that requires the Police Commission to review and assess the discipline imposed by the Chief of Police no later than 45 days after receipt of the QDR.

*Assessment of Discipline Imposed Considered as Part of Chief's Annual Evaluation*

During the current quarter, the Police Commission completed its annual review of the Chief of Police. As more fully described in the Current Assessment of Compliance for paragraph 144, the review encompassed six distinct areas of performance, considered the requirements of the Consent Decree, and included consideration of the Police Commission's assessment of the appropriateness of discipline imposed by the Chief.

Based on the foregoing, the Monitor finds the Department in functional compliance with the provision of paragraph 89 that requires the Police Commission to consider its assessment of the discipline imposed by the Chief as part of the Chief's annual evaluation.

**G. PROFESSIONAL STANDARDS BUREAU**

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

In the Monitor's Report for the Quarter Ending September 30, 2003, the Monitor assessed compliance with the requirement that complaint investigations be reallocated between PSB and COC supervisors, as well as the requirement that certain misconduct complaints be completed solely by the PSB.

During the current quarter, the Monitor assessed compliance with Consent Decree requirements relative to staffing and personnel management within PSB, sting audit provisions, as well as the referral of criminal conduct to the appropriate prosecutorial authorities. The results of our current assessment follow.

**Paragraph 95 – PSB Investigator Positions**

Paragraph 95 defines the time period in which the City and the LAPD must properly staff the PSB while transitioning certain sensitive complaint investigations as defined by paragraphs 93 and 94 of the Consent Decree. All positions must have been filled and investigative responsibility transitioned no later than December 31, 2002. The purpose of allocating human resources and re-assigning complaint investigation responsibility is to improve the quality of certain investigations.

***Background***

The Monitor last evaluated paragraph 95 during the quarter ending June 30, 2003, at which time the LAPD was found in secondary and functional non-compliance. Non-compliance was attributed primarily to the LAPD's failure to complete more cases than it received over an 18-month period. The LAPD also suffered a setback as a result of a transfer freeze that prevented the PSB from filling necessary investigator positions. As previously reported, the LAPD successfully transitioned all investigative responsibility to the PSB in accordance with paragraphs 93 and 94 by the December 31, 2002 deadline.

***Current Assessment of Compliance***

During the current quarter, the LAPD was exempt from the transfer freeze and permitted to fill key vacant investigator positions within PSB. The PSB also continues to supplement full time investigators with investigators loaned to the PSB for, on average, two DPs.

In order to assess functional compliance during the current period, the Monitor requested and received data for the eighteen-month period ending November 30, 2003. The Monitor reviewed the data to determine whether the PSB is completing more investigations than it is being assigned. The PSB provided the following information:

	<i>18-month period ending 9/30/03</i>	<i>18-month period ending 10/31/03</i>	<i>18 month period ending 11/30/03</i>
Cases Assigned	2,462	2,463	2,475
Cases Completed	1,920	2,036	2,098
Difference	542	427	377

As the above information indicates, the PSB continues to fail to complete as many cases as it is assigned. However the Monitor notes that for the quarter ending June 30, 2003, the PSB had accumulated an 18-month backlog of 615 complaint investigations. The above figures indicate that increased staffing, coupled with the loan program, have resulted in a 39% reduction in accumulated investigations.



Notwithstanding this progress, the Monitor finds the LAPD in functional non-compliance with the provisions of paragraph 95.

### **Paragraph 97 – Scheduled Integrity/Sting Audits**

Paragraph 97 requires the LAPD, via its EES, to develop and initiate a plan for organizing and executing regular, targeted, and random integrity audit checks, or “sting” operations, to identify and investigate officers engaging in at-risk behavior, including, but not limited to: unlawful stops, searches, seizures (including false arrests), uses of excessive force, discouraging the filing of a complaint or failing to report misconduct or complaints. The LAPD was required to develop and initiate this plan before July 1, 2001.

### ***Background***

The EES falls under the management of the CO of the LAPD’s PSB. The purpose of the EES is to identify, either through research or referrals, officers that may exhibit tendencies of at-risk behavior. Once identified, the EES must determine whether the behavior constitutes a violation of Paragraph 97 and, if it does, whether a staged scenario is necessary to confirm the officers’ at-risk behavior.

The Monitor last evaluated paragraph 97 during the quarter ending June 30, 2003, at which time the LAPD was found in functional compliance.

### ***Current Assessment of Compliance***

Although no changes in policy were issued during the current quarter, the policies the LAPD previously issued<sup>74</sup> continue to adequately meet primary compliance requirements of paragraph 97.

During the current quarter, EES furnished the Monitor with a comprehensive “Integrity Audit Guide” that was developed as an outline for conducting EES audits. Some of the sections included in the guide are as follows:

- Mission, function and objectives of EES;
- Types of Integrity Audits and result analysis;
- Logistic considerations;
- Integrity audit procedures;
- The role of undercover officers; and

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<sup>74</sup> Special Order 22, “Ethics Enforcement Section -Established,” approved by the Commission September 18, 2001.

- EES reporting procedures.

In order to assess functional compliance with paragraph 97 during the current quarter, the Monitor requested access to review sting audits completed and reported during the period of April 1, 2003 through September 30, 2003. The Monitor reviewed 10 targeted sting audits and 65 random sting audits.<sup>75</sup>

The ten targeted audits focused on the following:

- Unauthorized employment, one audit
- Theft, one audit
- Stalking, one audit
- Excessive force, two audits
- Sexual misconduct, three audits
- False arrest, one audit
- Dishonesty, one audit

The Monitor determined that all 10 targeted audits were complete and adjudicated properly.

60 of the 65 random audits were designed to test compliance with reporting officer misconduct. The remaining 5 audits were designed to test compliance with false arrest.

The Monitor reviewed the 5 random false arrest sting audits and determined that all were complete and, in the Monitor's opinion, rated appropriately.

With regard to the 60 random complaint audits, EES reports indicate that, dependent upon the Department's employees' responses to undercover officers' concerns, certain audits designed to test compliance with the complaint intake process were terminated prior to the completion of any complaint documentation. The decision to terminate was based primarily on employee responses indicating that they were complying with the Department's complaint policy. The Monitor disagrees with this approach and believes that in order to accurately test the complaint intake process, the EES must conduct sting audits that run the gamut of the intake process, including the generation, or lack thereof, of a complaint form.

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<sup>75</sup> One random audit actually consisted of 19 separate audits, each designed to test compliance with reporting officer misconduct in all 18 LAPD Divisions. The audits were all conducted telephonically. Approximately 29 LAPD officers were contacted. For purposes of determining compliance, the population of random audits conducted will be considered 65, comprised of 46 separately documented sting audits aggregated with the 19 telephonic sting audits.

Of the 60 complaint audits conducted, the EES rated 13 as “administrative failures.” The remaining 47 random complaint sting audits were rated by EES as “pass.” Of these, the Monitor concluded that 6 were improperly adjudicated by the EES and should have resulted in a rating of “administrative failure.”

Furthermore, for eight<sup>76</sup> audits, there was no documentation in either the Watch Commanders log and/or the Supervisors log of contact with the undercover complainant. And, although not considered to be serious omissions, some of the audits did not include the following required documentation:<sup>77</sup>

- Final Report with a conclusion signed by the Lieutenant of the Section;
- Integrity Audit Request that documents the topic of the audit and how it will be addressed;
- Required initials on the Integrity Audit Request by the Case Investigator, Approving Supervisor (Detective III level), Officer In Charge (Lieutenant) and the PSB Division CO;
- Site Survey to determine the best location to stage the audit. Site surveys include maps and photographs and may include a multiple day surveillance of a targeted officer to identify work patterns;
- Operational Plan that details each component of the audit and each participant’s role. The plan addresses safety concerns, cover teams, the equipment to be used, briefing and staging areas; Video/audio requests;
- TEAMS reports of targeted and random officers;
- Incident history of complaints or other reports leading up to the audit that support the planning and execution of a particular audit; and
- Investigator notes that include a chronological log of steps taken in planning, executing and reporting the audit and a log of the actual sting audit.

As with past reviews, the Monitor noted that EES personnel continue to identify, document and report on areas outside of Paragraph 97 requirements and provide recommendations to improve the overall performance of audited officers and the LAPD as a whole. And, as with prior reporting periods, the Monitor received full cooperation from the EES staff.

However, based upon incomplete complaint intake audits and improperly adjudicated sting audits, the Monitor finds the LAPD in primary compliance but in functional non-compliance with paragraph 97.

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<sup>76</sup> Seven were noted for complaint intake sting audits and one for a random false arrest sting audit.

<sup>77</sup> Each audit did not require documentation in each category.

### ***Proposed Recommendations***

The Monitor recommends that when conducting random complaint intake audits, the EES should reduce the number of audits conducted at any one time in order to more thoroughly test and document all stages of the complaint intake process. The audits should include all Department employees, from the initial intake of the complaint through all supervisors who should document the complaint in logs and reports.

The Monitor also notes that several complaint scenarios were used several times within a short period of time. The Monitor recommends that EES investigators refrain from using the same scenarios within a relatively short time period, especially within the same divisions of a bureau.

### **Paragraph 98 – Hiring of PSB Investigators/Supervisors**

Paragraph 98 requires that when hiring an individual for service as a PSB investigator, the PSB CO must consider investigative experience as desirable criterion, but not a required one. In addition, a candidate whose work history includes any sustained complaint investigation or discipline received for the use of excessive force, a false arrest or charge, an improper search or seizure, sexual harassment, discrimination or dishonesty must be disqualified as a candidate for service in the PSB unless the CO justifies the candidate's hiring in writing.

### ***Background***

The Monitor last evaluated paragraph 98 during the quarter ending June 30, 2003, at which time the LAPD was found in functional compliance with this paragraph.

### ***Current Assessment of Compliance***

During the current quarter, the Monitor received and reviewed newly established policy for compliance with paragraph 98.<sup>78</sup> The Monitor's review determined that this policy, along with existing policy, reasonably and substantially addresses the requirements of paragraph 98.

In order to assess functional compliance with paragraph 98, the Monitor requested and received a listing of all investigators and supervisors assigned to the PSB during the period April 1, 2003 through September 30, 2003. In total, 22 individuals were assigned to the PSB during the period, 20 investigators ranked as either Sergeant II or Detective II and two Lieutenants.

The Monitor reviewed each candidate's selection package in its entirety, including his or her respective TEAMS and CMS histories. None of the candidates' histories contained sustained

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<sup>78</sup> Special Order No. 41, "Training Evaluation and Management System/Personnel History Management Policy," published December 19, 2001; Special Order 24, "Selection and Assignment to Professional Standards Bureau," published July 10, 2003.

complaint investigations that might preclude their selection to the PSB as outlined in paragraph 98.

The candidates' selection packages included thoroughly documented interview worksheets and interview questionnaires. The current procedure is for two interviewers to ask the same questions of each candidate. Additional questions may be asked as warranted. The interviewers rate each candidate in five areas and then provide an overall rating. The worksheet provides for written comments, as well. The overall rating for all candidates in contention for a position determines their ranking and ultimately their selection.

Each candidate considered for permanent assignment to PSB was first required to conduct complaint investigations over a three-month loan period. At the end of this period, the candidates were also rated. This rating form was also provided to the reviewers.

Based on the foregoing, the Monitor finds the LAPD in primary and functional compliance with paragraph 98.<sup>79</sup>

### **Paragraph 101 – Referral of Possible Criminal Misconduct to Prosecutors**

Paragraph 101 requires the LAPD to refer to the appropriate prosecutorial authorities<sup>80</sup> all incidents involving LAPD officers with facts indicating criminal conduct.

### ***Background***

The Monitor last assessed compliance with paragraph 101 during the quarter ending March 31, 2003, at which time the LAPD was found in functional compliance. The Monitor reported that it is the LAPD's practice to submit complaint investigations that were adjudicated either as sustained or not resolved to prosecutors.

### ***Current Assessment of Compliance***

Shortly after the Monitor issued its Report for the Quarter Ending March 31, 2003, allegations that the LAPD had a history of submitting matters for prosecutorial consideration after the statute of limitations expired were brought to our attention. The Monitor met with representatives of the PSB in order to better understand the allegations and to determine whether the Monitor needed to amend its previous finding of functional compliance. The Monitor's investigation determined that the allegations related to cases that occurred pre-Consent Decree. Of course, this finding is not necessarily an indication that the LAPD has resolved the problem of submitting cases late.

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<sup>79</sup> There are no secondary compliance requirements for this paragraph.

<sup>80</sup> Deemed to be the Los Angeles County District Attorney's Office or the Los Angeles City Attorney's Office.

In response to the articles, the LAPD's PSB required that all commands, on a weekly basis, produce a listing of all pending complaints not yet completed that are near the one-year statute deadline. The purpose of this exercise was to reduce the number of matters submitted past statute. During the third quarter, the Monitor noted that only one case was submitted past statute.

No changes in policy were issued during the current quarter in connection with paragraph 101 requirements. The Monitor determined that the policies that were previously issued<sup>81</sup> reasonably and substantially meet primary compliance requirements.

In order to assess functional compliance with paragraph 101 during the current quarter, the Monitor requested and received a listing of all cases submitted to either the Los Angeles County District Attorney's Office or the Los Angeles City Attorney's Office for the period January 1, 2003 through September 30, 2003. In total, 130 matters were referred either to the District Attorney's Office or the City Attorney's Office. A review of all cases, based on their description, indicated they were properly referred.

The Monitor noted that 10 of the 130 matters were referred after the one-year statute of limitations elapsed.<sup>82</sup> The District Attorney's Office refused prosecution on all ten matters, not because the matters were out of statute, but because there was insufficient evidence. The Monitor agreed in all instances.

The Monitor also reviewed 90<sup>83</sup> complaint investigations that were selected to test compliance with various paragraphs during the quarter ending September 30, 2003. The Monitor identified three complaint investigations that were adjudicated as either sustained or not resolved and contained alleged underlying criminal misconduct. A review of the listing of all matters referred during the period January 1, 2003 through September 30, 2003 determined that none of these matters were referred to prosecutorial authorities.<sup>84</sup>

Based on the foregoing, the Monitor finds the LAPD in functional compliance with paragraph 101.

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<sup>81</sup> LAPD Manual Section 2/214.22; District Attorney Special Directive 01-10, "Referral of Allegations of Criminal Misconduct to the Justice System Integrity Division," November 7, 2001; District Attorney "Protocol for the Referral of Allegations of Criminal Misconduct by Law Enforcement Personnel to the Los Angeles District Attorney," November 7, 2001; Office of the Chief of Police Notice, "Department Criminal Filing Review Procedures for Employees Accused of Prima Facie Misconduct," approved by Chief of Police on October 25, 2001. OCOB Notice, March 27, 2002, "Department Criminal Filing Procedures for Employees Accused of Prima Facie Misconduct" approved by the Police Commission April 8, 2003.

<sup>82</sup> Nine of the ten occurred during the reporting period January 1 – June 30, 2003 and only one occurred during the period July 1 – September 30, 2003.

<sup>83</sup> Please refer to the Current Assessment of Compliance for paragraph 74 for additional information regarding the complaint investigations.

<sup>84</sup> Two complaint investigations alleged sexual misconduct and one alleged domestic violence.

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

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

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

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

### ***Paragraphs 102 and 103 – Non-Discrimination Policy***

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

### ***Background***

The Monitor last evaluated paragraphs 102 and 103 during the quarter ending September 30, 2003, at which time the Monitor withheld a determination of compliance with these paragraphs. The Monitor withheld a determination of functional compliance pending the Department's analysis of stop data that indicates that African Americans and Hispanics are much more likely than Caucasians to be patted down and subjected to a search after being stopped. The Monitor withheld a determination of secondary compliance pending documentation of the series of procedures, exercises, and systems that the Department has in place to ensure compliance with the policies mandated by these paragraphs.

### ***Current Assessment of Compliance***

During the current quarter, the Department finalized the contract with Analysis Group, Inc, the vendor selected to develop a methodology to analyze the STOP data, which is collected from the field by officers completing field data reports (FDRs). The Department's decision to select Analysis Group was based on the team's varied experience in the area of data analysis in several jurisdictions, including the racial profiling study in Miami-Dade County, Florida; the New York

Police Department Stop and Frisk Study; Washington State Racial Profiling Data Analysis Project; National Institute of Justice grant funded project, and various work on racially biased policing related lawsuits.

As noted above, and in the Monitor's previous quarterly reports, the data collected in the field has shown some discrepancy in the treatment of different ethnicities. Specifically, the data indicate that African Americans and Hispanics are much more likely than Caucasians to be patted down and subjected to a search after being stopped. The Monitor has also previously indicated that these discrepancies are not necessarily indicative of biased policing. However, without further analysis, the Monitor cannot state definitively that there is no biased policing. Therefore, the Monitor withholds a determination of functional compliance for these paragraphs.

In regards to secondary compliance, on January 6, 2004 the Monitor received from the City a document describing the various actions taken by the City, including the procedures, exercises, and systems that the Department has in place, to ensure compliance with the policies mandated by these paragraphs. The Monitor has not had an opportunity to assess the Department's compliance based upon a review of the document and the Department's efforts. Therefore, the Monitor withholds a determination of secondary compliance pending completion of this review.

The Monitor notes that throughout the quarter, the Department continued to provide training on its non-discrimination policy through CEDP VII.

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

### **Paragraphs 104 and 105 – Motor Vehicle and Pedestrian Stops**

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

### ***Background***

The Monitor last evaluated paragraphs 104 and 105 during the quarter ending September 30, 2003, at which time the Monitor withheld a determination of compliance with these paragraphs. The Monitor withheld a determination of secondary and functional compliance pending review of the Department's audit, completed during the quarter ending September 30, 2003, which was designed to measure whether officers are collecting field data when required and whether that the data accurately reflects field activity.





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***Current Assessment of Compliance***

LAPD's Audit Division completed its MV&PS Audit during the quarter ending September 30, 2003. The Monitor reviewed this audit during the current quarter and determined that the MV&PS audit met the secondary compliance requirements of paragraphs 104 and 105.<sup>85</sup>

In regard to functional compliance, the MV&PS audit concluded that the Department's handling of MV&PS was non-compliant with paragraphs 104 and 105 and identified several internal control weaknesses relating to the processing of the FDRs. The Monitor's testing concurred with Audit Division's results. However, the MV&PS audit reviewed data that was collected during the first quarter of 2003, prior to the Department's implementation of the revised FDR form and additional training.

Due to the staleness of the underlying data, the Monitor does not find it appropriate to assess the Department's functional compliance with 104 and 105 based on the recent MV&PS audit.

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

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<sup>85</sup> Please refer to the Current Assessment of Compliance for paragraph 128(4) for additional information regarding this audit.

#### **IV. MANAGEMENT OF GANG UNITS**

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In the wake of the Rampart Scandal, the LAPD conducted an audit of its internal operations and in March 2000 reorganized the units that police gang-related crime. The new units are called Special Enforcement Units (SEU). The SEU gang units report to the command staff in the stations where they are assigned, and receive support from SOSD,<sup>86</sup> which has responsibility for monitoring gang units Department-wide.

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

In the Monitor's Report for the Quarter Ending September 30, 2003, the Monitor reviewed the LAPD's overall management of gang units, including supervisory oversight, daily operations, the monthly audits of the gang units, as well as the selection process of SEU officers.

During the current quarter, the Monitor concentrated its assessment on the selection process of SEU officers and supervisory review of sustained complaint or adverse judicial findings during an officer's assignment tour in the SEU. The results of our current assessment follow.

##### ***Paragraph 106b – Eligibility Criteria for Selection of Gang Non-Supervisory Officers***

Paragraph 106b provides eligibility criteria for the selection of non-supervisory officers.

##### ***Background***

The Monitor last evaluated compliance with paragraph 106b during the quarter ending March 31, 2003, at which time the LAPD was found in primary compliance, but in secondary and functional non-compliance.

##### ***Current Assessment of Compliance***

In order to assess primary compliance with the requirements of paragraph 106b during the current quarter, the Monitor requested and received Special Order 27, "Selection and Assignment to Gang Enforcement Details," dated July 10, 2003. The Monitor reviewed Special Order 27 and

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<sup>86</sup> SOSD was formerly known as Detective Support Division (DSD). Under a March 2003 Department reorganization, SOSD was mandated to assume many of DSD's responsibilities. Whenever the DSD is referred to in the Consent Decree and in this report, SOSD should generally be substituted.

determined that it adequately established procedures for using TEAMS I reports and Performance Evaluation Reports (PER) to evaluate selection and assignment of officers and supervisors to Gang Enforcement Details (GED).<sup>87</sup> The order specifically states the basic eligibility requirements for officers and supervisors applying for a GED position, as required by this paragraph, and requires that PERs be used as a tool for demonstrating various eligibility criteria.

In order to assess secondary and functional compliance, the Monitor requested and received a listing of non-supervisory officers selected to a gang unit during the period July 27, 2003 to October 18, 2003. In total, 50 non-supervisory officers were selected to gang units during the period, of which the Monitor selected a stratified sample of 34 and reviewed their selection and personnel packages. The Monitor found that the selection and personnel packages contained the officers' TEAMS I reports, PERs and TEAMS Evaluation Reports,<sup>88</sup> which demonstrated that each officer had the eligibility criteria required by this paragraph.<sup>89</sup>

Based on the foregoing, the Monitor finds the LAPD in primary, secondary and functional compliance with paragraph 106b.

### **Paragraph 106c – Eligibility Criteria for Selection of Gang Supervisors**

Paragraph 106c establishes the eligibility criteria for selection of a supervisor in a gang unit.

#### ***Background***

The Monitor last evaluated compliance with paragraph 106c during the quarter ending March 31, 2003, at which time the LAPD was found in primary compliance, but in secondary and functional non-compliance.

#### ***Current Assessment of Compliance***

As described in the Current Assessment of Compliance for paragraph 106b, the Monitor reviewed Special Order 27 and determined that it effectively established selection criteria for GEDs.

In order to assess secondary and functional compliance, the Monitor requested and received a listing of supervisors selected to a gang unit during the period July 27, 2003 to October 18, 2003.

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<sup>87</sup> The Gang Enforcement Details were formerly known as the Special Enforcement Units.

<sup>88</sup> The supervisor's signature on one TEAMS Evaluation Report was typed, as opposed to signed; this was the only instance of non-compliance noted.

<sup>89</sup> The selection packages for those officers who were interviewed for selection prior to the publication of Special Order 27 and the establishment of the TEAMS Evaluation Report contained PERs, which demonstrated the proper eligibility criteria.

In total, 6 supervisors were selected to gang units during the period. The Monitor reviewed the selection and personnel packages for all 6 supervisors. The Monitor found that the supervisors' selection and personnel packages contained the officers' TEAMS I report, PERs and TEAMS Evaluation Report, which demonstrated that each officer had the eligibility criteria required by this paragraph.<sup>90</sup>

Based on the foregoing, the Monitor finds the LAPD in primary, secondary and functional compliance with paragraph 106c.

### **Paragraph 106d – Gang Unit Tour of Duty Limitations**

Paragraph 106d provides mandated limitations on the amount of time that officers can spend working in the gang units.

### ***Background***

The Monitor last evaluated compliance with paragraph 106d during the quarter ending June 30, 2003, at which time the LAPD was found in functional non-compliance.

### ***Current Assessment of Compliance***

In order to assess primary compliance with the requirements of paragraph 106d during the current quarter, the Monitor reviewed Special Order 27 and determined that it adequately establishes procedures for using the TEAMS I report to evaluate eligibility for extensions of assignments for officers in GEDs, and activates the TEAMS Evaluation Report.

In addition to Special Order 27, an Intradepartmental Correspondence entitled "Transfer of Personnel Into or Out of Gang Enforcement Details (Special Enforcement Units)," dated June 12, 2003, was sent to all Geographic Bureau COs from the CO of Special Operations Bureau. This correspondence states that the commands are to complete a Transfer Form 1.40 when personnel are assigned to or transfer out of a GED in order to ensure compliance with the 39 DP limited tour.

In order to assess secondary and functional compliance with the requirements of paragraph 106d during the current quarter, the Monitor requested and received the SOSD tracking roster for officers' assignments to gang units through October 18, 2003. In total, 51 officers required extensions or transfers. The Monitor reviewed the documentation for all 51 officers, and determined that 100% of the officers who required approval signature by the Bureau CO for a 3-

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<sup>90</sup>The selection packages for those supervisors who were interviewed for selection prior to the publication of Special Order 27 and the establishment of the TEAMS Evaluation Report contained PERs, which demonstrated the proper eligibility criteria.

DP extension had such approval. However, the Monitor identified the following instances of non-compliance regarding documentation relating to extensions or transfers:

- 37% of gang officers reviewed had not received approval for their extensions prior to the end of their tour.
- 67% of gang officers reviewed did not have a TEAMS Evaluation Report as required by Special Order 27 for extension of a tour assignment.
- 14% of the gang officers reviewed did not have the required approval signature by the Chief of Police for a 13-DP extension.
- 50% of the gang officers reviewed who transferred out of a gang unit failed to provide a Transfer 1.40 Form as required.

In addition to the aforementioned material issues regarding extension and transfer documentation, the Monitor identified the following administrative issues in connection with the SOSD tracking roster:

- 13% of the gang officers whose extensions were requested but had not yet been approved were already documented as extended on the SOSD tracking roster.
- 71% of the gang officers reviewed had incorrect due out dates or extension dates on the SOSD tracking roster.<sup>91</sup>
- The SOSD tracking roster does not have due out dates for all officers listed in the operations bureaus.

Based on the foregoing, the Monitor finds the LAPD in primary compliance, but in secondary and functional non-compliance with paragraph 106d.

### ***Proposed Recommendations***

The LAPD should ensure Department-wide standardization of paragraph 106d requirements regarding proper documentation of extensions or transfers on the TEAMS Evaluation Report.

The LAPD should develop and conduct training on paragraph 106d documentation requirements for extensions and/or transfers of gang officers.

The LAPD should correct the SOSD tracking roster so that DPs are no longer equated with months.

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<sup>91</sup> In addition, the tracking roster appears to equate months with DPs, which is not always accurate when looking at the date assigned; gang officers are either gaining or losing a deployment period as a result. This should be corrected, since it directly affects compliance with the 39-DP limitation required by paragraph 106d.

### **Paragraphs 107a and c – Gang Unit Eligibility Criteria**

Paragraph 107a mandates that eligibility for selection of an officer into the gang units shall require a positive evaluation of the officer's TEAMS II record. Supervisors shall be required to document in writing their consideration of any sustained complaint, adverse judicial finding, discipline for use of excessive force, false arrest or charge, improper search and seizure, sexual harassment, discrimination, and/or dishonesty in determining selection of an officer in these units.

Paragraph 107c mandates that during an officer's assignment in the gang units, any sustained complaint or adverse judicial finding for use of excessive force, a false arrest or charge, an unreasonable search or seizure, sexual harassment, discrimination, or dishonesty, shall result in supervisory review of the incident and a written determination as to whether or not the officer should remain in the unit.

### ***Background***

The Monitor last reviewed paragraphs 107a and 107c during the quarter ending June 30, 2003, at which time the paragraphs were classified as "meet and confer," precluding the Monitor from assessing compliance.

### ***Current Assessment of Compliance***

In order to assess primary compliance with the requirements of paragraph 107a and c during the current quarter, the Monitor reviewed Special Order 27 and determined that it establishes the TEAMS Evaluation Report, which will document managers' consideration of sustained administrative investigations, adverse judicial findings or discipline against an officer, as required by paragraphs 107a and c.

In order to assess secondary and functional compliance with the requirements of paragraph 107a and c during the current quarter, the Monitor reviewed the selection and personnel packages for 50 non-supervisory officers and 6 supervisors selected to gang units during the period July 27, 2003 to October 18, 2003.<sup>92</sup> Based upon review of the documentation included in the packages, the Monitor concluded the eligibility criteria for selection of officers included a positive evaluation based upon the officers' relevant and appropriate TEAMS I record.<sup>93</sup> The Monitor

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<sup>92</sup> As described in the Current Assessment of Compliance for paragraph 106b, 50 non-supervisory officers were selected to gang units during this period; the Monitor reviewed the selection and personnel packages for all 50 officers in assessing compliance with paragraphs 107a and c. As described in the Current Assessment of Compliance for paragraph 106c, the six supervisors represent the entire population of supervisors selected during this period.

<sup>93</sup> The Monitor notes that, as described in the Current Assessment of Compliance for paragraph 107b, TEAMS I reports included in several selection packages were dated more than 10 days after the respective officer was selected to a gang unit. Although such packages are non-compliant with paragraph 107b, which requires the use of TEAMS

notes that none of the supervisors and non-supervisory officers selected to gang units during this time period had a sustained administrative investigation, adverse judicial finding or discipline for the types of behavior delineated in these paragraphs. Now that policy related to paragraphs 107a and c is firmly established through Special Order 27, in order to assess compliance during future reviews of paragraph 107c, the Monitor will expand the population tested to include all officers and supervisors serving in gang units during specified time periods, instead of only newly-selected officers and supervisors, at which point, the Monitor will assess compliance.

Based on the foregoing, the Monitor finds the LAPD in primary, secondary and functional compliance with paragraph 107a and withholds a determination of compliance with paragraph 107c.

### ***Proposed Recommendations***

The Monitor recommends that supervisors and managers contact IAD to determine whether there are any pending complaints that need to be considered prior to an officers' selection to a gang unit.

### ***Paragraph 107b – Selection Process for Gang Unit Personnel***

Paragraph 107b mandates that the procedures for the selection of all officers to the gang units shall include a formal, written application process, oral interview(s), and the use of TEAMS II and annual performance evaluations to assist in evaluating the application.

### ***Background***

The Monitor last evaluated compliance with paragraph 107b during the quarter ending March 31, 2003, at which time the LAPD was found in primary, secondary and functional non-compliance.

### ***Current Assessment of Compliance***

In order to assess primary compliance with the requirements of paragraph 107b during the current quarter, the Monitor reviewed Special Order 27 and determined that it adequately establishes procedures for using the TEAMS I report to evaluate selection and assignment of officers and supervisors to GEDs, and activates the TEAMS Evaluation Report.

In order to assess secondary and functional compliance with the requirements of paragraph 107b during the current quarter, the Monitor reviewed the selection and personnel packages for 34 non-supervisory officers and 6 supervisors selected to gang units during the period July 27, 2003

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I to assist in evaluating an application, the Monitor concluded that such reports are still "relevant and appropriate" for the purposes of paragraph 107a, which concerns the eligibility criteria for selection of officers.

to October 18, 2003.<sup>94</sup> The Monitor determined that 100% of the selection packages included the most recent PER, as well as a Transfer Application Data sheet, which is a formal, written application completed by the applicant. However, the Monitor identified the following instances of non-compliance in connection with the review of TEAMS I reports:

- The selection packages for 28% of the supervisors and non-supervisory officers reviewed contained a TEAMS I report that was dated more than ten working days after that officer was selected.<sup>95</sup>
- The selection packages for 44% of the supervisors and non-supervisory officers reviewed had a TEAMS Evaluation Report indicating review of the TEAMS I report that was dated more than ten working days after that officer was selected.<sup>96</sup>

Based on the foregoing, the Monitor finds the LAPD in primary compliance, but in secondary and functional non-compliance with paragraph 107b.

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<sup>94</sup> As described in the Current Assessment of Compliance for paragraphs 106b and c, respectively, the 34 non-supervisory officers were selected from a total population of 50 and the six supervisors represent the entire population of supervisors selected during this period.

<sup>95</sup> The LAPD erroneously applied Special Order 23's provision that review of an officer's TEAMS I report shall occur within ten working days from the date of transfer order or notification of loan; 33% of the selection packages reviewed failed to comply with this 10-day requirement and, by extension, paragraph 107b. However, the Monitor notes that Special Order 27 applies to the selection of officers to GEDs. Future assessments will review compliance with Special Order 27 and the requirement that TEAMS I reports be reviewed prior to the officer's selection.

<sup>96</sup> The Monitor notes that the selection packages for 33% of the supervisors and non-supervisory officers reviewed failed to adequately document the fact that an oral interview took place. Of these, one package failed to include any documentation of an oral interview, while the others included only a checked box and/or a sentence that an oral interview occurred. It is the Monitor's contention that adequate documentation of oral interviews must include a signature for verification. The City disagrees with the Monitor's position. Because the documentation of oral interviews is not explicitly required in the Consent Decree and the City and the Monitor are currently discussing this issue, the Monitor has not considered the failure to adequately document oral interviews in determining that the Department is in non-compliance with paragraph 107b.



## **V. CONFIDENTIAL INFORMANTS**

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

The Monitor last assessed the Department's management of confidential informants (CI) during the quarter ending June 30, 2003 and is scheduled to review Consent Decree requirements regarding confidential informants again during the quarter ending June 30, 2004.

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

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

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

In the Monitor's Report for the Quarter Ending September 30, 2003, the Monitor assessed the progress being made relative to the Department's Mental Illness Program.

The Monitor is scheduled to review Consent Decree requirements regarding the mental illness project again during the quarter ending March 31, 2004.

## **VII. TRAINING**

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### **A. FIELD TRAINING OFFICERS PROGRAM**

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

In the Monitor's Report for the Quarter Ending September 30, 2003, the Monitor evaluated the LAPD's selection process for FTOs and the quality of the training provided to them.

The Monitor is scheduled to review Consent Decree requirements regarding the FTO program again during the quarter ending March 31, 2004.

### **B. TRAINING CONTENT**

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

In the Monitor's Report for the Quarter Ending September 30, 2003, the Monitor continued its assessment of the Department's police integrity training, as well as the training of the public members who serve on the Board of Rights and the communication of training suggestions to the LAPD Training Group.

The Monitor is scheduled to review Consent Decree requirements regarding training content again during the quarter ending March 31, 2004.

### **C. SUPERVISORY TRAINING**

The Consent Decree mandates that all officers promoted to supervisory positions receive training prior to assumption of their new responsibilities.<sup>97</sup> Once promoted, supervisors should continue

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<sup>97</sup> This requirement pertains to all promoted officers, except for those officers promoted to the rank of Captain, who must at least begin their Command Development training before they assume their new positions.

to receive regular training on key issues, including incident control, UOF Investigations, Complaint Investigations, and ethical decision-making.

The Monitor last assessed supervisory training requirements in the Monitor's report for the quarter ending September 30, 2003, at which time the Monitor withheld a determination of compliance.

During the current quarter, the Monitor reassessed compliance with the requirements for supervisory training. The results of our current assessment follow.

### ***Paragraph 121 – Supervisory Training Requirements***

Paragraph 121 requires the LAPD to provide all officers promoted to supervisory positions,<sup>98</sup> up to and including the rank of Captain, with training to perform their new duties and responsibilities. Officers are to receive this training prior to assumption of their new supervisory positions, except for those officers promoted to the rank of Captain, who shall have at least commenced Command Development training before they assume their new positions.

### ***Background***

The Monitor last assessed compliance with Paragraph 121 during the quarter ending September 30, 2003, at which time the Monitor withheld determination of compliance. The Monitor's review determined that 14 officers promoted from Detective I to Detective II did not receive training prior to the assumption of their new positions, representing a compliance rate of 85.7%. However, prior to the publication of the report, the Monitor learned from the Department that the 14 officers had signed affidavits stating that they refrained from performing supervisory duties until after they had received training. The Monitor elected to withhold a compliance determination until verification of each officer's signed affidavit was possible.

### ***Current Assessment of Compliance***

During the current quarter, a review of affidavits provided by the Department established that ten of the fourteen detectives did not perform supervisory duties until after they had received the appropriate training. Therefore, in total, only four of the ninety-one officers promoted did not receive the requisite training prior to promotion, resulting in a compliance rate of 96%.

Based on the foregoing, the Monitor finds the Department in compliance with paragraph 121.

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<sup>98</sup> For the purposes of paragraph 121 of the Consent Decree, supervisors are defined as Detective II, Sergeant I, and above, up to and including Captain.

## VIII. INTEGRITY AUDITS

### *Overview*

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

In the first two years of the Consent Decree, the LAPD struggled with the requirement to complete quality audits on a timely basis. This was an ongoing theme in the Monitor's quarterly reports for that period. However, during the previous quarter, the Monitor noted improvements in both the quality and timeliness<sup>99</sup> of the Department's audits.

In this quarter, the Monitor concluded that two more audits met the qualitative requirements of the Consent Decree – thereby bringing the total number of quality audits to five:

<i>Scope of Audit</i>	<i>Audit Topic for Which Compliance Achieved</i>	<i>Paragraph Reference</i>	<i>Timing of Monitor's Evaluation</i>
Department-wide	Warrant Applications & Affidavits Audit	CD128(1)	September 30, 2002
Department-wide	ABC Reports Audit	CD128(2)	December 31, 2002
Department-wide	MV&PS Audit	CD128(4)	December 31, 2003
Department-wide	CI Control Packages Audit	CD128(5)	September 30, 2003
Gang Unit	Work Product Audit <sup>100</sup>	CD131a	December 31, 2003.

<sup>99</sup> Notwithstanding the audit resource constraints that continue to plague the LAPD's Audit Division.

<sup>100</sup> Although this was a quality audit, it was not compliant because it was performed by Audit Division rather than by the SOSD.

In this quarter, the Monitor also reports on three other audits that were assessed as non-compliant for a variety of reasons:

<i>Scope of Audit</i>	<i>Audit Topic</i>	<i>Paragraph Reference</i>	<i>Comments</i>
Department-wide	NCUOF Reports/Investigations Audit	CD128(3) & CD129ii	Stale but otherwise compliant audit
Department-wide	CUOF Investigations Audit	CD129i	Scope limitation and material issues missed
Gang Unit	Roles & Conduct of Supervisors Audit (also known as the Audit of the Bureau Gang Coordinators' Audits)	CD131e	Audit did not evaluate work of supervisors

While the LAPD is making good progress with the Department-wide audits, the OIG, on the other hand, is falling behind. Although the OIG has been in compliance with the Consent Decree for certain of its audit reviews, resource constraints have caused the OIG to be several months behind in its evaluations of the audits submitted by the Department,<sup>101</sup> and more than a year behind in completing the OIG's independent audits. As a result, for the past few quarters, the Monitor has concluded that the OIG's audit reviews/audits were non-compliant. This is an area of concern, as the Monitor views the OIG's involvement in the reform process as critical to the ultimate self-sufficiency of the LAPD.

## A. AUDIT PLAN

One of the significant findings of the *Board of Inquiry into the Rampart Area Corruption Incident* was the LAPD's failure to establish a meaningful system of internal audits. This finding was subsequently incorporated into the Consent Decree. The Consent Decree mandates that prior to the beginning of each fiscal year, the Chief of Police is required to submit to the Police Commission, with a copy to the IG, a listing of all scheduled audits to be conducted by the LAPD in the upcoming fiscal year, other than sting audits.

The Monitor evaluated the Department's 2002-03 Annual Audit Plan during the quarter ending September 30, 2002 and assessed the LAPD's progress relative to that plan during the quarter ending March 31, 2003. The Monitor evaluated the Department's 2003-04 Annual Audit Plan during the quarter ending September 30, 2003. In each of these reports, the Monitor concluded that the Department was in non-compliance relative to paragraph 124. The Monitor is scheduled

<sup>101</sup> The OIG has not yet completed its review of 6 audits that were submitted by the Department to the OIG during the quarter ending September 30, 2003.

to assess the LAPD's progress relative to the 2003-04 Annual Audit Plan during the quarter ending June 30, 2004, and will also evaluate the Department's 2004-05 Annual Audit Plan.

## **B. AUDITS BY THE LAPD**

During this quarter, the Monitor assessed the quality and timeliness of the following audit requirements:

- Paragraph 127 – Sting Audits Reporting Protocol
- Paragraphs 128(3) & 129ii – Non-Categorical Use of Force Reports/Investigations Audit (Primary and Supplemental)
- Paragraph 128(4) – Motor Vehicle & Pedestrian Stops Audit
- Paragraph 129i – Categorical Use of Force Investigations Audit
- Paragraph 131a – Gang Unit Work Product Audit
- Paragraphs 131c-3 & 131c-4 – Gang Unit Use of Force Reports Audit and Motor Vehicle & Pedestrian Stops Audit
- Paragraph 131e – Audit of the Bureau Gang Coordinators' Audits

The following audits were recently submitted to the Monitor and will be assessed in the Monitor's Report for the quarter ending March 31, 2004:

- Paragraphs 128(3) & 129ii – Non-Categorical Use of Force Reports/Investigations Audit (Primary and Supplemental)
- Paragraph 131a – Gang Unit Work Product Audit

The Monitor commends the LAPD's efforts in completing its audits on a timely basis as required by its 2003/2004 Annual Audit Plan, and notes that the only audits that are currently outstanding by Audit Division are the Department-wide and Gang Unit Warrant Applications and Affidavits audits required by paragraphs 128(1) and 131c-1. These audits had previously been scheduled for completion in the quarter ending September 30, 2003 but were rescheduled to the quarter ending March 30, 2004 to allow a suitable time period to elapse so that policy revisions resulting from prior audit recommendations would be reflected in the work product to be audited.<sup>102</sup>

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<sup>102</sup> Department-wide and gang unit audits of warrant applications and affidavits had previously been reported on by the Monitor in the quarter ending September 30, 2002. To meet the requirement for completion on a regular, periodic basis, which the parties have agreed means on at least an annual basis, the subsequent audits were to be completed by June 30, 2003.

### **Paragraph 127 – Sting Audit Reporting Protocol**

Paragraph 127 requires that the Chief of Police report the results of all sting audits conducted by the EES to the Police Commission and the IG within two weeks of the Chief's receipt of each sting audit; such audits shall not be reported in the Quarterly Audit Report.

#### ***Background***

The Monitor last evaluated paragraph 127 during the quarter ending June 30, 2003, at which time the LAPD was found in functional compliance.<sup>103</sup>

#### ***Current Assessment of Compliance***

During the current quarter, the LAPD issued two quarterly reports summarizing the results of sting integrity audits. The reports covered the quarters ending June 30, 2003 and September 30, 2003, respectively.

The written quarterly reports were provided to the OIG and the Police Commission within two weeks<sup>104</sup> of the Chief of Police's receipt of such reports. As previously reported, the Chief of Police is verbally apprised of any audits that result in a failure, typically within 24 hours of such occurrence. Similar verbal notification to the OIG and the Police Commission also occurs.

Based on the foregoing, the Monitor finds the LAPD in functional compliance with paragraph 127.

### **Paragraphs 128(3) & 129ii – Audit of Non-Categorical Use of Force Reports/Investigations**

Paragraphs 128(3) and 129ii require the Department to complete a regular, periodic audit of stratified random samples of all Non-Categorical Use of Force reports/investigations. Paragraph 128 requires that this audit assess such reports for completeness, authenticity, appropriateness of action taken, compliance with the law, conformity with Department procedures and an evaluation of supervisory oversight. Paragraph 129ii requires the audit to assess the timeliness, completeness, adequacy and appropriateness of the investigations.

#### ***Background***

Audit Division completed its first NCUOF audit in the fall of 2001; the Monitor's Report for the Quarter Ending March 31, 2002 concluded that this audit was non-compliant with the requirements of the Consent Decree because of a flawed audit process and the failure of Audit Division to identify many substantive errors noted by the Monitor.

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<sup>103</sup> There are no primary and secondary compliance requirements for this paragraph.

<sup>104</sup> Defined as 14 calendar days.



The Monitor found the Department in non-compliance with paragraphs 128(3) and 129ii for the three consecutive quarters from December 31, 2002 to June 30, 2003, because the Department did not complete another NCUOF audit on a regular, periodic basis after the initial audit referenced above.

### ***Current Assessment of Compliance***

The Monitor reviewed Audit Division's Primary and Supplemental NCUOF Reports Audit reports submitted August 22, 2003, and an audit amendment submitted October 10, 2003. These reports are referred to collectively as "the NCUOF audit." The Monitor also reviewed selected Audit Division working papers including work plans, crib sheets, matrices and other related documents.

The audit related to NCUOF incidents that occurred from January to June 2002, yet the NCUOF audit report was not issued until August 2003. In light of the staleness of the audit findings, the Monitor's review was limited to identifying its strengths and areas for improvement, and the Monitor's testing was limited to evaluating certain criteria<sup>105</sup> from random samples of 18 and 15 investigations in the Primary and Supplemental audits, respectively. The Monitor's findings, which have been discussed with Audit Division, are highlighted below.

### ***Sample Selection***

- Audit Division queried the UOFRS' databases as of September 30, 2002, identifying 816 completed NCUOF investigations relating to incidents occurring during the period January 1, 2002 to June 30, 2002 (the "audit period"). Audit Division selected a stratified random sample of 379 reports and added 8 additional reports for review, including 6 skeletal fractures, as recommended by the Monitor. As of May 8, 2003, Audit Division identified a further 119 completed NCUOF investigations all of which were included in the Supplemental audit.
- Audit Division appropriately concluded that the tracking of NCUOF reports continues to be problematic and included thorough recommendations to address this issue. Audit Division also appropriately noted that this issue impacts the determination of the audit population. Although the audit population included only completed NCUOF investigations, Audit Division conducted additional procedures to identify 13 incomplete investigations<sup>106</sup> and to satisfy itself that the delays in completing these investigations were not caused by risk management issues.

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<sup>105</sup> The Monitor's review included procedures assessing documentation completeness, UOF face sheet entries of involved officers and types of force used, authenticity of report narratives, presence of inappropriate "cutting & pasting" or group interviews, medical treatment of injured parties, legal basis of the UOF and supervisory oversight.

<sup>106</sup> The 13 incomplete reports include 4 incidents involving the use of a taser; the Department is currently considering whether the use of a taser is a reportable UOF as defined in the 2002 LAPD Manual, and whether such usage should be included in TEAMS.

- The duration of the audit fieldwork was excessive, contributing to the lack of timeliness and staleness of the audit. This was caused, in part, by Audit Division's sample exceeding the minimum required sample size.

#### *Audit Findings*

- Audit Division concluded that the Department is not compliant with paragraphs 128(3) and 129ii as only 71% of the reports met all of those paragraphs' requirements. The deficiencies largely related to administrative errors associated with a lack of internal controls over the NCUOF investigative and reporting procedures and the supervisory oversight. The Monitor concurs with this finding based on its sample of investigations reviewed.
- Audit Division conducted procedures to test the accuracy of UOF data reflected in TEAMS reports, appropriately concluding that the TEAMS reports continue to be inaccurate. While Audit Division conducted appropriate follow-up with Risk Management Group (RMG) to address the issue, it failed to make any recommendations to fix these problems.
- Audit Division appropriately reported that witness statements often lacked details to permit a determination of whether group interviews occurred. A January 2003 UOFRS memorandum directed that supervisors investigating NCUOF incidents include details of place, date and time of witness interviews, a refinement that the Monitor agrees with. Audit Division's supplemental report reiterates this recommendation.
- Audit Division appropriately concluded that "cutting and pasting" of witness statements is a problem and recommended that guidelines be developed to assist investigators when preparing witness statements. The Monitor identified three additional instances of such cutting and pasting.<sup>107</sup>
- Audit Division failed to identify and report an investigation that did not address all potential witnesses to the UOF.<sup>108</sup>
- Audit Division failed to identify three investigations in which photographs of injuries/claimed injuries were reported as having been taken by Scientific Investigation Division (SID) but were not included in the NCUOF investigation package and the UOF report did not articulate whether the photos were reviewed as part of the adjudication of the incident.

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<sup>107</sup> Audit Division disagrees with the Monitor's conclusions. This diversion of opinions supports Audit Division's recommendation for practical guidelines regarding cutting and pasting.

<sup>108</sup> The Monitor identified one investigation whereby statements were not taken from three witnesses and the NCUOF report narrative did not explain why statements were not taken.

### *Audit Methodology and Scope*

- Audit Division developed an appropriate work plan, crib-sheet, and audit matrix questionnaire to evaluate the NCUOF investigations and the requirements of paragraphs 128(3) and 129ii. The Monitor noted improvements to the Supplemental audit relating to these documents.
- Audit Division conducted procedures that exceeded the scope requirements of paragraphs 128(3) and 129ii; such procedures enabled the Audit Division to identify several issues in connection with NCUOF policy.<sup>109</sup>

### *Audit Report*

- Audit Division's Primary and Supplemental audit reports were well written, summarized the audit findings effectively and presented appropriate actions taken and recommendations to address the deficiencies identified.
- Audit Division's report appropriately commented on the status of recommendations made in its prior NCUOF audit report.

In light of the staleness of this audit, the Monitor finds Audit Division's Primary and Supplemental NCUOF audits in non-compliance with the requirements of the Consent Decree. Notwithstanding this finding, these audits were diligently completed and very thorough. The Monitor believes that, but for the staleness of the data, this audit would have been in compliance with the requirements of the Consent Decree.

### ***Proposed Recommendations***

#### *Audit Division*

- The audit matrix should query whether the reported photos of injury or claimed injury are actually included in the investigation file.

#### *Department*

- The adjudication policy should require Watch, Area and Bureau Commanders to review the photographs of injuries/claimed injuries or provide an appropriate explanation as to why they were not reviewed.
- Policy should be revised to require witness statements to be signed by the witness with an acknowledgement of the statement's independence.

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<sup>109</sup> Such as the timeliness of the review process, tracking of NCUOF investigations, inconsistencies by investigators completing UOF face sheets, incorrect TEAMS data relating to UOF reporting, etc.

- In addition to Audit Division's recommendations regarding the NCUOF face sheet, the Monitor recommends that the second page of the NCUOF face sheet be adjusted in order to clarify which officer applied the particular UOF.

**Paragraph 128(4) – Audit Division's Audit of Motor Vehicle & Pedestrian Stops (MV&PS)**

Paragraph 128(4) requires the Department to complete a regular, periodic audit of stratified random samples of all motor vehicle stops and pedestrian stops. This audit requires, at a minimum, an assessment for completeness, authenticity, appropriateness of action taken, conformity with Department procedures, quality of supervisory oversight, and compliance with the requirements for documenting motor vehicle stops and pedestrian stops as noted in Paragraphs 104 and 105.

***Background***

The Consent Decree and the Annual Audit Plan for 2002-03 required the Department to complete its first annual MV&PS Audit by June 30, 2002. This audit was not completed until August 2003, because the data collection process was not considered to be reliable enough to warrant an audit. Accordingly, since June 30, 2002 the Monitor has concluded that the LAPD was in non-compliance with the requirement to complete a regular, periodic audit of this topic.

***Current Assessment of Compliance***

In order to assess compliance with paragraph 128(4) during the current quarter, the Monitor reviewed the Audit Division's MV&PS Data Collection Audit Report dated August 20, 2003, the related audit work plan and crib sheets for the components of this audit, selected Audit Division matrices, printouts from the Department's STOP database, and other audit working papers including documents relating to the audit population and sample reviewed.

From the outset of the Monitor's involvement with this audit, it was apparent that the identification of the appropriate population to test for this audit was a significant challenge. Audit Division used a variety of approaches to identify the population:

- Audit Division initially tested the reliability of the STOP database and evaluated supervisory oversight by using a "grab sample" of 96 FDRs randomly picked from hundreds of boxes, dated between July 1, 2002 and April 30, 2003.
- Audit Division chose an audit sample that comprised 50 Daily Field Activity Reports (DFARs) dated February 21, 2003.<sup>110</sup> 10 from each of five divisions<sup>111</sup>. These 50 DFARs

<sup>110</sup> Audit Division selected this date as it was a Friday, which "included both weekday and weekend -type activities".

<sup>111</sup> 4 divisions were randomly selected, and Metropolitan Division was judgmentally selected.

contained 646 activities, of which 103 were required to be documented on an FDR.<sup>112</sup> Gang unit DFARs were included in this sample.

- Audit Division also selected a secondary audit sample of 55 public and Department-initiated complaints during the period July 1, 2002 to January 2003 to determine whether the complaints related to an incident that required the completion of an FDR.
- Audit Division also reviewed samples of issued FDR books, STOP Error Reports for 23 Areas /Divisions and a sample of returned and completed FDR books to identify whether any FDRs were missing and to evaluate other internal control processes.

The Monitor commends Audit Division's creativity in its sample selection processes outlined above, particularly in light of the practical challenges associated with conducting this audit.

Although the Monitor initially questioned the restricted use of one day's DFARs and the judgmental selection of February 21, 2003, the Monitor recognizes the practical difficulties in selecting a stratified random sample of DFARs and FDRs and believes that by using a random selection process to identify the particular DFARs and FDRs to be audited on that date, the Audit Division has met the intent of the stratified random sample requirements of the Consent Decree. For future audits, the Monitor suggests that several dates be selected.

The Monitor selected a random sample of 12 completed DFARs and 13 complaint packages from the Audit Division in order to assess the appropriateness of Audit Division's responses to the audit matrix questions related to such incidents.

Other findings, which have been discussed with Audit Division personnel, are highlighted below:

- Audit Division developed appropriate audit planning documents to guide the audit process. The Monitor determined that these tools met the requirements of paragraph 128(4) as related to paragraphs 104 and 105 and the key requirements of Special Orders 25 and 35. The Monitor notes that such planning documents did not address the requirements of paragraphs 102 and 103.<sup>113</sup>
- Audit Division used creative approaches to test the objectives required for this audit when its auditors appropriately identified many substantive problems with the Department's MV&PS Data Collection Processes. This included expanding their scope to do a 'systems audit,' which was designed to identify/fix the underlying internal control weaknesses and then making recommendations to improve the internal controls. The Monitor commends the Audit Division for this approach.

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<sup>112</sup> The Department utilizes FDRs to document motor vehicle or pedestrian stops in the manner described in paragraphs 104-105 of the Consent Decree.

<sup>113</sup> The Analysis Group, an external consultant who will design and test whether the Department is meeting the requirements of paragraphs 102/103 has been selected.

- Audit Division's report identified the Department's handling of MV&PS as non-compliant with respect to the audit objectives of completeness, authenticity and supervisory review. Audit Division also identified several internal control weaknesses relating to the processing of the FDRs, which resulted in a possible incomplete population in the FDR database. The Monitor's testing concurred with Audit Division's results.
- The Monitor notes that although Audit Division identified gang units in the sample selection process, the MV&PS audit report did not segregate the results for these gang units and therefore would not meet the requirements of paragraph 131c-4. Compliance with paragraph 131c-4 is assessed later in this report.
- Audit Division's MV&PS audit report was well written, and included many useful recommendations, such as those related to resolving the internal control weaknesses identified during the course of this audit. As a result of this audit, many systemic changes were made.
- The Monitor commends Audit Division on how well it summarized the significant amount of data and extensive analysis completed during the preparation of this report.

Based on the foregoing, the Monitor finds this audit in compliance with the requirements of paragraph 128(4).

### **Paragraph 129i – Categorical Use of Force Investigations Audit**

Paragraph 129i requires the Department to conduct regular, periodic audits of random samples of all CUOF investigations, and describes the qualitative factors that should be assessed in such audits, including the timeliness, completeness, adequacy and appropriateness of the investigations.

### ***Background***

The Consent Decree and the Annual Audit Plan for 2001-2002 required Audit Division to complete its annual CUOF audit by June 30, 2002. Audit Division completed an audit described as a Categorical Use of Force Investigations Audit dated April 8, 2002. However, as noted in the Monitor's Report for the Quarter Ending June 30, 2002, that audit did not meet the requirements of paragraph 129;<sup>114</sup> therefore, the Monitor deferred evaluation of compliance of this paragraph until the next CUOF audit was conducted.

For the quarter ended June 30, 2003, the LAPD was found in non-compliance as a result of the CUOF audit not being completed on a regular, periodic basis.

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<sup>114</sup> Audit Division's review was limited to one investigation out of the 24 incidents that occurred during the time - period selected for review, as this was the only investigation that was "completed." Therefore, Audit Division did not audit a random sample of CUOF investigations.

The Monitor received the Audit Division's current audit report in August 2003.

### ***Current Assessment of Compliance***

In order to assess compliance with paragraph 129i during the current quarter, the Monitor reviewed the quality of Audit Division's CUOF audit report dated August 22, 2003<sup>115</sup> and Amendments to the Fourth Quarter, Fiscal Year 2002/03 Audit of CUOF Investigations dated September 16, 2003, as well as the underlying CUOF Investigations and audit working papers that were the basis for this audit.

Audit Division's review was limited to CUOF Investigations that occurred *and* were completed<sup>116</sup> during the period from November 1, 2001 through December 31, 2002. Audit Division indicated that CIID advised them that only investigations that had been adopted by the Police Commission would be available for review. However, the Monitor's research revealed that for the period January to June 2003, there were no incidents returned for additional investigation after they had been provided to the Police Commission. Accordingly, the Monitor believes that the scope of the CUOF audit should have included all CUOF investigations provided to the Police Commission, instead of limiting the audit to only those investigations reviewed and approved by the Police Commission. Audit Division acknowledges that since the completion of this audit, there has been a change concerning the availability of investigations prior to being adopted by the Police Commission, which Audit Division indicated they would take into consideration for the next CUOF audit.

Based on the criteria used by Audit Division, the most current CUOF incident included in the audit population occurred on March 21, 2002, and the total audit population was limited to 19 CUOF incidents. Based on the criteria used by the Monitor for evaluating CUOF incidents in its previous quarterly reports, 27 incidents that were excluded from the scope of this audit were provided to the Police Commission within the time period reviewed by the Audit Division; the Monitor believes that these incidents should have been included in the audit population. As a result, the Monitor considers the audit's findings to be stale and the scope too restrictive; these factors limited both the timeliness and effectiveness of the CUOF audit.

In light of the Monitor's concerns regarding the restricted population, the Monitor's review of this audit was limited to identifying its strengths and areas for improvement relative to future audits and the Monitor's sample was limited to a random sample of 9 of the 19 CUOF Reports reviewed by Audit Division. The Monitor's findings, which have been discussed with Audit Division, are highlighted below:

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<sup>115</sup> The date the Chief of Police signed the Audit Report.

<sup>116</sup> Audit Division reports that a CUOF investigation is classified as completed only after the Police Commission has adopted it.

### *Sample Selection & Timeliness*

- Audit Division reviewed 100% of the 19<sup>117</sup> CUOF incidents that occurred and were completed between November 1, 2001 and December 31, 2002.
- The findings from this audit were not issued on a timely basis, as the duration of the audit was excessive.<sup>118</sup>

### *Audit Findings*

- Although Audit Division appropriately identified two incidents in which officers were not physically separated before providing statements, it withheld a finding of non-compliance with respect to paragraph 61<sup>119</sup> because the Department did not mandate documentation of officer/witness separation at the time of the audit.<sup>120</sup> The Monitor notes that paragraph 61's requirement that officers be physically separated until they provide statements was in effect at the time of the audit. Accordingly, Audit Division should have concluded that the LAPD failed to comply with paragraph 61 in these instances.
- Audit Division reported that paragraph 129c<sup>121</sup> is not applicable to CUOF investigations because an outside vendor transcribes all witness statements and the investigating officer does not summarize witness statements. However, Audit Division failed to test whether all witnesses were interviewed, and whether all witness statements were, in fact, transcribed. In other words, Audit Division did not test whether there were any risk management issues involving bias. For example, Audit Division could have tested whether the CUOF investigations included only those witness statements that supported the CUOF, while excluding certain critical witness statements.<sup>122</sup>
- Audit Division found that the only CUOF entered in TEAMS are OIS incidents. However, Audit Division did not otherwise test the accuracy of TEAMS data, as the Department was already aware of the shortcomings with such data and efforts to resolve them are ongoing.

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<sup>117</sup> 4 of the 19 CUOF incidents resulted in skeletal fractures and were included in this audit to provide further analysis of issues that the Monitor considers were not adequately addressed in the skeletal fractures audit.

<sup>118</sup> Planning for this audit commenced in January 2003; the final report was completed in July 2003 and was submitted to the Police Commission in August 2003.

<sup>119</sup> Paragraph 61 requires all involved and witness officers to be physically separated from each other immediately following an OIS until such time as all voluntary or compelled statements are obtained.

<sup>120</sup> Audit Division reports that the Department's Special Order 19, May 2003, "*Obtaining a Public Safety Statement and Separating Officers Following a Categorical Use of Force Incident – Established*", codifies the requirement to document separation and mandates officers be transported individually, absent exigent circumstances.

<sup>121</sup> Paragraph 129c requires a comparison of the officer, complainant, and witness statements with the investigator's summaries, where applicable.

<sup>122</sup> This issue could only be addressed by selecting certain incidents and listening to all tapes assigned to that incident, rather than listening to one tape per incident, as done by Audit Division.



- Audit Division failed to identify several inconsistencies and discrepancies in investigations, including a training issue that was not followed up and a problematic interview that indicated that the interview might continue beyond the tape-recorded session.<sup>123</sup>
- Audit Division concluded that the Department provided sufficient justification when interviews were not conducted; the Monitor identified one incident in which no rationale for the exclusion of a witness interview/statement was offered.

#### *Audit Methodology & Scope*

- Audit Division developed an appropriate audit work plan, cribsheet and audit matrix questionnaire to guide the audit process. The Monitor determined that the design of these tools and their use met the audit requirements of paragraph 129i.
- Audit Division used an Access database to compile its audit findings; this was useful for reporting purposes and helped facilitate internal review by Audit Division and the subsequent meta-audit by the Monitor. The Monitor commends the Audit Division for its use of technology to enhance the efficiency of the audit process and encourages ongoing development in this area.
- The scope of Audit Division's CUOF audit had three exclusions: accidental discharges; animal shootings; and CUOF incidents not reviewed by the Police Commission. While the Monitor concurs with the exclusion of accidental discharges and animal shooting investigations from the scope of this audit, the Monitor reiterates its earlier comments that the audit population should have included CUOF investigations that were submitted to, but not yet adopted by, the Police Commission.

#### *Audit Report*

- Audit Division's CUOF Investigations audit report was well written, and included useful recommendations regarding documenting adherence to the provisions of paragraphs 80b, c and f, including requiring justification when such provisions are not attainable. The report also appropriately advised on the status of actions undertaken or to be undertaken by the Department to address shortcomings in the investigation of CUOF.

Based on the audit scope limitations and the extent of material issues missed by Audit Division, the Monitor finds this audit in functional non-compliance with the requirements of paragraph 129i.

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<sup>123</sup> Dialogue in this interview also suggested that the interviewer would provide the witness with information about the outcome of the incident that could compromise the investigation if a follow-up interview was required.

### ***Proposed Recommendations***

The Monitor reiterates its recommendation from an earlier report that the LAPD audit future CUOF investigations at an earlier stage in the review process, such as when the CUOF reports are issued to the OIG prior to being adopted; follow-up audits can then be conducted to test for the final review process, including review by the Police Commission. This two-phased approach will ensure a more timely and effective audit of CUOF investigations.

The Monitor recommends that Audit Division expand its scope of review for future CUOF audits to include a sample of audio-tapes in order to address the potential risk management issues associated with such statements, as described above.

### **Paragraph 131 – Gang Unit Audits**

Paragraph 131 requires the SOSD to conduct five categories<sup>124</sup> of regular, periodic audits of the work product of all gang units covered by paragraph 106, including:

- a) An audit of the work product of the gang units as a whole, and an audit of the work of any individual officers whose work product merits further review.
- b) An audit of compliance with the gang unit selection criteria.
- c) An audit of the types set forth in paragraph 128 of warrants applications and affidavits, ABC reports, UOF reports, motor vehicle and pedestrian stops, and confidential informant control packages.
- d) The use of confidential informants by gang unit officers.
- e) An audit of the roles and conduct of supervisors of these units.

The Monitor considers that the remaining provisions of paragraph 131 articulate the qualitative standards for the conduct of each of these audits.

### **Paragraph 131a – Audit of Gang Enforcement Detail Work Product Audits**

Paragraph 131a requires the SOSD to conduct regular periodic audits of the work product of all gang units covered by paragraph 106 by auditing a random sample of the work of the unit as a whole, as well as the work of individuals that appear to contain indicia of untruthfulness, other forms of misconduct, or otherwise merits further review.

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<sup>124</sup> The Department's approach to conducting the gang unit audits has evolved over the past year, just as the management of gang units has also evolved. See the corrections section of this report for further details.

## ***Background***

Until recently, the Department had not conducted any audits of the gang unit work product as a whole, as required by paragraph 131a; accordingly, from mid-2002 through September 2003, the Monitor concluded that the Department was in non-compliance with the requirement to conduct regular, periodic audits of this topic.

## ***Current Assessment of Compliance***

In order to assess compliance with paragraph 131a during the current quarter, the Monitor reviewed Audit Division's Report dated October 3, 2003, the related audit work plan and cribsheet, and selected audit matrices and other documents included in the Monitor's sample of reports reviewed.

Audit Division's objective in this audit was to review a random sample of all gang unit work product reports for one specific period in order to meet the requirements of paragraph 131a and supplement the Department-wide audits required by paragraph 128.

Audit Division's audit sample comprised 100% of all gang unit work product for five randomly chosen GED Units<sup>125</sup>, one from each geographic bureau, for the month of June 2003.<sup>126</sup> This included 110 arrest reports, 2 UOF reports,<sup>127</sup> one search warrant package and no confidential informant reports.<sup>128</sup> Audit Division plans to use this sampling methodology for the remaining GED Units each quarter, choosing 4-5 GED Units until all units have been audited once during the year.

The Monitor randomly selected samples of 14 arrest reports, the 2 UOF reports, and the one search warrant package. Additionally, in order to test the completeness of Audit Division's sample, the Monitor randomly selected 14 of the 52 misdemeanor warrant reports and citations

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<sup>125</sup> This audit initially included an evaluation of the work product of 10 officers who were assigned to the Community Law Enforcement Program ("CLEAR") or the Gang Impact Team ("GIT"), but the findings from this evaluation were excluded from the GED Work Product audit report as such officers were not assigned to a GED Unit. Audit Division plans to include CLEAR or GIT officers in future gang unit work product audits if such officers' primary duty is to investigate gang issues.

<sup>126</sup> One of the randomly selected units was Operations -Valley Bureau. It was determined that this unit functioned only as an administrative unit and did not complete gang unit work product. Therefore, Audit Division reviewed the work products of the remaining four units.

<sup>127</sup> The Monitor notes that this audit did not include a review of gang unit UOF investigations, as the investigations relating to UOF incidents in June 2003 were not complete. Instead, Audit Division restricted its review to assessing whether such UOF incidents were in the process of being investigated, and will evaluate the quality of such gang unit UOF investigations as a separate strata in the next NCUOF and CUOF investigations audits.

<sup>128</sup> Audit Division did not include FDRs in this audit, as the paragraph 128(4) Department -wide MV&PS audit was recently completed and there has not been sufficient time to implement the recommendations from that audit. The Monitor notes that the recently completed MV&PS audit included all gang unit stops in the audit sample.

that were excluded by Audit Division. The Monitor's findings, which have been discussed with Audit Division personnel, are highlighted below:

#### *Sample Selection*

- The Monitor commends Audit Division on the methodology used to select their sample for this audit as it has created a more focused audit. By choosing the sample from five randomly selected Divisions, Audit Division was able to meet the Consent Decree requirement for a random sample. Additionally, by reviewing the entire work product for one month, Audit Division has addressed the need to audit the work product of the gang units as a whole and to look for patterns and practices of misconduct that could merit further review.

#### *Audit Findings*

- Audit Division concluded that the Department was not compliant with requirements of paragraph 131a, as only 61% of the gang unit work product reviewed met the standards for the four objectives evaluated by Audit Division. Significant issues identified by Audit Division during its review related to completeness of the reports and a deviation from the required procedures in relation to evidence and juvenile detainees. Audit Division concluded that the Units met the requirements for Authenticity and Supervisory Oversight. The Monitor concurs with Audit Division's findings.
- As a result of the sampling methods used, Audit Division was able to evaluate the gang unit work product reports for issues related to spontaneous statements, waiver of Miranda rights, consensual searches, and discarded evidence in order to assess patterns found in officer's or groups of officer's reports.
- The Monitor noted one instance where it is debatable as to whether there was a legal basis for a pat-down frisk. Although Audit Division initially questioned this incident in their working papers and concluded that there was a legal basis for the frisk, Audit Division did not address the underlying issue that there was a lack of articulation in the arrest report of the legal basis for the frisk, and did not flag this report for follow-up training with the officer who prepared the arrest report.

#### *Audit Methodology and Scope*

- Audit Division developed an appropriate audit work plan, crib sheet and audit matrix to guide the audit process. The Monitor determined that the design of these tools and their use as designed met the requirements of Paragraph 131a.

#### *Audit Report*

- The Audit Division's Gang Unit Work Product audit was well written and included useful recommendations. The Monitor was able to easily reconcile the findings from their sample to the findings in the report.

Based on the foregoing, the Monitor would ordinarily conclude that this audit was in compliance; however, this audit was conducted by Audit Division rather than by the SOSD. Accordingly, the Monitor must find this audit in non-compliance with the requirements of paragraph 131a.<sup>129</sup>

### ***Proposed Recommendations***

The Monitor recommends that training be provided to the officer who prepared the arrest report that was border-line regarding his articulation of the legal basis for the frisk.

### **Paragraphs 131c-3, 131c-4 – Audits of Gang Unit Use of Force Reports and Gang Unit Motor Vehicle and Pedestrian Stops**

Paragraphs 131c-3 and 131c-4 require the Department to conduct regular, periodic audits of a stratified random sample of all gang unit UOF reports and gang unit MV&PS. The qualitative factors that must be addressed in these audits are described in paragraphs 128 and 131e-g.

### ***Background***

The Department has not conducted prior audits of either the gang unit UOF reports or MV&PS. Accordingly, since June 2002, the Department has been found in non-compliance with the requirement to conduct regular, periodic paragraph 131c-3 and 131c-4 audits.

### ***Current Assessment of Compliance***

In August 2003, the LAPD's Audit Division reported on its Department-wide audits of NCUOF reports and MV&PS. The Monitor's findings from its review of these audits are reported earlier in this report.<sup>130</sup> Although these audits included gang unit UOF reports and gang unit MV&PS in the audit samples, they did not satisfy the requirements of paragraphs 131c-3 and 131c-4 because:

- They were conducted by Audit Division rather than by the SOSD.<sup>131</sup>

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<sup>129</sup> The Monitor reiterates its comments from prior reports that the Department will continue to be found in non-compliance with the paragraph 131 audits unless such audits are conducted by the SOSD.

<sup>130</sup> Please refer to the Current Assessments of Compliance for paragraphs 128(3) and 128(4). These assessments do not address any gang unit issues.

<sup>131</sup> Although the Monitor supports the Department's decision to reassign these audits to Audit Division in principle, unless the Consent Decree is formally changed by the parties, all future gang unit audits will be in non-compliance with the Consent Decree, which requires the SOSD to complete all gang unit audits required by paragraph 131.

- There was no mention in the covering memoranda to the Monitor that either of these audits were meant to address the gang unit audit requirements of paragraphs 131c-3 and 131c-4 (and the related qualitative requirements of paragraphs 131e-g).
- No specific gang unit issues were addressed in the audit reports submitted for these Department-wide audits.
- No specific conclusions were articulated relating to gang unit findings.

As described earlier in this report, in October 2003, the LAPD's Audit Division issued a report on its Gang Unit Work Product Audit relative to paragraph 131a. Although this audit evaluated certain issues relative to gang unit UOF reports, the audit work performed did not constitute an audit of the qualitative factors as required by paragraphs 128 and 131e-g. In addition, this audit did not evaluate gang unit MV&PS because the Department-wide MV&PS had only recently been completed, and there was insufficient time to implement the recommendations identified in that audit. While the Monitor commends this effective use of resources, this means that a gang unit MV&PS audit has not yet been conducted.

Accordingly, the Department is now more than 18 months behind in its requirement to complete an audit of gang unit UOF reports and gang unit MV&PS. Audit Division has advised that the scope of their next Department-wide audits of these topics will specifically address gang unit issues.

Based on the foregoing, the Monitor finds the Department in non-compliance with paragraphs 131c-3 and 131c-4. Until these audits are completed, the Monitor will continue to find the LAPD in non-compliance with the requirements of paragraphs 131c-3 and 131c-4 of the Consent Decree. When these audits are completed, the Monitor will evaluate the quality of such audits; timeliness will not be evaluated at that time.<sup>132</sup>

### ***Proposed Recommendations***

The Monitor recommends that the next paragraph 128(3) and 128(4) audits include, as a separate strata, a random sample of gang unit UOF and MV&PS, and that the reports issued in connection with such audits comment on the gang unit issues relative to such incidents. In this way, the audits required for paragraphs 131c-3 and 131c-4 can be included within the evaluations for paragraphs 128(3) and 128(4), respectively.

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<sup>132</sup> Missing audits will be separately tracked by the Monitor in order to assess whether "substantial compliance" has been achieved for at least two years as required by paragraph 179 of the Consent Decree.

### **Paragraphs 131e – Audit of Gang Unit Supervisors**

Paragraphs 131e<sup>133</sup> requires the SOSD to conduct regular, periodic audits of the roles and conduct of supervisors of gang units covered by paragraph 106. Paragraph 106h requires the Bureau Gang Coordinators to conduct an inspection of one SEU within their command each month.

### ***Background***

In the Monitor's Report for the Quarter Ending December 31, 2002, the Monitor concluded that the assessment for paragraph 131a would include the work product of gang units relative to paragraph 106h and 131e.<sup>134</sup> The Monitor also concluded that supervisory oversight issues would be assessed in each paragraph 131 audit.

The Monitor has not previously performed a separate evaluation of the role and conduct of the gang unit supervisors.

### ***Current Assessment of Compliance***

In order to assess compliance with paragraph 131e during the current quarter, the Monitor reviewed Audit Division's Bureau Gang Coordinator audit completed July 16, 2003.

This 'audit' essentially compared the underlying Bureau Gang Coordinator audit findings for accuracy and consistency, then merged such findings into one report, and reported on additional testing by Audit Division that had not been tested by the Bureau Gang Coordinators.

Although Audit Division provided guidance to the Bureau Gang Coordinators regarding the method used to select their audit samples, the Monitor notes that Audit Division's report did not comment on the quality of such audits, nor does it appear that Audit Division tested their specific results.

Based on the foregoing, the Monitor finds the Department in non-compliance with paragraph 131e.

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<sup>133</sup> Future paragraph 131e audits will be conducted by the CRID; the Monitor notes that such future audits will also be out of compliance unless the Consent Decree is changed to allow such audits to be conducted by the SOSD.

<sup>134</sup> The audit recently submitted by Audit Division relative to paragraph 131a (as evaluated earlier in this report), did not specifically address the quality of the work product of the Bureau Gang Coordinator audits completed in connection with paragraph 106h, as this was the subject of a previous report issued in July 2003 by Audit Division. In order to be consistent with the Department's approach to the paragraph 131 audits, the Monitor has revisited its interpretation from December 2002, and now considers that the Bureau Gang Coordinator audits should be evaluated as a paragraph 131e audit. Please refer to the Corrections section of this report for further details.

## **C. INSPECTOR GENERAL AUDITS**

### **Paragraph 135 – OIG Evaluation of LAPD Audits**

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

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

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

#### ***Background***

The Monitor first assessed the timeliness of the audits received by the OIG during the quarter ending December 31, 2002, at which time the Department was found in non-compliance with the requirement to transmit Departmental audits to the OIG within seven (7) days. The Monitor continued to find the Department in non-compliance during the quarters ending March 31, 2003, June 30, 2003 and September 30, 2003.

#### ***Current Assessment of Compliance***

In order to assess compliance with the timeliness provisions of paragraph 135 during the current quarter, the Monitor reviewed details of the timing of the Department's transmittal of the following four Audit Division audits: one SEU Arrest and Detention Procedures Audit (CD131e), two Gang Enforcement Detail Work Product Audits (CD 131a) and one Audit of Non-Categorical Use of Force Reports (CD 128(3), 129ii). The Monitor also communicated directly with the OIG to confirm the dates of receipt. The following table summarizes the timing of transmittal to the Police Commission and the OIG of these audits:



<i>Date Of/To</i>	<i>CD 131e</i>	<i>CD 131a</i>	<i>CD 131a</i>	<i>CD 128(3), 129ii</i>
Approval by Chief of Police	Jul 16, '03	Sep 29, '03	Dec 26, '03	Dec 30, '03
Submission to Police Commission	Jul 16, '03	Oct 3, '03	Dec 31, '03	Dec 30, '03
Receipt by OIG	Aug 5, '03	Oct 6, '03	Jan 6, '04	Jan 6, '04
# of Days From Chief's Approval to OIG Receipt <sup>135</sup>	20	7	11	7
Assessment of Compliance	x	✓	x	✓

✓ = Compliant; x = Non-Compliant:

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

**Paragraph 135b – Evaluation of the OIG's Reviews of the LAPD's Audits**

***Background***

In the Monitor's Reports for the Quarters Ending March 31, 2002 and September 30, 2002, the Monitor found the OIG in non-compliance with the requirements of paragraph 135b because the OIG did not adequately assess the quality, completeness and findings of certain audits completed by the LAPD. For the quarter ending December 31, 2002, the Monitor noted improvements to the quality of the OIG's review processes, and found the OIG in compliance.

For the quarter ending March 31, 2003, the Monitor found the OIG non-compliant with the requirement to submit its reviews on a timely basis, and deferred assessing the quality of these reviews to the quarter ending June 30, 2003, at which time the Monitor withheld a determination of compliance due to unresolved interpretational issues relating to one of the audits reviewed by the OIG.

During the quarter ending September 30, 2003, the Monitor found the OIG in non-compliance with the requirements of paragraph 135 because the OIG did not adequately assess the quality, completeness and findings of certain audits completed by the LAPD.

***Current Assessment of Quality Compliance***

During the current quarter, the Monitor assessed the quality of the OIG's reviews of the following audits:

<sup>135</sup> The Monitor considers the date of completion to be the date that the audit report is approved by the Chief of Police.

- Audit Division's CI Control Package audit completed June 27, 2003 (CD128(5)).
- SOSD's ABC Reports audit completed June 10, 2003 (CD131c-2).

In addition, during the current quarter the OIG received, but had not completed its review of the following audits:<sup>136</sup>

- The EES's Sting Quarterly Report dated November 12, 2003 (CD97, CD127);
- Audit Division's NCUOF audit completed August 22, 2003 (CD128(3), CD129ii);
- Audit Division's Supplemental NCUOF audit completed August 22, 2003 (CD128(3), CD129ii);
- Audit Division's MV&PS Data Collection audit completed August 20, 2003 (CD128(4));
- Audit Division's CUOF Investigations audit completed August 20, 2003 (CD129i);
- Audit Division's Gang Unit Work Product audit completed September 29, 2003 (CD131a);  
and
- Audit Division's Bureau Gang Coordinator audit completed July 16, 2003 (CD131e).

Although most of these audits were submitted to the OIG in the period June to September 2003, the OIG did not complete its review of these audits by December 31, 2003 because of an ongoing lack of resources. The OIG expects to complete the outstanding audit reviews listed above during the quarter ending March 31, 2004.

Accordingly, the Monitor finds the OIG in non-compliance with the requirement to submit these reviews on a timely basis. In addition to the above audit reviews that are outstanding, the Monitor notes that the OIG has recently completed its review of the SOSD's SEU Gang Selection Process Audit (CD131b). The Monitor will assess the quality of this review in its next quarterly report.

*OIG's Review of Audit Division's Confidential Informant Control Packages Audit (CD128(5))*

In order to assess compliance with the qualitative provisions of paragraph 135b for the current quarter, the Monitor reviewed the OIG's report dated October 27, 2003 regarding its review of Audit Division's CI Control Packages Audit, selected OIG audit working papers, and the corresponding Audit Division audit working papers.

In summary, the Monitor determined that the OIG's review methodology, scope and reporting conclusions failed to specifically assess the quality, completeness and findings of the Audit Division's audit. Specific findings, which have been discussed with the OIG, are highlighted below:

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<sup>136</sup> Each of these audits were evaluated by the Monitor during the current or previous quarter.

- The OIG conducted, in essence, a primary audit, rather than evaluating the quality of Audit Division's audit. This was evident by the fact that: a) the OIG used its own matrix rather than Audit Division's matrix to test the CI packages; b) the OIG's working papers did not include a comparison of its findings to Audit Division's findings; and c) the OIG assessed the CI Control packages as at the OIG's date of review (from August to September 2003) rather than as at the Audit Division's date of review (from January to March 2003).
- One of the issues evaluated by the OIG, that was not included in the scope of Audit Division's audit, included testing those CI packages that were excluded from the Department's Confidential Informant Tracking System Database (CITSD) because such CI's were "shared" with another agency. The OIG identified six CI Control packages that were incorrectly treated as "shared" and were therefore incorrectly excluded from the CITSD database and full audit review. The Monitor commends the OIG for these findings and concurs with the OIG's recommendation that future Audit Division audits should test whether "shared" packages are, in fact, "shared."
- The OIG identified one instance in which a current Exceptional Handling Report form included narrative that was inappropriately 'cut & pasted' from a prior form, thereby clouding the authenticity of the form. The Monitor commends the OIG's thoroughness in identifying and following up on this issue.
- The Monitor also commends the OIG for reviewing to determine whether previous discrepancies with the CI Control packages had been corrected.
- The OIG's sample selection for both Active and Inactive CI Control packages exceeded the minimum required sample sizes and resulted in more work than necessary.<sup>137</sup> In addition, the OIG reviewed a number of Active CI packages that were activated subsequent to the date of Audit Division's review.<sup>138</sup>
- The OIG reported several instances in which CI Control packages were accessed for updating purposes by Narcotics Division's custodian without the inclusion of entries on the respective Sign-Out Cards. The OIG believes this is contrary to the paragraph 108(e) requirement that "There shall be a written record including each accessing officer's name and date of access in the informant control package." It is not clear whether the custodian's actions to update the CI packages would be considered as "accessing" the CI packages within the requirements of paragraph 108(e) and Department policy. Having appropriately identified this issue, the OIG did not carry it forward to the recommendations section of their report for resolution purposes.

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<sup>137</sup> The OIG reviewed all CI Control packages identified by the CITSD as Active as at August 21, 2003, all CI Control packages reviewed by Audit Division as Active and a random sample of Inactive CI Control packages identified by Audit Division's review.

<sup>138</sup> This additional review, which is not a requirement of paragraph 135b, did not identify new issues, but confirmed that previously-identified issues continued to be problematic.

- The Monitor's findings in respect of three matrix questions contrasted with the OIG's findings,<sup>139</sup> and the OIG's matrix responses failed to provide supporting commentary or references to support its findings.

Based on the foregoing, the Monitor finds the OIG in non-compliance with the qualitative provisions of paragraph 135b as related to its review of Audit Division's CI Control Package Audit.

### ***Proposed Recommendations***

The Department should clarify whether a Sign-Out Card entry is required when a Narcotics Division custodial officer accesses a CI Control package for purposes of updating the package.

For future OIG reviews and to improve efficiency, the OIG should:

- utilize Audit Division's audit workplan, cribsheet, and matrix questionnaire to test Audit Division's findings, and should separately assess the suitability of such documents;
- assess the CI Control packages as at the date of review by Audit Division;
- consider whether sample sizes can be minimized without impacting the statistical validity of the OIG's findings; and
- ensure its report is responsive to the requirements of paragraph 135b.

### ***OIG's Review of SOSD's SEU Arrest, Booking and Charging Reports Audit (CD131c-2)***

In order to assess compliance with the qualitative provisions of paragraph 135b for the current quarter, the Monitor reviewed the OIG's report dated October 8, 2003 regarding its review of the SOSD's SEU ABC reports audit, the OIG's audit working papers, and 9 out of 117 arrest reports/Release From Custody forms, which were reviewed by the SOSD, Monitor, and OIG.

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

- While the OIG evaluated a sample of arrests reviewed by the SOSD for underlying actions and legality, the OIG failed to conduct a separate evaluation of each arrestee within a multiple arrest.<sup>140</sup> As a result, the Monitor was unable to evaluate the OIG's findings relative

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<sup>139</sup> For these differences, the OIG's matrix responses were not supported by narrative commentary nor document references to establish the basis for its findings. The Monitor's corresponding responses were supported with references to documents and data that provided the basis for the Monitor's findings.

<sup>140</sup> The OIG report indicates that the SOSD completed a separate matrix for each arrestee. However, the OIG did not request or review matrices for all arrestees, due to apparent problems they identified with the SOSD's control numbers linking the matrices to arrests. However, the Monitor was able to identify and evaluate the SOSD's matrices for all individuals involved in multiple arrests using information provided by the SOSD.

to 6 additional individuals involved in two separate multiple-arrest incidents that were reviewed by the SOSD and the Monitor.<sup>141</sup>

- Of the 9 arrest packages reviewed by the Monitor and OIG, the OIG's review procedures were appropriate and sufficient to assess the quality, completeness and findings of the SOSD's audit; the Monitor did not identify any discrepancies among these 9 reports.
- The OIG appropriately concluded that the SOSD's audit was deficient in several areas relating to the quality of the SOSD's review and lack of timeliness of the audit.<sup>142</sup> However, the OIG failed to note there were no specific procedures to test the risks and policies associated with gang unit arrests;<sup>143</sup> the OIG failed to consider whether the SOSD could have reduced their sample size; and the OIG failed to note that the SOSD did not specifically address the requirements of paragraph 131f related to assessing the watch commander's review of the gang unit arrest reports and relationships of the particular gang unit officers working together.
- The OIG, Monitor and SOSD were unable to verify the completeness of the population drawn by the SOSD due to the limitations of Information Technology Division's (ITD) database and the inaccuracies in the logs submitted by the SEUs. The OIG noted that the SOSD advised that the Department already addressed the problems with the ITD database. The OIG also made an appropriate recommendation to ensure the database issues are resolved.
- The OIG determined that 20 of the 117 arrest packages reviewed involved juveniles. The OIG's review revealed several deviations from Department policy regarding the treatment of juvenile arrestees.<sup>144</sup> The OIG appropriately noted actions already taken by the Department to address such deficiencies.
- The OIG appropriately concluded that because the audit period selected for this audit, October 1 to December 31, 2001, was prior to the release of the first audit of ABC reports by SEUs, an evaluation for compliance with the recommendations made in that audit could not be made.
- The OIG appropriately addressed the current status of recommendations made in the first audit of SEU arrest packages conducted by the Department.

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<sup>141</sup> Of the 6 matrices not reviewed by the OIG, the Monitor identified reportable issues not identified by the SOSD for 2 of the 6 matrices.

<sup>142</sup> The OIG also sent appropriate correspondence to various Department commands to address the discrepancies identified in the audit.

<sup>143</sup> The Monitor's Report for the Quarter Ending September 30, 2003 identifies testing that the SOSD could have undertaken to address these issues.

<sup>144</sup> For example, missing detention log entries, apparent lack of secure or non-secure detention logs, and the OIG could not determine if a Miranda waiver was sought at the time of interrogation for 19 out of 20 juvenile arrests.

Based on the deficiencies identified in the quality of the OIG's review, the Monitor finds the OIG in non-compliance with the qualitative provisions of paragraph 135b as related to the OIG's review of the SOSD's SEU ABC reports audit.

**Paragraph 136i – OIG Audit of Non-Categorical Uses of Force – Not Yet Completed**

Paragraph 136i requires the OIG to conduct a regular, periodic audit and review of a stratified random sample of all NCUOF investigations. This paragraph further requires the IG to issue a report to the Police Commission on his assessment of the quality, completeness, and findings of the investigations, the timeliness of such investigations, the accuracy of the statement summaries/transcripts, the completeness of the evidence collected and analyzed, and whether the investigation was properly adjudicated.

***Background***

On August 15, 2002, the IG completed its first Department-wide audit of NCUOF. In its Report for the Quarter Ending December 31, 2002, the Monitor found this audit in functional non-compliance, as the OIG's methodology, fieldwork and reporting were all deficient.

***Current Assessment of Compliance***

As required by the Consent Decree, this audit is required to be completed by the OIG, on a "regular, periodic" basis. The parties have agreed that this means that this audit must be completed on at least an annual basis, which means that the OIG's second audit of this topic should have been completed by August 15, 2003. By December 31, 2003, this audit remained incomplete.

Until the above audit is completed, the Monitor will continue to find the Department in functional non-compliance with the requirements of paragraph 136i of the Consent Decree. When this audit is completed, the Monitor will evaluate the quality of this audit; timeliness will not be evaluated at that time.<sup>145</sup>

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

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

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<sup>145</sup> Missing audits will be separately tracked by the Monitor in order to assess whether "substantial compliance" has been achieved for at least two years as required by paragraph 179 of the Consent Decree.

### ***Background***

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

### ***Current Assessment of Compliance***

The Monitor received the OIG's review of the Department's Complaint Form 1.28 Investigations Audit in early January 2004. The Monitor will evaluate the quality of this audit during the quarter ending March 31, 2004.

## **IX. OPERATIONS OF THE POLICE COMMISSION & INSPECTOR GENERAL**

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### **A. OPERATIONS OF THE POLICE COMMISSION**

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

In the Monitor's Report for the Quarter Ending September 30, 2003, the Monitor reviewed current performance appraisal criteria for the Chief of Police's annual evaluation and the format for that evaluation. In addition, the Monitor assessed the Police Commission's review of Consent Decree audits and the Commission's review and approval of new/changed policies and procedures.

During the current quarter, the Monitor evaluated the Police Commission's annual review of the Chief of Police and the Commission's review of the LAPD budget. The results of our current assessment follow.

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

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

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

The Monitor's assessment of paragraph 143b follows.



**Paragraph 143b – Police Commission Consideration of Audit Results in Annual Evaluation of Chief of Police**

Paragraph 143b requires the Police Commission to consider the results of various audits specified in paragraph 143a in its annual evaluation of the Chief of Police.

***Background***

The Monitor has not previously evaluated paragraph 143b. An evaluation was placed on hold pending completion of the Chief of Police's annual review.

***Current Assessment of Compliance***

During the current quarter, the Police Commission completed its annual review of the Chief of Police. As more fully described in the Current Assessment of Compliance for paragraph 144, the review encompassed six distinct areas of performance and considered the requirements of the Consent Decree, including the results of various audits specified in paragraph 143a.

Based on the foregoing, the Monitor finds the Department in functional compliance with paragraph 143b.

**Paragraph 144 – Police Commission Annual Review of Chief of Police**

Paragraph 144 requires the Police Commission, while conducting its annual review of the Chief of Police, to consider the Chief's responses to UOF incidents and complaints of officer misconduct, assessment and imposition of discipline and those matters described in paragraphs 67, 88, 89, 106, 124, 127, and 143 of the Consent Decree.

***Background***

The Monitor last evaluated paragraph 144 during the quarter ending September 30, 2003, at which time the Monitor withheld determination of the Department's functional compliance pending completion of the Chief's annual review.

***Current Assessment of Compliance***

During the current quarter, the Police Commission completed its annual review of the Chief of Police. The review covered the period from the Chief's swearing in through June 30, 2003. It encompassed six distinct areas of performance. Each area contained a definition of the Police Commission's expectations of the Chief and an evaluation of his performance. The review also considered the requirements of the Consent Decree in evaluating the Chief's performance.

Based on the foregoing, the Monitor finds the Department in functional compliance with paragraph 144.

**Paragraph 146 – Approval of LAPD Budget**

Paragraph 146 requires the Police Commission continue to review and approve LAPD budget requests.

***Background***

The Monitor last evaluated paragraph 146 during the quarter ending March 31, 2003, at which time the Department was found in functional compliance.

***Current Assessment of Compliance***

During the current quarter, the Monitor met with Police Commission staff and determined that the Department's 2004/2005 budget request was reviewed and approved by the Commission and forwarded to the City on November 7, 2003. The Department's proposed budget represents an increase of 16.2% over the current budget.

Based on the foregoing, the Monitor finds the Department in functional compliance with paragraph 146.

**B. OPERATIONS OF THE INSPECTOR GENERAL**

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

In the Monitor's Report for the Quarter Ending September 30, 2003, the Monitor assessed the IG's acceptance of complaints lodged by LAPD officers.

During the current quarter, the Monitor assessed the IG's presence at UOFRB meetings, the LAPD's prompt forwarding of documents and information to the IG, as well as the IG's timely notification to the Police Commission of pending investigations and audits. The results of our current assessment follow.

**Paragraph 148 – Inspector General Attendance at UOFRB Meetings**

Paragraph 148 states that the IG may attend any UOFRB meeting and may interview any participant in such hearing after the conclusion of the hearing.

### ***Background***

The Monitor last evaluated paragraph 148 during the quarter ending December 31, 2002, at which time the Department was found in functional compliance.

### ***Current Assessment of Compliance***

During the current quarter, discussions with the IG confirmed that he and his staff have unfettered access to UOFRB meetings. The IG continues to be pleased with the notification process and the access given to his staff. In addition, IG work rules were recently amended to allow the IG or an assistant to ask questions during UOFRB meetings.<sup>146</sup> The Monitor commends the Department and views this as a positive step towards better working relationships between the LAPD and the OIG.

Based on the foregoing, the Monitor finds the LAPD in functional compliance with paragraph 148.

### ***Paragraph 149 – Promptly Providing Documents and Information to the IG***

Paragraph 149 requires the LAPD to promptly provide the IG with any documents or other information requested by the IG related to the IG's responsibilities under the Consent Decree. The IG shall provide the LAPD with a list of reports, complete with time frames and frequency of production, that the LAPD shall provide to the IG on a specified schedule in order for the IG to fulfill his or her responsibilities under the Consent Decree. This list may be updated from time to time by the IG.

### ***Background***

The Monitor last evaluated paragraph 149 during the quarter ending December 31, 2002, at which time the Department was found in functional compliance.

### ***Current Assessment of Compliance***

During the current quarter, the Monitor met with the IG to discuss his access to LAPD information, documents and reports. It was represented to the Monitor that the LAPD continues to provide the IG with timely responses to requests for information and documents, and that reports requested by the IG are forwarded by LAPD to the OIG in compliance with the IG's original letter requesting such reports.

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<sup>146</sup> The OIG is provided with copies of CIID reports and underlying files prior to the meetings. OIG staff members then preview CUOF issues with the IG. Based upon these briefings, the IG determines if he or one of his assistants should be present to ask questions.

Based on the foregoing, the Monitor finds the Department in functional compliance with the provisions of paragraph 149.

**Paragraph 153 – Informing the Police Commission of Pending Investigations and Audits**

Paragraph 153 requires the IG to keep the Police Commission informed of the status of all pending investigations and audits to be performed by the IG pursuant to the Consent Decree.

***Background***

The IG keeps the Police Commission informed about the status of all pending IG investigations and audits through periodic activity reports, which cover investigations and audits to be performed under the requirements of the Consent Decree, as well as other matters of concern to the Police Commission.

The Monitor last evaluated paragraph 153 during the quarter ending December 31, 2002, at which time the OIG was found in functional compliance.

***Current Assessment of Compliance***

During the current quarter, the Monitor assessed the various methods by which the IG communicates with the Police Commission, including monthly activity reports, which discuss significant activities and events occurring within the OIG.

The Monitor reviewed the IG's monthly activity reports for the period November 2002 through September 2003. With the exception of the April report,<sup>147</sup> the reports were generally placed for discussion on the Commission's meeting agenda in a timely manner. The Monitor found the reports to be informative and thorough.

Another method by which the IG communicates with the Police Commission is the placement of special interest items on the Police Commission's meeting agenda when reviews are completed and reports are ready for submission, including special reports, audit reports, reviews of QDRs, reviews of CUOF incidents, reports concerning retaliation complaints, and reviews of LAPD audits. In many instances, details of these reports and reviews are discussed in closed session, allowing for the exchange of sensitive information between the IG and the Police Commission.

Based on the foregoing, the Monitor finds the Department in functional compliance with paragraph 153.

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<sup>147</sup> The April 2003 report was prepared, but inadvertently not submitted to the Commission. Upon recognizing the oversight, it was subsequently submitted on September 5, 2003.

### **C. GENERAL**

Paragraph 154 of the Consent Decree requires the City and the Department take appropriate timely and reasonable steps to implement recommendations and remedy deficiencies noted in reviews, audits and reports issued by the Commission, the IG, and the Department under the Consent Decree. Since the implementation of the Consent Decree, numerous reports have been issued that identify recommendations to correct deficiencies at various levels within the LAPD.

In previous quarters, the Monitor assessed the Department's progress in tracking recommendations and their implementation, and whether appropriate, timely and reasonable steps have been undertaken to implement recommendations and remedy deficiencies emanating from LAPD and OIG audits. The Monitor is scheduled to conduct similar assessments during the quarter ending June 30, 2004.

## **X. COMMUNITY OUTREACH AND PUBLIC INFORMATION**

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

The Consent Decree also mandates that the LAPD prepare and publish on its website semiannual public reports that include aggregate statistics broken down by each LAPD geographic area and for the Operations Headquarters Bureau, and broken down by the race/ethnicity/national origin of the citizens involved, for arrests, and UOF. Additionally, the Consent Decree mandates the establishment of a media advisory working group to facilitate information dissemination to the predominant ethnicities and cultures in Los Angeles.

In the Monitor's report for the Quarter ending September 30, 2003, the Monitor reviewed the Department's compliance with Consent Decree mandates to prepare and post certain semiannual reports on its website and to hold a quarterly Media Advisory Group meeting.

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

### ***Paragraph 156 – Website Reports***

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

### ***Background***

The Monitor last evaluated paragraph 156 during the quarter ending September 30, 2003, at which time the LAPD was found in compliance.

### ***Current Assessment of Compliance***

In order to assess compliance during the current quarter, the Monitor reviewed the semi-annual report for the period July 1, 2003 through December 31, 2003, which is posted on the LAPD's website. As mandated by the Consent Decree, the semi-annual report includes the pedestrian and traffic stop data for July 1, 2003 through December 31, 2003; a summary of all discipline imposed during this period; reports of audits completed during this period; as well as new policies or changes in policies made by the Department to address the Consent Decree for the six-month period.

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

***Paragraph 157 – Media Advisory Group***

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

***Background***

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

***Current Assessment of Compliance***

During the current quarter, the Monitor requested all paperwork leading up to and resulting from the Media Advisory Group's quarterly meeting, including the meeting's attendance list and notes. Despite the efforts of the Department to organize a meeting during the current quarter, due to a lack of response from members, no meeting was held.

Based on the foregoing, the Monitor finds the Department in non-compliance with paragraph 157.

## **XI. CORRECTIONS TO PREVIOUS QUARTERLY REPORTS**

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The Monitor issues the following corrections to the Monitor's previous quarterly reports.

### **Paragraph 96 – Misconduct Complaints Filed Against the Chief of Police**

#### ***Background***

Paragraph 96 states that the investigative duties required in paragraphs 93 and 94 shall not apply to investigations of misconduct complaints lodged against the Chief of Police and that such investigations shall be directed by the Police Commission. In its Report for the Quarter Ending June 30, 2003, the Monitor found the DPD in non-compliance with paragraph 96.

#### ***Correction***

During the quarter ending June 30, 2003, the Police Commission (through the IG), and not the PSB, was conducting investigations of complaints against the Chief of Police. Accordingly, the Monitor's Report and Report Card for the Quarter Ending June 30, 2003, and the Monitor's Report Card for the Quarter Ending September 30, 2003, should be amended to reflect a finding of compliance with paragraph 96 for the quarter ending June 30, 2003.

### **Paragraph 131 – Gang Unit Work Product Audits**

#### ***Background***

Paragraph 131 mandates that the OHB Detective Support Division conduct regular periodic audits of the work product of all gang units covered by paragraph 106. In the Monitor's report for the quarter ending December 31, 2002, the Monitor clarified that paragraph 131 essentially has two aspects:

- It identifies the types of audits that must be conducted: namely an audit of the work product of the gang units, including the bureau gang coordinator audits as mandated by paragraphs 131 and 106h; the selection criteria audit as mandated by paragraphs 131b and 106b-c; audits that are similar to the paragraph 128 Department-wide audits as mandated by paragraph 131c; and the audit of the use of confidential informants as mandated by paragraph 131d.
- It identifies the standards for each of the above audits: namely testing a random sample of the gang units and conducting extended testing for officers with anomalies as mandated by paragraph 131a; testing the roles and conduct of supervisors as mandated by paragraph 131e; testing the incidents requiring supervisory review as mandated by paragraphs 131f, 62, 64,



68, 70 and 71; and concluding and issuing recommendations related to any deficiencies identified, as mandated by paragraph 131g.

Based on this interpretation, the Monitor's Report and Report Card for the Quarter Ending December 31, 2002 removed the assessments relative to paragraphs 131e-g, and the assessment for paragraph 131a was interpreted as referring to the work product of gang units relative to paragraph 106a, and paragraphs 106d-h, which therefore includes the audit of the bureau gang coordinator audits.

### ***Updated Interpretation & Impact***

As reported earlier in this report, the Monitor received two gang unit audits: one is an audit of the gang unit's work product as a whole, and the other is meant to be an audit of the bureau gang coordinator's work product.

As a result of discussions with Audit Division, the Monitor has concluded that paragraph 131e has two requirements: one is to conduct a substantive audit of the gang unit supervisory oversight relative to paragraph 106, and the other is to evaluate supervisory oversight as a component of each of the other paragraph 131 audits. Therefore, the Monitor has assessed this paragraph as a separate paragraph in this report and report card.

### ***Correction***

The Monitor's Report and Report Card for the quarter ending September 30, 2003 should be amended to add a separate assessment relative to paragraph 131e and the assessment for paragraph 131a should be interpreted as referring to only the work product of the individual officers and the gang unit as a whole.

## **XII. CONCLUSION**

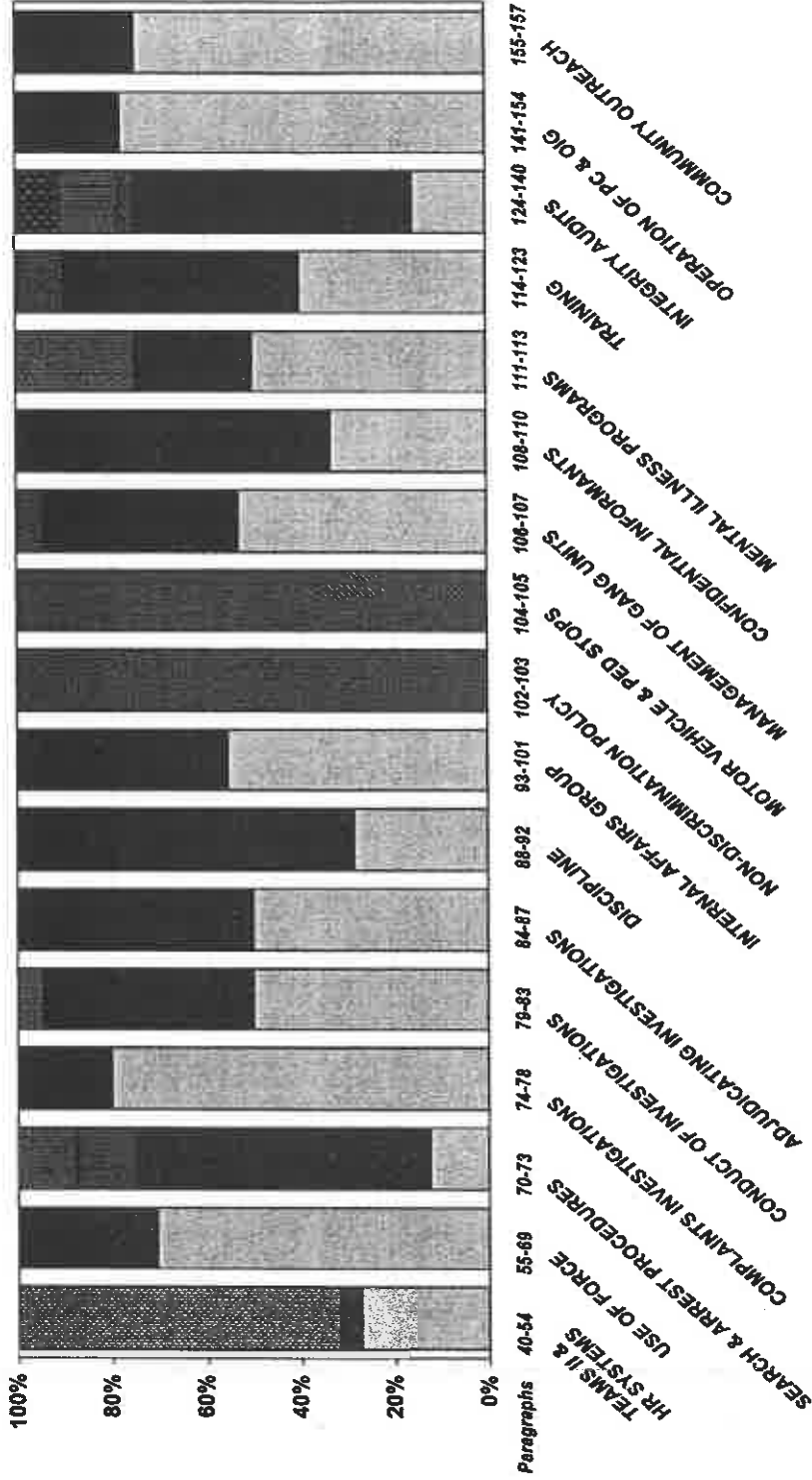
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While, as evidenced by this report, areas of concern persist, the Monitor continues to be encouraged by the progress that the LAPD is making in instituting reforms to address the problems that it still faces. Significantly, the issues raised in our last report relative to the investigations of Categorical Uses of Force continue to be addressed, with anticipated structural reform in the upcoming quarter. We remain optimistic that full compliance with the Consent Decree will be achieved.

REPORT OF THE INDEPENDENT MONITOR FOR THE LOS ANGELES POLICE DEPARTMENT

"Report Card" Summarizing the Monitor's Evaluation of Compliance  
With the Consent Decree as of the Quarter Ending December 31, 2003

REPORT CARD STATUS SUMMARY



Compliant  
 Non-Compliant  
 Determination Withheld  
 Not Yet Evaluated  
 DW  
 NYE  
 Not Required at this Time  
 NR

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



REPORT OF THE INDEPENDENT MONITOR FOR THE LOS ANGELES POLICE DEPARTMENT

"Report Card" Summarizing the Monitor's Evaluation of Compliance  
With the Consent Decree as of the Quarter Ending December 31, 2003

ASSESSMENT OF COMPLIANCE [1]  
(for last 5 Quarters)

EVALUATION TIMING

	ASSESSMENT OF COMPLIANCE [1] (for last 5 Quarters)					Status Last Eval'n	Next Expected Eval'n Q/E	Comments re: Last Evaluation
	Oct- 2003	Jul- 2003	Apr- 2003	Jan- 2003	Oct- 2002			
I. INTRODUCTION								
1 to 38 General Provisions and Definitions								No task
II. MANAGEMENT AND SUPERVISORY MEASURES TO PROMOTE CIVIL RIGHTS INTEGRITY								
A. TEAMS II [Computer Information System]								No task
39 New Training Evaluation and Management System (TEAMS II)								
II. MANAGEMENT AND SUPERVISORY MEASURES TO PROMOTE CIVIL RIGHTS INTEGRITY								
A. TEAMS II [Computer Information System]								
40 Access by Police Commission, Inspector General & Chief of Police								
41 Information to be Contained in TEAMS II (Design Assessment)								
42 Input of Historical Data into TEAMS II								
43 Data Analysis Capabilities								
44 Linking and Cross-Referencing of Data								
45 Approved Design Document								
46 Protocol for Using TEAMS II (incl. for Supervision & Audit								
47 Protocol Requirements								
48 Training (re: Use of TEAMS II and Protocol Implementation)								
49 Data Capture & Retention								
50 a) TEAMS II Design Approved 30 Days after Submission to DOJ								
b) Approval of Use Protocols 15 Months after Approval of Design								
c) Beta of TEAMS II Available 12 Months after Approval of Design								
d) Computer Program and Hardware Operational for Beta of TEAMS II								
e) TEAMS II Fully Implemented 21 Months after Approval of Design								
51 Use of TEAMS II Data for Decision Making								
a) Selection of Officers for Assignment to CIID or as PSB Investigators								
b) Selection of Officers as FTOs of for Gang Units								
c) Officers Transferred into New Divisions or Areas								
d) Document Consideration of Sustained Administrative Investigations, Adverse Judicial Findings or Discipline								
52 TEAMS II Modifications Process								
B. Management and Coordination of Risk Assessment Responsibilities								
53 Human Resources Bureau Responsibilities re: Risk Assessments								

✓ = Compliant, X = Non-Compliant  
NR = Not Required at this Time; NYE = Not Yet Evaluated; DW = Determination Withheld

REPORT OF THE INDEPENDENT MONITOR FOR THE LOS ANGELES POLICE DEPARTMENT

"Report Card" Summarizing the Monitor's Evaluation of Compliance  
With the Consent Decree as of the Quarter Ending December 31, 2003

ASSESSMENT OF COMPLIANCE [1]  
(for last 5 Quarters)

EVALUATION TIMING

	ASSESSMENT OF COMPLIANCE [1] (for last 5 Quarters)					Status as of Last Eval'n	Last Quarter Ending	Next Expected Eval'n Q/E	Comments re: Last Evaluation	
	Oct- 2003	Jul- 2003	Apr- Jun 2003	Jan- Mar 2003	Oct- Dec 2002					
<b>C. Performance Evaluation System</b>										
54	Annual Performance Evaluation System Developed & Implemented							NR		
<b>III. INCIDENTS, PROCEDURES, DOCUMENTATION, INVESTIGATION, AND REVIEW</b>										
<b>A. Use of Force</b>										
55	X					X	Sep-03	Mar-04	Secondary non-compliance; Department is in primary and functional compliance	
56							Dec-03	Jun-04		
57							Sep-03	Mar-04		
58							Dec-03	Jun-04		
59							Dec-03	Jun-04		
60							Jun-02		Next evaluation date undetermined	
61	X			X		X	Sep-03	Mar-04		
62	X		X	X		X	Dec-03	Jun-04		
63	X		X			X	Dec-03	Jun-04		
64							Sep-03	Mar-04		
65					X		Sep-03	Mar-04		
66							Dec-03	Jun-04		
67							Jun-02		Next evaluation date undetermined	
68							Sep-03	Mar-04		
69							Dec-03	Jun-04		
<b>B. Search and Arrest Procedures</b>										
70							Sep-03	Mar-04		
71							Dec-02	Jun-04	Review scheduled in conjunction with review of ABC audit (paragraph 128(2))	
							Mar-03	Jun-04	Review scheduled in conjunction with review of ABC audit (paragraph 128(2))	
72							Sep-03	Mar-04	Meet and confer	

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"Report Card" Summarizing the Monitor's Evaluation of Compliance  
With the Consent Decree as of the Quarter Ending December 31, 2003

ASSESSMENT OF COMPLIANCE [1]  
(for last 5 Quarters)

EVALUATION TIMING

	ASSESSMENT OF COMPLIANCE [1] (for last 5 Quarters)					Status as of Last Eval'n	Last Quarter Ending	Next Expected Eval'n Q/E	Comments re: Last Evaluation
	Oct- Dec 2003	Jul- Sep 2003	Apr- Jun 2003	Jan- Mar 2003	Oct- Dec 2002				
73 WC Inspection & Interview of Detainees & Arrestees						X	Sep-02	Jun-04	
C. Complaint Investigations									
74 Receipt/Maintenance of Complaints	X		X	DW		X	Dec-03	Jun-04	
75 Initiation of Complaint Form 1.28	✓		X	DW		✓	Dec-03	Jun-04	
76 Civil Lawsuits Alleging Misconduct of LAPD			✓		✓	✓	Jun-03	Jun-04	
77 Arrest/Litigation Involving Officer			✓		✓	✓	Jun-03	Jun-04	
78 Requirement to Report Officer Misconduct	✓		X		DW	✓	Dec-03	Jun-04	
D. Conduct of Investigations									
79 IAG Review of Complaints "Face Sheet"		X	X			X	Sep-03	Mar-04	
80i CUOF Investigations									
a) Tape-Record / Videotape Interviews for CUOF Investigations	X	X				X	Sep-03	Mar-04	
b) Canvassing and Interviewing of Witnesses / Complainants to CUOF Investigations	X	X	✓			X	Sep-03	Mar-04	
c) Group Interviews Prohibited for CUOF Inv'ts	X	X	✓			X	Sep-03	Mar-04	
d) Not applicable									
e) Interview All Supervisors for CUOF Investigations	✓					✓	Sep-03	Mar-04	
f) Collect and Preserve Evidence for CUOF Investigations	X	X	✓			X	Sep-03	Mar-04	
g) Identify and Report All Inconsistencies for CUOF Inv'ts	X	X	✓			X	Sep-03	Mar-04	
80ii Complaint Investigations									
a) Tape-Record / Videotape Interviews for Complaint Investigations	X	X	X			X	Sep-03	Mar-04	
b) Canvassing and Interviewing of Witnesses / Complainants to Complaint Investigations	✓	✓	✓			✓	Sep-03	Mar-04	
c) Group Interviews Prohibited for Complaint Inv'ts	✓	✓	X			✓	Sep-03	Mar-04	
d) Notify Involved Officers & their Supervisors Regarding Complaint Investigations	✓	✓	X			✓	Sep-03	Mar-04	
e) Interview All Supervisors for Complaint Investigations	✓	✓	✓			✓	Sep-03	Mar-04	
f) Collect and Preserve Evidence for Complaint Investigations	✓	✓	X			✓	Sep-03	Mar-04	
g) Identify and Report All Inconsistencies for Complaint Inv'ts	✓	✓	✓			✓	Sep-03	Mar-04	
81 a) Chain of Command Investigations of Complaints	✓	X	X			X	Sep-03	Mar-04	
b) Non-Categorical Uses of Force Investigations	✓	✓	✓		X	✓	Dec-03	Jun-04	
82 Collateral Misconduct Investigations	✓	✓	✓			✓	Dec-03	Jun-04	Pending further development of TEAMS II
83 TEAMS II Access						NR			
E. Adjudicating Investigations									
84 Standards for Credibility Determinations	X	X	X			X	Sep-03	Mar-04	

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	ASSESSMENT OF COMPLIANCE [1] (for last 5 Quarters)												EVALUATION TIMING		Comments re: Last Evaluation
	Status as of Last Eval'n					Last Eval'n Quarter Ending							Next Expected Eval'n Q/E		
	Oct-2003	Jul-Sep 2003	Apr-Jun 2003	Jan-Mar 2003	Oct-Dec 2002	Oct-2002	Jul-Sep 2002	Apr-Jun 2002	Jan-Mar 2002	Oct-Dec 2001	Next Eval'n Quarter Ending				
85													Mar-04		
86													Mar-04		
87													Mar-04		
<b>F. Discipline &amp; Non-Disciplinary Action</b>															
88	X	DW	X	X	X								Mar-04		
89	X	DW											Jun-04		
90	X	X	X	DW	X								Jun-04		
91		DW											Sep-04	Related to compliance determination for paragraph 144.	
92													Mar-04		
93		X	X	X	X								Mar-04		
94				DW									Mar-04		
95			X	DW									Jun-04		
96													Jun-04		
97													Jun-04	Primary compliance but functional non-compliance	
98													Jun-04		
99													Jun-04		
100													Jun-04		
101													Jun-04		
<b>H. Non-Discrimination Policy and Motor Vehicle and Pedestrian Stops</b>															
102	DW	DW		X	X								Mar-04		
103	DW	DW		X	X								Mar-04		
104	DW	DW	X	X	X								Mar-04		
105	DW	DW	X	X	X								Mar-04		
<b>IV. MANAGEMENT OF GANG UNITS</b>															
106		X		X	X								Jun-04		
107				X	X								Jun-04		
108				X	X								Jun-04	Primary compliance but secondary and functional non-compliance	
109				X	X								Jun-04		

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

Comments re: Last Evaluation

e) i) Detention, Transportation, Arrest, Booking and Charging of Gang Arrestees	✓		X		✓	Sep-03	Jun-04	
ii) Class A or C Uniforms for Gang Officers	✓		✓		✓	Sep-03	Jun-04	
iii) Marked Police Vehicles for Gang Officers	✓		✓		✓	Sep-03	Jun-04	
iv) Gang Officers Check Out and Return Field Equipment from Area Kit Room	X		X		X	Sep-03	Jun-04	
v) Gang Officers Attendance for Patrol Roll Calls	✓		✓		✓	Sep-03	Jun-04	
vi) Gang Unit Activities Out of Area Station	✓		✓		✓	Sep-03	Jun-04	
vii) Gang Arrestees/Witness Interviewed at Night at Primary Area Station	✓		✓		✓	Sep-03	Jun-04	
f) Role of Gang Unit Supervisor	X		X		X	Sep-03	Jun-04	
g) Role of Gang Area Managers	X		X		X	Sep-03	Jun-04	
h) Role of Bureau Gang Coordinator	X		X		X	Sep-03	Jun-04	
107 a) Eligibility Criteria for Work in Gang Unit	✓				✓	Dec-03	Jun-04	
b) Selection Process for Gang Unit Personnel	X		X		X	Dec-03	Jun-04	Primary compliance but secondary and functional non-compliance
c) Supervisory Review of Incidents & Impact on Eligibility to Remain in Gang Unit	DW				DW	Dec-03	Jun-04	
<b>V. CONFIDENTIAL INFORMANTS</b>								
108 Procedures for the Handling of Informants		X		X	X	Jun-03	Mar-04	
109 Confidential Informants Database		✓		✓	✓	Jun-03	Mar-04	
110 Confidential Informant Manual		X		X	X	Jun-03	Mar-04	
<b>VI. DEVELOPMENT OF PROGRAM FOR RESPONDING TO PERSONS WITH MENTAL ILLNESS</b>								
111 Evaluation of Other Successful Programs		X			✓	Jun-02		
112 a) Report to Police Commission on Police Contact with Mentally Ill		DW		DW	X	Sep-03	Mar-04	
b) Report to City Council and Mayor on Police Contact with Mentally Ill				✓	✓	Dec-02		February 2004 deadline
113 Audit of Police Contact with Mentally Ill					NR			
<b>VII. TRAINING</b>								
<b>A. Field Training Officers Program</b>								
114 Eligibility Criteria for FTO		X			X	Sep-02	Mar-04	
115 FTO De-selection		X		DW	X	Sep-03	Mar-04	
116 FTO Training Plan		X			X	Sep-03	Mar-04	
<b>B. Training Content</b>								
117 Police Integrity Training Requirements		X		X	X	Sep-03	Mar-04	
118 Public Members on Board of Rights	DW				DW	Sep-03	Mar-04	

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	ASSESSMENT OF COMPLIANCE [1] (for last 5 Quarters)					EVALUATION TIMING			Comments re: Last Evaluation
	Oct- Dec 2003	Jul- Sep 2003	Apr- Jun 2003	Jan- Mar 2003	Oct- Dec 2002	Last Eval'n Quarter Ending	Next Expected Eval'n Q/E		
119 Tuition Reimbursement						Mar-03	Mar-04		
120 Communication of Training Suggestions						Sep-03	Mar-04		
<b>C. Supervisory Training</b>									
121 Supervisory Training Requirements		DW	X	X		Dec-03	Jun-04		
122 Regular and Periodic Supervisory Training						Sep-03	Mar-04		
123 Supervisory Investigations Training		X				Sep-03	Mar-04		
<b>VIII. INTEGRITY AUDITS</b>									
<b>A. Audit Plan</b>									
124 Audit Plan & Responsibilities		X		X		Sep-03	Jun-04	Ongoing lack of adequate audit resources & inability to ensure timely audits	
<b>B. Audits by the LAPD</b>									
125 a) Warrant Applications & Affidavits Audit						Last evaluated Dec-01;	Dec-01	superceded by 128(1) audit - see below for status	
b) Arrest, Booking & Charging Reports Audit						Last evaluated Dec-01;	Dec-01	superceded by 128(2) audit - see below for status	
c) Confidential Informant Control Packages Audit						Last evaluated Dec-01;	Dec-01	superceded by 128(5) audit - see below for status	
d) Gang Unit Work Product Audit						Last evaluated Dec-01;	Dec-01	superceded by 131(a) audit - see below for status	
126 Use of Force Reports Audit						Last evaluated Mar-02;	Mar-02	superceded by 128(3) audit - see below for status	
127 Sting Audits Reporting Protocol						Dec-03	Jun-04		
128 1) Warrant Applications & Affidavits Audit		X				Dec-03	Mar-04	"Regular, periodic audit" not conducted	
2) Arrest, Booking & Charging Reports Audit				DW		Mar-03	Mar-04	Audit scope of Supplemental paragraph 70b audit subject to interpretation	
3) Use of Force Reports Audit		NYE	X	X		Dec-03	Mar-04	State but thorough findings	
4) Motor Vehicle & Pedestrian Stops Audit		NYE	X	X		Dec-03	Sep-04		
5) Confidential Informant Control Packages Audit			NYE	X		Sep-03	Sep-04		
129 i) Categorical Use of Force Investigations Audit		NYE	X	X		Dec-03	Sep-04	Restricted scope and deficient quality	
ii) Non-Categorical Use of Force Investigations Audit		NYE	X	X		Dec-03	Mar-04	State but thorough findings	
iii) Complaint Form 1.28 Investigations			X	X		Jun-03	Jun-04	Quality audit with acknowledged deficiencies	
130 Annual Report on Complaints & Disposition						Mar-03	Mar-04	Quality audit, but not performed by SOSD	
131 a) Gang Unit Work Product Audit		NYE	X	X		Dec-03	Mar-04	"Regular, periodic audit" not conducted	
b) Gang Unit Selection Criteria Compliance Audit		X	NYE	X		Sep-03	Sep-04		
c-1) Gang Unit Warrant Applications & Affidavits Audit		X	X	X		Dec-03	Mar-04		
c-2) Gang Unit Arrest, Booking & Charging Reports Audits		X	NYE	X		Sep-03	Sep-04		
c-3) Gang Unit Use of Force Reports Audit		X	NYE	X		Dec-03	Mar-04	Audit did not address Gang Unit issues	
c-4) Gang Unit Motor Vehicle & Pedestrian Stops Audit		X	NYE	X		Dec-03	Sep-04	Audit did not adequately address Gang Unit issues	
c-5) Gang Unit Informant Control Packages Audit		X	NYE	X		Sep-03	Sep-04	Audit did not adequately address Gang Unit issues	

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	Dec 2003		Jan 2003		Feb 2003		Mar 2003		Apr 2003		May 2003		Jun 2003		Jul 2003		Aug 2003		Sep 2003		Oct 2003		Nov 2003		Dec 2003			
	✓	X	✓	X	✓	X	✓	X	✓	X	✓	X	✓	X	✓	X	✓	X	✓	X	✓	X	✓	X	✓	X	✓	X
<b>d) Gang Unit Use of Confidential Informants Audit</b>																												
<b>e) Audit of Bureau Gang Coordinator Audits</b>																												
<b>132 Financial Disclosure Requirements &amp; Audits</b>																												
<b>133 Police Training Audit</b>																												
<b>134 Skeletal Fractures During UOF Audit</b>																												
<b>C. Inspector General Audits</b>																												
<b>135 a) Timeliness of Transmittal of LAPD Audits to OIG</b>																												
<b>b) Evaluation of IG's Reviews of LAPD's Audits</b>																												
<b>136 (G) Review of Categorical UOF Investigations</b>																												
<b>i) IG Audit of Non-Categorical Uses of Force</b>																												
<b>ii) IG Audit of Complaint Form 1, 28 Investigations</b>																												
<b>137 (G) Audit of LAPD's Use of TEAMS II Protocol (as per CD47)</b>																												
<b>138 (G) to Use TEAMS II to Conduct Audits and Review LAPD Audits for At Risk Behavior, Practices or Procedures</b>																												
<b>139 Recording, Tracking &amp; Investigation of Retaliation Complaints</b>																												
<b>140 Audits Initiated by the Police Commission (to be Conducted by the LAPD or (G) and Audits Initiated by the IG)</b>																												
<b>IX. OPERATIONS OF THE POLICE COMMISSION &amp; INSPECTOR GENERAL</b>																												
<b>A. Police Commission</b>																												
<b>141 Obligations of Commission/IG/Chief</b>																												
<b>142 a) Commission/IG Review of All Categorical UOF</b>																												
<b>b) Annual CUOF Report Detailing Commission's Findings</b>																												
<b>143 a) Police Commission Review of Audits</b>																												
<b>b) Consider Audit Results in Evaluation of COP</b>																												
<b>c) Review and Approval of All New LAPD Policies &amp; Procedures</b>																												
<b>144 Review of Chief</b>																												
<b>145 Chief Misconduct Complaints</b>																												
<b>146 Approval of LAPD Budget</b>																												
<b>B. Inspector General</b>																												
<b>147 a) Notification and Observation of CUOF "Roll-outs"</b>																												
<b>b) Notification to the PC of Non-Conformance</b>																												
<b>148 UOF Review Board Meetings</b>																												
<b>149 Promptly Providing Documents &amp; Information to IG</b>																												
<b>150 a) IG Acceptance of Complaints from LAPD Officers</b>																												

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

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

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



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



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



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