

REPORT OF THE INDEPENDENT MONITOR FOR THE LOS ANGELES POLICE DEPARTMENT



REPORT FOR THE
QUARTER ENDING JUNE 30, 2002

Kroll

Office of the Independent Monitor
of the Los Angeles Police Department



Office of the Independent Monitor
of the Los Angeles Police Department

REPORT OF THE INDEPENDENT MONITOR
FOURTH QUARTERLY REPORT
August 15, 2002

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- A. "Report Card" Summarizing the Monitor's Evaluation of Compliance with the Consent Decree as of the Quarter Ending June 30, 2002
- B. Detailed Findings from the Monitor's Review of the DSD's SEU ABC Reports Audit
- C. Recommendations to Improve the DSD's Future Audits

INTRODUCTION

The City of Los Angeles and the Los Angeles Police Department (LAPD) entered into a Consent Decree with the Department of Justice effective 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 Monitor to ensure that Consent Decree reforms are implemented in an effective and timely manner. This report covers the second quarter of 2002 ending June 30, 2002.¹

EXECUTIVE SUMMARY

This quarter, a formal methodology was finalized and adopted by the Monitor. This methodology is designed to provide objective criteria to "score" compliance with specific Consent Decree requirements. The measurement criteria provide both a tool and a starting point for the Monitor. The Monitor will continue to supplement these measurements with investigative techniques that examine broader implications of reform for the Los Angeles Police Department, consistent with the Consent Decree.

The Monitor applied the measurement criteria to examine 58 categories of police performance required by the Consent Decree. In 29 of these categories, the City and the LAPD failed to achieve compliance. Significantly, the measurement criteria revealed continuing problems that have been identified in prior reports.

Areas of concern include the following:

- The internal audit process continues to be flawed and to miss significant "red flags." The Audit Unit continues to be understaffed to meet the challenges of its mission. In addition, a serious backlog of uncompleted audits is building.
- The Internal Affairs Group also faces a staffing shortage that must be addressed. A misconduct complaint backlog persists raising the possibility that sensitive cases mandated for investigation by Internal Affairs may be returned to chain of command supervisors. This procedure would be in direct contravention of the Consent Decree.
- Data entry of information on pedestrian and motor vehicle stops continues to fail. Eight months after data collection commenced, the database remains unusable and it is impossible to verify that information is accurately collected in the field.

¹ This is the Monitor's fourth quarterly report as required under Paragraph 173 of the Consent Decree. In instances where significant information has come to light after the end of the reporting period, footnotes containing that significant information have been added.

- The confidential informant databases contain critical errors that make it difficult to track informants and identify unreliable informants.
- Investigations of Non-Categorical Use of Force incidents continue to be delayed.
- The development of TEAMS II, the computerized “early warning” system to help track potential at risk behavior is stymied by the failure to adopt a finalized design document. Eight months after submitting the initial draft, the basic design plan for TEAMS II has not yet been finalized and approved.

The LAPD has achieved full compliance in the following important areas:

- Effective sting audits are being conducted to track at-risk behavior.
- Investigation response times have improved on Categorical Use of Force cases, arguably the most critical intersection between the police and the public.
- Special Enforcement Units that police gang-related crime are in uniform and operating in marked police cars.
- Public outreach and community affairs meetings are being conducted in a professional and responsible manner.

Despite these areas of progress and the efforts of many dedicated police and City personnel, significant issues raised by the Monitor continue from one reporting period to the next. It appears that greater commitment, accountability and leadership are required to achieve the reforms called for by the Consent Decree. This must begin with the Command staff and filter down to supervisors and ultimately to the officers on the street. It is the Monitor's hope that new leadership within the LAPD will dedicate the supervisory time necessary to implement reform efforts that have been frustrated for months.

I FOCUS ISSUES

A. MEASUREMENT CRITERIA ADOPTED

This is the first of the Monitor's Quarterly Reports to be issued under the “Methodologies to Aid in Determination of Consent Decree Compliance” (the Methodologies). It is also the first report to include a summary schedule that reports on compliance with each substantive paragraph of the Consent Decree. This schedule or “report card” which is included as Appendix A to this report, is designed to provide a snapshot of where the City and the Department stand on efforts to implement Consent Decree reforms.

1. The Methodologies

Dr. James Ginger was retained by the City and the Department of Justice to assist the Monitor in the development of criteria, procedures and methodologies for monitoring

compliance with the specific requirements of the Consent Decree. The Methodologies were finalized in April 2002.

The Methodologies identify compliance measurement and assessment processes for monitoring compliance with each provision of the Consent Decree. The Methodologies address the following specific activities:

- Identifying task types;
- Stipulating data sources;
- Stating compliance definitions;
- Identifying sampling methods;
- Stating task measures;
- Identifying data analysis processes;

While the Methodologies will, in the vast majority of cases, be dispositive on the issue of compliance, the Monitor reserves the right to reach conclusions that may be at odds with the results of mechanical formulations and statistical measurement criteria. Should this circumstance arise, the Monitor will clearly articulate the reasons and rationale for the findings that are made.

2. Report Card

The schedule attached as Appendix A to this report summarizes compliance with each substantive paragraph of the Consent Decree.

The schedule begins with the quarter ending June 30, 2002. The “Status as of Last Evaluation” column includes the most recent evaluation made for each paragraph of the Consent Decree, whether it was made in this quarter or in a prior quarter, before the Methodologies were finalized. The quarter in which the evaluation was made is also indicated on the spreadsheet.

If no evaluation has been conducted to-date, the Status of Last Evaluation column will either contain the notation “NYE” indicating that the Monitor has not yet completed an evaluation, or it will contain the notation “NR” indicating that compliance with the paragraph is not yet required under the terms of the Consent Decree.

Finally, the spreadsheet also lists the quarter in which the Monitor anticipates conducting the next evaluation of compliance with each paragraph. This listing is an estimate based on available information at the time that the report card is issued. These estimates are subject to change as information develops and circumstances change.

II SUBSTANTIVE PROVISIONS

A. TEAMS II

TEAMS II is a computerized early warning system that is being developed to identify potential patterns of at-risk behavior. (CD ¶¶ 39-53). The system is intended to promote professionalism and best policing practices.

The basis of TEAMS II is the Risk Management Information System (RMIS). RMIS will have the capability of gathering data from many database sources. Three new systems are being developed to provide data for RMIS: the Complaint Management System (CMS), the Use of Force (UOF) database and the STOP database (used to track pedestrian and motor vehicle stop data).² A personnel tracking system will also be linked to RMIS, but it is uncertain at this time if the system will be built or if the City will be able to use existing databases.

In June, the City developed a timeline for TEAMS II related projects that must be completed in order to meet Consent Decree required deadlines. Production of the timeline was urged by the Monitor and DOJ and is essential to the ability to track and monitor all TEAMS II projects.

1. Risk Management Information System Design

Eight months after the City submitted the initial Design Document for RMIS, the approval process for the design of Teams II is still incomplete. The City and the Department of Justice have continued throughout this quarter to negotiate modifications.

Once the Design Document is approved, the Consent Decree allows the City 12 months to develop a beta-version test for RMIS and the Use of Force System, and 21 months for full implementation of the project. In an effort to comply with this aggressive schedule, the City has begun to create a Request for Proposal to construct the RMIS system. The RFP will be released when the RMIS Design Document has been approved.

2. Complaint Management System

This quarter, after substantial discussions with the current contract vendor, the City has determined that it is necessary to release the contract for CMS to competitive bid.

The decision to release the contract will add significant time to the development schedule of CMS. Despite the delay, the Monitor endorses the City's decision to collect competitive bids. This step was taken only after the failure to resolve critical issues such as the cost, schedule and selected technologies which are issues that will affect the ultimate success of the TEAMS II project.

² A variety of legacy systems will also feed information into RMIS.

The RFP will include a requirement for production of a design document, construction of the final system, test plans and training for CMS.

3. Use of Force System

The City and the LAPD worked throughout the quarter to review and update the design document for the UOF system. Based on this work, the City has now begun to write a Request for Proposal for the construction of the UOF system. It is currently anticipated that RFPs for the UOF system and RMIS will be released concurrently.

4. Personnel System

The City has completed its analysis of the requirements for a personnel tracking system that will provide the basis for a security system to control access to TEAMS II. Based on this analysis, the City has determined that a new system cannot be developed in time to meet the mandated schedule for TEAMS II. The City is currently working with the LAPD to assess the feasibility of enhancing the Department's existing Training Management System (TMS).³

The Monitor will review the progress of this project during the next reporting period.

5. Data Profiling and Cleansing

Throughout this quarter, the LAPD researched various tools and a number of vendors regarding the data profiling and cleansing process. The LAPD made recommendations to the City in June 2002.

The Monitor will review the progress of this project during the next reporting period.

6. APRIS – ICARS

In late April, the City signed a contract with KPMG Consulting, Inc. for the restoration and enhancement of an Automated Personnel Records Imaging System (APRIS) and an Integrated Crime and Arrest Records System (ICARS). KPMG will be improving the scanning capabilities and enabling decentralized access so that all 18 divisions will be able to review data from these records. These documents will be available in TEAMS II through cross-referencing between RMIS and APRIS-ICARS.

This task is projected to take 33 weeks and currently is reported to be running on schedule.

³ An RFP is still being formulated for the development of the new Deployment Personnel System (DPS) that ultimately will track personnel information and provide the basis for the workflow and access control needs of TEAMS II.

B. INTERNAL INVESTIGATIONS

1. CATEGORICAL USE OF FORCE INCIDENTS

(a) Notification and Response Times

The Monitor focused its review this quarter on timely notification and response by the LAPD's Critical Incident Investigation Division (CIID) which is responsible for investigating all Categorical Use of Force incidents. Notification and a prompt response by CIID is critical to preserve evidence and maintain integrity. (CD ¶¶ 56, 58).

The Monitor found that notification was generally prompt and CIID response times were judged to be within acceptable limits. One question emerged regarding prompt notification in cases related to serious injuries that took time to manifest. The Monitor will further evaluate these specific incidents in future reporting periods.

The Monitor reviewed Department Command Post logs for the period January 1, 2002 through March 31, 2002. For this period the following categories were examined:

- Officer Involved Shootings (OIS) – Individual(s) Hit by Gunfire
- OIS – No Gunfire Hits
- In-Custody Deaths
- Law Enforcement Related Injury Incidents (LERI)⁴

The CIID's overall response time ranged from approximately 25 to 106 minutes, with an average mean arrival time of 69 minutes. This response time is judged to be within acceptable limits and not an impairment to the investigation.

Nine OIS incidents were identified in which an individual was hit by gunfire. Notification to the CIID occurred within an average of 30.7 minutes.⁵

Six No-Hit OIS incidents were identified. Average notification time was 61.33 minutes.

Two in-custody deaths occurred. Average notification time was 17.5 minutes.

Lastly, six Law Enforcement Related Injury Investigation (LERI) incidents were identified. For five of these incidents, average notification occurred within 7 hours. For the sixth incident, approximately 8 days (11,130 minutes) elapsed between the documented time of the incident and official notification to CIID. In this case, the injury was not apparent at the time of the incident. The CIID discovered the injury in making a

⁴ LERII's consist of injuries sustained by a subject requiring admission to a hospital.

⁵ CIID was notified via the Department Command Post.

routine check of community hospital records. This is a daily responsibility for on-call CIID investigators and is viewed by the Monitor as positive and proactive.

While the Monitor recognizes that certain injuries may take time to manifest, concern remains regarding notification delays in the LERI cases. At a minimum, the Monitor recommends that the LAPD caution its officers that certain physical injuries become apparent only over time. In these circumstances, a LERI case can quickly evolve from Non-Categorical to Categorical. Additionally, jail personnel should be required to provide notice when new inmates require medical attention. This will allow the CIID to properly re-assess the Department's response to the case.

The Monitor will further evaluate the LERI's in the next reporting period.

The Monitor also found that appropriate notifications were made to the Office of the Inspector General and the District Attorney's Office for all incidents under review. Additionally for 22 of the 23 incidents (95.7%) the Chief of Police, or a designee, was notified.

For incidents requiring notification to the District Attorney's Office, the Monitor contacted the Assistant District Attorneys and the investigators involved in these cases in an effort to assess the LAPD's level of cooperation and the demeanor of officers at the scene of the incident. (CD ¶ 59). No substantial negative comments regarding cooperation of the LAPD were reported.

In sum, the LAPD is in compliance with the requirements Paragraphs 56, 58 and 59 of the Consent Decree, which govern Categorical Use of Force incidents.

(a) Psychological Referrals

All officers involved in a Categorical Use of Force incident resulting in death or the substantial possibility of death must be referred within two working days for a psychological evaluation.⁶ (CD ¶ 63). A fitness for duty determination must be made before the involved officer can return to active duty. Id.

The Monitor reviewed documentation relating to psychological referrals made during the period from September 1, 2001 through March 31, 2002. For the period under review, twenty officers required a psychological referral and all officers ultimately were deemed fit for active duty.⁷

⁶ Internal LAPD guidelines also require the referral of officers involved in accidental discharges, shootings involving "no hits" and shootings involving animals.

⁷ This quarter, the Monitor also established that LAPD doctors performing psychological evaluations for the LAPD are properly licensed and currently in good standing with the medical licensing authorities. No disciplinary actions are listed for any of the behavioral science examiners.

The Monitor found that three of the referred officers worked at least one day in the field before they received a psychological fitness evaluation. This constitutes a compliance rate of approximately 85% which is consistent with the findings of a recent LAPD audit.

Based on this finding, the LAPD is not in compliance with the referral requirements of Paragraph 63 of the Consent Decree.

The Monitor was informed that two of the three officers who returned to active field duty before receiving their evaluation were Detectives. The Monitor recognizes that deviations involving detectives may be considered less serious due to the fact that the majority of their work consists of desk duty and not active patrol.

The Monitor recommends that the LAPD clarify its policy in regard to the active duty of Detectives with a psychological fitness determination pending. Detectives referred for a psychological evaluation should be formally confined to "desk duty." These officers should be precluded from conducting interviews, serving subpoenas and executing or participating in arrests and search warrants. The LAPD needs to ensure implementation of this policy.

(b) Request for Legal Representation

Paragraph 60 of the Consent Decree requires that the LAPD request that the bargaining units for police officers provide separate legal representation for its officers when more than one officer is involved in an OIS incident. The LAPD made this request in a formal letter dated July 25, 2002, which was addressed to representatives of the Police Protective League and the Command Officers Association. The letter proposes meeting with the City's bargaining representatives to resolve this issue.

The LAPD is in compliance with Paragraph 60 of the Consent Decree.

1. NON-CATEGORICAL USE OF FORCE INCIDENTS

(a) Investigations

The Consent Decree requires that barring extenuating circumstances, all Non-Categorical Use of Force investigations be completed within fourteen days. (CD ¶ 69).

New procedures to standardize these investigations and monitor compliance have been in place since September 2001. Despite these measures, the investigation of Non-Categorical Use of Force incidents continues to be delayed. The LAPD historically has not been in compliance with the 14-day rule and based on interviews and the City's most recently released status report, continues not to be in compliance. The City, in its report however, contends that Commanding Officers are now submitting summary log reports within the prescribed time required by internal guidelines.

The Monitor will conduct a thorough review of Non-Categorical Use of Force investigations in future reporting periods.

(a) Revised Use of Force Form

The Monitor reviewed the LAPD's revised Use of Force Report (LAPD form number 70-01.67.05) which was modified and expanded to include additional reporting requirements:

- A section to indicate use of a beanbag shotgun, including the number of beanbag rounds fired, the distance to the suspect and whether or not the skin was penetrated and whether that use of force was effective.
- A section to document leg sweeps, takedowns, lateral head displacements, distraction strikes and the use of bodyweight.
- A section entitled *Body Area Impacted*, which documents body areas subjected to a use of force.
- A section to indicate any fractures or dislocations.

The Use of Force Report as revised is in compliance with the reporting requirements of Paragraph 66 of the Consent Decree.

In addition to the revised report, the Department has also created a new form, the Non-Categorical Use of Force Internal Process Report, which requires a supervisor to complete a separate Internal Process Report for every involved officer. The new report also calls for findings by the Commanding Officer responsible for investigating the incident, the Bureau command and the Risk Management Group.

2. MISCONDUCT COMPLAINTS

(a) Conduct of Investigations

The Consent Decree requires that all misconduct complaints be referred to Internal Affairs within a ten-day deadline. (CD ¶ 79). Last quarter, the Monitor reported that the Department was failing to meet this deadline. Although there have been improvements, delays continue and the LAPD is not in compliance with this requirement. This conclusion is based on interviews with LAPD, City and Inspector General personnel.

Internal Affairs is required to forward complaint intake information to the Inspector General within seven days of receipt by Internal Affairs Group. (CD ¶ 152). This quarter, the Internal Affairs Group worked to process 93 complaints that correspond to gaps in the sequential Complaint File (CF) numbers logged by the Inspector General. The Department represents that all missing complaint intake files have now been provided. The Monitor will review this process during the next reporting period.

(b) Internal Affairs Group Staffing

Under the Consent Decree, the function of Internal Affairs has been expanded to include direct responsibility for misconduct investigations relating to a series of serious and sensitive issues. (CD ¶¶ 93, 94). Paragraph 95 mandates that the LAPD provide adequate staffing and resources in order to facilitate the transition of Paragraphs 93 and 94 investigative responsibilities. Internal Affairs is also tasked with conducting random "sting audits" designed to track at-risk behavior. (CD ¶ 97).

Given these important review functions, the Monitor is concerned that the City and the LAPD are not sufficiently staffing the Internal Affairs Group. (CD ¶ 95). As of May 31, 2002, there were 31 officer vacancies and 10 civilian vacancies out of an authorized staff of 264 personnel.⁸ Seven positions are also currently filled by officers on loan from other Divisions.⁹ There are, in addition, 40 new positions which have been authorized for the last six months of calendar year 2002 that must be filled.

A review of personnel transfer orders for the first half of 2002 establishes that the Internal Affairs Group suffered an overall net loss of two officers at the level of Sergeant II or above. A high-ranking official voiced concern that if the staffing shortage is not addressed, investigations may be re-assigned to chain-of-command investigators in order to meet statute of limitations requirements. This procedure would be in direct contravention of Consent Decree requirements.

Action must be taken immediately to fill existing vacancies and provide personnel for postings to the Internal Affairs Group.

The LAPD is not in compliance with the staffing requirements outlined in Paragraph 95 of the Consent Decree.

Retention of Officers in Internal Affairs

The Monitor reviewed documentation relating to 28 officers re-appointed to Internal Affairs to determine whether they were eligible for re-appointment. For all 28 appointments reviewed, although some officers were the subject of one or more complaint investigations, none of the complaint investigations involved issues relating to excessive use of force, false arrest, improper search or seizure, sexual harassment, discrimination or dishonesty. (CD ¶ 98).

(c) Notification Requirements

The Consent Decree provides that the City must notify the LAPD of all civil lawsuits or claims that include allegations of misconduct by the LAPD. (CD ¶ 76). Interviews with

⁸ Of these vacancies, 21 are at the level of Sergeant II, 9 at Detective II and 1 at the Detective III level.

⁹ The LAPD utilizes loaned officers to determine whether or not they are qualified and appropriate for a three-year appointment to Internal Affairs.

the Department's Risk Management Division (RMD) confirm that the LAPD receives Initial Litigation Reports, Quarterly Reports and Final Reports from the City Attorney's Office regarding the processing of complaints filed against LAPD officers. RMD also receives copies of all newly filed claims.

The RMD reviews the information forwarded from the City Attorney's office and enters the relevant data into the Department's Claim/Lawsuit Information System (CLIS).¹⁰ A report is then generated and a copy of new claims and new litigation is forwarded to Internal Affairs.

According to interviews with the City Attorney's office, all lawsuits and claims alleging LAPD involvement are forwarded to the LAPD's RMD and a general CLIS reported is generated bi-weekly.

The Monitor reviewed documentation from the City Attorney's office for the period July 1, 2001 through March 31, 2002. During this period, 189 lawsuits were listed on the City Attorney's report of which 186 could be reconciled to the RMD database. The reconciliation determined relevant information was captured by both systems. For the same period, 330 claims were listed on the City Attorney's report of which 317 were reconciled to the RMD database. Collectively, this represents a compliance rate of 96.92%.

The LAPD is in compliance with the notification requirements of Paragraph 76 of the Consent Decree.

(d) Self-Reporting by Officers

Paragraph 77 of the Consent Decree requires LAPD personnel to notify the Department without delay when named in a civil suit involving any conduct while on duty.¹¹ (See also LAPD Manual Section 3/782). Officers are also responsible for notifying the Department if they are arrested or criminally charged with misconduct. (CD ¶ 77; LAPD Manual Section 3/838).

In an effort to test compliance with these requirements, the Monitor statistically and randomly selected 96 officers and reviewed various court system indices to determine whether there was litigation requiring notification to the LAPD.

For all officers queried there were no arrests, lawsuits or final adjudications that met the criteria of Paragraph 77.

¹⁰ When RMD receives information, such as closed case information, the data entry officer updates the CLIS database. Otherwise, when a case is assigned to an RMD investigator, the investigator regularly updates the database until the case is closed out.

¹¹ Officers must also notify the Department in the event of any findings of merit in a civil suit relating to off-duty physical violence, threats of physical violence, or domestic violence. (CD ¶ 77).

The LAPD is in compliance with Paragraph 77 of the Consent Decree.

(e) Sting Audits

Paragraph 97 of the Consent Decree requires the LAPD to regularly conduct random "sting audits" to identify and investigate at-risk officers. This quarter, the Monitor reviewed documentation of the audit process from January 1, 2002 through March 31, 2002.

The Monitor found that the LAPD conducted a variety of sting audits designed to track at-risk behavior as identified in the Consent Decree, including unlawful stops, searches and seizures and the use of excessive force. The LAPD also conducted sting audits that targeted specific officers identified as "high risk." The complexity of the sting audit scenarios varied as warranted. Each audit report is uniform in format and presentation and contains the necessary documentation to support its findings.

All required audit reports were completed and submitted timely to the Chief of Police and the Police Commission (CD ¶ 127).

The LAPD is in compliance with the sting audit provisions of Paragraph 97 of the Consent Decree.

C. SEARCH AND ARREST PROCEDURES

1. SEARCH WARRANTS

(a) Search Warrant Tracking Logs

The Monitor performed preliminary on-site inspections of select Search Warrant Tracking Logs which are now maintained in each Division within the Department. (CD ¶ 71).¹² The Monitor looked at deployment periods 1-5 of the current year for several different Divisions.

Based on this preliminary review, the Monitor found that the tracking log entries generally appeared complete and accurate. Limited instances of incomplete or missing information were identified in seven of the nineteen Divisions reviewed. In each instance, these deficiencies related to only one or two log entries, and the captains in each of these Divisions immediately agreed to correct the errors.

In the next reporting period, the Monitor will compare the log entries to the search warrant packages maintained in each Division to determine if all search warrants are being accurately recorded.

¹² A more thorough and comprehensive review will be performed during the next quarter, which will include all divisions that maintain a Search Warrant Tracking system.

The Department is in compliance with the tracking requirements of Paragraph 71 of the Consent Decree.

(b) Search Warrant Audit

The fieldwork for the Search Warrant Audit has been completed by the LAPD Audit Division and the report is currently in the approval process. The Monitor will conduct a review of this audit and report on compliance in the next reporting period. (CD ¶ 72).

(c) Training

The Monitor reviewed the training curriculum and evaluated the Detective Supervisor Course presented on May 16, 2002 at the Elysian Park Training Academy. This class included search warrant training.

The instructor for search warrant training was from the Los Angeles County District Attorney's Office and had assisted in production of the District Attorney's Search Warrant Manual which is used by the LAPD. The instructor was effective in explaining the rationale for using search warrants, as well as the exceptions, and used court cases as examples for the officers. The trainer also discussed probation and parole searches, search warrant terminology, rules of service and the use of informants. He also presented the specific mechanics of preparing a search warrant and how to serve and present a search warrant.

The LAPD is in compliance with the training requirements of Paragraph 71 of the Consent Decree.

2. ARREST AND BOOKING PROCEDURES

This quarter, the parties to the Consent Decree negotiated an interim procedure to monitor compliance with Paragraph 70(b) of the Consent Decree, which requires LAPD supervisors to evaluate each instance in which an individual is charged with interfering with a police officer, resisting arrest or assault on an officer. Discussions on how to monitor this provision were necessary to resolve questions of Consent Decree interpretation, as well as technical difficulties relating to the database systems that track these cases.

The Monitor will review compliance with Paragraph 70(b) during the next reporting period¹³ and will continue discussions with the parties relative to future monitoring of the paragraph.

¹³ The Monitor will review a random sample of cases in which either CPC §§148, 243(b), and 245(c & d) was the only booking charge for the LAPD or one of the charges filed by the City Attorney or the District Attorney.

D. MANAGEMENT OF GANG UNITS

This quarter the Monitor reviewed a sample of arrest reports compiled by the Special Enforcement Units (SEUs) that police gang-related crime. This review was conducted to determine the SEU's conformance with LAPD patrol procedures regarding the detention, processing and booking of arrestees. (CD ¶ 106). The sample consisted of 79 reports selected from the month of August 2001. This time-period corresponds to the sample identified by the LAPD in their SEU Arrest, Booking and Charging Reports Audit report dated April 8, 2002.

The Monitor reviewed the sample for compliance with the requirement that all detainees be brought before a watch commander for inspection and questioned regarding any possible injuries. (CD ¶ 73, 106(e)).

The Monitor identified two significant problems:

First, the Monitor found that only 72% of the detainees in the sample were entered on the "detention tank logs." Out of 97 total arrestees corresponding to the sample of 79 arrest reports, only 70 arrestees were entered on the logs: for 27 "missing" individuals there was no information available to determine whether they were questioned by the watch commander.¹⁴

Second, the detention logs for August 2001 did not include a signature line for the Watch Commander making it impossible to assess procedures for inspection by the Commander. Revised logs requiring a signature for supervisory approval have been approved for Department-wide use as of December 13, 2001.

Based on these findings, the LAPD is not in compliance with the booking and processing requirements of Paragraphs 73 and 106(e) of the Consent Decree.

The Monitor also reviewed the arrest reports for language indicating whether the SEU officer was in uniform which is required under Paragraph 106(e) of the Consent Decree. Of the 79 arrests reviewed, only one arrest report indicated that the SEU officers were in plain clothes and in an unmarked vehicle. As required by the Consent Decree, this exception had been approved for a specified project and a limited time period.

The LAPD is in compliance with the requirements of Paragraph 106(e) regarding uniforms and marked vehicles.

Finally, the Monitor reviewed the arrest reports for compliance with Consent Decree procedures regarding interviews and interrogations. (CD ¶ 106(e)). All 79 of the arrest

¹⁴ When the Monitor asked for the reason for these 27 arrestees were not being logged, it was stated the reason for this error was unknown. The Monitor is requesting additional research regarding this issue, but as of yet, they have not provided an explanation.

reports reviewed articulated practices that fell within the guidelines of LAPD procedures and the requirements of the Consent Decree.

The LAPD is in compliance with the interview requirements of Paragraph 106(e).

Based on this review, the Monitor recommends that future audits of the SEUs be broadened from one month to a three-month period. A one-month period resulted in a pool of 318. This is not a large enough sample to detect patterns of at-risk behavior.

E. CONFIDENTIAL INFORMANTS

1. Informant Packages

The Monitor reviewed the active informant packages maintained department-wide at twenty-five different stations. This information was compared to the log of active informant packages from the Narcotics Division informant database dated May 8, 2002.¹⁵

The Monitor's review established that only 14% of the informant packages are maintained in complete compliance with the requirements of Paragraph 108 of the Consent Decree.

Despite this low overall rate, several fundamental and important procedures rated at or near 100% compliance: each active informant reviewed has a Confidential Informant (CI) number and an informant control package; 96% of the packages included documentation stating that the informant has been admonished regarding departmental procedures; all CI packages are maintained in a locked and secure location; and no informants are maintained by unauthorized uniform officers.

The high overall rate of non-compliance results from the failure to conform with the Consent Decree and/or existing police guidelines:

- LAPD officers failed to determine in 71% of the cases whether an informant had been deemed "inactive" or "undesirable." It is a Consent Decree requirement that officers check the department-wide Undesirable Informant File when information is supplied by a source who has not been used within the past 90 days. (CD ¶ 108(g)). This "three-month check" was not performed in 29% of the cases reviewed.
- The officers failed to accurately document access to the informant packages. (CD ¶ 108(e)). In 39% of the packages, sign-out logs were either missing or failed to indicate supervisory approval to remove the package, or were included inside the

¹⁵ The Monitor chose to inspect all the active informant packages rather than taking a stratified random sample.

file which could easily result in packages being lost or stolen. Deficiencies in documentation of the logs also made it impossible for the Monitor to determine compliance with the requirement to return informant files at the end of each officer's watch.

- 27% of the informant packages contained no record of whether the informant met at least once with a supervisor. (CD ¶ 108(i)). Additionally, there was a 73% failure rate on obtaining necessary signature approvals from supervisors and commanding officers on a variety of required procedures and meetings.

There are other compliance failures as well. Examples include lack of signature cards in the informant packages; errors on the master list for active informant packages;¹⁶ the failure to document what information was given by the informant; and the failure to document whether any action resulted from information that was provided.

The Monitor has provided its analysis to the LAPD. The Monitor recommends that all active informant packages be brought up to the standards of both the Consent Decree and the Department's Informant Manual dated February 26, 2002 and that supervisors through the ranks be held accountable for failures in this area.

2. Confidential Informant Database

(a) Active Informant Database in Narcotics Division

The Monitor reviewed data entries in the Department's Confidential Informant Database, which provides immediate access to data on the current status of all LAPD informants. The purpose of this review was to determine whether the database matched the information in the confidential informant packages.

The Monitor found one active informant package that was not included in the database and several instances where the data did not match either the CI number or the birth date listed in the informant package. Approximately 8% of the files contained these errors.¹⁷

The LAPD is not in compliance with the requirements of Paragraph 109 of the Consent Decree to maintain an accurate database to track confidential informants.

(b) Undesirable Informant Database in the Chief of Staff's Office

The Chief of Staff for the Chief of Police maintains a database of all informants that have been determined undesirable. The Monitor reviewed this database to determine whether the entries matched the information in the confidential informant packages.

¹⁶ There were also missing checklists and several divisions that did not maintain a master list of active informants.

¹⁷ The database print out dated May 8, 2002 overstated the number of active informants currently maintained by the LAPD. The Monitor has been informed that this error has been corrected.

The Monitor's review identified serious concerns regarding both the accuracy and the accessibility of the Undesirable Informant Database:

- First, a large percentage of the database files were missing information, including dates of birth and aliases.¹⁸ This makes it impossible to search accurately for undesirable informants by these key identifiers. Without this information, the Monitor also could not match data entries to information in the confidential informant packages.
- Second, searches on this system are conducted by visually reviewing each data entry for a match. Since the database has files dating back to the 1970s, each query requires checking hundreds of entries within the system. The requirement to visually search each of these files results in a substantial margin for error.

As a result of these deficiencies, the LAPD is not in compliance with the requirement of Paragraph 109 of the Consent Decree to maintain an accurate database to track informant information.

Finally, the Monitor has learned that most divisions keep the original paperwork on undesirable informants and send copies of the file to the Office of the Chief of Police. The Divisions are required to forward these files to the Chief of Police because information on undesirable informants is deemed to be highly sensitive. For this same reason, it may not be appropriate for the divisions units to retain original copies of this information.

(c) Training

The Monitor reviewed the training curriculum and evaluated the Detective Supervisor Course presented on May 16, 2002 at the Elysian Park Training Academy. This class included training on confidential informants.

The instructor was an LAPD officer with years of informant handling experience who regularly teaches courses to law enforcement agencies. The instructor highlighted the new LAPD Informant Manual dated February 26, 2002 which contains guidelines on how to develop and maintain confidential informants. (CD ¶ 110). He concluded the course by stating that there were forms in the back of the Manual that were "self-explanatory."

The Monitor raises two substantive issues regarding this training:

¹⁸ The Monitor has been informed that the Chief of Staff will review its written documentation in an effort to supply missing data entries such as the birth dates and informant aliases on record.

- First, there was no instruction on how to create an informant package or document contact with an informant and no discussion of the procedures for supervisory review and approval of the informant package. (CD ¶ 108).
- Second, as of June 30, 2002, training on the Informant Manual has been implemented in only two Department courses: the Detective Supervisory Course and the Basic Detective Course. As a result, only detectives who have been promoted will receive formal training on the Manual. Current detectives and other personnel who maintain confidential informants are responsible to train themselves on the Manual's requirements.¹⁹

Based on these findings, the LAPD is not in compliance with the Informant Manual training requirements of Paragraph 110 of the Consent Decree.

The Monitor recommends that Department provide a separate "one-source" training course on the handling of the confidential informants and the new procedures outlined in the Informant Manual. (CD ¶ 110). This training should be presented to supervisors and all personnel eligible to develop and maintain informants. (CD ¶ 110).

The Monitor further recommends that the final review of completed informant packages be centralized to ensure uniformity and completeness. The current approval process for informant packages is completed by no less than twenty-five different Commanding Officers. This leads to lack of conformity and uniformity in the packages. The use of a centralized system and one approval process should be considered by the LAPD.

F. LAPD AUDITS

The LAPD completed the following audits in early April 2002:

- Special Enforcement Unit (SEU) Arrest, Booking and Charging (ABC) Reports Audit (CD ¶¶ 131(c), 128(2)) – this audit was completed by the Audit Team of the Detective Support Division (DSD), and
- Categorical Use of Force Investigations Audit (originally scheduled to satisfy the requirements of CD ¶ 129) – this audit was completed by the LAPD's Audit Division.

No audits have been completed since April 2002.

¹⁹ There may have been a roll-call training given on the Manual at the time of its department-wide distribution. The Monitor would like to commend those officers maintaining informants, despite their lack of training of the Consent Decree requirements or Informant Manual, and encourage all officers able to maintain informants to continue to develop and maintain informants.

These audits were required to be completed under the terms of the Consent Decree and the LAPD's Annual Audit Plan. However, the SEU ABC audit was incomplete, and the quality was deficient. As a result, the LAPD is not in compliance with the Consent Decree for this audit. Also, for reasons explained below, the Categorical Use of Force audit did not meet the requirements of Paragraph 129.

In addition to the two audits identified above, the Consent Decree and Annual Audit Plan required the completion of the audits listed below by June 30, 2002. All of these audits were deferred to the quarter ending September 30, 2002 and beyond. The LAPD is therefore not in compliance with the Consent Decree requirement to conduct the following audits on a "regular, periodic" basis:

- Warrant Applications and Affidavits Audit²⁰ (CD ¶ 128(1) and CD ¶ 131(c))
- Motor Vehicle and Pedestrian Stops Audit²¹ (CD ¶ 128(4) and CD ¶ 131(c))
- Confidential Informant Control Packages Audit²² and Use of Confidential Informants Audit²³ (CD ¶ 128(5) and CD ¶ 131(c & d))
- Non-Categorical Use of Force (CD ¶ 129(ii))
- Complaint Form 1.28 Investigations Audit (CD ¶ 129(iii))
- Gang Unit Work Product Audit (CD ¶ 131)

A similar situation exists with certain audits that were required to be completed by the Inspector General by June 30, 2002, that have been deferred to the quarter ending September 30, 2002 and beyond. The IG is therefore not in compliance with the Consent Decree requirement to conduct the following audits on a "regular, periodic" basis:

- Non-Categorical Uses of Force Audit (CD ¶ 136(i))
- Complaint Form 1.28 Investigations Audit (CD ¶ 136(ii))²⁴

The Inspector General completed its evaluation of the SEU ABC Reports Audit, as required by Paragraph 135 of the Consent Decree, and a report was provided to the Police Commission on June 20, 2002. The Monitor will review this report during the next reporting period.

The Inspector General did not evaluate the Categorical Use of Force Audit Report because this audit did not satisfy the requirements of Paragraph 129 of the Consent Decree.

²⁰ Department-wide and for the Gang Unit

²¹ Department-wide and for the Gang Unit

²² Department-wide and for the Gang Unit

²³ For the Gang Unit only

²⁴ The Inspector General's failure to conduct this audit is ameliorated by the fact that the Inspector General reviews each and every complaint investigation.

This quarter, the Monitor also reviewed 33 reports that were not included in the audit population for the Non-Categorical Use of Force audit completed by the LAPD on October 19, 2001.²⁵ This review revealed two significant findings: it is possible that not all Non-Categorical Use of Force incidents are being reported, and the reports related to such incidents include issues that were not identified in the original audit sample.

1. SEU ABC Audit²⁶

The Monitor identified a series of continuing deficiencies:

- To date, the LAPD has not been able to substantiate the completeness of the population of SEU ABC reports that they reviewed.²⁷
- The audit matrix included questions that were poorly constructed, resulting in the team's failure to identify critical issues. (see Appendix B Table I and II)²⁸
- The audit report was not fully supported by the ABC audit working papers, and there were instances in which the Monitor found that the underlying arrest reports did not support the audit findings.

The most significant result of these deficiencies is the fact that the LAPD audits continue to miss substantive issues. In areas specifically reviewed by the Audit Team, the LAPD failed to identify twenty-two "red flags."²⁹ Examples include: three arrests with "spontaneous statements" admitting to the possession of contraband or other evidence seized; two arrests with Miranda warnings that may be questionable; seven arrests in which the supervisor's approval was printed rather than signed; one instance with no

²⁵ These reports were excluded from the audit population because they were not entered into the database maintained by the Use of Force Review Section.

²⁶ The DSD's SEU ABC Audit Report indicates there were 78 reports that were not reviewed given that they "did not meet the DSD's review criteria"; however, the Monitor was provided with a listing of 111 such reports. A subsequent review of those reports by the DSD Audit Section indicated that there were more reports provided than previously counted. Further, the Monitor commenced its review of a stratified random sample of those reports, which indicates that there were some issues/discrepancies amongst the reports reviewed. The Monitor will explore those discrepancies further and report on our finding related thereto in the Monitor's next Quarterly Report.

²⁷ The Audit Team currently advises that they are currently working with other departments within the LAPD to develop processes to ensure the completeness of SEU ABC Reports for future audits.

²⁸ This is similar to the matrix that was criticized by the Monitor in its February 2002 report, that was also utilized by the Audit Division for the previous Department-wide ABC audit, with two additional questions, however, the DSD Audit Section and the Audit Division had already commenced using this matrix for the recent SEU and department-wide ABC audits by the date of the Monitor's February 2002 report.

²⁹ For the 79 reports reviewed by both the Monitor and the DSD Audit Section, the DSD failed to identify a total of 103 issues identified by the Monitor, of which 45 were considered substantive. Some of the issues were not identified because they were not included in the direct scope of the audit review. See Table II of Appendix B. For example: the DSD's Audit Section's matrix included a test to examine Arrest Report signatures, but did not include tests to identify inconsistencies regarding the nature of the arrest, the identities of officers involved in the arrest, the evidence seized and the dates and times of the arrest.

documentation of the supervisor's approval, and one instance in which the handwriting of the reporting officer and the supervisor appeared to be similar. See Appendix B Table I.

The failure to identify substantive issues is obviously significant. In this instance, the problem was compounded by the fact that the Audit Team did not provide timely or consistent follow-up on issues that were identified in the audit.

The Monitor recognizes that this was the first audit performed by the Audit Section of LAPD's Detective Services Division (DSD) and commends the substantial efforts made by the personnel performing this audit. Nonetheless, the Monitor finds the SEU ABC audit is not in compliance with the requirements of the Consent Decree.

The Monitor has discussed its findings and recommendations in detail with the LAPD.

Refer to Appendix I for the Monitor's detailed report on the DSD's SEU ABC Reports Audit, and Appendix II for the Monitor's recommendations for improving future audits.

2. Categorical Use of Force Audit

The LAPD Audit Division completed an audit described as a Categorical Use of Force Investigations Audit on April 8, 2002. The Audit Division originally scheduled this audit to satisfy the requirements of Paragraph 129 of the Consent Decree. This plan was revised because only one Categorical Use of Force incident met the criteria for a "completed" investigation.³⁰ Accordingly, the Audit Division did not audit a random sample of Categorical Use of Force investigations as required by Paragraph 129 of the Consent Decree.

The LAPD considers a Categorical Use of Force Investigation "complete" only when the review and appeal process has been finalized and the Police Commission has adopted the final recommendations.³¹ Of the 24 incidents that occurred during the period selected for review, only one investigation met this criterion. The period selected for review is October 1 through December 1, 2001.

Given the slow pace for final review of these investigations, the Monitor recommends that the LAPD audit Categorical Use of Force cases at an earlier stage in the review process. 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 review of Categorical Use of Force investigations.³²

³⁰ The audit methodology was revised to audit the processes in place by evaluating compliance with CD ¶¶ 55(a)-69 and related directives. The Audit Division is planning to conduct a Categorical Use of Force Investigations Audit that satisfies the requirements of CD ¶ 129 during the coming fiscal year.

³¹ The Audit Division's classification of a UOF investigation as complete only after the Police Commission adopts it appears to be consistent with the terminology of the Consent Decree and the Methodologies to Aid in Determination of Consent Decree Compliance.

³² The Monitor also recommends expanding the review period to include a larger sample of cases. For example, according to the OIS Case Tracking System log, 5 case packages were completed by CIID for the

The Monitor reviewed the work that was performed by the Audit Division and commends the LAPD on its identification of a number of deficiencies.³³ Given that the audit did not meet the requirements of Paragraph 129, the Monitor will evaluate compliance when the next Categorical Use of Force Audit is conducted.

3. Additional Non-Categorical Use of Force Reports

Last quarter, the Monitor identified thirty-three reports that were not included in the population for the Non-Categorical Use of Force Audit performed by the LAPD. These reports were not included in the population because they were not on the database print-out prepared by the Use of Force Review Section at the time that the audit was conducted and the audit population was identified. The thirty-three "additional" reports had not been entered into the database despite the fact that the incidents occurred within the relevant time period.³⁴

The Monitor examined the reasons for the delayed data-entry of these reports:

- In five separate instances a Use of Force incident was not identified until after a complaint had been filed and an investigation initiated. This finding may indicate that not all Non-Categorical Use of Force incidents are being reported.³⁵ The Monitor and the LAPD are investigating.
- One report was held by the Commanding Officer pending completion of the complaint investigation (407 days elapsed before the report was entered into the database).
- One report was delayed due to investigation of a medical issue.
- Seven reports involved Law Enforcement Related Injuries, which were categorized as "Categorical Uses of Force" cases and sent to CIID for investigation. As such, these were legitimately not included in the non-categorical population.
- For the remaining nineteen reports, the Monitor found no identifiable explanations for the delay in processing the case.

period of October through December 2001 (none were completed for the same period according to the LERII log). Also, the logs list 7 case packages of incidents that occurred during the month of September 2001 that were completed by CIID. If the month of September was included in the review period, and the selection criteria was established as investigations reviewed by the CIID, these 12 packages could have been reviewed during the audit.

³³ The most notable of the deficiencies, all of which were documented in the Audit Report, include the Department's failure in a number of instances to comply with the requirement that in certain use of force cases, officers must be evaluated for psychological fitness prior to returning to work in the field, and the failure to make timely notifications to Chief of Police regarding Categorical Uses of Force incidents.

³⁴ This is an ongoing problem, as evidenced by the fact that an additional 3 reports were entered into the system subsequent to the Monitor's identification of the 33 reports described here.

³⁵ The Monitor, the LAPD and the City are currently reviewing these investigations to determine whether they should have been identified as Uses of Force and reported upon at the time of the incident.

The Monitor also examined the time involved in processing the investigation of these cases. Of fifteen reports that were stamped with the date received by the Review Section, the time that elapsed from the incident date to the date the report was received varied from 54 days to 460 days. The time that elapsed until the report was then entered into the database varied from 1 day to 21 days. For eleven reports without a date-stamp³⁶, the time that elapsed from the date of the incident to the date the incident was entered into the database varied from 89 days to 607 days.

Finally, the Monitor reviewed these cases to identify whether any substantive issues might require follow-up by the LAPD. The Monitor found that there were proportionately more issues identified in these reports than in the reports that were included in the LAPD audit. Among the issues identified:

- Five officers were involved in more than one Use of Force incident. One of the officers was later involved in a Categorical Use of Force incident that is currently under investigation.
- Complaint investigations were initiated in nine incidents³⁷, one of which was found to be “out of policy”.
- Five reports contained conflicting statements.
- Four reports were incomplete and the report failed to document either the type of force used or the injuries that were sustained.
- In three incidents, the Supervisor who conducted the investigation of the UOF also witnessed the incident.
- In three incidents, none of the officers involved were listed as “Other Involved Officers” on the face sheet.
- Seven of the reports involved LERII incidents, which were properly categorized as Categorical Use of Force incidents and were not required to be reported within the Non-Categorical Use of Force Report category.

The Monitor will be providing the details of these findings to the LAPD.

4. The LAPD Audit Division

The Monitor is involved in on-going discussions with the parties about the efficiency of having LAPD’s Detective Services Division continue to perform audits. The Monitor has suggested that all auditing be consolidated in the Audit Division. The Audit Division would call upon the special expertise of the Detective Services Division in performing audits related to that Division’s services. This proposal is under consideration by the parties.

³⁶ Of the 33 reports reviewed, 7 involved LERII incidents, leaving 26 as Non-Categorical UOF incidents. Of these 26, 15 were date-stamped as received by the UOF Review Section and 11 were not date-stamped. LAPD personnel have indicated that all reports received by the UOF Review Section since January 1, 2002 are stamped, pursuant to Special Order 27.

³⁷ As noted above, 5 of these were not identified as involving a UOF until after the complaint investigation commenced.

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

As of November 1, 2001, all officers who initiate specified pedestrian or motor vehicle stops must fill out a form to collect data on race and ethnicity (the Field Data Report). (CD ¶¶ 104-105). Pursuant to the data collection system established by the City, this information is to be scanned, screened for errors and then entered into a database maintained by the City.

The Monitor has continued to find serious delays and deficiencies in the scanning and data extraction processes related to the Field Data Reports. After eight months, the database established to collect information on police stops remains unusable and there are serious questions regarding the integrity of the data entered into the system.

This quarter, the LAPD entered into a contract with a new vendor to assist in scanning the Field Data Reports. It is hoped that this new vendor will help to eliminate the bottleneck that now exists between the field collection efforts and the work to "scrub" the data and eliminate errors before information is entered into the database system.

While this effort is commendable, the Monitor maintains that the delay in taking these steps is unacceptable.

1. Data Collection

As of July 1, 2002, 483,122 Field Data Reports³⁸ had been collected by the LAPD. According to Department records, every unit within the Department has submitted at least one Field Data Report.³⁹ As of this date, the database contained 253,847 records with a backlog of 229,275 records that have not been entered into the system.

Data that has been scanned and extracted is transmitted electronically to the Information Technology Agency ("ITA") which is the City agency responsible for maintaining the pedestrian and motor vehicle database.⁴⁰ ITA loads the scanned reports into a test system and screens each file for duplicate, fatally flawed, or excessive error files. Files that fail

³⁸ A Field Data Report is a paper form used by officers to gather specific information relating to pedestrian and motor vehicle stops. The information includes: the individual's apparent age, apparent ethnicity, race or national origin, gender, reasons for the stop, whether the driver is required to exit the vehicle, whether a pat down/frisk was conducted, action taken and whether the driver was asked to submit to a consensual search of his or her person, vehicle and/or belongings and if he or she granted such permission.

³⁹ Due to the inadequacy of the database, the Monitor is unable to confirm this representation.

⁴⁰ The objective is to store this information until it can be determined how to analyze the data. The Department plans to release a Request for Proposals seeking to determine if this data can be analyzed and, if so, the methodology that would be used.

this review are returned for correction to the vendor responsible for scanning the files.⁴¹ Files that pass this review are entered into the STOP application which is a computerized program that allows officers to make corrections when data is missing from the reports.⁴² Only files that have been corrected through STOP are entered into the City database.

The efforts by the City and the LAPD to correct errors made by the officers in the field have resulted in a steadily decreasing error rate. The initial error rate is currently 31%, with a fixed error rate of 12%.⁴³ Although still unacceptable, this rate represents a marked improvement from the respective rates of 45% and the 21% reported in the last quarter.

This achievement largely results from several programs that the LAPD has instituted to reduce officer-initiated errors. The Department completed retraining on data collection procedures on March 11, 2002 and issued a new Training Bulletin in May 2002. In June 2002, the Department issued a training videotape that provides a comprehensive tutorial on the field data collection, including a section on "most common mistakes." The training video has been incorporated into standardized roll-call training.

The LAPD Management Services Division (MSD) has been conducting procedural audits on field data collection and correction procedures at the Divisions. The auditors check the officers' Field Data Report books and require both the officers and the Watch Commanders to log on to the STOP application to establish that the division is current in correcting and monitoring all errors. The field audits also include a review of the division's policy and practice of collecting and reviewing the Field Data Reports before they are submitted for scanning.

In addition to the field audits, MSD generates a list of all officers who have an inordinate amount of errors or uncorrected reports in the system for more than 30 days, with special attention given to those that have been in the system for 50-100 days. The Commanding Officers responsible for the officers identified are currently scheduled to respond by July 15, 2002 with a plan to address these error rates.

⁴¹ The following example illustrates the problem with the original vendor. On April 8, 2002, the Department received 35,427 scanned reports. Of this total, 25,430 reports had to be returned to the vendor because of duplicates and fatal flaws.

⁴² The STOP application is a program designed by ITD and programmed by ITA. STOP provides officers with the means to update Field Data Reports, allows for the manual entry of unscannable reports, provides auditing capabilities, generates various detailed reports concerning erroneous and missing reports, and loads scanned corrected data into the database.

⁴³ The "initial error rate" is calculated when all duplicate, fatally flawed, or excessive error rate records are removed from the files. The "fixed error rate" is calculated after the officers correct the reports in the STOP application. A "fatal flaw" is defined by errors in at least one field that are completely non-responsive to the field. When an error of this magnitude is discovered, the entire batch is determined to be unreliable and returned to the vendor. An "excessive" error rate is an error rate greater than 35% in any one field of questions in the file.

Finally, the Department has worked diligently over the course of the last quarter to reduce the number of “orphan reports” which are reports without the author's name or serial number. As of July 9, 2002, the number of orphan reports has been reduced from 8,000 to 400. Consequently, if the data collected and scanned from March 11, 2002⁴⁴ until July 5, 2002 is analyzed separately from the rest of the database, the fixed error rate is 3%.⁴⁵

Although the 3% fixed error rate represents a considerable improvement, it is important to note that two of the more common errors found involve the failure to complete the fields on “apparent descent” and “whether a search was conducted.” This data is critical to the Department’s ability to perform analysis focused on race and ethnicity.”⁴⁶ The Department must identify why the error rates in these two fields continue to be high and take steps to eliminate this problem.⁴⁷

In summary, although the error rate continues to decline and progress has been made to eliminate the backlog of reports, the database for information collected on vehicle and pedestrian stops is currently incomplete, unreliable and unusable. As of this report, the collected data cannot be verified, analyzed or posted.

Based on these findings, the LAPD is not in compliance with Paragraphs 102-105, Paragraph 128(4) and Paragraph 156 of the Consent Decree, which govern data collection on pedestrian and motor vehicle stops.⁴⁸

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

The Mental Illness Project is proceeding on schedule. During this quarter, Lodestar Management/Research, the City’s consultant on this project, produced a Final Report, which contains in-depth evaluations of successful programs in other law enforcement agencies across the United States, as well as an evaluation of the Department's policies and procedures to respond to persons who may be mentally ill.

⁴⁴ March 11, 2002 is when the first round of retraining was completed.

⁴⁵ This time period represents 133,199 records.

⁴⁶ The Department learned that the error rate related to the “apparent descent” question was a vendor problem. The scanning equipment was not reading the top portion of the field data reports, thereby causing the high error rate. The vendor has corrected the problem.

⁴⁷ The Department believes one way to remedy the problems that riddle the data collection process to date is to replace the paper Field Data Report with hand held data collection devices called PODDS (Portable Officer Data Device System). The Department released a Request for Proposals on the PODDS on May 28, 2002 and held a bidders conference on June 5, 2002. The proposals are due on July 17, 2002. Although the PODDS are not mandated by the Consent Decree, the Department and the City are moving forward on this initiative in hopes this electronic device will eliminate the scanning and data recognition problems that are undermining the collection process.

⁴⁸ Non-compliance with Paragraphs 102-105 is based solely on the failure to establish an accurate database. The Monitor is not contending that the LAPD has engaged in any discriminatory activity.

As required by the Decree, the current report includes a review of at least 10 incidents in which a person who appeared to be mentally ill was the subject of a Categorical Use of Force and at least 15 incidents in which the LAPD mental health evaluation unit was contacted.

The Department's report to the Police Commission is due on July 15, 2002. The Monitor will review the report and final recommendations when they become available.

I. QUARTERLY DISCIPLINE REPORT

In order to comply with the requirements of Paragraph 88, the Monitor and the Department of Justice have recommended changes to the presentation of the data in the Quarterly Discipline Report prepared by the LAPD. (See Monitor's Report dated May 15, 2002). These recommendations are currently under discussion and the Department has provided the Monitor with examples of proposed tables and appendices for review.

The Monitor anticipates continuing to work with the LAPD to resolve these issues in the next reporting period.

J. OPERATIONS OF THE POLICE COMMISSION

1. Evaluation of the Chief of Police

The Monitor will review documentation relating to complaints filed against the Chief of Police during the next reporting period.

2. Categorical Use of Force Review

Consent Decree Paragraph 142 requires the Police Commission to annually issue a publicly available report detailing its findings regarding its review and evaluation of Categorical Uses of Force. The report was issued in May 2002. The Monitor is currently reviewing the report.

3. Annual Discipline Report

Consent Decree Paragraph 130 requires the LAPD to report annually to the Commission on the type of complaint allegations it receives and the disposition and discipline imposed for each type of allegation. This report was prepared and issued by the LAPD in the first quarter 2002. Pending resolution of the issues concerning the Quarterly Discipline Report, the Monitor has deferred its assessment of the Annual Report to the Commission.

The Monitor considers the Department in substantial compliance with Paragraph 130 for submitting the report and for addressing many of the requirements of that paragraph.

K. OPERATIONS OF THE INSPECTOR GENERAL

1. Notification of Categorical Use of Force Incidents

In December 2001, the Monitor met with the Inspector General to discuss its findings concerning discrepancies in the logs used to track notification of Categorical Use of Force incidents. Since that time, the Inspector General has modified and enhanced the office's tracking system.

The Monitor is reviewing the revised system and will report its findings in the next reporting period.

2. Complaint Intake Information

In December 2001, the Monitor met with the Inspector General to discuss its findings that not all complaint intake information had been forwarded to the Inspector General as required by the Consent Decree.⁴⁹ Since that time, the Inspector General has made it a priority to follow up when "gaps" in sequential Complaint File (CF) numbers are present. The Inspector General has represented that all complaint information is currently being provided and there are no gaps in the CF numbers contained on the IG log.

The Monitor will review this process in the next reporting period.

L. TRAINING

1. Consent Decree Source Document Training

As a result of previous criticism from the Department of Justice and the Monitor, the City of Los Angeles and the LAPD have developed a new curriculum to train Department personnel on the requirements of the Consent Decree and the new policies and procedures adopted by the Department. The City and the LAPD worked with the Inspector General's Office and the Police Commission and made extraordinary efforts to develop the new curriculum and organize training for the group of officers responsible for conducting the training department-wide.⁵⁰

The new Consent Decree Source Document training course highlights the historical significance of the new procedures and teaches that many of the new orders were not

⁴⁹ 93 of 500 complaint reports had not been forwarded.

⁵⁰ The Department demonstrated its commitment to this new curriculum by designating Lieutenants, Captains and Commanders from the relevant bureaus to train these instructors.

only the result of Consent Decree mandates but also recommendations that originated from the Board of Inquiry into the Rampart Area Corruption Incident report (BOI).⁵¹ Instructors will present the new orders as “best practices” in policing rather than a policy that has been adopted solely for the duration of the Consent Decree.⁵²

2. Field Training Officers

The Department is not in compliance with Paragraph 116 of the Consent Decree, which requires the LAPD to implement a plan to ensure that Field Training Officers (FTOs)⁵³ receive adequate training. The Monitor makes this finding based on a failure to provide documentation that would allow the Monitor to review the Department's efforts to track FTO training.⁵⁴

3. Training Content

Consent Decree Paragraph 120 requires the Department to establish procedures for supervisors and officers of the Department to communicate to the Training Group any suggestions they might have for improving standardized training. Since the signing of

⁵¹ Commander Koenig, who led the BOI investigation, spent several hours explaining the BOI investigation and resulting recommendations to the trainers so they could weave the historical relevance of the orders into their Consent Decree Source Document training.

⁵² The Department-wide training resumed on July 1, 2002 and concluded the week of July 24, 2002. The training observed by the Monitor on July 9, 2002 was held in a large gymnasium where overhead fans made it almost impossible to hear the instructors, even with the use of microphones. Short extension cords on the microphones further restricted the instructors' ability to move and interact with the audience, often causing the instructors to revert back to reading the PowerPoint slides. The course content went largely unheard and questions, although encouraged, were greatly limited. Course evaluations included these comments: “[need] smaller classes and better sound system...Extremely dry and boring. All [the] instructors did was read what was on the slides.” Most disturbing, however, is the fact that there was little if any oversight from the command staff. Simply attending the course or reading the first course evaluations would have immediately alerted the command staff to these problems. When the Monitor reported these issues, the LAPD responded to correct the problems.

⁵³ A FTO is a Police Officer III (P-III) with the additional responsibility of training probationary officers at the divisions. A Police Officer I (P-I) is a probationary officer. A Police Officer II (P-II) generally works in the field. A Police Officer III (P-III) is a senior police officer whose responsibilities are dictated by their assignment. FTO is one of many assignments that a P-III could be assigned.

⁵⁴ The Department's computer system does not identify these officers with a different code number to distinguish them from P-IIIs that are not acting as FTOs. The Monitor met with the LAPD on May 30 and submitted a formal document request on June 6, 2002. The Monitor discussed the document request in subsequent meetings and in several telephone conversations and e-mails with the Consent Decree Task Force and was led to believe that the Department was working diligently to gather data and that information was forthcoming. On July 26, 2002, the Monitor was informed that the request for documentation had been fulfilled. The Monitor scheduled a meeting and met with the LAPD on August 5, 2002 to review the documentation provided. At this meeting it became clear to the Monitor for the first time that the request for documentation had not been fulfilled and that steps had not been taken to gather the necessary data despite hours of discussions with the Monitor on this topic. When the Consent Decree Task Force was questioned as to why the Monitor was not informed as to the incompleteness of the data, no explanation was tendered. On August 7, 2002, the situation was described to the Chief of Police who ordered that the requested documentation be provided immediately.

the Consent Decree, the Department has implemented several procedures for communicating suggestions to the Training Group. On February 6, 2002, the Continuing Education Division, along with the California Commission on Peace Officer Standards and Training, developed a revised Basic Supervisory School as a result of course evaluations and student interviews. Consequently, the training will now require each sergeant candidate to participate in two one-day ride-alongs with an experienced sergeant. The evaluations and interviews stressed that the candidates would find tremendous value in participating in field training.

4. Supervisory Training

The Monitor was unable to measure the Department's compliance with Paragraphs 122 and 123 as the Monitor's document requests relative to these paragraphs have not been fulfilled. The original request was made on June 6, 2002 and as of July 28, 2002 the request has not been fulfilled. The Monitor and the Department have been working closely together on these particular requests and the Monitor anticipates that we will have the necessary materials by the end of next quarter to determine compliance.

M. COMMUNITY OUTREACH AND PUBLIC INFORMATION

1. Community Affairs Meetings

Paragraph 155 of the Consent Decree requires the LAPD to hold quarterly community meetings within each geographic area for the first year of the Consent Decree. In the previous quarterly report, the Monitor found that certain officers were making inappropriate and destructive comments about the reform process. Since the last report, the Monitor has attended all Community Affairs meetings and found that all presentations were conducted professionally and responsibly.⁵⁵

Although the Department is holding the required community meetings, it does not appear that all of the Divisions published the required public postings for these meetings. (CD ¶155(i)). A review of the "Consent Decree Community Meeting Check Lists"⁵⁶, which must be completed by each division, report that six of the eighteen divisions did not post flyers in public areas.

⁵⁵ Officers successfully navigated difficult questions and challenges from the community. For example, in response to questions regarding the costs of reform, particularly in relation to TEAMS II, the officer who was found to be inappropriate in the Monitor's previous quarterly report explained that the money was being spent to improve antiquated systems and that it was only because of the Consent Decree that the Department got the funding to make these improvements. The officer stated the result will be a better Department that can more effectively serve the community...and also save the City money on settlements in the future.

⁵⁶ This checklist was designed by the Consent Decree Task Force to monitor whether or not the Divisions were complying with the mandates of Paragraph 155(a). The proper completion of this checklist is not a Consent Decree mandate but is the tool used by the Monitor to measure compliance.

However, based on the totality of the circumstances, the LAPD is in compliance with the requirement to hold open public meetings which include presentations and information about the operations of the LAPD.⁵⁷ (CD ¶ 155).

2. Website

Pursuant to Paragraph 126 of the Consent Decree the Department has posted the results of the Non-Categorical Use of Force audit dated October 29, 2001 conducted. The Department represents that the results of the Categorical Use of Force audit will be posted in August 2002.

Because the Department cannot post information relating to pedestrian and motor vehicle stops (CD ¶ 104-105), as that audit is not complete, the Department is not in compliance with Paragraph 156 of the Consent Decree.

3. Media Advisory Group

The Department is in compliance with Paragraph 157 as the Media Advisory Group met on March 22, 2002. The group has been holding their quarterly meetings since the fall of 2001.

CONCLUSION

The LAPD continues to be non-compliant with a number of provisions of the Consent Decree. While in some areas, most notably “Audits”, tremendous efforts are being made to bring the Department into compliance despite a lack of appropriate resources, in other areas, there appears to be inattention to detail and a lack of focused management, despite sufficient resources. The Methodologies which have been adopted as the initial and primary measure of compliance provide a detailed roadmap for what LAPD needs to do. The report card contained in Appendix A will provide a quick and effective method of gauging the progress being made in non-compliant areas.

⁵⁷ A review of the “Consent Decree Community Meeting Check Lists” report, which must be completed by each Division, determined that not every Division is in compliance. Only 12 of the 18 Divisions are in compliance with the posting and publishing requirements giving the Department a 66% compliance rate. Argument could be made by the Department that the Divisions fulfilled their requirements but did not properly complete the check-list.

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II. MANAGEMENT AND SUPERVISORY MEASURES TO PROMOTE CIVIL RIGHTS INTEGRITY

A. TEAMS II [Computer Information System]

40	Access by Police Commission, Inspector General & Chief of Police								NR		Pending further development of TEAMS II
41	Information to be Contained in TEAMS II (Design Assessment)								NR		Pending further development of TEAMS II
42	Input of Historical Data into TEAMS II								NR		Pending further development of TEAMS II
43	Data Analysis Capabilities								NR		Pending further development of TEAMS II
44	Linking and Cross-Referencing of Data								NR		Pending further development of TEAMS II
45	Approved Design Document	✓						Jun-02	✓		Pending further development of TEAMS II
46	Protocol for Using TEAMS II (Incl. for Supervision & Audit Purposes)								NR		Pending further development of TEAMS II
47	Protocol Requirements								NR		Pending further development of TEAMS II
48	Training (re: Use of TEAMS II and Protocol Implementation)								NR		Pending further development of TEAMS II
49	Data Capture & Retention								NR		Pending further development of TEAMS II
50	TEAMS II Development & Implementation Timetable										
	a) Design Document Approved 30 days after Submission to DOJ							Mar-02	✗		Untimely comments
	b) Approval of Use Protocols 15 Months after Approval of Design Document								NR		Pending further development of TEAMS II
	c) Beta of TEAMS II Available 12 Months after Approval of Design Document								NR		Pending further development of TEAMS II
	d) Computer Program and Hardware Operational for Beta								NR		Pending further development of TEAMS II
	e) Full Implementation of TEAMS II 21 Months after Approval of Design Document								NR		Pending further development of TEAMS II
51	Use of TEAMS I Data for Decision Making							Sep-02	NYE		
52	TEAMS II Modifications Process								NR		Pending further development of TEAMS II

B. Management and Coordination of Risk Assessment Responsibilities

53 Human Resources Bureau Responsibilities re: Risk Assessments

✓ Sep-01

C. Performance Evaluation System

54 Annual Performance Evaluation System Developed & Implemented

NR

III. INCIDENTS, PROCEDURES, DOCUMENTATION, INVESTIGATION, AND REVIEW

A. Use of Force

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55	OHB Conduct all Categorical Use of Force Admin. Investigations	✓				Dec-01	Sep-02	
56	OHB Attend all Categorical Use of Force Incidents	✓				Jun-02	Dec-02	
	i) Notify Chief, OHB, Commission and IG	✓				Jun-02	Dec-02	
	ii) OHB Investigation	✓				Jun-02	Dec-02	
	ii) Senior OHB Command at Scene	✓				Jun-02	Dec-02	
57	LAPD Conduct Criminal Categorical Use of Force Investigations	NYE				Sep-02	Sep-02	
58	LAPD Notify DA of Shooting Incident or Death in Police Custody	✓				Jun-02	Dec-02	
59	LAPD Cooperate with DA at Scene of Accident	✓				Jun-02	Dec-02	
60	Individual Attorneys for Officers Involved in OIS Incidents	✓				Jun-02		
61	Separate Statements of Officers Involved in OIS	NYE					Sep-02	
62	Assess Supervisor Response for Categorical UOF Incident/Search Warrant	NYE					Sep-02	
63	Confidential Psychological Evaluation for Officers in Deadly Categorical UOF Incident	✗				Jun-02	Dec-02	
64	Consider Officer History in Categorical UOF	NYE					Sep-02	
65	Non-Categorical Use of Force Reports	✗				Jun-02	Mar-03	
66	UOF Report Revised	✓				Jun-02		
67	Commission Review Categorical UOF	✓				Mar-02	Sep-02	
68	Non-Categorical Use of Force Investigations	✗				Mar-02	Mar-03	
69	a) Review of Categorical UOF by Review Board	✓				Mar-02	Sep-02	
	b) Non-Categorical UOF Review	✗				Mar-02	Mar-03	
B. Search and Arrest Procedures								
70	Review and Approval of Booking Recommendations/Arrest Reports by Watch Commanders/Designees	NYE					Sep-02	See Section II B 'Arrest and Booking Procedures' of the attached Quarterly Report
71	Supervisory Review of Search Warrants and Ramey Warrants	✓				Jun-02	Sep-02	Assessed for training. Awaiting Warrant audit for further review
72	Search Warrant Log	NYE				Sep-02	Sep-02	Awaiting Warrant audit for further review
73	Watch Commander Inspection & Interview of Detainees & Arrestees	NYE				Sep-02	Sep-02	Evaluation in conjunction with Para 70
C. Initiation of Complaints								
74	Receipt/Maintenance of Complaints	✓				Dec-01	Sep-02	
	i) Record Calls on 24 Hour Complaint Hotline	✓				Dec-01	Sep-02	

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75	Initiation of Complaint Form 1.28												NYE	Sep-02		
76	Civil Lawsuits Alleging Misconduct of LAPD												✓	Jun-02	Dec-02	
77	Arrest/Litigation Involving Officer												✓	Jun-02	Jun-03	
78	Reports of Officer Misconduct												✓	Dec-01	Sep-02	
D. Conduct of Investigations																
79	IAG Review of Complaints "Face Sheet"												✗	Mar-02	Dec-02	
80	Conduct of Categorical UOF and Complaint Investigations												NYE		Sep-02	
81	a) Chain of Command Investigations of Complaints												NYE		Sep-02	
	b) Non-Categorical Uses of Force Investigations												NYE		Mar-03	
82	Collateral Misconduct Investigations												NYE		Dec-02	
83	TEAMS II Access												NR			Pending further development of TEAMS II
E. Adjudicating Investigations																
84	Standards for Credibility Determinations												NYE		Sep-02	
85	Adjudication of Complaint Form 1.28 Investigations												NYE		Sep-02	
86	Withdrawal/Anonymous Complaint Investigations												NYE		Sep-02	
87	Timely Complaint Investigations												✗	Dec-01	Sep-02	
F. Discipline & Non-Disciplinary Action																
88	Chief's Discipline Report to Commission and IG												✗	Jun-02	Sep-02	
89	a) IG Review Discipline Report												✓	Jun-02	Sep-02	
	b) Commission Review/Assess Discipline Report												✓	Dec-01	Sep-02	
90	Manager Review Complaint Form 1.28 Investigations												✓	Mar-02	Sep-02	
91	Complaint Resolution Notification												NYE		Sep-02	
92	Anti-Retaliation Policy												✓	Mar-02	Mar-03	
G. Internal Affairs Group																
93	Complaint Investigations												✓	Mar-02	Sep-02	
94	Reallocate Investigations from Chain-of-Command Supervisors												✓	Mar-02	Sep-02	
95	Filling Investigator Positions												✗	Jun-02	Dec-02	
96	Chief Misconduct Complaints												NYE		Sep-02	
97	Scheduled Integrity/Sting Audits												✓	Jun-02	Dec-02	

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98	✓				✓	Jun-02	Dec-02						
99	✓				✓	Jun-02	Dec-02						
100					NYE		Dec-02						
101					✓	Mar-02	Dec-02						
H. Non-Discrimination Policy and Motor Vehicle and Pedestrian Stops													
102	✗				✗	Jun-02	Sep-02						
103	✗				✗	Jun-02	Sep-02						
104	✗				✗	Jun-02	Sep-02						
105	✗				✗	Jun-02	Sep-02						
IV. MANAGEMENT OF GANG UNITS													
106					NYE		Sep-02						
a) Coordination													
b) Eligibility Criteria for Selection of a Non-Supervisory Officer													
c) Eligibility Criteria for Selection of a Supervisor													
d) Tour of Duty Limitations for Supervisors and Officers													
e) ABC and Uniform Procedures for Gang Officers & Supervisors													
i. Detention, Transportation, Arrest Booking and Charging of Arrestees													
ii. Class A or C Uniforms													
iii. Marked Police Vehicles													
iv. Check Out and Return Field Equipment from Area Kit Room													
v. Attendance for Patrol Roll Calls													
vi. Unit Activities Out of Area Station													
vii.Arrestees/Witness Interviewed at Night at Primary Area Station													
f) Role of Unit Supervisor													
g) Role of Area Managers													
h) Role of Bureau Gang Coordinator													
107					NR		Phase II Pending						
Eligibility to Work in Gang Units													

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					as of Last Eval'n	Next Expected Eval'n Q/E		

V. CONFIDENTIAL INFORMANTS

108	Procedures for the Handling of Informants	X					Jun-02	Dec-02		
109	Database of Confidential Informants	X					Jun-02	Dec-02		
110	Confidential Informant Manual	X					Jun-02	Dec-02		Informant manual required by 12/1/2001; Non-compliance due to lack of training

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

111	Evaluation of Other Successful Programs	✓					Jun-02			
112	Report on Proposed Police Contact with Mentally Ill					NR		Sep-02		July 2002 deadline
113	Audit of Police Contact with Mentally Ill					NR				February 2004 deadline

VII. TRAINING

A. Field Training Officers Program

114	Eligibility Criteria for FTO					NR				Awaiting documentation / Meet and Confer
115	Removal of FTO									No Monitoring Task
116	FTO Training Plan					NYE				Unable to evaluate compliance due to outstanding document request

B. Training Content

117	Police Integrity Training Requirements					NYE		Sep-02		In process
118	Public Members on Board of Rights					NYE		Sep-02		
119	Tuition Reimbursement					✓	Mar-02	Mar-03		
120	Communication of Training Suggestions	✓				✓	Jun-02	Dec-02		

C. Supervisory Training

121	Supervisory Training Requirements					X	Mar-02	Sep-02		
122	Who to be Trained re: Supervisory Training					NYE		Sep-02		
123	Supervisory Investigations Training					NYE		Sep-02		

VIII. INTEGRITY AUDITS

A. Audit Plan

124	Audit Plan & Responsibilities					X	Mar-02	Sep-02		Audit Plan was developed for fiscal year ended June 30, 2002; non-compliance based upon inadequate audit resources
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B. Audits by the LAPD								
125	a) Warrant Applications & Affidavits Audit					Dec-01	-	Deficient quality
	b) Arrest, Booking & Charging Reports Audit					Dec-01	-	Deficient quality
	c) Confidential Informant Control Packages Audit					Dec-01	-	Deficient quality
	d) Gang Unit Work Product Audit					Dec-01	-	Deficient quality
126	Use of Force Reports Audit					Mar-02	-	Deficient quality
127	Sting Audits Reporting Protocol	✓				Jun-02	Dec-02	
128	1) Warrant Applications & Affidavits Audit	✗				Jun-02	Sep-02	"Regular, Periodic Audit" not conducted
	2) Arrest, Booking & Charging Reports Audit					Mar-02	Dec-02	"Regular, Periodic Audit" not conducted
	3) Use of Force Reports Audit				NR		Dec-02	
	4) Motor Vehicle & Pedestrian Stops Audit	✗				Jun-02	Mar-03	"Regular, Periodic Audit" not conducted
	5) Confidential Informant Control Packages Audit	✗				Jun-02	Dec-02	"Regular, Periodic Audit" not conducted
129	i) Categorical Use of Force Investigations Audit				NYE	Jun-02	Mar-03	Audit population re: Apr-02 audit not sufficient
	ii) Non-Categorical Use of Force Investigations Audit	✗				Jun-02	Dec-02	"Regular, Periodic Audit" not conducted
	iii) Complaint Form 1.28 Investigations	✗				Jun-02	Dec-02	"Regular, Periodic Audit" not conducted
130	Annual Report on Complaints & Disposition				✓	Mar-02	Mar-03	
131	a) Gang Unit Work Product Audits	✗				Jun-02	Sep-02	"Regular, Periodic Audit" not conducted
	b) Gang Unit Selection Criteria Compliance				NR		Dec-02	
	c-1) Gang Unit Warrant Applications & Affidavits Audit	✗				Jun-02	Sep-02	"Regular, Periodic Audit" not conducted
	c-2) Gang Unit Arrest, Booking & Charging Reports Audits	✗				Jun-02	Dec-02	Deficient quality
	c-3) Gang Unit Use of Force Reports Audit				NR		Dec-02	
	c-4) Gang Unit Motor Vehicle & Pedestrian Stops Audit	✗				Jun-02	Mar-03	"Regular, Periodic Audit" not conducted
	c-5) Gang Unit Informant Control Packages Audit	✗				Jun-02	Dec-02	"Regular, Periodic Audit" not conducted
	d) Gang Unit Use of Confidential Informants Audit	✗				Jun-02	Dec-02	"Regular, Periodic Audit" not conducted
	e) Gang Unit Roles and Conduct of Supervisors Audit	✗				Jun-02	Sep-02	"Regular, Periodic Audit" not conducted
	f) Gang Unit Assessing Supervisory Review of Incidents	✗				Jun-02	Sep-02	"Regular, Periodic Audit" not conducted
	g) Gang Unit Conclusions/Recommendations	✗				Jun-02	Sep-02	"Regular, Periodic Audit" not conducted
132	Financial Disclosure Requirements & Audits				NR			Meet and Confer
133	Police Training Audit				NR		Mar-03	December 2002 deadline

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134 Skeletal Fractures During UOF Audit										Mar-03	December 2002 deadline
C. Inspector General Audits											
135 IG Evaluation of LAPD Audits						Mar-02	Sep-02				
136 IG Review of Categorical UOF Investigations							Sep-02				
i) IG Audit of Non-Categorical Uses of Force						Jun-02	Dec-02	"Regular, Periodic Audit" not conducted			
ii) IG Audit of Complaint Form 1.28 Investigations						Jun-02	Mar-03	Although IG reviews these reports on a regular basis, "regular, periodic audit" not yet conducted			
137 IG Audit of LAPD's Use of TEAMS II Protocol (as per CD47)								Pending further development of TEAMS II			
138 IG to Use TEAMS II to Conduct Audits and Review LAPD Unit Specific and Officer Specific Audits for At Risk Behavior, Practices or Procedures								Pending further development of TEAMS II			
139 IG's Retaliation Complaint Protocols and Investigations							Sep-02				
140 Audits Initiated by the Police Commission (to be Conducted by the LAPD or IG) and Audits Initiated by the IG							Sep-02				
IX. OPERATIONS OF THE POLICE COMMISSION & INSPECTOR GENERAL											
A. Police Commission											
141 Obligations of Commission/IG/Chief								No Task			
142 Commission/IG Review of Categorical UOF						Jun-02	Sep-02				
a) Annual Report on UOF						Jun-02	Jun-03				
143 Review of Specified/Sting/Other Audits							Dec-02				
a) Consider Audit Results in Evaluation of COP							Sep-02				
b) Review and Approval of all new LAPD Policies and Procedures							Dec-02				
144 Review of Chief							Sep-02				
145 Chief Misconduct Complaints						Mar-02	Sep-02	Mar-02 Evaluation postponed			
146 Approval of LAPD Budget						Dec-01	Dec-02				
B. Inspector General											
147 Notification and Observation of CUF "Roll-outs"						Dec-01	Sep-02	Dec-01 Evaluation commenced, then OIG modified reporting system			
148 UOF Review Board Meetings						Dec-01	Dec-02				
149 Promptly Providing Documents and Information to IG						Dec-01	Dec-02				

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150 IG Acceptance of Complaints from LAPD Officers											
151 Officer Obligations to Investigate											
152 Complaint Intake Information											
153 Communication with Commission											
C. General											
154 Identified Deficiencies									No Task		
X. COMMUNITY OUTREACH AND PUBLIC INFORMATION											
155 i) Public Meeting in first year of CD									Jun-02	Inability to publish Paragraph 104/105 data. Otherwise compliant.	
ii) Public Meetings annually									Jun-03		
156 Website Reports									Jun-02		
157 Meeting with Community Advisory Groups									Jun-02		

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**APPENDIX B:
Detailed Findings from the
Monitor's Review of the
DSD's SEU ABC Reports Audit**

The DSD's SEU ABC Reports Audit comprised a review of LAPD's 240 SEU ABC Reports (believed to represent 100% of all such reports) that were issued in August 2001, pursuant to paragraphs 131 and 128 of the Consent Decree. This audit identified a number of issues regarding the practices of the SEU relative to arrests, bookings and chargings, however, the Monitor found this audit to be deficient in a number of areas.

In this Appendix, the Monitor provides specific details relative to our assessment of the completeness of the audit and the findings of this audit.

A. SAMPLE SELECTION**Attempt to Audit 100% for One Month**

According to the DSD's SEU ABC report, the month of August 2001 was selected "...in order to be consistent with the sample period selected by Audit Division ("AD") for the broader Department-wide ABC Audit". Although the Consent Decree indicates that audits should be completed by selecting a stratified sample of the population, the DSD's Audit Section selected all 240 SEU ABC Reports provided to them, in order to attain sufficient representation from SEU's with few reports.

While it is commendable to attempt to conduct an audit of 100% of the reports issued for one month, particularly as the SEU ABC audit was considered to be a higher risk audit than the department-wide ABC audit which was reported upon in the Monitor's previous Quarterly Report issued in May 2002, it would have been better to audit a sample for a longer period of time, say three months. This would enable the DSD's Audit Section to assess whether there were any patterns of discrepancies for a given officer, division, or bureau. For the next ABC audit, the DSD's Audit Section plans to review a sample of ABC reports for a three-month period. It is also noteworthy that August may not be representative of a typical month within the LAPD given the number of officers that may be on vacation during that month.

Further, given the limited audit resources available, it is unrealistic for the DSD's Audit Section to continue auditing 100% of reports issued, particularly as population sizes increase (i.e. when selecting a three-month time period).

Assessing the Completeness of the SEU ABC Audit Reports

The population of SEU ABC reports reviewed by the DSD's Audit Section was based on reports submitted by each Area SEU to the DSD Audit Section in response to correspondence sent to them requesting that all Gang Detail arrest reports for the month of August be provided to DSD Audit Section. Although the DSD's Audit Section attempted to verify the information provided by the SEU's, through consultation with the Information Technology Division ("ITD"), the population of SEU ABC reports was ultimately determined manually because the system set up by ITD to identify SEU ABC reports was considered by the DSD's Audit Section to be deficient. The Monitor found, however, that the resulting population assessed manually by the DSD's Audit Section was also incomplete.

Going forward, there are no reliable systems in place to identify SEU ABC reports; this needs to be rectified if the LAPD is to be able to audit SEU ABC reports in order to comply with the Consent Decree.

According to a memo to ITD from the DSD's Audit Section, "it was determined that 'SEU' is not an acceptable entry into the detail arresting field that requires the detention office or booking employee to activate an override function during the booking process." ITD was asked to modify their system in order to rectify this deficiency (thereby reducing errors in future audits).

After the DSD's Audit Section finalized their audit report in respect of the SEU ABC audit, it was discovered that all the reports identified by the ITD were not received by the DSD Audit Section. Although the SEU supervisors were requested to make an additional copy of their reports, that should be collected, collated, and forwarded to the DSD Audit Section with a chronology, it was later discovered that 18 arrest reports were inadvertently not forwarded. The DSD's Audit Section indicated that these reports do exist within the SEU units, Records & Identification ("R&I") Division and with the case-filing Detectives; however DSD Audit Section was left out of the distribution because this is not a familiar nor policy-mandated distribution practice. The DSD's Audit Section advised the Monitor that they plan to review those additional 18 reports, and provide their findings related thereto, in their next audit report.

Assessing Whether the SEU ABC Audit Should Have Included Misdemeanour Warrant Arrests and Offences Booked Using a Release from Custody Form

According to the DSD's SEU ABC Audit Report, there were a total of 318 reports provided to the DSD Audit Section by the SEU units, 240 of which were reviewed for the SEU ABC Reports Audit. The remaining 78 reports did not meet the review criteria: these included misdemeanour warrant arrests ("MW"), which do not require an arrest narrative, and offences for which a Release from Custody ("RFC") was issued, which

does not require a Booking Approval Form. The DSD's Audit Section was initially directed by the Audit Division that these 78 reports would not be within the scope of review for the SEU ABC Reports Audit. This direction was subsequently changed and the DSD's Audit Section was directed to include such reports in their scope of review. The Monitor agrees with the subsequent direction provided, however, the DSD's Audit Section did not review those reports because the Audit Division's instructions were received towards the end of their fieldwork and reporting process.

The Monitor believes it was important to review these reports. In response to the Monitor's request for a list of these reports, the Monitor was provided with a listing that included 111 reports rather than 78, comprising 79 RFC's, 29 MW, and 3 Alleged Probation Violation ("APV") Notices. This follow up effort by the Monitor revealed that there were more reports than previously counted. The DSD's Audit Section indicated that they did not initially conduct a thorough manual count of the MW and RFC reports, given that they were excluded from the scope of their audit in any event.

The Monitor commenced an initial review of a stratified random sample of the 111 reports. To date, this review has revealed some issues/discrepancies amongst the reports reviewed, which the Monitor will further explore and report on in the Monitor's next Quarterly Report for the period ending September 30, 2002.

B. ISSUES MISSED BY THE DSD'S SEU ABC AUDIT

The Monitor reviewed a stratified random sample of 79 of the 240 ABC reports reviewed by the DSD's Audit Section.

Given that some of the 79 reports selected for review are "multiple" arrests, we reviewed all arrests made in respect of each incident. This is consistent with the method adopted by the DSD's Audit Section. However, it should be noted that the Monitor treated each "incident" as one arrest for reporting purposes, regardless of whether there were three individuals booked within that same incident. Although the DSD's Audit Section indicated they reviewed all bookings within a multiple- arrest, they used a single matrix to document their findings for each incident. Therefore, their matrices did not specifically identify the arrestee to whom the issue/discrepancy related (which is not consistent with their report, which identifies issues by booking number).

Although the SEU ABC Audit examined certain issues required in the Consent Decree for which the audit was provided, the analysis was incomplete; this is due to the matrix form used to identify anomalies, which was provided to the DSD Audit Section by the LAPD's Audit Division. This matrix resulted in responses that did not address all issues deemed material by the Monitor.

The Monitor also identified instances where the final Audit Report prepared by the DSD Audit Section had errors, such as inconsistent findings in the tables as compared with the

supporting qualitative analysis (particularly findings documented in the matrices which were not documented consistently in the report).

Further details relevant to our findings are set out in Tables I and II and are described as follows:

- Although the DSD Audit Section identified and reported on numerous issues with the arrest booking and charging practices of the LAPD, and many of these issues were followed-up, the Monitor identified that:
 - follow-up was not always documented in the DSD's SEU ABC Audit report; and
 - some follow-up was conducted through presentations and/or correspondence, but was not completed in a timely manner.
- In the sample of 79 reports reviewed by the Monitor, the Monitor identified 103 issues that the DSD Audit Section failed to identify and/or did not comprehensively report upon¹. This represents 78% of the 132² issues identified by the Monitor. While certain of these issues were missed due to the lack of clarity in the questions included in the matrix utilized during the audit, others were apparently missed because the auditors did not obtain/were not provided with all the necessary documents to complete their analysis accurately, as described below.
- Given the above-noted findings, the statistics reported upon by the DSD Audit Section relative to issues with the ABC reports at the divisional level are understated regarding the areas that they addressed. The five divisions with the highest proportion of issues identified in the sample selected by the Monitor were Central, South East, Van Nuys, Harbor, and Foothill (based on the percentage of issues out of the sample selected for review by division).
- The DSD Audit Section did not correctly identify all instances where copies of Booking Approval forms were missing from the ABC package provided to the Monitor, and further they responded to questions requiring review of the Booking Approval form, based on the narrative in the Arrest Report (e.g. Watch Commander authorization).

¹ The 103 is comprised of 22 issues that the DSD addressed and 81 issues that the DSD did not address as part of their audit.

² The 132 is comprised of 51 issues that the DSD addressed and 81 issues that the DSD did not address as part of their audit.

TABLE I: ISSUES IDENTIFIED BY THE MONITOR THAT WERE EXAMINED BY THE DSD IN ITS SEU ABC REPORTS AUDIT

		Issues Identified by the DSD (in 240)		Total Issues Identified by Monitor (in 79)		Issues Missed by DSD v Total Identified by Monitor (in 79)	
Issues Identified by the DSD and/or the Monitor		No. ID'd [1]	% of 240 Reports Reviewed	No. ID'd (X)	% of 79 Reports Reviewed	No. Missed (Y)	% Missed (Y/X)
A.	Copy of Booking Approval form missing from ABC package provided to Monitor	20	8.3%	19	24.1%	8 [2] [4]	42.1%
B.	Spontaneous statement admitting possession of the evidence or contraband seized	44	18.3%	17	21.5%	3 [3]	17.6%
C.	Reporting officer's writing similar to supervisor approving Arrest Reports	1	0.4%	1	1.3%	1	100.0%
D.	Possible Miranda violation	0	0.0%	2	2.5%	2	100.0%
E.	Name of supervisor approving Arrest Report printed or typed	4	1.7%	11	13.9%	7	63.6%
F.	Incomplete supervisory approval section on face sheet of Arrest Report.	0	0.0%	1	1.3%	1	100.0%
Sub-Total		69		51		22	43.1%

Notes:

- [1] Source: SEU Arrest, Booking, and Charging (ABC) Reports Audit Report prepared by the DSD dated March 27, 2002, table on page 6 of Audit Report. Given that the DSD's audit report identifies anomalous issues, rather than instances of issues, we obtained the number of instances of spontaneous statements (44) identified by the DSD rather than the number of anomalous issues identified, in order to be consistent with our findings. Therefore, all other 'Issues identified by DSD' under the heading 'Issues Addressed by DSD' represent the number of instances identified by the DSD for each issue, respectively.
- [2] The Monitor was advised by the DSD that a day prior to their Audit Report being due, the DSD auditors went to Records & Identification to visually inspect for the existence of the missing booking forms that were not provided to them. However, they did not make copies of those forms, nor did they document which forms were located. Therefore, the eight (8) missing booking approval forms identified above likely include instances where booking forms do in fact exist, but were not copied and provided to the Monitor. In addition to the eight (8) booking approval forms not obtained by the DSD, there were five (5) instances where the DSD indicated that the forms were missing on their matrix, but did not document this discrepancy in their Audit Report.
- [3] There are two (2) additional instances where the Auditor identified spontaneous statements, whereas the Monitor did not consider them to be spontaneous statements, as they were both in direct response to questions asked by the officers involved.
- [4] Although copies of documents required were not provided by the DSD to the Monitor, this does not necessarily mean that the documents do not exist; rather, it indicates that the package of documentation provided to the DSD by the SEUs were incomplete. The documents may exist at R&I, the Area Records Unit, or at the SEUs.
- [5] Represents an administrative issue (i.e. while DSD did not address this issue in the course of their audit, it does not represent a substantive operational deficiency within the LAPD; hence the Monitor considers this an audit deficiency).

TABLE II: ISSUES IDENTIFIED BY THE MONITOR THAT WERE NOT EXAMINED BY THE DSD IN ITS SEU ABC REPORTS AUDIT

			Issues Identified by the DSD (in 240)		Total Issues Identified by Monitor (in 79)		Issues Missed by DSD v Total Identified by Monitor (in 79)	
Issues Identified by the DSD and/or the Monitor			No. ID'd [1]	% of 240 Reports Reviewed	No. ID'd (X)	% of 79 Reports Reviewed	No. Missed (Y)	% Missed (Y/X)
A.	Receipt for Property Taken into Custody and/or Property Report missing from ABC Report package provided to Monitor	[5]	0	0.0%	19	24.1%	19	[4] 100.0%
B.	Other documentation missing from ABC Report package provided to Monitor	[5]	0	0.0%	23	29.1%	23	[4] 100.0%
C.	ABC package inconsistent regarding documentation of evidence seized		0	0.0%	6	7.6%	6	100.0%
D.	Charge in Arrest Report is inconsistent with charge in other documents in ABC package		0	0.0%	1	1.3%	1	100.0%
E.	All involved officers are not consistently identified in each document in ABC package		0	0.0%	3	3.8%	3	100.0%
F.	Dates and times included in ABC package are inconsistent		0	0.0%	2	2.5%	2	100.0%
G.	Booking form approval by watch commander concluded without Booking Form	[5]	0	0.0%	16	20.3%	16	100.0%
H.	Watch Commander approval on Booking Form printed or typed		0	0.0%	11	13.9%	11	100.0%
Sub-Total			0		81		81	100.0%
TOTALS			69		132		103	78.0%

Notes: See Table I.

The DSD Audit Section did not correctly identify all instances of “spontaneous statements”. These discrepancies resulted from different interpretations by the DSD Audit Section as to what constitutes a “spontaneous statement”. The DSD Audit Section advised the Monitor that for future audits they will capture, itemize, and document all occurrences of any of the typical activities, incidents, processes or procedures, regardless of their classification as “anomalous” or “proper”.

- The DSD Audit Section did not correctly identify two instances where statements may have been taken in violation of the suspect’s Miranda Rights. In one instance, the juvenile arrestee refused to waive his Miranda Rights; nevertheless, the officer took a statement from the arrestee. However, the arrest report does not clearly articulate whether the statement was given before or after the arrestee refused to waive his rights. In the other incident, the ABC package does not articulate whether or not Miranda Rights were waived, yet the arrestee made an incriminating statement.
- The DSD Audit Section did not consistently identify all instances where the approval section of the Arrest Report was not completed properly. This includes instances where the name of the supervisor approving the Report is printed rather than signed, the Reporting Officer’s handwriting is similar to the supervisor approving the Arrest Report, and one instance where the approval section of the Arrest Report was not completed at all (and the Arrest Report narrative did not indicate which officer approved the Report).
- The Monitor noted several instances where the DSD Audit Section did not identify ABC packages that were missing documentation, in particular the Booking Approval Form (noted above), the Receipt for Property Taken into Custody and the City Attorney Disclosure Statement. Although the matrix did not explicitly require the Auditor to identify this deficiency (thereby resulting in the Auditors not testing for it), the Monitor considers this to be an integral part of the review for “completeness” of the ABC package, which the Consent Decree specifically requires the DSD Audit Section to assess in the course of their review. It should be noted that the DSD Audit Section was provided with copies of the ABC packages rather than originals; it is therefore possible that the originals were complete but were simply not copied/provided to the DSD Audit Section.
- The Monitor also noted that the auditor did not identify all instances of inconsistent information within the ABC package, including criminal charges noted in the Arrest Report as compared with other documents, the officers involved in each respective incident, evidence seized and dates and times relating to events/occurrences within each incident. Once again, while the matrix did not explicitly require the auditor to identify such discrepancies, the Monitor considers the issue of ‘consistency’ to be an integral component of the audit, as required by the Consent Decree. This issue will be addressed in future audits through the use of a revised and more detailed matrix.

- The DSD Audit Section did not identify all instances where the Watch Commander's name on the Booking Approval Form was printed instead of being signed, as required by department policy. According to the DSD Audit Section, this was not identified due to the fact that the matrix asked whether the "name of the supervisor who approved the *Report* was printed or typed", suggesting the Arrest Report, thereby excluding the Booking Approval Form. This issue will also be addressed in future audits through the use of a revised and more detailed matrix.
- In addition to the above issues, the Monitor noted the following additional discrepancies:
 - two instances were identified by the DSD Audit Section as instances of spontaneous statements that the Monitor concluded were responses to questions rather than spontaneous statements;
 - one instance was identified by the DSD Audit Section as an instance of discarded evidence that the Monitor considered to be "secreted" rather than discarded evidence";
 - the DSD Audit Section identified that there was no probable cause to seize evidence in one particular instance, for which the Monitor considered that probable cause was articulated in the Arrest Report narrative;
 - the DSD Audit Section identified that there was probable cause to seize evidence in one particular instance, when in fact no evidence was seized (therefore, the response should have been "N/A"); and
 - there was an editing error in the SEU ABC Report relating to 'Observation Points', whereby the DSD Audit Section indicated "there were no reports which indicated the use of OP's..." when it should have indicated "there were no reports which indicated the *improper* use of OP's..."
- Although several arrests involved multiple subjects, the DSD Audit Section included a single matrix for each incident. Therefore, in some instances of multiple arrests, it was difficult to determine to which arrestees had discrepancies.

APPENDIX C:
Recommendations to Improve the
DSD'S Future Audits

Based on the Monitor's review of the DSD's SEU ABC Reports Audit, a number of recommendations were identified to improve the quality, effectiveness and efficiency of the DSD's future audits. These are set out below. In addition, the Monitor and DSD held numerous meetings and/or discussions during the recent quarter in an effort to provide direct feedback regarding areas for improvement. The Monitor notes that the DSD is prepared to undertake any and all initiatives necessary to improve their audit process.

We note that most of the recommendations that were reported upon in the Monitor's May 2002 Quarterly Report also apply to the DSD's audits. Such recommendations have not been repeated in this Appendix. The Monitor expects to follow-up on those recommendations in its report for the quarter ending September 30, 2002.

1. Audit Resources

As is the case with the Audit Division, the DSD Audit Section is under-staffed. The DSD indicated that the City Administrative Office denied their initial and subsequent budget requests for eight (8) auditors, and approved only two (2) Detective II's and two (2) Sgt I's. However, the DSD advised the Monitor that they are unable to fill the Sgt. I positions as there is no incentive for a Patrol Sgt to give up a compressed work schedule (4/10), uniform incentive, and parking. Furthermore, any Sgt I is actively seeking promotion to Sgt II and therefore the position would be a short-term placement.

Therefore, additional budget resources should be allocated to the DSD, in order for them to fill the necessary auditor positions to meet their needs and provide sufficient resources to assist in clearing the backlog of audit work; these additional positions should include staff with both audit and statistical expertise.

2. Oversight of the DSD Audit Section

Paragraph 124 of the Consent Decree sets out the requirement that the LAPD's Audit Division "shall serve as a resource to other LAPD units in the conduct of audits and shall also periodically assess the quality of audits performed by other LAPD units." Based on information provided to the Monitor by the DSD Audit Section and the Audit Division, the relationship between these two groups is not functioning in the manner contemplated by the Consent Decree. Based on this, as well as the need for consolidated training and additional resources to conduct all audits (including SEU audits), the Monitor recommends that the responsibility for all SEU audits be consolidated in the Audit

Division, and the Audit Division should call upon the specialized expertise of the DSD when performing such audits.

3. Population of ABC Reports

Given the comments noted in Appendix B regarding the population of ABC reports, the DSD should liaise with ITD and/or the SEU units to set up a process to ensure that the population of reports from which they select their stratified random sample for future audits is complete (i.e. all incidents are accounted for as identified by the ITD and SEU's, and further that copies of all documents pertaining to each incident are obtained prior to commencement of their audit). In addition, "Release from Custody" Reports should be included in the population examined.

4. Sample Selection

For future audits, the DSD Audit Section should select a random sample of SEU ABC Reports to review, rather than review all SEU ABC Reports. This sample should be selected from a minimum period of three months so that patterns can be assessed by officer.

5. Follow-up Procedures

The DSD Audit Section needs to followup appropriately with the relevant SEU sections when anomalous issues are identified during the course of the audit.

6. Enhanced Use of Technology in Future Audits

The DSD Audit Division should consider using electronic documents such as spreadsheets to document the results of future audits in order to ensure matrices are complete and to streamline the reporting process (including improving the accuracy of their reporting).