

REPORT OF THE INDEPENDENT MONITOR
FOR THE
LOS ANGELES POLICE DEPARTMENT



KROLL

*Office of the Independent Monitor
of the Los Angeles Police Department*

REPORT FOR THE QUARTER ENDING
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EXECUTIVE SUMMARY

The City of Los Angeles and the Los Angeles Police Department (LAPD) entered into a Consent Decree with the Department of Justice (DOJ) on June 15, 2001. The original term of the Consent Decree expired on June 15, 2006. On May 15, 2006, Judge Gary Allen Feess ordered that the Consent Decree be extended for an additional three years, commencing on July 1, 2006.

This, the Monitor's twenty-fifth report, covers the results of the Monitor's compliance assessments conducted during the quarter ending September 30, 2007 and is the fifth report issued during the three-year extension period. As described in our Report for the Quarter Ending June 30, 2006, the City and the DOJ agreed, and the Monitor concurred, that the Department had achieved substantial compliance with a significant number of paragraphs of the Consent Decree, and the Monitor would not actively monitor or report on the Department's compliance with these paragraphs during the three-year extension period. Rather, during the extension period, the Monitor is concentrating its monitoring efforts by actively monitoring those paragraphs of the Decree with which the City has failed to achieve substantial compliance. Based upon this approach, the Monitor examined 21 paragraphs or subparagraphs of the Consent Decree during the current quarter. Of these, the City and the LAPD successfully complied with 19 and, for reasons stated in the body of this report, the Monitor withheld a determination of compliance with two subparagraphs.

As noted in a focus issue below, the Department, shortly after the close of the current quarter, submitted a report on the events of May 1st at MacArthur Park. The Monitor believes that the report is a milestone, marking a degree of transparency, introspection and a roadmap to remediation which, despite the substantial gains in reform under the Consent Decree, has heretofore not been seen. In this report, the Monitor has also included focus issues relative to the LAPD Audit Division's emergence as a leader in law enforcement auditing and an update on field data collection and the requirements of Consent Decree paragraphs 102-105. As explained in a fourth focus issue, all of these issues are integral to ensuring that lasting cultural reform is in place throughout the Department as it continues to make strides toward substantial compliance with the individual areas of reform of the Consent Decree. In addition to the information included in the focus issues, the Monitor assessed the Department's compliance with the following provisions of the Consent Decree during the quarter ending September 30, 2007 (the current quarter).

The Monitor completed its analysis of the detailed testing of the LAPD's early warning system, termed TEAMS II, conducted by TEAMS II staff. TEAMS II staff concluded that the system now includes the specific items required by paragraph 41; the Monitor concurred with these findings. The Monitor also conducted its initial assessment of the City and Department's compliance with two additional Consent Decree paragraphs relative to TEAMS II, paragraph 44, which addresses the linking or cross-referencing of information in the system, and paragraph 47, which requires that the protocol for using TEAMS II includes provisions and elements related to supervisory and managerial review to detect patterns that indicate at-risk behavior. The Monitor

found the City and Department in compliance with both of these paragraphs. In addition, as reported in our prior report, the City has now achieved the Department-wide implementation of all four systems developed to meet the Consent Decree's requirements relative to the TEAMS II system.

The Monitor found the Department in compliance with all specific investigative requirements included in paragraph 80 that apply to Categorical Use of Force (CUOF) incident investigations.

In regard to training, the Monitor determined that the Department is in compliance with requirements relative to a Field Training Officer Training Plan.

The Monitor completed its review and evaluation of the LAPD's Annual Audit Plan (paragraph 124) and four audits submitted by the LAPD's Audit Division: the *Non-Categorical Use of Force (NCUOF) Investigations Audit* (subparagraph 128(3), 131c-3); the *Follow-up Review of Motor Vehicle and Pedestrian Stop (MV&PS) Data Collection Audit* (subparagraph 128(4), 131c-4); the *CUOF Investigations – Phase II Audit* (subparagraph 129i); and the *Gang Enforcement Detail (GED) Work Product Assessment Summary Phase II* (subparagraph 131a). The Monitor found the LAPD in compliance with Consent Decree requirements relative to its Annual Audit Plan and its *CUOF Investigations Audit*. The Monitor's limited review of the *NCUOF Investigations Audit*, which is no longer actively monitored under the extension of the Consent Decree, did not identify any issues that suggest this audit should be actively monitored or that the quality of this audit varied from prior NCUOF Audits. The Monitor also completed limited reviews of the *Follow-up Review of MV&PS Data Collection Audit* and the *GED Work Product Assessment Summary Phase II*, as these were not required by the Consent Decree. The Monitor commends Audit Division for completing these two follow-up evaluations and concluded that the prior finding of compliance in connection with the *MV&PS Data Collection Audit* submitted December 28, 2006 and the related determination withheld for the *GED Work Product Assessment Summary* submitted September 28, 2006 would remain in effect.

During the current quarter, the Monitor assessed reviews conducted by the Office of the Inspector General (OIG) of the Ethics Enforcement Sections' *Quarterly Reports for the Third and Fourth Quarters 2006* (paragraphs 97 and 127) and Audit Division's *Categorical Use of Force Systems Audit* (subparagraph 129i), *Complaint Form 1.28 Investigations Audit, Phase II* (subparagraph 129iii) and *Gang Enforcement Detail Selection Criteria Audit* (subparagraph 131b). The Monitor concluded that the OIG's reviews of the Ethics Enforcement Sections' two audits and Audit Division's three audits were quality reviews. The Monitor also assessed the OIG's *Reviews of Categorical Use of Force Investigations* (paragraph 136), concluding that these were quality reviews that complied with Consent Decree requirements.

Lastly, the Monitor assessed the Police Commission's review of audits (subparagraph 143a) and concluded that the Department was in compliance with these requirements. The Monitor commends the Police Commission's staff for their efforts to continue to refine their system for tracking and reporting audits.

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- A. "Report Card" Summarizing the Monitor's Evaluation of Compliance with the Consent Decree as of the Quarter Ending September 30, 2007
- B. Acronyms Utilized in Quarterly Reports Issued by the Independent Monitor

I. INTRODUCTION

The City of Los Angeles (the City) and the Los Angeles Police Department (LAPD) entered into a Consent Decree with the Department of Justice (DOJ) on June 15, 2001. The Consent Decree provides specific guidelines designed to institute new policies and procedures and to reform the conduct of the LAPD. Michael Cherkasky and Kroll Inc. have been hired as the Independent Monitor to ensure that Consent Decree reforms are implemented in an effective and timely manner. The original term of the Consent Decree expired on June 15, 2006. On May 15, 2006, Judge Gary Allen Feess ordered that the Consent Decree be extended for an additional three years, commencing on July 1, 2006.

This, the Monitor's twenty-fifth report, covers the results of the Monitor's compliance assessments conducted during the quarter ending September 30, 2007. As described in our Report for the Quarter Ending June 30, 2006, during the three-year extension to the Consent Decree, the Monitor is concentrating its monitoring efforts by actively monitoring those paragraphs of the Consent Decree with which the City has failed to achieve substantial compliance during its original term. As further described in that report, the City and the DOJ (the parties) agreed, and the Monitor concurred, that the Department had achieved substantial compliance with a substantial number of paragraphs of the Consent Decree, and the Monitor would not be actively monitoring or reporting on the Department's compliance with these paragraphs. This is not to say that the City can ignore any of the provisions of the Decree. If there is any indication of backslide in any paragraph not being actively monitored, the Monitor will notify the parties and determine whether renewed active monitoring of such paragraph is appropriate. As such, the City continues to be bound not only to reforming those areas in which reform has not yet been completed, but also to maintaining those reforms that have been successfully implemented.

The introduction sections to each of the substantive areas reviewed in the remainder of this report include the specific paragraphs upon which the Monitor will be reporting during the extension period i.e. those paragraphs of the Decree with which the City has failed to achieve substantial compliance. For informational purposes, also included in footnotes under each introduction section are those paragraphs for which the City has achieved substantial compliance.¹

¹ The Department has also achieved substantial compliance with several paragraphs that are not referred to in the footnotes in the introduction sections of this report, as the pertinent sections of the Consent Decree, in their entirety, are no longer being actively monitored and reported on. These are: paragraphs 111-113 (Development of Program for Responding to Persons with Mental Illness) and paragraphs 155-156 (Community Outreach and Public Information).

As a tool to assist the reader of this report, the Monitor has attached as Appendix A a “Report Card” that summarizes the overall grade of compliance with each paragraph or subparagraph of the Consent Decree for the last five quarters, beginning with the quarter ending September 30, 2006.² The “Status as of Last Evaluation” column provides the most recent evaluation made for each paragraph of the Consent Decree, whether it was made in this quarter or in a prior quarter. The quarter in which the evaluation was made is also indicated. Finally, the Report Card identifies the quarter in which the Monitor anticipates conducting the next evaluation of compliance for each paragraph.³ This is an estimate based on available information at the date of issuance of this Monitor’s Report and Report Card. These estimates are subject to change as information develops and circumstances change.

² The Monitor emphasizes that the Report Card provides summary information and should be read in conjunction with this report so that the reader may obtain a thorough understanding of the level and nature of the Department’s compliance with the provisions of the Consent Decree.

³ The Report Card included as Appendix A to the Report for the Quarter Ending June 30, 2006 contains a comprehensive listing of all Consent Decree paragraphs; the comments section of that Report Card identifies those paragraphs which are not scheduled to be actively monitored and reported on during the three-year extension of the Consent Decree. Subsequent Report Cards i.e. those issued during the three-year extension, include only those paragraphs that are being actively monitored and reported on during the extension period.

II. FOCUS ISSUES

A. TRANSACTIONAL VERSUS TRANSFORMATIVE CHANGE

As LAPD continues to make strides toward substantial compliance with the individual areas of reform of the Consent Decree, it is important to recognize the difference between transactional and transformative change. That is, the difference between (1) simply “checking the boxes” that indicate the Department has implemented each separate requirement of the Consent Decree and (2) ensuring that lasting cultural reform is in place throughout the Department. The parties drafted the Consent Decree understanding that the individual transactional provisions of the Decree for which compliance would be measured would not, in and of themselves, bring about the transformational reform being sought. Rather, it was hoped that the Decree would seed change that would, in fact, transform the Department. Over the last six and one-half years, we have seen significant areas of transformation in the Department. Most notably, it is clear that the Police Commission, the Office of the Inspector General, and Chief Bratton and his command staff fully embrace reform and understand that, in many areas, the Consent Decree was the catalyst for that change. In the time remaining for the Consent Decree, we plan to work with the City, the Commission and the Department to ensure that the reform that has occurred during the time of the Decree is fully institutionalized and will remain in place going forward.

B. MACARTHUR PARK

For the last two quarters we have reported on the May 1st MacArthur Park incident in which an overwhelmingly peaceful demonstration with a relatively small group of disruptive individuals engendered a deployment of the Metropolitan Division of the Department, which forcefully cleared the park. By all accounts, the actions of some of the officers involved appeared to be inappropriate and in violation of Department policies and procedures.

During the current quarter we have continued to monitor the Department’s response to the incident. The Department recently issued its report on the incident. The report was candid and transparent relative to the myriad strategic, tactical and systemic mistakes that contributed to the incident, and included a roadmap and timeline for the remediation of those deficiencies. As such, the report represents another milestone in Departmental reform and is a further indication that the transformational change discussed above is occurring. On the other hand, the incident itself highlights the need to ensure that reform is institutionalized and cultural change is effected throughout all areas and levels of the Department. It remains to be seen whether officers who may have acted inappropriately will receive appropriate discipline for any transgressions that may have occurred. We will continue to monitor the situation as the Department deals with the specific officers involved in the incident and any potential related discipline, and moves forward with the remedial steps outlined in its report.

C. AUDIT DIVISION'S EMERGENCE AS A LEADER IN LAW ENFORCEMENT AUDITING

One notable area of transformative change in the Department is in the area of internal oversight, particularly the establishment and maturation of the Department's Audit Division (AD). Over the term of the Consent Decree and its extension to-date, AD has developed from an entity established primarily to meet Consent Decree requirements into one that is at the forefront of the developing field of law enforcement auditing. In addition to the work undertaken by AD to achieve compliance with so many of the audit requirements of the Consent Decree, AD's achievements include the following:

- Since September 2002, AD has completed 41 quality audits that the Monitor concluded were compliant with the Consent Decree. Additionally, AD has completed 25 Command Accountability Performance Audits (CAPAs) not required by the Consent Decree. During this period, AD has referred to the Generally Accepted Government Auditing Standards for guidance in improving the design and conduct of these audits, including continuous improvements in documenting the audit steps taken, developing and following a draft procedures manual, and increasing the amount of supervisory review and general quality control of the work product.
- Through the Association of Local Government Auditors, AD personnel shared their audit expertise with other government entities, including conducting Peer Reviews for the City Auditor's Offices in Phoenix and Dallas.
- AD continues to be the primary provider of Law Enforcement Audit Training in the United States. To date, over 400 students representing approximately two dozen agencies within the U.S. and Canada have attended the Basic Law Enforcement Auditor Course, as taught by AD's Peace Officer Standards and Training certified instructors. AD has also developed and offered a new intermediate level audit course that was taught for the first time October 1-3, 2007 by three senior Police Performance Auditors from LAPD's AD.
- AD was the moving force behind the creation of the International Law Enforcement Auditors Association (ILEAA). AD co-sponsored ILEAA's first two-day Risk Assessment Seminar in August 2007 that was attended by 81 participants from across the United States and Canada.
- AD has, because of its success and expertise, been designated to take over responsibility for auditing within the Department's Fiscal Operations Division.

The Monitor is extremely pleased with AD's accomplishments and encourages the continuation of initiatives such as those mentioned above. We do, in fact, believe that it is this kind of transformational change that can ensure that the best practices as embodied by the Consent Decree remain embedded in the Department.

D. UPDATE ON FIELD DATA COLLECTION AND THE REQUIREMENTS OF PARAGRAPHS 102-105

The Consent Decree, through paragraphs 102-105, attempts to ensure that LAPD officers do not engage in any form of biased policing. Specifically, the Decree requires that when conducting stops or detentions, or activities following stops or detentions, that race, gender, ethnicity, or national origin of an individual only be taken into consideration when engaging in suspect specific activity. In order to determine whether there is systemic biased policing occurring in Los Angeles, paragraphs 104 and 105 require that the City collect data with respect to all motor vehicle and pedestrian stops being made by LAPD officers. The collection of the data and the raw numbers resulting from that collection led to significant concerns. The data suggested that African-Americans and Hispanics were being stopped far more frequently than whites and, moreover, that intrusive after-stop actions of officers were likewise disparate. The Monitor acknowledged that the disparate treatment reflected in the statistics might be explained other than as an indication of biased policing and that additional analysis was required in order to attempt to explain the disparities. The analysis that was undertaken, unfortunately, could not fully explain the disparity of the raw numbers or determine to what extent, if any, LAPD police officers were engaging in biased policing.

As noted in our 22nd Quarterly Report, the City has requested that the collection of field data by officers as mandated under the Consent Decree be revisited. This request came about because of the inability to analyze and draw conclusions from the aggregate data, as well as the very significant expense required to replace the data collection devices. Since that report, the ability of the City to continue to collect the data has diminished, due primarily to the degradation of the existing hardware that the City had been utilizing for that purpose. As noted below in section III. F. (Non-Discrimination Policy and Motor Vehicle and Pedestrian Stops) of this report, the Department's auditors found the Department to be non-compliant with the collection requirements in the audit dated December 28, 2006 and supplemental review dated June 22, 2007. Since our last reporting on this topic, the City and the DOJ have been working on investigative protocols and the inclusion of data in existing ordinary-course-of-business forms that would enhance the ability of the Department to fully investigate complaints of biased policing. The Monitor has, for its part, indicated that in light of the inability to determine whether biased policing is in fact occurring, the measure of compliance relative to paragraphs 102 and 103 would be a determination as to whether the City has adopted all reasonable measures to ensure that officers do not engage in biased policing. This includes not only proper training on and supervision of relevant Departmental policies prohibiting biased policing, but also protocols for appropriate investigations and the availability of relevant data for potential inclusion in such investigations.

The Monitor has also indicated its strong endorsement and recommendation of a Department-wide deployment of in-car cameras, which would potentially provide a prophylactic against biased policing while at the same time being universally recognized as an enhancement to officer safety and risk management analysis, and mitigation against liability claims. The Monitor is aware that the City is in the process of contracting with a vendor for the first phase of this

project, deploying cameras in South Bureau patrol vehicles. While this is a positive first step toward full deployment, in the coming quarter, the Monitor will determine whether the steps taken by the City to enhance the process and provide alternatives to the current method of data collection are sufficient to allow for modification of the Consent Decree.

III. PERFORMANCE OF THE LOS ANGELES POLICE DEPARTMENT

A. MANAGEMENT AND SUPERVISORY MEASURES TO PROMOTE CIVIL RIGHTS INTEGRITY – TEAMS II [COMPUTER INFORMATION SYSTEM]

The Consent Decree mandates that the City develop an early warning system, termed TEAMS II, with the purpose of promoting professionalism and best policing practices, as well as identifying and modifying at-risk behavior.⁴ In order to meet this requirement, the City developed four new systems: the Complaint Management System (CMS), the Use of Force System (UOFS), the STOP database,⁵ and the Risk Management Information System (RMIS). The RMIS gathers data from the new systems, as well as numerous legacy systems, in order to produce relevant information for risk management analysis.

Although the original timeline for completion of the TEAMS II project was not met due to the numerous challenges presented by the scope of the TEAMS II project, through great effort, the City achieved Department-wide implementation of all four systems as of the quarter ending June 30, 2007. During the current quarter, the City and the LAPD made the following progress in connection with the new systems:

- As described in our Reports for the Quarter Ending March 31, 2007 and June 30, 2007, all RMIS action items were completely rolled out by March 12, 2007 and RMIS is now implemented Department-wide. TEAMS II staff and the Risk Analysis Section (RAS) of the Risk Management Group (RMG) are now monitoring and assessing the action items to see what types are being triggered and whether those being triggered, and the frequency of the triggers, are appropriate. Since January 31, 2007, there have been 1,954 action items triggered, and as of June 30, 2007 there are 1,562 action items completed through final Bureau level review. Also as reported previously, not everyone is meeting the 30-day deadline initially set to complete these action items in RMIS. Timeliness is expected to improve as supervisors and managers become more comfortable with the process of completing action items. In addition, the City is planning to reassess the RMIS peer groups and thresholds at the end of the current year, as it appears that more action items are being generated than originally projected. The City will present any proposed modifications to the DOJ and Monitor once this review is complete.
- As described in our Report for the Quarter Ending March 31, 2007, the City rolled-out Phase 1 of CMS to the Internal Affairs Group (IAG) and the Professional Standards Bureau

⁴ The system is being developed as a successor to the existing computerized information processing system known as the Training Evaluation and Management System (TEAMS).

⁵ The STOP database has already been developed and is currently being utilized to collect data from the Field Data Reports (FDRs) regarding pedestrian and motor vehicle stops.

(PSB) during the week of November 13, 2006; CMS Phase 1 is sufficient to satisfy RMIS data requirements. The Department has now deployed CMS Phase I to all geographic areas as of May 2007. The Department hopes to roll out the full CMS, which includes some additional functionalities but is not a requirement for Consent Decree compliance, beginning in the second quarter of 2008.

As of the end of the original five-year term of the Consent Decree, the Department had not achieved substantial compliance with many of the Consent Decree requirements related to TEAMS II (paragraphs 39-40, 42, 48, 49, 50d and e, 51b-d, 52-53). As a result, the Monitor is assessing the Department's compliance with these and the additional TEAMS II-related paragraphs during the extension period. During the current quarter, the Monitor assessed the Department's compliance with paragraphs 41, 44 and 47. The results of our current assessments follow.

Paragraph 41 – Information to be Contained in TEAMS II

Paragraph 41 requires that TEAMS II contain the following information:

- a. all non-lethal uses of force that are required to be reported in LAPD "use of force" reports or otherwise are the subject of an administrative investigation by the Department;
- b. all instances in which a police canine bites a member of the public;
- c. all officer-involved shootings and firearm discharges, both on-duty and off-duty (excluding training or target range shootings, authorized ballistic testing, legal sport shooting events, or those incidents that occur off-duty in connection with the recreational use of firearms, in each case, where no person is hit by the discharge);
- d. all other lethal uses of force;
- e. all other injuries and deaths that are reviewed by the LAPD Use of Force Review Board (UOFRB) (or otherwise are the subject of an administrative investigation);
- f. all vehicle pursuits and traffic collisions;
- g. all Complaint Form 1.28 investigations;
- h. with respect to 41a through g, above, the results of adjudication of all investigations (whether criminal or administrative) and discipline imposed or non-disciplinary action taken;
- i. all written compliments received by LAPD about officer performance;
- j. all commendations and awards;
- k. all criminal arrests and investigations known to LAPD of, and all charges against, LAPD employees;

- l. all civil or administrative claims filed with and all lawsuits served upon the City or its officers, or agents, in each case resulting from LAPD operations, and all lawsuits served on an officer of the LAPD resulting from LAPD operations and known by the City, the Department, or the City Attorney's Office;
- m. all civil lawsuits against LAPD officers which are required to be reported to the LAPD pursuant to paragraph 77;
- n. all arrest reports, crime reports, and citations made by officers, and all motor vehicle stops and pedestrian stops that are required to be documented in the manner specified in paragraphs 104 and 105;
- o. assignment and rank history and information from performance evaluations for each officer'
- p. training history and any failure of an officer to meet weapons qualification requirements; and
- q. all management and supervisory actions taken pursuant to a review of TEAMS II information, including non-disciplinary actions.

In addition, for the incidents included in the database, TEAMS II was also required to include appropriate additional information about involved officers (e.g. name and serial number, work assignment, officer partner, field supervisor, and shift at the time of the incident), and appropriate information about the involved members of public (including demographic information such as race, ethnicity, or national origin).

Background

The Monitor last assessed the LAPD's compliance with paragraph 41 during the quarter ending March 31, 2007. The Monitor reviewed working papers provided by the TEAMS II staff regarding their testing of random samples of items required to be included in the TEAMS II database pursuant to a number of subparagraphs of paragraph 41. For each of these required items, TEAMS II staff obtained relevant source documents and compared them against data in RMIS to determine if the required data elements associated with these items were populated in RMIS (presence rate) and whether the information included in RMIS is accurate (accuracy rate). TEAMS II staff determined that for most required items tested, not all data elements were populated in RMIS and not all of the required elements that were populated were accurate, and compiled detailed items of issues identified.⁶

⁶ These issues concerned data elements that did not appear in RMIS or for which system fixes or other additional work were required. Some examples include: in testing Non-Categorical Uses of Force (NCUOF), the "address" data element did not show up in RMIS when an intersection was entered; the data elements "duration time" and "suspect apprehended" exist in the source documents but were not being inputted correctly into the source system; the field for the data element "supervisor on scene" is found in CMS but not RMIS; and the data element "city arrest occurred" was not tracked on source documents and, therefore, RMIS.

Upon completion of their review, TEAMS II staff began putting together a build for RMIS that included changes necessary to correct the issues identified. They were also in the process of pulling samples of records for those subparagraphs of paragraph 41 that were not previously tested.

Given the progress made by TEAMS II staff and the Department, as well as the time and effort being expended in connection with the extensive testing conducted, the Monitor elected to withhold a determination of the Department's compliance with paragraph 41 pending the completion of the TEAMS II staff's testing.

Current Assessment of Compliance

In August 2007, TEAMS II staff completed the new build of RMIS that included all changes necessary to correct the issues identified during the reviews described above. In order to assess the LAPD's compliance with paragraph 41 during the current quarter, the Monitor reviewed working papers provided by the TEAMS II staff regarding their post-build testing of selected random samples of NCUOF (subparagraph 41a); Vehicle Pursuits (subparagraph 41f); Traffic Collisions (subparagraph 41f); complaints (subparagraph 41g); written compliments (subparagraph 41i); commendations and awards (subparagraph 41j); claims (subparagraph 41l); lawsuits (subparagraph 41m); arrest reports (subparagraph 41n); and training rosters for training history (subparagraph 41p). For each of these required items, TEAMS II staff then obtained relevant source documents and compared them against data in RMIS to determine if the required data elements associated with these items⁷ were populated in RMIS (presence rate) and whether the information included in RMIS is accurate (accuracy rate).

- During previous testing in connection with NCUOF (subparagraph 41(a)),⁸ TEAMS II staff identified eight data elements with presence rates below 100% and five data elements with accuracy rates below 94%. With permanent fixes in place in the new build, TEAMS II staff calculated presence and accuracy rates of 100% for these data elements during their post-build review.
- During previous testing in connection with vehicle pursuits (subparagraph 41(f)), TEAMS II staff identified 12 data elements with presence rates below 100% and 13 data elements with accuracy rates below 94%. With permanent fixes in place in the new build, TEAMS II staff calculated presence rates of 100% during their post-build review for the 12 data elements that were previously below 100%. For the 13 data elements that previously had accuracy rates below 94%, TEAMS II staff calculated new accuracy rates of 99% for six data elements and 100% for seven data elements during their post-build review.

⁷ The data elements for NCUOF and all other requirements describe herein were agreed upon by all parties and included in Appendix A of the RMIS Design Document.

⁸ Refer to the Monitor's Report for the Quarter Ending March 31, 2007.

- During previous testing in connection with traffic collisions (also subparagraph 41(f)), TEAMS II identified three data elements with presence rates below 100% and one data element with an accuracy rate below 94%. In the post-build review, TEAMS II staff tested a random sample of 89 traffic collisions for a total of 14 data elements. With permanent fixes in place in the new build, TEAMS II staff calculated presence rates of 100% for two of the three data elements that were previously below 100%. Information regarding the third data element, which had a presence rate of 0% in the initial (pre-build) review, was found to be maintained at Motor Transport Division and TEAMS II staff concluded that it was not crucial to maintain this information in RMIS.⁹ For the one data element that had previously had an accuracy rate below 94%, TEAMS II staff calculated a new accuracy rate of 100% during their post-build review.
- During previous testing in connection with closed complaints (subparagraph 41(g)), TEAMS II identified seven data elements with presence rates below 100% and nine data elements with accuracy rates below 94%. In the post-build review, TEAMS II staff tested a random sample of 98 closed complaints for a total of 31 data elements. With permanent fixes in place in the new build, TEAMS II staff calculated presence and accuracy rates of 100% for these data elements in during their post-build review.
- During previous testing in connection with commendations and awards (subparagraph 41(j)), TEAMS II calculated presence rates of 100% and accuracy rates of 94% or greater for all data elements tested. Additional testing of the new build was not conducted, nor was it required.
- During previous testing in connection with closed claim and lawsuit records (subparagraph 41(l-m)), TEAMS II staff identified ten data elements with presence rates below 100% and seven data elements with accuracy rates below 94%. With permanent fixes in place in the new build, TEAMS II staff calculated presence and accuracy rates of 100% for these data elements during their post-build review.
- During previous testing in connection with arrests (subparagraph 41(n)), TEAMS II staff identified 16 data elements with presence rates below 100% and 14 data elements with accuracy rates below 94%. In the post-build review, TEAMS II staff tested a random sample of 50 arrest reports for a total of 25 data elements. With permanent fixes in place, the TEAMS II staff calculated presence rates of 100% for all but one of the 16 data elements previously found to have presence rates below 100%. One of the 16 data elements, regarding the arrest disposition date, had a 91% presence rate; this resulted from a data entry date being auto-stamped by CCAD, and the investigator's report date, which is entered into the source system and tracked by RMIS, does not always match the auto-stamped date. However, this date matching is not a significant step. For the 14 data elements that had previously had accuracy rates below 94%, TEAMS II staff calculated new accuracy rates of 100% during their post-build review.

⁹ This third data element was information on the cost of repairs of the vehicles.

- During previous testing in connection with training rosters (subparagraph 41(p)), TEAMS II staff identified two data elements that had presence rates below 100% and two data elements with accuracy rates below 94%. With permanent fixes in place in the new build, TEAMS II staff calculated a presence rate of 100% for one of the two data elements that previously had a presence rate below 100% and an accuracy rate of 100% for one of the data elements that previously had an accuracy rate below 94%. The other data element, the related incident number, is not captured in the source system and, therefore, cannot be included for presence and accuracy.

TEAMS II staff also conducted first reviews of selected random samples of canine contacts/bites (subparagraph 41b); crime reports (subparagraph 41n); motor vehicle and pedestrian stops (subparagraph 41n); assignment and rank history (subparagraph o); and weapons qualifications (subparagraph 41p). For each of these required items, they obtained relevant source documents, compared them against data in RMIS and calculated presence rates and accuracy rates in the manner described above.

- In connection with canine contact/bites (subparagraph 41(b)), TEAMS II staff tested a random sample of 50 canine contacts/bites for a total of 30 data elements. Twenty-seven of the 30 data elements had presence rates of 100%, two data elements had to be added into RMIS, and one data element had a presence rate below 100%.¹⁰ Regarding the accuracy rates, 27 of the 30 data elements were populated in RMIS at accuracy rates of 94% or greater, two data elements had to be added into RMIS, and one data element was below 94%.¹¹ Subsequent to this testing, TEAMS II staff added the missing data elements and corrected the data elements with a presence rate less than 100% and an accuracy rate less than 94%. As a result, all data elements are now at 100% for presence and accuracy.
- In connection with crime reports (subparagraph 41(n)), TEAMS II staff tested a random sample of 50 crime reports for a total of 21 data elements. Eleven of the 21 data elements had presence rates of 100%, one data element is not tracked in the source system¹², and nine data elements had presence rates below 100%.¹³ Regarding the accuracy rates, 16 of the 21 data elements were populated in RMIS at accuracy rates of 94% or greater, one data element was not tracked in RMIS as discussed above, and four data elements were below 94%.¹⁴ Subsequent to this testing, TEAMS II staff corrected the data elements with presence rates

¹⁰ One data element was populated in RMIS for 88% of the canine contacts/bites reviewed.

¹¹ One data element was at 90%.

¹² This data element is the city occurrence location, which is not tracked because LAPD officers only have jurisdiction within the City of Los Angeles. Instead, Routing District numbers are used to identify specific areas or locations within the city.

¹³ One data element was populated in RMIS for 98%, two at 97%, two at 96%, one at 93%, one at 91%, one at 6% and one at 4%.

¹⁴ One data element was at 92%, one at 90%, one at 43% and one at 14%.

below 100% and accuracy rates below 94%. As a result, all data elements are now at 100% for presence and above 94% for accuracy.

- In connection with citations (also subparagraph 41(n)), TEAMS II staff tested a random sample of 99 citations for a total of 21 data elements. Twelve of the 21 data elements had presence rates of 100%, two data elements were not reviewed,¹⁵ and seven data elements had presence rates below 100%.¹⁶ Regarding the accuracy rates, 14 of the 21 data elements were populated in RMIS at accuracy rates of 94% or greater, two data elements were not reviewed as discussed above, and five data elements were below 94%.¹⁷ Subsequent to this testing, TEAMS II staff corrected data elements with presence rates below 100% and accuracy rates below 94%. As a result, all data elements are now at 100% for presence and above 94% for accuracy.
- In connection with stops (also subparagraph 41(n)), TEAMS II staff tested a random sample of 50 stops for a total of 31 data elements. Twenty-seven of the 31 data elements had presence rates of 100%, two data elements needed to be added in RMIS, and two data elements had presence rates below 100%.¹⁸ Regarding the accuracy rates, 27 of the 31 data elements were populated in RMIS at accuracy rates of 94% or greater, two data elements needed to be added in RMIS as discussed above, and two data elements were below 94%.¹⁹ Subsequent to this testing, TEAMS II staff added the missing data elements and corrected the data elements with a presence rate less than 100% and an accuracy rate less than 94%. As a result, all data elements are now at 100% for presence and above 94% for accuracy.
- In connection with assignment and rank history records (subparagraph 41(o)), TEAMS II staff tested a random sample of 68 assignment and rank history records²⁰ for a total of 34 data elements. Twenty-nine of the 34 data elements had presence rates of 100%, one data element was not brought into RMIS,²¹ and four data elements were originally intended to be used in RMIS but were deemed not necessary and therefore omitted.²² Regarding the accuracy rates, 29 of the 34 data elements were populated in RMIS at accuracy rates of 94%

¹⁵ Two data elements are related to a fourth and fifth violation cited, however none of the records reviewed had more than three violations cited.

¹⁶ Two data elements were populated in RMIS for 89%, two at 81%, one at 73%, and two at 72%.

¹⁷ Two data elements were at 81% and three were at 79%.

¹⁸ Both data elements were populated in RMIS at 0%.

¹⁹ Both data elements were at 0%.

²⁰ Though this paragraph also mentions information pertaining to performance evaluations, the parties did not include performance evaluation information as part of the Appendix A requirements.

²¹ This data element, termed "position watch," was deemed to be an inadequate indicator of employee access to the system.

²² These four data elements, related to position identification and employees' bonuses, were also deemed to be inadequate indicators of employee access to the system.

or greater, one data element was not brought into RMIS, and four data elements were originally intended to be used in RMIS but, as described above, were deemed not necessary.

- In connection with weapons qualification records (subparagraph 41(p)): TEAMS II staff tested a random sample of 55 weapons qualifications records for a total of four data elements. The presence rates were 100% for all four data elements tested and the accuracy rates for all four data elements populated in RMIS were 94% or greater.

In the TEAMS II staff's review of all aforementioned subparagraphs, additional relevant information regarding involved officers and members of the public was reviewed as required by paragraph 41 and found to be present and accurate when appropriate. The TEAMS II staff is still conducting their review of Categorical Uses of Force (CUOF) related to subparagraphs 41c-e. Once this review is complete, the Monitor will review these documents and reporting on the findings.

Based on the foregoing, the Monitor finds the LAPD in compliance with the requirements of paragraph 41.

Paragraph 44 – Linking or Cross-Referencing of Information

Paragraph 44 requires that where information about a single incident is entered in TEAMS II from more than one document, TEAMS II shall use a common control number or other equally effective means to link the information from different sources so that the user can cross-reference the information and perform analyses. Similarly, all personally identifiable information relating to LAPD officers shall contain the serial or other employee identification number of the officer to allow for linking and cross-referencing information.

Background

The Monitor has not previously assessed the LAPD's compliance with paragraph 44.

Current Assessment of Compliance

In order to assess the LAPD's compliance with paragraph 44 during the current quarter, the Monitor received working papers provided by the TEAMS II staff regarding their review of the TEAMS II database for incidents that are associated with other incidents from other source systems that feed the RMIS database and are cross-referenced in RMIS. The TEAMS II staff selected all use of force (UOF) cases associated with a complaint, complaint cases associated with a UOF case and claims and lawsuits associated with a complaint case for the period December 1, 2005 through October 30, 2006 and verified that the cross-references that were in the source systems still existed and were working in RMIS.

For the review of all UOF cases associated with a complaint, the TEAMS II staff identified a total population of 30 cases from the UOFS and compared this list to RMIS to ensure that all

cross-references were present. TEAMS II staff found that the information was cross-referenced where appropriate; the Monitor concurred with the findings. In addition, the Monitor suggested that the TEAMS II staff also review the TEAMS II reports of officers whose serial numbers were associated with each UOF case or complaint to ensure that the involved officers have such incidents listed on their TEAMS II reports and conversely, the TEAMS reports of those officers who were witnesses do not. This review was subsequently conducted by the TEAMS II staff, who determined that information was correctly reported in all instances.

For the review of all complaints associated with a UOF case, the TEAMS II staff identified a total population of 13 cases from the CMS and compared this list to RMIS to ensure that all cross-references were present. This was a small population partly due to the deployment of CMS taking place during the time of this analysis, with many cases not yet entered into CMS. As above, following the Monitor's suggestion, TEAMS II staff determined that the TEAMS II reports of officers whose serial numbers were associated with each complaint or UOF appropriately included the incidents for involved officers and excluded the incidents for witnessing officers.

For the review of all claims and lawsuits associated with a complaint, the TEAMS II staff identified a total population of 22 cases from the CMS and compared this list to RMIS to ensure that all cross-references were present. The TEAMS II staff reviewed RMIS and the TEAMS II reports to ensure the employees listed as "defendants" on the claim or lawsuit were included in both places as "involved officers" and "witnesses" officers were excluded and did not appear in either place. As above, following the Monitor's suggestion, TEAMS II staff determined that the TEAMS II reports of officers whose serial numbers were associated with each claim or lawsuit appropriately included the incidents for involved officers and excluded the incidents for witnessing officers.

Lastly, the TEAMS II staff also selected a more recent sample of complaints associated with UOF cases from CMS, as suggested by the Monitor, in order to ensure such cross-references were present in RMIS as of the rollout of CMS and the entering of such complaints in this new system. The TEAMS II staff reviewed eight CMS records that should have had a UOF cross-reference in RMIS, and found that all eight did.

The Monitor recommended that the TEAMS II staff look at three new categories of information included in RMIS as required by paragraph 41 in the next review of paragraph 44 to ensure the cross-references are included in those instances.

Based on the foregoing, the Monitor finds the LAPD in compliance with the requirements of paragraph 44.

Paragraph 47 – TEAMS II Protocol

Paragraph 47 requires that the protocol for using TEAMS II shall include a number of provisions and elements related to managers' and supervisors' review and analyses of all relevant

information in TEAMS II in connection with supervisors and / or officers to detect patterns that indicate at-risk behavior. The protocol shall state guidelines and frequency for such reviews and provide for the routine and timely documentation in TEAMS II of actions taken as a result of the reviews, among other requirements.

Background

The Monitor has not previously assessed the LAPD's compliance with paragraph 47.

Current Assessment of Compliance

In order to assess the LAPD's compliance with paragraph 47 during the current quarter, the Monitor received and reviewed the two policies drafted by the TEAMS II staff that outline the requirements of paragraph 47, including granting or limiting access to TEAMS II by all other persons, including the staff of the Commission and the IG and the protocol for using TEAMS II. The policy that outlines the requirements of access is entitled *Access Control Policy for TEAMS II Information*, dated July 16, 2007 and the policy that outlines the requirements of the protocol required by paragraph 46 and covered by paragraph 47 is entitled *Duty to Conduct and Document Individual Performance Assessments*, dated July 12, 2007.

The Monitor found that all requirements of paragraph 47 with the exception of subparagraph 47k are contained within one of these two policies. Subparagraph 47k requires regular review by appropriate managers of all relevant TEAMS II information to evaluate officer performance city-wide, and to evaluate and make appropriate comparisons regarding the performance of all LAPD units to identify any patterns. TEAMS II staff have indicated that protocols are under development relative to subparagraph k and they are working to ensure that this requirement is included in LAPD policy.

Based on the foregoing, the Monitor finds the LAPD in overall compliance with the requirements of paragraph 47. The Monitor will be reviewing revisions to the policy described above to ensure that the requirements of subparagraph 47k are added.

B. MANAGEMENT AND SUPERVISORY MEASURES TO PROMOTE CIVIL RIGHTS INTEGRITY – PERFORMANCE EVALUATION SYSTEM

Paragraph 54 is the only paragraph included in this subsection of the Consent Decree. The Monitor last assessed the Department's compliance with this paragraph during the quarter ending June 30, 2007. The Monitor is scheduled to assess compliance with this paragraph during the quarter ending June 30, 2008.

C. USE OF FORCE

The Consent Decree requires LAPD officers to report all incidents in which force is used with a determination as to whether that force is “Categorical” or “Non-Categorical.” A CUOF²³ is defined by paragraph 13 of the Consent Decree. Any UOF that falls under this definition is subject to certain paragraphs of the Consent Decree.²⁴ Administrative investigations of these incidents are the responsibility of the Force Investigation Division (FID). All completed CUOF incident investigations must be presented to a UOFRB and ultimately the Police Commission within a defined period of time.

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

The Department has achieved substantial compliance with all Consent Decree provisions relating to uses of force except those requiring managers to analyze the circumstances surrounding the presence or absence of a supervisor at a CUOF incident (subparagraph 62a); the referral of all officers involved in a CUOF resulting in death or the substantial possibility of death to the LAPD’s Behavioral Science Services (BSS) for a psychological evaluation (paragraph 63); and managers’ consideration of the officer’s work history, including information contained in the TEAMS II system and that officer’s CUOF history when reviewing and making recommendations regarding discipline or non-disciplinary action as a result of a CUOF (paragraph 64). In addition, the Department has not yet achieved substantial compliance with several Consent Decree provisions regarding UOF investigations (subparagraph 80i) and access to information contained in TEAMS II for those units conducting CUOF investigations (paragraph 83, which is reported on in *A. Management and Supervisory Measures to Promote Civil Rights Integrity – TEAMS II [Computer Information System]*, above). As a result, the Monitor will be assessing the Department’s compliance with these paragraphs during the extension to the Consent Decree.²⁶

²³ CUOF include an Officer-Involved Shooting (OIS) with or without a hit; In-Custody Death (ICD); Law Enforcement Activity Related Death (LEARD); Law Enforcement Related Injury (LERI) requiring hospitalization; Neck Restraint; Head Strike with an Impact Weapon; and a Canine Bite requiring hospitalization.

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

²⁵ Specifically, paragraphs 13, 38, 65, 66, 68, 69, 81 and 82, as well as certain audit-related paragraphs.

²⁶ The parties have agreed, and the Monitor concurs, that the Department has achieved substantial compliance with paragraphs 55-61 and 65-69 from this section of the Consent Decree. In addition, many of the paragraphs included in Section D. Complaints, below, are related to this section of the Consent Decree. As described in the Introduction section of this report, the Monitor will not be actively monitoring or reporting on the Department’s compliance with these paragraphs.

During the current quarter, the Monitor assessed the Department's compliance with paragraph 80 (as it relates to CUOF investigations). The results of our current assessments follow.

Paragraph 80 – Categorical Use of Force Investigations

Paragraph 80 defines specific investigative requirements that apply to all CUOF incident investigations and all administrative complaint investigations in which the underlying alleged misconduct falls under the definition of paragraphs 93 and 94. Paragraph 80 contains seven subsections requiring compliance as follows:

- a. Tape record or videotape interviews of complainants, involved officers, and witnesses;
- b. Canvass a scene, interview complainants and witnesses at sites and times convenient for them;
- c. Prohibit group interviews;
- d. Notify involved officers and the supervisors of involved officers, except when the LAPD deems the complaint to be confidential under the law;
- e. Interview all supervisors with respect to their conduct at the scene during the incident;
- f. Collect and preserve all appropriate evidence, including canvassing the scene to locate witnesses; and
- g. Identify and report all inconsistencies in officer and witness interview statements gathered during the investigation.

For reporting purposes, the Monitor has broken paragraph 80 down into two subparagraphs: 80i, which relates to CUOF investigations, and 80ii, which relates to administrative complaint investigations.

Background

The parties have agreed that the Monitor's review of CUOF incident investigations should commence at the point in time a substantially completed investigation is forwarded to the Use of Force Review Division (UOFRD) and the Office of the Inspector General (OIG) for review and presentation for adjudication to the UOFRB, the Chief of Police and the Police Commission.

The Monitor last assessed compliance with paragraph 80 as it pertains to CUOF incidents (subparagraph 80i) during the quarter ending December 31, 2006, at which time the Monitor found the LAPD in compliance with all subsections of the paragraph. The Monitor reviewed 19 CUOF incident investigations that were investigated solely by the FID. The Monitor noted that in one of the 19 CUOF incidents, an allegation of misconduct was documented during a witness' interview; however, the LAPD did not immediately initiate a complaint investigation in connection with this complaint. The Monitor also identified instances of non-compliance in

several investigations.²⁷ However, after considering the merits of 19 CUOF incident investigations as a whole, the Monitor concluded that the items of non-compliance did not impact the investigations' overall quality and the ability of a reviewer to properly adjudicate officer actions.

Current Assessment of Compliance

During the current quarter, the Monitor reviewed 25 CUOF incident investigations that were investigated solely by the FID. The 25 incidents, which occurred during the period November 2005 and July 2006 and were forwarded to the Police Commission for review during the period November 2006 through February 2007, comprised:

- Eleven OIS incidents, of which the suspect(s) sustained a hit in ten incidents.
- Two ICD incidents for which the cause of death was not attributed to officer actions.²⁸
- Five head-strike with an impact weapon incidents. In two incidents the officers utilized their weapons; in two incidents the officers utilized their collapsible batons; and in one incident the officer utilized his radio.
- Five incidents involving injuries requiring the hospitalization of the suspect.
- One incident in which the officer utilized a neck restraint.
- One incident in which the suspect was bitten by a canine and required hospitalization.

The Monitor noted the following:

- For all 25 investigations reviewed, virtually all interviews were tape recorded (subsection a).²⁹
- Interviews were conducted at times and locations convenient to witnesses in 22 of the 25 investigations reviewed (subsection b).³⁰

²⁷ Each CUOF incident is reviewed and opined upon by the UOFRB, the Chief of Police and the Board of Commissioners, respectively. The Monitor noted that appropriate evidence, such as witness interviews, lines of questioning and medical evidence was not preserved in 12 of the 19 investigations reviewed. The Monitor also noted that for six of the investigations reviewed, discrepancies in statements were not adequately addressed.

²⁸ Special Order No. 34, dated October 12, 2005, *In-Custody Deaths Terminology – Revised*, amended Sections 2/101, 2/140.02, 4/409.2, 3/794.1 and 4/238.55 of the Department Manual. It deactivated the categorization formerly referred to as LEARD. All incidents involving a person who dies have since been and will be categorized as ICD. This Special Order revised policy to conform to California/Federal DOJ and other statewide municipal agencies.

²⁹ In total, nearly 650 interviews were conducted, ranging from ten in one investigation to 66 in another investigation. The Monitor noted that one interview of a suspect declining his release of medical records was not tape-recorded.

- Group interviews did not occur in any of the 25 investigations.
- Supervisors responding to the scene were interviewed regarding their conduct in 23 of the 25 investigations (subsection e).
- All appropriate evidence was collected in 24 of the 25 investigations (subsection f). For one investigation, officer equipment was not preserved.
- All materially inconsistent statements were identified and addressed during the course of all 25 investigations (subsection g).

Finally, the Monitor considered the merits of each CUOF incident investigation as a whole, and whether or not individual items of non-compliance impacted the investigation's overall quality and the ability of a reviewer to properly adjudicate officer actions. Although certain investigations were notably superiorly conducted and reported, all 25 provided adequate information to ultimately render a decision.

Notwithstanding those discrepancies identified above, the Monitor finds the LAPD in compliance with subsections a through g of subparagraph 80i.

D. SEARCH AND ARREST PROCEDURES

The Consent Decree requires the LAPD to establish and/or continue to implement policies and procedures regarding searches and arrests. Although the Department has achieved substantial compliance with many of the Consent Decree's requirements related to search and arrest procedures,³¹ it has not achieved substantial compliance with the requirement related to supervisory presence at and review of the service of search warrants (subparagraphs 62b, 70b, 70c and paragraph 71) and the search warrant log (paragraph 72). As a result, the Monitor will be assessing the Department's compliance with these paragraphs and subparagraphs during the extension to the Consent Decree, and is scheduled to do so during the quarter ending March 31, 2008.

³⁰ In one investigation, a witness was detained in excess of seven hours, which the Monitor contends was not convenient to the witness. In another investigation, a review of the transcripts of two witnesses determined that they were not asked whether the time and place was convenient, thus a determination was not possible. In another investigation, witness responses to questioning suggested a desire to leave the station house.

³¹ The parties have agreed, and the Monitor concurs, that the Department has achieved substantial compliance with subparagraph 70a and paragraph 73 from this section of the Consent Decree. As described in the Introduction section of this report, the Monitor will not be actively monitoring or reporting on the Department's compliance with these paragraphs.

E. COMPLAINTS

The Consent Decree directs the LAPD to ensure the public unfettered ability to lodge complaints against police officers, and provides specific requirements relative to the intake of complaints, including the continuation of a 24-hour toll-free complaint hotline. The Decree also provides a series of specific instructions relating to the conduct of complaint investigations and requires that misconduct complaints be adjudicated in a fair, timely and consistent fashion; provides specific requirements relative to the adjudication process, including standards for credibility determination and categories for final adjudication; and provides specific requirements regarding the imposition and reporting of disciplinary and non-disciplinary action. In addition, the Chief of Police must report to the Police Commission on his imposition of discipline during each calendar quarter. The OIG must review, analyze and report to the Police Commission on the Chief's actions, and the Police Commission must assess the appropriateness of his actions.

The Department has achieved substantial compliance with many of the Consent Decree's requirements relative to complaints intake, investigation, adjudication and reporting.³² However, the Department has not yet achieved substantial compliance with Decree requirements relative to the receipt and maintenance of complaints (paragraph 74); the investigation of complaints (certain subsections of subparagraph 80ii and paragraph 81³³); access to information contained in TEAMS II for those units conducting specified complaint investigations (paragraph 83, which is reported on in *A. Management and Supervisory Measures to Promote Civil Rights Integrity – TEAMS II [Computer Information System]*, above); standards for credibility determinations (paragraph 84); adjudication of complaint investigations (paragraph 85); and manager review of complaint investigations (paragraph 90). As a result, the Monitor is assessing the Department's compliance with these paragraphs during the extension to the Consent Decree; most of these paragraphs are scheduled to be assessed during the quarter ending December 31, 2007.

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

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

³² The parties have agreed, and the Monitor concurs, that the Department has achieved substantial compliance with paragraphs 75-78, 79, certain provisions of paragraph 80, and paragraphs 82, 86-89, 91-96 and 98-101 from this section of the Consent Decree. As described in the Introduction section of this report, the Monitor will not be actively monitoring or reporting on the Department's compliance with these paragraphs.

³³ The parties agreed that during the extension the Monitor will assess subparagraph 80ii, subsections a and f, and paragraph 81 as it relates to subparagraph 80ii, subsection f.

The Monitor assessed the Department's compliance with paragraphs 104 and 105 during the quarter ending June 30, 2007, finding the Department in non-compliance based on AD's *Motor Vehicle and Pedestrian Stop Data Collection Audit, Third Quarter, Fiscal Year 2006/2007*, dated December 28, 2006. During the current quarter, AD submitted a *Follow-up Review of the Motor Vehicle and Pedestrian Stop (MV&PS) Data Collection Audit* dated June 22, 2007. In this review, AD further examined problems within the data collection system that were identified in its *MV&PS Data Collection Audit* dated December 28, 2006, including FDRs that were not uploaded from the Portable Officer Data Device System (PODDS) and FDRs documented on Daily Field Activity Reports (DFARs) that were not located on either the server or the STOP system. During this supplemental review, AD found that PODDS could not be repaired on a timely basis; no formal reconciliations of data transferred between PODDS, the server and the STOP system; and no controls to detect FDRs with duplicate numbers.³⁴ Based on the prior audit's findings of non-compliance and these additional concerns, the Monitor's prior conclusion that the LAPD is non-compliant with paragraphs 104 and 105 remains in effect.

The Monitor assessed the Department's compliance with paragraphs 102 and 103 during the current quarter. The results of our current assessments follow.

Paragraphs 102 and 103 – Non-Discrimination Policy

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

Background

The Monitor last assessed the Department's compliance with paragraphs 102 and 103 during the quarter ending September 30, 2006, at which time the Monitor withheld a determination of the Department's compliance with the provisions of the paragraphs.

Current Assessment of Compliance

Paragraphs 102 and 103 prohibit LAPD officers from using race, color, ethnicity or national origin, to any extent or degree, as a reason for a stop, detention or activity following a stop. The only time when race, color, ethnicity, or national origin can be utilized as part of a basis for

³⁴ As noted in relation to paragraph 128(4) below, the Monitor did not assess this audit for compliance as it was not required by the CD. The Monitor concluded the previous assessment of compliance for paragraph 128(4) remains in effect.

police activity is when such activity is based on subject-specific information. To ensure that this prohibition is followed, the Consent Decree requires LAPD officers to complete a written or electronic report each time a motor vehicle or pedestrian stop occurs and record, inter alia, the following information: the driver, occupant, or pedestrians' apparent race, ethnicity or national origin; the driver, occupant, or pedestrians' gender and age; the reason for the stop; whether the driver or occupants of the car were required to exit; and whether they were patted down or searched, the basis of the search, the outcome of the stop and results of the search.

The data has consistently shown that disparate treatment exists among different racial and ethnic groups for both stops and after-stop actions. While the City has made good faith attempts to determine why these disparities exist, it appears that such analysis is difficult at best, and these variances still remain unexplained. The DOJ and the Monitor have been working with the City to develop a protocol and training curriculum for investigations of racial profiling allegations and the inclusion and utilization of the existing data, when and where appropriate. The Monitor has also strongly recommended that in-car video be deployed Department-wide as a reasonable step to help ensure that biased policing is not taking place and to provide one tool to address such complaints. We continue to withhold a determination of the Department's compliance with these paragraphs until all reasonable measures are taken to ensure that biased policing is not occurring and to deal with specific allegations in an acceptable manner.

G. MANAGEMENT OF GANG UNITS

In the wake of the Rampart scandal, the LAPD conducted an audit of its internal operations and in March 2000 reorganized the units that police gang-related crime into Special Enforcement Units (SEU). The SEUs, which were subsequently reorganized into Gang Enforcement Details (GEDs),³⁵ report to the command staff in the stations where they are assigned, and receive support from Special Operations Support Division (SOSD), which has responsibility for monitoring gang units Department-wide.

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

The Department has achieved substantial compliance with most Consent Decree requirements relative to the management of gang units.³⁶ However, it has not achieved substantial compliance

³⁵ GEDs are part of Gang Impact Teams, which also include Community Law Enforcement and Recovery (CLEAR) units.

³⁶ The parties have agreed, and the Monitor concurs, that the Department has achieved substantial compliance with subparagraphs 106a, b, c, e(ii)-(vii) and 107c from this section of the Consent Decree. As described in the Introduction section of this report, the Monitor will not be actively monitoring or reporting on the Department's compliance with these paragraphs.

with the requirements relative to tour of duty limitations for gang supervisors and officers (subparagraph 106d); detention, transportation, arrest, booking and charging of gang arrestees (subparagraph 106e(i)); the roles of gang unit supervisors, Gang Area Managers and Bureau Gang Coordinators (BGCs) (subparagraphs 106f, g and h); and eligibility criteria and the selection process for gang unit personnel (subparagraphs 107a and b). As a result, the Monitor will be assessing the Department's compliance with these subparagraphs during the extension to the Consent Decree.

The Monitor assessed the LAPD's compliance with subparagraphs 106d, 107a and 107b during the quarter ending June 30, 2007 and is scheduled to assess compliance with the remaining paragraphs of this section over the next two quarters.

H. CONFIDENTIAL INFORMANTS

The use of informants is among the more sensitive areas of police work. The Consent Decree requires the LAPD to use strict controls in the use and handling of Confidential Informant (CI) information. The Department has not yet achieved substantial compliance with the Consent Decree's requirements relative to procedures for the handling of informants (paragraph 108).³⁷ As a result, the Monitor will be assessing the Department's compliance with this paragraph during the extension to the Consent Decree; such an assessment is scheduled for the quarter ending December 31, 2007.

I. TRAINING

The Consent Decree's training requirements center largely on Field Training Officers (FTOs), supervisory training, and training content, including periodic training on police integrity. The Department has achieved substantial compliance with all requirements relative to supervisory training and most requirements relative to training content.³⁸ The Department has not achieved substantial compliance with Consent Decree requirement to train members of the public scheduled to serve on the Board of Rights in police practices and procedures (paragraph 118), nor has the Department complied with training requirements relative to FTOs -- eligibility criteria for FTOs (paragraph 114), FTO de-selection (paragraph 115), and an FTO Training Plan (paragraph 116). As a result, the Monitor will be assessing the Department's compliance with these paragraphs during the extension to the Consent Decree.

³⁷ The parties have agreed, and the Monitor concurs, that the Department has achieved substantial compliance with paragraphs 109-110 from this section of the Consent Decree. As described in the Introduction section of this report, the Monitor will not be actively monitoring or reporting on the Department's compliance with these paragraphs.

³⁸ The parties have agreed, and the Monitor concurs, that the Department has achieved substantial compliance with paragraphs 117 and 119-124 from this section of the Consent Decree. As described in the Introduction section of this report, the Monitor will not be actively monitoring or reporting on the Department's compliance with these paragraphs.

During the current quarter, the Monitor assessed the Department's compliance with paragraph 116. The results of our current assessment follow.

Paragraph 116 – FTO Training Plan

Paragraph 116 requires FTOs to receive adequate training in LAPD policies and procedures, training on how to be an instructor, and regular and periodic re-training on these topics. An FTO's annual performance evaluation shall include their competency in completing and implementing their FTO training.³⁹

Background

The Monitor last assessed the LAPD's compliance with paragraph 116 during the quarter ending June 30, 2007, at which time the Monitor withheld a compliance determination pending the review of the requested training records and TEAMS II reports. In its previous assessment, during the quarter ending June 30, 2006, the Monitor found the Department in non-compliance with this paragraph.

Current Assessment of Compliance

In order to assess the LAPD's compliance with paragraph 116 during the current quarter, the Monitor requested and received from the LAPD a list of 640 officers assigned as FTOs during the period October 1, 2006 through March 31, 2007. From that list, the Monitor selected a random sample of 84 FTOs⁴⁰ and reviewed training records and TEAMS II reports to verify that they had completed FTO School and related FTO update training. The Monitor determined that 82 of 84 FTOs reviewed had completed FTO School and related FTO update training, resulting in 97.6% compliance with the requirement that FTOs receive adequate training and regular and periodic retraining.

Based on the foregoing, the Monitor finds the LAPD in compliance with paragraph 116.

³⁹ As mentioned in the report for the quarter ending June 30, 2007, the Monitor will no longer review the FTOs' personnel packages to assess whether their annual performance evaluations addressed their competency in successfully completing and implementing their FTO training. This requirement will now be assessed as part of paragraph 54.

⁴⁰ Utilizing a one-tailed test with a 95% degree of confidence and a +/- 4% error rate, the sample size required to test 640 field training officers is 84.

IV. INTERNAL & EXTERNAL OVERSIGHT/MONITORING

A. INTEGRITY AUDITS & INTERNAL AUDIT OVERSIGHT

The Consent Decree mandates that the LAPD perform regular, periodic audits of numerous aspects of policing, including warrants, arrests, UOF, stops, CIs, complaints, gang units, financial disclosure, and police training. Each audit examines a variety of issues, but a common theme among all the audits is the requirement to assess and report on compliance with other Consent Decree provisions and to identify incidents suggestive of inappropriate police behavior or a lack of supervisory oversight. In addition, the Consent Decree provides specific requirements for the City to develop and initiate a plan for organizing and executing regular, targeted, and random integrity audit checks, or "sting" operations, to identify and investigate officers engaging in at-risk behavior (paragraph 97).

Since the inception of the Consent Decree, the Department has established an audit division made up of a combination of sworn and civilian professionals. The LAPD's AD has developed an audit charter,⁴¹ an audit protocol,⁴² and submitted annual audit plans which outline the audits to be completed in each coming year. AD has also developed and run a Basic Law Enforcement Performance Auditing Course, which covers all aspects of police performance auditing.⁴³ This course, offered on a quarterly basis, has been offered 15 times and has been attended by police professionals from the US and Canada. Additionally, AD has recently offered its first Intermediate Law Enforcement Auditing Course.

During the original five-year period of the Consent Decree from June 1, 2001 to June 30, 2006, AD issued a total of 30 quality Consent Decree audits. For certain audits produced by AD in more recent years, in those instances in which the scope of an AD audit directly addressed the requirements of a given Consent Decree paragraph, the Monitor elected to perform a meta-audit

⁴¹ The Audit Charter outlines AD's role, the requirement for independence, the requirement to comply with Generally Accepted Government Auditing Standards (GAGAS), AD's access authorization to records, and the scope of audits. It was approved by the Police Commission in January 2006.

⁴² The Audit Protocol sets the standards for LAPD's audits. It outlines the requirements for audit staffing, audit team member responsibilities, and the audit process. It includes direction on how AD conducts audits and covers topics such as audit planning, population identification and sampling methods, data collection, and audit reporting.

⁴³ This course, which was certified by the California Commission on Peace Officer Standards & Training and by the Michigan Commission on Law Enforcement Standards in late 2004/early 2005, covers auditing standards, audit work plans, interviews, audit fieldwork and analysis, report writing and the review process.

of AD's audit work and findings and, if appropriate, rely on such findings in assessing compliance with that paragraph.⁴⁴ Instances of such reliance are clearly indicated in our reports.

Given these advancements, during the three-year extension of the Consent Decree, the Monitor revised its methodology for reviewing certain required audits. Under the revised methodology, described in our Report for the Quarter Ending June 30, 2006, for those areas/audits that have been in substantial compliance for the past two years, the Monitor will generally review the quality of the audits in order to gain assurance that the underlying area being audited does not require active monitoring. The Monitor will continue its focused review of documents in those areas/audits where the Department has not achieved substantial compliance, such as complaints, CUOF and CIs.

During the extension period, AD has continued to develop its auditing expertise and enhance its role within the LAPD and the law enforcement community. These accomplishments have been discussed as a focus issue at the beginning of this report.

Audit Plan

One of the significant findings of the *Board of Inquiry into the Rampart Area Corruption Incident* was the LAPD's failure to establish a meaningful system of internal audits. This finding was subsequently incorporated into paragraph 124 of the Consent Decree, which requires the completion of an Annual Audit Plan prior to the beginning of each fiscal year, and sets out other requirements associated with establishing a meaningful and effective system of internal audits.

Paragraph 124 – Annual Audit Plan & Responsibilities

Paragraph 124 states that by June 1, 2001, and prior to the beginning of each fiscal year thereafter, the Chief of Police is required to submit to the Police Commission, with a copy to the OIG, a listing of all specified Consent Decree audits to be conducted by the LAPD in the upcoming fiscal year, other than sting audits, and to report quarterly on the status of these audits. Paragraph 124 also requires:

- the Department to establish an Audit Division that has sufficient resources to allow it to develop the Annual Audit Plan, coordinate, schedule and conduct audits as required by the Annual Audit Plan and the Chief of Police, and ensure the timely completion of such audits;
- the AD to serve as a resource to other LAPD audit units, and to perform periodic assessments of the quality of audits performed by other units;

⁴⁴ This is consistent with paragraph 162 of the Consent Decree, which states, "In performing its obligations as required by the Consent Decree, the Monitor shall, where appropriate, utilize audits conducted by the LAPD for this purpose."

- the Chief of Police to provide to the Police Commission and the OIG quarterly audit status reports that include the status of the audits listed in the Annual Audit Plan, and any significant results of such audits; and
- that a report be prepared for each audit that describes the audit's methodology, data sources, analysis of data and conclusions.

Background

The Monitor found the Department compliant with paragraph 124 in connection with its evaluation of the Annual Audit Plans submitted for the fiscal years ended June 30, 2006 and 2007. These evaluations were made by the Monitor in the quarters ending September 30, 2005 and June 30, 2006 respectively. Previous to this, while the Monitor found the Department made considerable progress, the Monitor determined the Department was non-compliant with paragraph 124.

Current Assessment of Compliance

In order to assess the Department's compliance with paragraph 124 for the 2006/2007 Fiscal Year (July 1, 2006 through June 30, 2007), the Monitor reviewed the following:

- The Annual Audit Plan for the 2007/2008 Fiscal Year.
- The Annual Audit Plan for the 2006/2007 Fiscal Year and formal revisions to this Annual Audit Plan dated September 28, 2006, January 30, 2007, and March 14, 2007, which proposed amending the Annual Audit Plan to revise the submission dates of four audits.
- Quarterly Status Reports on the 2006/07 Annual Audit Plan submitted to the Police Commission and the OIG for the quarters ending September 30, 2006, December 31, 2006, March 31, 2007, and June 30, 2006.
- All audit reports issued in connection with the 2006/07 Annual Audit Plan and Consent Decree paragraphs 128, 129 and 131, as well as the Monitor's reports thereon.
- Selected non-specified and Department-initiated audits.

The Monitor's findings, which were discussed with AD, are set out below.

Audit Completion Responsibilities

- AD has addressed all of its primary audit responsibilities identified in paragraph 124, including the development of the Annual Audit Plan; reviewing the Audit Charter; coordinating, scheduling and conducting audits as required by the Annual Audit Plan and the Chief of Police; and ensuring the timely completion of the LAPD's audits.

- AD continues to conduct GED *Command Accountability Performance Audits (CAPAs)*, and has now completed 25. Additionally AD prepared a summary of these audits in January 2007, which provided an overview of the findings for all areas and highlighted issues that need to be addressed. The Police Commission now requires Captains of the areas where issues have been identified to attend the Police Commission meeting in order to address how they are going to resolve these issues.
- AD has provided either assistance in planning audits or has provided suggestions to achieve compliance with Consent Decree requirements to other areas of the LAPD, including Narcotics Division, the Civil Rights Integrity Division (CRID), Office of Operations, and the RMG. Additionally AD staff indicated that they receive questions on a regular basis from all areas of the LAPD regarding how to conduct or improve upon audits.

Audit Resources - Staffing Assessment

- Based on the timely completion of the audits and the quality of the audits completed during the fiscal year 2006/2007, it appears that AD has a sufficient number of staff members with the skill set required to conduct these audits. These staff members include Police Performance Auditors who lead the audits and sworn staff who provide the subject matter expertise for planning, conducting and assessing the results.

Audit Quality

- Most of the audits completed in 2006-07 met or exceeded the qualitative standards for Consent Decree audits.⁴⁵ Each audit report and audit work plan submitted by AD was well written, clearly articulated the audit's methodology, data sources, analysis of the data and conclusions and was supported by well organized working papers.⁴⁶
- Audit reports prepared by other areas within LAPD contained the audit methodologies, data sources, results of the analyses and conclusions.

Completeness & Content of the Annual Audit Plan

- The Annual Audit Plan for 2006/2007 includes all of the Consent Decree specified audits required to be conducted by the LAPD and also includes all other Consent Decree paragraphs that have a secondary requirement for an audit.

⁴⁵ Of the 11 specified audits submitted, the Monitor found only the *Warrant Application and Supporting Affidavits Audit*, submitted on December 28, 2006 non-compliant. The Monitor concluded that the audit failed to identify significant issues within warrant packages.

⁴⁶ AD indicated they are now producing audit reports that are in compliance with GAGAS. Additionally, members of AD have assisted with conducting peer reviews and AD hopes to have a GAS peer review completed in the next year.

- The quarterly audits in the Annual Audit Plan for 2007/2008 are either on the same completion schedule as those scheduled in the 2006/2007 fiscal year or earlier, meeting the requirement of conducting a regular periodic audit.

Communications to the Police Commission Regarding Audits Scheduled on the Annual Audit Plan

- The quarterly reports for the first through fourth quarters were submitted to the Police Commission on a timely basis and summarized key recommendations and findings and discussed the OIG's review and Monitor's reviews of the audits. The Police Commission approved each of these reports.

Based on the foregoing, the Monitor finds the Department in compliance with paragraph 124.

Audits by the LAPD

During this quarter, the Monitor evaluated:

- The LAPD's planning and execution of integrity / sting audits for the third and fourth quarters of 2006 (paragraph 97);
- AD's *NCUOF Investigations Audit* (subparagraph 128(3)) dated June 28, 2007;
- AD's *Follow-up Review of Motor Vehicle and Pedestrian Stop Data Collection Audit* (subparagraph 128(4)) dated June 22, 2007;
- AD's *CUOF Investigations – Phase II Audit* (subparagraph 129i) dated June 28, 2007; and
- AD's *GED Work Product Assessment Summary* (subparagraph 131a) dated June 22, 2007.

Paragraph 97 – Scheduled Integrity/Sting Audits

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

Background

The LAPD established the EES in order to fulfill the requirements of paragraph 97. The EES falls under the management of the Commanding Officer (CO) of the LAPD's PSB. The purpose of the EES is to identify, through research or referrals, officers who may exhibit tendencies of at-risk behavior. Once identified, the EES must make a determination as to whether or not the

behavior constitutes a violation of paragraph 97, and if it does, whether or not a staged scenario is necessary to confirm the officers' at-risk behavior.

The Monitor last assessed the LAPD's compliance with paragraph 97 during the quarter ending December 31, 2006, at which time the Monitor found the LAPD in compliance.

Current Assessment of Compliance

In order to assess the LAPD's compliance with paragraph 97 during the current quarter, the Monitor reviewed the *Office of the Inspector General's Review of Ethics Enforcement Section Quarterly Reports* for the Third and Fourth calendar quarters of 2006. The OIG reviewed EES sting and observational audits that included tests for the following:

- Complaint intake
- Unlawful stops/racial profiling
- Unlawful search/seizures
- Immigration Laws
- Neglect of Duty
- Excessive Force
- Sexual Misconduct
- Theft
- Unbecoming Conduct
- Neglect of Duty
- Other

The OIG concluded that on an overall basis, the EES conducted audits in a quality manner and findings were adequately supported and reported.⁴⁷

In its meta-audit of the OIG's work, the Monitor randomly selected and reviewed a total of 63 audits. Although the Monitor agreed with the conclusions reached by the EES in most instances,

⁴⁷ The OIG reported in its Third Quarter Review that it disagreed with the EES' final classification of four audits. The OIG agreed with all of the EES' final classifications for those audits selected for review during the Fourth Quarter.

the Monitor did disagree with the analysis and conclusions reached by the EES in six audits.⁴⁸ The Monitor noted the following:

- For one audit, the Monitor concluded that the audit scenario was not adequately designed to assess officer conduct and the EES arrived at the wrong disposition.
- For one audit, the Monitor concluded the audit scenario was not adequately designed to assess officer conduct yet agreed with the EES' disposition.
- For five audits, although the Monitor concluded the audit scenarios were adequate, the Monitor concluded the LAPD arrived at the wrong disposition.

The Monitor identified instances in which audit documentation, specifically the summary report, excluded information pertinent to the audit and the disposition rationale. Due to the confidential nature of the EES' role, the specifics of the Monitor's evaluations and concerns have been communicated to the LAPD and the OIG separate of this report.

Although not a compliance requirement for this paragraph, the Monitor noted that in five audits designed to test the LAPD's intake of complaint allegations, the allegations were not accurately or completely recorded on a complaint face sheet. Similarly, for one complaint intake audit, the underlying allegations were not appropriately classified, resulting in an improper assignment for investigative responsibility. Lastly, for another audit, although the officer's response to the complaint intake audit wasn't optimal, the officer nonetheless completed the requisite complaint sheet.

Notwithstanding the above, the Monitor finds that overall the LAPD is in compliance with paragraph 97.

*Subparagraphs 128(3), 129ii, 131a, 131c-3 and 131e – Audit of Non-Categorical Use of Force Reports/Investigations*⁴⁹

Subparagraphs 128(3) and 129ii require the Department to complete a regular, periodic audit of stratified random samples of all NCUOF reports and investigations. Paragraph 128 requires that this audit assess such reports for completeness, authenticity, appropriateness of action taken, compliance with the law, conformity with Department procedures and an evaluation of

⁴⁸ The EES, at the conclusion of each audit, rates the audit as a "pass," "pass substandard," "fail," or "inconclusive." A "pass substandard" indicates that although the officer's actions, overall, met the minimum requirements, areas for improvement were nonetheless identified requiring action, which in most instances is training.

⁴⁹ AD submitted this audit to meet the requirement of subparagraph 131a, among others. However, AD also issued its second GED work product assessment on September 30, 2006, which was prepared to meet the requirements of subparagraphs 131f and g and looks at the work product of the gang unit as a whole. The Monitor will assess the GED work product audit to determine if it meets the requirements of subparagraph 131a during the quarter ending December 31, 2007 and will conclude on its assessment at that time.

supervisory oversight. Paragraph 129ii requires the audit to assess the timeliness, completeness, adequacy and appropriateness of the investigations. Subparagraph 131c-3 also requires the Department to conduct similar audits of a stratified random sample of all gang unit NCUOF reports. Subparagraph 131a requires the Department to conduct regular periodic audits of the work product of all gang units covered by paragraph 106 by auditing a random sample of the work of the unit as a whole, as well as the work of individuals whose work product appears to contain indicia of untruthfulness, other forms of misconduct, or otherwise merits further review. Subparagraph 131e requires an audit of the roles and conduct of supervisors of GED units.

Background

During the extension of the Consent Decree, the Monitor is conducting limited reviews of NCUOF audits issued by the LAPD, as the previous *NCUOF Audit* was in compliance and many of the paragraphs it reviewed were also found to be in compliance. During the quarter ending September 30, 2006, the Monitor conducted a limited review of the *NCUOF Audit* submitted by AD on June 30, 2006; the Monitor did not identify anything that would suggest that paragraphs 128(3) and 131c-3 should be actively monitored or that the quality of this audit varied significantly from prior compliant NCUOF audits.

Results of Monitor's Limited Review

During the current quarter, the Monitor conducted a limited review of AD's *Non-Categorical Use of Force Audit* dated June 28, 2007, and the related work plan and audit matrix. As described above, because the Department is in substantial compliance with Consent Decree requirements relative to NCUOF incidents and investigations, the Monitor did not conduct a detailed compliance assessment of this audit. Rather, the purpose of the Monitor's review was to determine if AD had used the same methodology as it had in prior compliant NCUOF audits and if AD had arrived at similar conclusions in relation to the Department's compliance with the Consent Decree.⁵⁰

In the *Non-Categorical Use of Force Audit*, AD tested compliance with 20 objectives, finding the LAPD in compliance with 14 and in non-compliance with six. Two of the 14 compliant objectives were previously non-compliant; one of the six non-compliant objectives was previously compliant; and six objectives could not be compared to prior year's findings as AD changed how the objectives were organized.

Although there were differences from the prior audit, the Monitor determined that AD used the same methodology, as most of the matrix questions were the same. The differences arose

⁵⁰ The OIG also found this audit to be complete, conducted in a quality manner and the findings were adequately supported and presented.

because the project manager focused on re-thinking and improving the audit rather than just recreating the prior audits, as evidenced by:

- the reorganization of the objectives evaluated;
- AD's more critical evaluation of canned language; and
- AD's evaluation of the quality of canvassing that occurred, rather than just evaluating whether canvassing was performed.

The Monitor commends AD for this critical thinking and for the quality of its work. The Monitor notes that this audit report was better written than previous *NCUOF Audit* reports.

Based on our limited review and the foregoing findings, the Monitor did not identify any issues that suggest that subparagraphs 128(3) or 131c-3 should be actively monitored or that the quality of this audit varied significantly from prior compliant audits of this topic. The Monitor will continue to review for subparagraph 131e in each of the appropriate paragraph 128 audits.

Subparagraphs 128(4) and 131a, c-4 and e – Motor Vehicle & Pedestrian Stop Audit

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

Sub-paragraphs 131c and 131e requires the Department to conduct similar audits of a stratified random sample of all gang unit MV&PS. Subparagraph 131c-4 requires an assessment of the same qualitative factors that are required in subparagraph 128(4). Subparagraph 131e requires the Department to audit the roles and conduct of supervisor of these audits.

Background

The Monitor found the *MV&PS Audit* submitted during the quarter ended June 30, 2006 in compliance with subparagraphs 128(4), 131c-4, and 131e. The Monitor found the *MV&PS Audit* submitted for the quarter ended December 31, 2006 in compliance with subparagraph 128(4) but withheld a determination of compliance with subparagraphs 131c-4 and 131e pending additional testing by AD and withheld a determination of compliance with subparagraph 131a pending completion of AD's *GED Work Product Assessment Audit*.

Status Update

The Monitor reviewed AD's *Follow-up Review of MV&PS Data Collection Audit* dated December June 22, 2007. AD conducted this review in order to follow-up on findings AD

identified in its *MV&PS Data Collections Audit* dated December 28, 2006 which revealed that 5% of FDRs were not uploaded from the PODDS in one Deployment Period (DP) and in some instances FDRs documented on DFARs were not located on either the server or the STOP system. AD found that there was no assurance that broken PODDS would be repaired in a timely manner; there was no formal reconciliation of data transferred between PODDS, the server, and the STOP system; and, there were no controls to detect FDRs with duplicate numbers prior to the data transferred to the STOP systems. AD recommended the Department identify alternative ways of collecting FDR data.

The Monitor commends AD for conducting this system audit and for following up on the issues identified in the prior audit. As this audit is not required by the Consent Decree, the Monitor is not assessing compliance, and the Monitor's previous finding of compliance remains in effect.

Subparagraph 129i – Categorical Use of Force Investigations Audit

Subparagraph 129i requires the Department to conduct regular, periodic audits of random samples of all CUOF investigations, and describes the qualitative factors that should be assessed in such audits, including the timeliness, completeness, adequacy and appropriateness of the investigations. Subparagraph 129i also requires the Department to evaluate compliance with paragraphs 67, 69, 80, 82 and 83; in addition, paragraphs 55 to 59 and 61 to 65 are related to this audit.

Background

Since 2003, AD has split the CUOF Investigations Audit into a CUOF Interim Systems Audit⁵¹ and CUOF Investigations Audit.⁵² The Monitor similarly split its evaluation of subparagraph 129i into two separate evaluations.

The Monitor found the AD's *CUOF Systems Audits* dated August 1, 2004, June 9, 2005, and March 23, 2006 in compliance with subparagraph 129i requirements. The Monitor found the *CUOF Investigations Audit* dated August 13, 2004 and June 26, 2006 in compliance with subparagraph 129i requirements.⁵³

⁵¹ This audit primarily addresses the following 13 Consent Decree paragraphs: 55, 56, 58, 59, 61 to 65, 67, 69, 83 and 147.

⁵² This audit primarily addresses the following five Consent Decree paragraphs: 57, 80, 82, 128 and 129.

⁵³ The Monitor withheld a determination of compliance for AD's *CUOF Investigations Audit* dated September 29, 2005 due to a limited population of only three investigations.

Current Assessment of Compliance

In order to assess the Department's compliance with subparagraph 129i, the Monitor reviewed AD's *CUOF Investigations Audit Report* dated June 28, 2007, the related work plan, cribsheet, the Monitor's sample of completed matrices, supporting documents and electronic databases related to the audit population and sample selected. Under its revised methodologies, the Monitor also reviewed the OIG's reports on the incidents selected for review.

AD identified a total population of 36 closed FID CUOF investigations that were completed between October 23, 2006 and February 23, 2007 and selected a random sample of 27 FID investigations for review.⁵⁴ The Monitor reviewed 15 of the 27 investigations.⁵⁵

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

- The *CUOF Investigations Audit Report* was well written and easy to follow, as were the detailed working papers, electronic database and supporting documents. The report addressed the requirements of paragraph 129i. The Monitor concurred with AD's findings with the exception of the points noted below.
- In one investigation, the Monitor identified potential concerns pertaining to the collection and preservation of evidence. Specifically, the Monitor questioned whether a camera that was booked into evidence contained film that was not booked. AD staff considered the issue and concluded that the issue was addressed through follow-up with PSB personnel, who indicated that they had concerns regarding the witness' credibility in connection with the film. The Monitor believes this witness should have been re-interviewed regarding the missing film.
- For the same investigation, the Monitor noted that two witnesses were not interviewed by FID regarding the CUOF. The incident was originally classified as a NCUOF, but was later reclassified as a CUOF. The witnesses were interviewed by Command staff regarding the NCUOF; although AD concluded that these interviews were sufficient, the Monitor would have preferred that the FID re-interviewed them, as they were potentially important witnesses to the incident and the standards for FID interviews in connection with CUOF incidents are more comprehensive than those for Command interviews conducted in connection with NCUOF incidents.
- In one investigation, the Monitor had concerns regarding the detention of a transient who witnessed an incident while sitting on a bus bench in close proximity to the suspect. Based on the transcript of the tape-recorded interview, the witness appears to have indicated that he wanted to leave the interview, which was conducted after the witness was transported to the police station. AD indicated that the individual was the best witness to the incident and there

⁵⁴ AD's sample was selected using a 95% confidence interval level and an error rate of +/-4%

⁵⁵ The Monitor's sample was selected using a 96% confidence interval level and an error rate of +/-7%.

was nothing to stop him from leaving any time he wanted. While the Monitor understands the Department's need to question the witness under the circumstances, the Monitor believes that a Form 1.28 complaint should have been initiated in this instance so that the circumstance of the interviews and the witness' transportation to the station could be adequately investigated. AD did not report this as a potential issue and in subsequent discussions with the Monitor, disagreed that a Form 1.28 complaint was warranted.

- AD identified as an "Other Related Matter" a number of instances in which investigators did not document that witnesses were asked whether the site and time of interviews were convenient. The Monitor commends AD for reporting these instances; if AD identifies additional material instances of this nature during its next audit, the Monitor encourages AD to include a formal recommendation to address this issue in its next audit report.

Based on the limited number of issues identified in connection with this audit, as described above, and the fact that the issues primarily resulted from a difference in professional judgment between the Monitor and AD, the Monitor finds the Department in compliance with paragraph 129i.

Proposed Recommendation

While reviewing one investigation, it became apparent that a detective who was a potential witness to the incident was allowed to leave the scene and it was not ensured that he was separated as required by paragraph 61. AD assesses paragraph 61 issues in phase I of these audits. However, the lack of separation in this incident would not have been identified by AD based on the documents used in the Phase I audit and would have required the additional documentation available during this detailed Phase II review of the investigations. Additionally in assessing supervisory oversight, supervisory post-incident review and, in some instances, adequacy of the investigation during the audit of CUOF investigations, it is the Monitor's opinion that access to the CO's seven-day analysis (forms 15.2) may provide valuable information regarding both supervisors' responses to incidents (paragraph 62) and whether all officers and witnesses were separated immediately after an OIS (paragraph 61). Currently, the review of CO's analysis is completed during the Phase I Systems Audit review. Therefore, the Monitor recommends that AD consider including reviews of paragraphs 61 and 62 during Phase II of the CUOF Investigations Audit.

Subparagraphs 131a, 131f and 131g – GED Work Product Assessment Summary Audit

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

Subparagraph 131f requires the Department to conduct regular, periodic audits of the work product of all gang units by reviewing incidents requiring supervisory review pursuant to

paragraphs 62, 64, 68, 70 and 71, assessing the supervisor's response and examining the relationships of particular officers working together or under a particular supervisor in such incidents to determine whether additional investigation is needed to identify at-risk practices.

Subparagraph 131g requires the audit to draw conclusions regarding adherence of the unit to the law, LAPD policies and procedures and the Consent Decree and shall recommend a course of action to correct any deficiencies found.⁵⁶

Background

For all quarters ending prior to December 31, 2006, with the exception of the quarter ending December 31, 2004, the Monitor found the Department in non-compliance either because the audits were not completed, they were not completed by the appropriate Department, they did not provide a summary of the results of the work product of the gang unit as a whole, they did not provide sufficient detail and analysis of any trends or anomalies that occurred between officers and supervisors, or they did not provide an analysis of whether the patterns were training issues or serious risk management issues.

During the quarter ending December 2006, the Monitor completed its review of AD's *Gang Enforcement Detail Work Product Assessment Summary*⁵⁷ report dated September 28, 2006 but withheld a determination of compliance with subparagraph 131a as AD concluded that the activities of some officers and supervisors identified during the audit suggested that additional review and analyses of their work product was required. The Monitor concurred.

Status Update

During the current quarter, the Monitor reviewed AD's *Gang Enforcement Detail Work Product Assessment Summary-Phase II* report dated June 22, 2007. In the Phase I review, AD identified 28 officers who were associated with high-risk and non-compliant incidents and judgmentally selected for review 128 arrest reports prepared by these officers.⁵⁸ Through its review, AD

⁵⁶ As discussed in the Monitor's Reports for the Quarters Ending December 31, 2005 and June 30, 2006, the Monitor indicated that subparagraphs 131f and g articulate the qualitative standards for conducting the audits required by subparagraphs 131a through e, and do not require separate audit reports. As a result, the Monitor refers to these two paragraphs when assessing paragraph 131a and does not provide a separate assessment for subparagraphs 131f and g.

⁵⁷ AD's *GED Work Product Assessment Summary Report* states that it was completed to meet the requirements of subparagraphs 131f and g. As discussed in the Monitor's Reports for the Quarters Ending December 31, 2005 and June 30, 2006 the Monitor has indicated that subparagraphs 131f and g articulate the qualitative standards for conducting the audits required by subparagraphs 131a through e, and do not require separate audit reports. As a result, the Monitor will be assessing this report in relation to subparagraph 131a. Consequently the Monitor does not provide a separate assessment for subparagraphs 131f and g.

⁵⁸ AD selected arrest reports for arrests that occurred between July 2006 and December 2006 and were high risk issues / arrests. If available, AD used five arrest reports per officer.

identified that there were no at risk patterns for these officers, but did find that the Department was non-compliant regarding Miranda (89% compliance rate), supervisory oversight (83% compliance rate) and evidence (93% compliance rate). AD concluded that an improved methodology was needed for next year to assess these paragraphs, and indicated that it was in the process of discussing the improved methodology with the OIG and the Monitor.

The Monitor reviewed the Phase II audit report and met with AD to discuss the report's findings and AD's next steps in meeting the requirements of subparagraph 131a. The Monitor concurs with AD's assessments and commends the AD for its ongoing efforts to improve the audit's methodology in order to achieve compliance with subparagraph 131a. The Monitor's decision to withhold a determination of compliance with subparagraph 131a, from the quarter ending December 31, 2006, remains in effect.

B. INSPECTOR GENERAL REVIEWS & AUDITS

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

Subparagraph 135b includes the requirement for the OIG to evaluate the LAPD's audits to assess their quality, completeness and findings.

Background

The Monitor has found the OIG in compliance with the requirements of subparagraph 135b since the quarter ending September 30, 2005. Since the inception of the Consent Decree, the OIG has completed a total of 33 quality reviews.

Current Assessment of Compliance

In order to assess the Department's compliance with subparagraph 135b during the current quarter, the Monitor reviewed the following OIG reports and compared the OIG's findings to the Monitor's findings from its review of the same audit reports, as well as the related audit work papers and sampling documentation:

- OIG's February 1, 2007 review of *EES's Quarterly Report for the Third Quarter 2006* and the OIG's May 8, 2007 review of *EES's Quarterly Report for the Fourth Quarter 2006* (paragraphs 97 and 127);
- OIG's July 2, 2007 review of AD's *Categorical Use of Force Systems Audit* (subparagraphs 129i);
- OIG's August 1, 2007 review of AD's *Complaint Form 1.28 Investigations Audit, Phase II* (subparagraph 129iii); and

- OIG's July 2, 2007 review of AD's *Gang Enforcement Detail Selection Criteria Audit* (subparagraph 131b).

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

- The OIG's reports continue to contain clearly reported findings and insightful comments and recommendations for the Department to consider.
- Regarding the *EES's Quarterly Report for the Third Quarter 2006*, although the OIG disagreed with the "Pass" classification for four audits and identified concerns in relation to planning, documenting results and timing of approvals for some of the audits, the OIG concluded that the EES report was complete and that most of the EES audits were conducted in a quality manner and the findings were adequately supported. The Monitor concurred with the OIG's findings, with the following two exceptions that were identified by the OIG but not reported on:
 - The OIG identified one telephonic complaint intake audit for which a significant amount of information was not recorded correctly on the face sheet, but concluded that the audit should have been classified as a "pass-substandard," rather than a "fail," as the complaint was taken. The Monitor concluded that "fail" was the proper classification for this audit due to the significance of the errors on the complaint face sheet.
 - The OIG and the Monitor identified one telephonic complaint intake audit for which one of the key allegations was not included on the complaint face sheet. The OIG concluded that the audit should have been classified as a "pass." The Monitor concluded that "pass-substandard" was the proper classification for this audit due to the fact that the complaint was missing a key allegation.
- The OIG concluded that the *EES's Quarterly Report for the Fourth Quarter 2006* was complete and its findings were well supported; the OIG also noted significant improvements in the quality of the work product. The OIG also reported on several additional administrative issues and areas for follow-up. The Monitor concurred with the OIG's findings.
- The OIG concluded that AD's paragraph 129i *CUOF Phase I Audit* and AD's 131b *GED Selection Criteria/Eligibility Audit Phase I* were complete, conducted in a quality manner and included findings that were adequately supported and presented. The Monitor concurs with these findings.
- Although it concluded that AD's paragraph 129iii *Complaint Form 1.28 Investigations Phase II Audit* was complete, the OIG identified concerns regarding the quality of the audit as a result of additional findings related to investigation adequacy and reporting of inconsistencies. As with the prior year's review, the OIG identified that AD did not include a

question that addressed whether or not all allegations were framed by the investigating officer. The Monitor concurs with these findings.⁵⁹

Based on the foregoing, the Monitor finds the Department in compliance with the provision of subparagraph 135b that requires the OIG to evaluate the completeness, quality and findings of Departmental audits.

Paragraph 136 – OIG Review of Categorical Use of Force Investigations

Paragraph 136, as amended, requires the OIG to continue its practice of reviewing all CUOF investigations and to promptly provide its written findings on each of its reviews to the Police Commission. Such reviews shall assess areas of concern identified by the IG, and at least one of the following three issues related to the quality and/or outcome of the investigations:

- whether the summarized and transcribed statements accurately matched recorded statements;
- whether all available evidence was properly collected and analyzed; and/or
- whether the investigation was properly adjudicated.

Background

In its previous two assessments, during the quarters ending June 30, 2006 and March 31, 2007, the Monitor found the OIG's CUOF reviews in compliance with the requirements of paragraph 136.

Current Assessment of Compliance

In order to assess the Department's compliance with paragraph 136 during the current quarter, the Monitor randomly selected a sample of 19 CUOF investigations from the OIG's population of 23 CUOF review reports presented by the OIG to the Police Commission during the period December 2006 to February 2007;⁶⁰ these reviews overlapped with CUOF investigations reviewed by the Monitor during its substantive assessment of paragraphs 80, 64 and 62.⁶¹ The Monitor considered the OIG's reports, matrix responses, database and other working papers, as

⁵⁹ In its Report for the Quarter Ending June 30, 2007, the Monitor found that the audit was well planned and organized, and AD identified numerous concerns with the adequacy of many complaint investigations. The Monitor identified a number of issues that were not identified and/or reported by AD in eight of the 45 investigations reviewed by the Monitor, but concluded that, overall, the audit was compliant with subparagraph 129iii.

⁶⁰ The Monitor's sample was based on a selection using a one-tailed test with a +/-4% error rate and 95% confidence interval.

⁶¹ Three of these incidents were reviewed by the Police Commission after February 2007; however, they were included in the population, as both the Monitor and the OIG had reviewed these incidents.

well as the relevant CUOF investigation package, including the report of the Chief of Police, TEAMS extracts and UOFRB notes.

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

- The OIG's reports, files and the database continue to be well organized and easy to follow, and supported the OIG's findings.
- The Monitor commends the OIG for the thoroughness, organization and clarity of its reports to the Police Commission and the way the reports highlight key issues for the Commission to address.
- In its review of one incident, the Monitor determined that a Complaint Form 1.28 should have been initiated pursuant to paragraph 82.⁶² The OIG did not identify this issue.
- The Monitor commends the OIG for implementing the Monitor's recommendation from the prior year's audit that the OIG assess the quality of the paragraph 62 supervisor's analysis, in addition to commenting on the timely completion thereof.

Based on the foregoing, the Monitor finds the Department in compliance with paragraph 136.

Paragraph 140 – Police Commission Requested Audits

Paragraph 140 requires the LAPD or the IG to conduct audits as directed by the Police Commission, and to report the audit results to the Commission within the time frames established by the Commission.

Background

With the exception of the quarter ending December 31, 2004, the Monitor has not assessed compliance with paragraph 140, as the Monitor was informed that no audits were requested by the Police Commission.

During the quarter ending December 31, 2004, the Monitor found the Department in non-compliance with paragraph 140. Documentation did not exist to determine if the *Foreign Language / Telecommunications Device for the Deaf (TDD) Audits of Specific Bureaus* was completed in the timeframes established by the Commission, and supporting tapes were not available to allow the Monitor to conduct a meta audit of the reports and the findings.

⁶² The Monitor identified that in one incident a supervisor's analysis was not completed as required by paragraph 62. As a result, the OIG should have initiated a complaint regarding this deficiency.

Current Assessment of Compliance

The Monitor met with the Executive Director for the Police Commission, who informed the Monitor that there have been no requests made by the Police Commission to the LAPD or the OIG to complete any audits since the quarter ending December 31, 2004. The Executive Director indicated that the Police Commission had not requested any separate audits by the LAPD or the OIG during the past quarter. Generally, if the Police Commission requires additional information, it will ask the OIG to follow-up on issues within specific audits that the Police Commission is reviewing, rather than initiate a new audit. As a result, the Monitor has not issued a compliance finding in connection with paragraph 140 since 2004. If the Police Commission or OIG request an audit, the Monitor will assess compliance at that time. However, the lack of a compliance assessment based on the fact that no audits have been requested will not impact the LAPD's overall substantial compliance with the Consent Decree.

C. POLICE COMMISSION OVERSIGHT

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

The only provisions of this section of the Consent Decree with which the Department has not achieved substantial compliance are those requiring the Commission to annually issue a publicly available report detailing its findings regarding CUOF incidents (subparagraph 142b) and to review specific audits required under the Decree (subparagraph 143a). The Monitor will be assessing the Department's compliance with these requirements during the extension to the Consent Decree.⁶³

During the current quarter, the Monitor assessed compliance with requirements regarding the Commission's review of audits. The results of our current assessment follow.

⁶³ The parties have agreed, and the Monitor concurs, that the Department has achieved substantial compliance with subparagraphs 142a, 143b and 143c and with paragraphs 144, 145 and 146 from this section of the Consent Decree. As described in the Introduction section of this report, the Monitor will not be actively monitoring or reporting on the Department's compliance with these paragraphs.

Subparagraph 143a – Police Commission Review of Audits

Subparagraph 143a requires the Police Commission and the IG to review the specified audit reports, the sting audit reports, and the audits required by paragraphs 111, 113, 125, 126, 133, and to determine whether any changes or modifications in LAPD policies are necessary.

Background

The Monitor found the Department in compliance with subparagraph 143a during its previous two compliance assessments. The Police Commission had developed a system to track the required audits, and used the information from this system to review, discuss and approve the AD's and OIG's audits, reports and recommendations.

Current Assessment of Compliance

During the current quarter, the Monitor met with staff from the Police Commission to review the system and documentation used to track information in relation to specified and non-specified audits completed by the Department. In order to confirm that the information in the system was accurate, the Monitor reviewed Police Commission meeting transcripts and minutes, as well as correspondence and audit reports/reviews issued by AD, the OIG and other LAPD entities for a random sample of 21 specified, non-specified and sting audit reports.⁶⁴

The Police Commission executive staff continues to refine its system for tracking audits in order to ensure that they are submitted to the Police Commission on a timely basis and subsequently discussed and reviewed by the Police Commission for changes to policy and procedures. These improvements allow the Police Commission to track not only Department audits and OIG reviews, but also supplemental reports and amendments to reports.

The Monitor found the following in its review:

- The Police Commission discusses audit findings and asks pertinent questions regarding those findings, and has initiated a process for Department follow-up that requires command staff to appear and explain any deficiencies and provide updates on progress in 45 days. Executive staff at the Police Commission has developed a system to ensure that all reports and the required follow-up is tracked.
- Police Commission staff did not track the OIG's annual paragraph 136 reviews of complaints and NCUOF in its Consent Decree-related tracking database, although they were aware of these two reviews. These reports will be added to the Consent Decree-related database and tracked in the future.

⁶⁴ The Monitor's sample size for its review of tracking of specified, non-specified and sting audits/reviews was selected using a 95% confidence interval and an error rate of +/- 4%.

Based on the foregoing, the Monitor finds the Department in compliance with subparagraph 143a.

D. GENERAL

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

The Monitor is schedule to assess the Department's compliance with paragraph 154 during the quarter ending December 31, 2007.

V. CONCLUSION

We indicated in our last report that there remained much work to be done relative to the May 1st incident in MacArthur Park. During the current quarter, the Department, in issuing its highly introspective and critical report on the incident, took another step toward remediating the internal factors that led to the events of that day. There still remains substantial work to be done, most notably the determination of whether the acts of individual officers violated Departmental policy and, if so, the degree of discipline appropriate to redress such violations. We will continue to closely monitor the work of the Department as it relates to the incident.

We continue to be generally pleased with the progress that has been made toward full compliance with the Consent Decree. That being said, it is clear that the transformation of the Department is not yet complete. In the coming months, while we will continue to closely monitor the Consent Decree's transactional paragraphs, we will also attempt to ensure that the transactional mandates of the Consent Decree have their desired effect of bringing about true reform within the Department.